

1976 S.C. Op. Atty. Gen. 330 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4467, 1976 WL 23084

Office of the Attorney General

State of South Carolina

Opinion No. 4467

September 27, 1976

\*1 W. C. Coffey, Jr., Esquire  
City Attorney  
P. O. Box 546  
Manning, South Carolina 29102

Dear Mr. Coffey:

In response to your request for an opinion as to whether or not the Town Council of Manning can abolish by municipal ordinance the Town of Manning Water Commission, in my opinion, it cannot.

The Town of Manning Water Commission was established pursuant to the provisions of Section 59–171, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, and is the municipal authority responsible for the full control and management of the waterworks in Manning pursuant to Section 59–179 of the South Carolina Code. Heretofore, various municipal public works commissions have been abolished by means of amendments to the Code, e.g., Sections 59–174.1 and 59–174.2 thereof. Nowhere in the provisions of Act No. 283 of 1975, the ‘home rule’ legislation, can I find any authority for the delegation of this abolition power to municipal governing bodies. Cf., § 47–89 of Act No. 283 (relating to the council-manager form of municipal government only). Unless and until such authority is delegated by the General Assembly to a municipal governing body which operates under the council form of government, the Town of Manning Water Commission cannot be abolished by municipal ordinance.

I am enclosing a copy of an earlier opinion issued by this Office which discusses the status of a municipal public works commission before the passage of the home rule legislation; in the case of municipalities operating under the council form of government at least, the conclusion of that opinion continues, in my opinion, to be relevant.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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