

1976 WL 30950 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 16, 1976

\*1 Steve S. Kelly  
Kershaw County Treasurer  
Kershaw County Courthouse  
Camden, South Carolina

Dear Mr. Kelly:

You have requested an opinion from this Office as to whether or not you, as Kershaw County Treasurer, need a resolution or other written authorization from the Kershaw County Council in order to expend county funds for an item that is not included in the county budget. In my opinion, you do need such written authorization.

Section 14-3709, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), requires that county councils take all legislative action, including the appropriation of county funds as well as supplemental appropriations [see, § 14-3711 of the Code (Cum. Supp.)], by ordinance. When, therefore, a county council appropriates county funds for an item not included in the original county budget, it must do so by ordinance according to the above-cited provisions of Act No. 283 of 1975, the 'home rule' legislation. See also, § 14-3703(8), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.) (relating to the receipt, safekeeping, allocation and disbursement of county funds).

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

1976 WL 30950 (S.C.A.G.)

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.