

1975 WL 29044 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1975

\*1 Mr. Thomas O. Lawton, Jr.  
Allendale County Attorney  
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Allendale, South Carolina 29810

Dear Tom:

My absence from the office on a vacation imposed the delay in answering your letter of July 9.

I agree in general with the conclusions set out in your letter to Mr. Laffitte of July 3 and merely want to add the following comments. In connection with the relationship between the county and the schools, I merely call your attention to Section 14-3704, as amended by the Local Government Implementation Act which was approved on June 25, 1975. The effect of this is to not confer any additional powers on county councils with regard to public school education but to leave school districts under the law under which they find themselves by the general law. There are also some additional provisos in that section which relate to particular existing school systems, but I would hazard a guess that none of these include Allendale. I think that you are entirely correct in establishing the relationship between the county, the town and the schools as one in which each is a separate political entity although, in some instances, there are single relationships which are provided for by law.

One of the latter relationships is also included in the Local Government Act in Section 14-3703.1. These provisions clarify what has heretofore been a very uncertain area which is raised by Question 2 submitted to you. While this section has not been construed, it clearly appears to be discretionary and not mandatory.

With regard to Question 3, I think your analysis is complete. I merely call your attention to a proviso in Section 9 of the current General Appropriations Act which provides:

[I]t is the intent of the General Assembly that any expense incurred in any county for the defense of indigents in excess of the county's share of funds appropriated in this section for such purpose shall be borne by the county.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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