

1975 WL 29200 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 24, 1975

*1 A regional council of governments is authorized by Act No. 487 of 1967, as amended by Act No. 363 of 1971, to engage in the operation of a multi-purpose computer center.

TO: Mrs. Virginia W. Plylar
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Director
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QUESTION:

Does Act No. 487 of 1967, as amended by Act No. 363 of 1971, authorize a regional council of governments to engage in the operation of a multi-purpose regional computer center?

AUTHORITY:

55 STAT. Act No. 487 at 863 (1967).

57 STAT. Act No. 363 at 485 (1971).

DISCUSSION:

Act No. 487 of 1967, as amended by Act No. 363 of 1971, authorizes the governing bodies of the counties to create regional councils of government by means of an agreement approved by the governing bodies of the participating counties and the Governor. These Acts also contain provisions whereby municipalities may become members of these regional councils of governments (cogs).

The purpose of these regional cogs is expressed in Article 1, Section 1 of Act No. 487 of 1967 (subsequently codified as § 14-341, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended):

Declaration of legislative intent. The intent of this act is to enable municipalities and counties acting individually or in concert to preserve and enhance their present advantages, to overcome their present handicaps, and to prevent or minimize such future problems as may be foreseen. To accomplish this intent local governments are encouraged to plan for future development; to prepare, adopt, and from time to time revise, a comprehensive plan to guide future local development; and to participate in a regional planning organization to coordinate local planning and development with that of the surrounding region. As aids in the implementation of the comprehensive plan local governments are encouraged to adopt and enforce appropriate land use controls, and cooperate with other governmental authorities.

Section 4 of Article 2 of Act No. 487 of 1967, as amended by Act No. 363 of 1971, grants certain powers and duties to these regional cogs. A regional cog is authorized to:

1. Prepare studies and make recommendations on such matters as it deems appropriate;

3. Study and make recommendations on . . . such other matters as the common interest of the participating governments may dictate;
4. Provide continuing technical assistance, and information to the member local governments and other agencies and individuals.

A regional cog is also authorized to:

2. Coordinate and promote cooperative programs and action with and among its members and other governmental and non-governmental entities, including those of other states.

Although Section 4 of Article 2 authorizes a regional cog merely to conduct studies and plan programs for its members, Section 5 of Article 2 authorizes a cog to actively undertake the implementation of cooperative programs, to wit:

***2 SECTION 5.** . . . cooperate with, contract with, and accept funds from federal, State, or local governments, public or semi-public agencies or private individuals or corporations. It may expend such funds and it may carry out such cooperative undertakings and contracts.

A regional cog may contract with federal, state, or local governments, public or semi-public agencies or private individuals or corporations, it may cooperate with these bodies in implementing programs, and it may expend such funds as it receives from them. The only limitations on the authority of a cog to engage in a cooperative program, perform under contract, or expend funds are: (1) the purpose of the program or activity must be public, and (2) the program or activity must be non-profit. Act 363 of 1971, Section 1(9).

CONCLUSION:

Therefore, the opinion of this office is that, pursuant to Act No. 487 of 1967, as amended by Act No. 363 of 1971, a regional council of governments may engage in the operation of a multi-purpose regional computer center.

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