

1974 WL 27547 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1974

*1 Mr. William F. Able
County Attorney
Richland County
Security Federal Building
Columbia, South Carolina

Dear Mr. Able:

You have asked my opinion with respect to the matter posed in the letter of Honorable Billy E. Taylor addressed to me and dated December 5, 1974. The letter recites the rule of the County Council for Richland County which reads as follows: Section 3-2.6—No member shall vote on any question of [a] private nature in the event of which he is personally or pecuniarily interested.

The letter further recites that two members of the Council represent railroads one of whom has moved that the County Council appropriate \$15,000 to match a similar appropriation by the City of Columbia for a study of a railroad corridor for Richland County and the City of Columbia. The purpose of the study is to alleviate some of the crossings, facilitate movement of traffic and reduce the danger of crossing accidents.

The question presented by Mr. Taylor is whether or not those two members of the Council, who represent the various railroads, should vote in this matter. Additionally, Mr. Taylor asks if any other pertinent statutes, cases, or other codes of conduct might apply.

I do not think that the proposal to study the establishment of a railroad corridor and to finance the same is a matter of a private nature as contemplated by the County Council regulation unless further related facts are brought forth and which I assume do not exist. It is my view that the regulation is aimed at matters which are of a peculiar relationship to the concerns of a member such as, for example, the purchase of lands in which a member may have an interest or the award of a contract to an entity which may be closely related to a member by way of ownership, etc.

With respect to any codes of conduct that may be applicable, I refrain from expressing an opinion upon this. I do not feel that it is my prerogative to do so. I am enclosing herewith an opinion of the American Bar Association which elaborates upon this facet of the problem.

Very truly yours,

Daniel R. McLeod
Attorney General

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