

1973 WL 26762 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 1, 1973

*1 Mr. C. Victor Pyle, Jr.
Messrs. Pyle & Pyle
Attorneys at Law
300 Past Coffee Street
Greenville, South Carolina 29601

Dear Charlie:

Your letter of May 10, 1973, asks whether the Water Works Commissioners have the power to mortgage the water works without the approval of City Council and to use the revenue from increased rates or from a sewer charge to retire the mortgage.

In reply thereto, I advise that Section 59-181 provides that:

No board of commissioners of public works may incur any indebtedness without the concurrence of the city or town.

I do not believe that this is altered by the provisions of Section 59-410 referred to in your letter.

I advise therefore that, in my opinion, the Water Works Commissioners must have the concurrence of the City Council before incurring indebtedness which will be involved if the mortgage were sought to be executed by the Commissioners.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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