

6539 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

July 28, 1998

The Honorable J. Roland Smith
Member, House of Representatives
183 Edgar Street
Warrenville, South Carolina 29851

Re: Informal Opinion

Dear Representative Smith:

Your opinion request has been forwarded to me for reply. You have asked whether Section 1-3-245 of the South Carolina Code of Laws applies to members serving on the Valley Public Service Authority (hereinafter the "Authority").

The Authority was created by Act No. 476 of 1969, as amended. Its purpose is to supply water and provide sewage and solid waste collection and disposal, or a combination of such, to individuals, public and private corporations and political subdivisions within the geographical area specified in the act. The Act provides the manner in which members are appointed, a description of the Authority's powers, its service area, and many other items.

Section 1-3-245 provides:

(A) A member of a state board, council, commission, or committee who has three consecutive unexcused absences from regularly scheduled meetings held by the particular board, council, commission, or committee is considered removed from the board, council, commission, or committee and a vacancy is created. The chairman of the board, council, commission, or committee immediately shall notify the Governor or appropriate appointing authority of the member's three consecutive unexcused absences and of the resulting vacancy. An unexcused absence

Request Letter

The Honorable J. Roland Smith

Page 2

July 28, 1998

must be defined by each respective board, council, commission, or committee in the rules governing its operation. (emphasis added).

(B) This section does not apply to an ex officio member of a state board, council, commission, or committee or to a designee of an ex officio member.

As you can see, Section 1-3-245 applies only to "state" boards, councils, commissions, and committees. The Authority does not fall under this section as it is not a "state" board, council, commission, or committee. Therefore, the provisions of Section 1-3-245 would not be applicable to members of the Authority.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General