

## The State of South Carolina



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April 2, 1990

The Honorable Jarvis R. Klapman  
Member, House of Representatives  
420-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Klapman:

By your letter of March 26, 1990, you have asked to be advised if, by legislation, the Lexington County Mental Health Board appointing powers may be transferred to the Lexington County Council instead of the Lexington County Legislative Delegation.

Section 44-15-60 of the South Carolina Code of Laws (1976, as revised) provides the following as to appointment of members of community mental health boards:

The members must be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegations of the counties participating. Any county legislative delegation may delegate their authority to recommend to the governing body of the county they represent by resolution of such delegation. Any such resolution is not revocable and copies of the resolution must be sent to the Governor, the Department of Mental Health, and to the governing bodies of the counties concerned. ...

Thus, by following the express terms of Section 44-15-60 of the Code, the Lexington County Legislative Delegation may transfer its recommendatory power, as to members of the Lexington County Mental Health Board, to the Lexington County Council. No further legislation is needed to accomplish this task.

The Honorable Jarvis R. Klapman  
Page 2  
April 2, 1990

With kindest regards, I am

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP/nnw

REVIEWED AND APPROVED BY:

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