

The State of South Carolina



Office of the Attorney General

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March 13, 1984

The Honorable E. Harrison Agnew, III
Member, House of Representatives
Post Office Box 1073
Anderson, South Carolina 29622

Dear Representative Agnew:

At the request of Mr. L. B. Evans, you have asked this Office to determine who would have authority to approve increases in compensation paid to members of the governing board of Homeland Park Water District. Act No. 275, 1977 Acts and Joint Resolutions, amended Section 3(B) of Act No. 1101, 1950 Acts and Joint Resolutions, to raise compensation to seventeen (\$17.00) dollars per meeting, not to exceed a total of six hundred (\$600.00) dollars per year. A question has arisen now as to whether the Anderson County Legislation Delegation is required to approve any additional increases in compensation to Commission members.

In reviewing the legislation relative to Homeland Park Water District, this Office has been unable to locate any authority for any body to authorize or approve increases in compensation for the Commission members. However, Section 6-11-91, Code of Laws of South Carolina (1983 Cum. Supp.), contains the following relevant provision:

Notwithstanding any other provision of law the governing body of any public service district or special purpose district may by resolution or ordinance fix or change the compensation or other benefits including insurance benefits for the members of the district governing body. Compensation shall not exceed the amounts authorized for mileage for members of state boards, committees and commissions, insurance benefits shall not exceed those provided for state employees and per diem shall not exceed thirty-five dollars a day.

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Clearly, the Commission, as the governing body of Homeland Park Water District, has the power to fix or change the compensation or other benefits, not to exceed the stated limits, of its members. There is no mention of any action or approval by the legislative delegation; thus, it may be presumed that there is no requirement of approval by the delegation.

We trust that this answer will satisfactorily respond to Mr. Evans' question. Please feel free to contact this Office if further clarification or assistance is required.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Staff Attorney

PDP:y mk

cc: Michael F. Mullinax, Esquire

REVIEWED AND APPROVED BY:

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