

1981 WL 158075 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 14, 1981

*1 Honorable Herbert C. Granger
Chairman
Greenville County Legislative Delegation
Room 101, Courthouse Annex
Greenville, South Carolina 29601

Dear Representative Granger:

In response to your request for an opinion from this Office as to whether or not the legislative delegations of Greenville, Anderson and Laurens counties are properly recommending for appointment the members of the Western Carolina Regional Sewer Authority Commission (Commission), my opinion is that they are following a proper procedure.

Act No. 688 of 1969, as amended [56 STAT. 1303 (1969)] provides the following method of appointment for Commission members:

Notwithstanding the provisions of Act No. 1021 of 1960, the governing body of the Greenville County Sewer Authority shall consist of a Commission composed of seven members who shall be appointed by the Governor upon the recommendation of the Legislative Delegations of Greenville, Anderson and Laurens counties, such delegations acting as one entity. The legislative delegation is defined as all House members from the county involved plus all Senators involved, whether they be from a multi-county district or not. All members of the Commission shall be residents of Greenville County Sewer Authority and shall serve as members at large . . .

In 1974, the Commission name was changed to the Western Carolina Regional Sewer Authority Commission [58 STAT. 3318 (1974)] but all powers, duties and functions, including the three-county service area, remained unchanged. Therefore, the third sentence in the 1969 statute hereinabove cited should be interpreted to mean that 'all members of the Commission shall be residents of the Western Carolina Regional Sewer Authority and shall serve as members at large.' The statute specifically requires all three delegations to recommend appointments 'acting as one entity.' So long as all three delegations concur in the recommendations before they are sent to the Governor for appointment, I think that the intent of the statute is met.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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