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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

May 8, 2002

HAND-DELIVERED

The Honorable Ronald P. Townsend
Member, House of Representatives
429 Blatt Bldg.
Columbia, SC 29211

Dear Representative Townsend:

You have asked a question as to the procedure the Anderson County Legislative Delegation may follow in its appointment of board members of public service districts pursuant to §§33-36-1310, et seq., specifically the procedures outlined in §33-36-1330(A). The pertinent language of §33-36-1330 states as follows:

- (A) The existing board of directors and officers shall serve until the expiration of their present terms. Thereafter, and not less than forty-five days prior to any expiration of the term of a board member, the board of directors shall submit to the county legislative delegation the name or names of a person or persons recommended for appointment or reappointment. A letter of recommendation by the board stating why the name or names are recommended shall accompany the submission. The county legislative delegation shall consider the recommendation of the board but are not limited to make a selection for its own recommendation from among those submitted . . . (Emphasis added).

You have asked if the language of §33-36-1330(A) would allow the delegation to follow its standard procedure in filling vacancies on boards or commissions. You have stated that your standard procedures would be to advertise a vacancy in a newspaper for a period of one day, accept applications per the advertisement for a two-week period, and make your selection to fill a vacancy from a pool of applications received during the specified time.

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As §33-36-1330(A) states, your recommendation is not limited to the selection submitted by the board of directors of the public service district. The statute is silent as to the procedures the delegation may follow if it should choose to consider other candidates other than those submitted by the board of directors. The procedure that you have outlined for the delegation to receive candidates for its recommendation appears to be fair and reasonable. However, please be advised that the requirements of the statute mandate that the list of candidates that delegation may receive "for its own recommendation" must be in conjunction with considering the list of candidates provided by the board of directors of the public service district.

This is an informal opinion. It has been written by the designated Senior Assistant Attorney General and represents the opinion of the undersigned attorney as to the specific question asked. It has not, however, been personally reviewed by the Attorney General nor has it been officially published in the manner of a formal opinion.

Very truly yours,



C. Havird Jones, Jr.
Senior Assistant Attorney General

CHJJr/rho

cc: The Honorable Daniel T. Cooper (Hand-Delivered)