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The State of South Carolina



Office of the Attorney General

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May 23, 1985

The Honorable Eugene C. Stoddard
Member, House of Representatives
429-A Blatt Building
Columbia, South Carolina 29211

Dear Representative Stoddard:

I have received from the Laurens County Clerk of Council and reviewed the enclosed ordinance consolidating the two former hospital districts in Laurens County into the Laurens County Health Care System. You have asked whether Laurens County Council may further alter the composition of the governing body of the new District, change the term a member serves, or the method of selection of membership.

Such changes would be controlled by the terms of Section 6-11-610 of the Code of Laws of South Carolina (1976 and 1984 Cum.Supp.), a copy of which is enclosed. We would advise that Council formulate its recommendations and advise the Governor of those recommendations pursuant to Section 6-11-610. In particular, we would advise that the number of commissioners is controlled by Section 6-11-610, "not less than three nor more than nine." Likewise, the statute provides that all new members are to "be appointed by the Governor upon recommendation of a majority of the legislative delegation of the county." Since neither predecessor board was elected, the terms cited from the first paragraph of Section 6-11-610, rather than the second in the 1984 Supplement, would be controlling. Length of terms would be controlled by the second paragraph of Section 6-11-610, in the Supplement. These statutory guidelines must be followed in implementing any changes.

It could be argued that Council has no authority to alter the governing body's composition, terms, and so forth pursuant

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to Section 6-11-610 since Council has not further altered the new district since the ordinance was implemented in 1982. However, such an argument would most probably not be successful since there are no terms in Section 6-11-610 to limit Council to only one change in the governing board after consolidation has been effected.

We trust that this advice and the enclosures will be helpful to you. Please let us know if we may provide additional assistance or clarification in this matter.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:djg

Enclosures

REVIEWED AND APPROVED BY:

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