

1981 WL 157964 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 15, 1981

*1 Honorable Ralph H. Ellis
Member
South Carolina Senate
Post Office Box 142
Columbia, South Carolina 29202

Dear Senator Ellis:

In response to your request for an opinion from this Office regarding the appointment of members of the Grand Strand Water and Sewer Authority, my opinion is that they are to be appointed by the Governor upon the recommendation of a majority of the resident members of the Horry County Legislative Delegation, including the Senator, pursuant to Act No. 337 of 1971 [57 STAT. 444 (1971)], as amended. The enactment of the 'home rule' legislation does not authorize the Horry County Council to alter the method of appointment because [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, expressly provides that the power to provide for the appointment of county boards and commissions 'shall not extend to . . . , special purpose districts or other political subdivisions created by the General Assembly.' While Act No. 775 of 1978 [60 STAT. 2446 (1978)] empowers the Horry County Council to recommend for appointment the governing bodies of inter alia 'special purpose districts in Horry County, except where the general law prescribes otherwise,' this legislation does not authorize the Horry County Council to alter the method of selecting the members of the Grand Strand Water and Sewer Authority because a general law, i.e., [Section 4-9-170](#), does prescribe otherwise.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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