

1981 WL 157952 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 3, 1981

*1 Honorable Billy L. Eaddy
Member
House of Representatives
RFD 3
Box 92
Lake City, South Carolina 29560

Dear Representative Eaddy:

In response to your request for an opinion from this Office concerning the appointment of members to numerous boards and commissions operating in Florence County, I am enclosing copies of earlier opinions which discuss several of the boards and commissions that you have inquired about. As to the others, I can advise you as follows:

1. The Veteran Affairs Officer, the Foster Care Review Board and the Mental Retardation Board are outside the scope of the Florence County Council's appointment powers because those boards are provided for by general law and are, therefore, excepted from the provisions of [Section 4-9-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See, [§ 25-11-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended (Veteran Affairs Officer); § 43-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended (Foster Care Review Board); § 44-21-830, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended (Mental Retardation Board).
2. Greater Lake City Recreation Commission—The Florence County Council cannot appoint the members of this commission because they form the governing body of a special purpose district. 55 STAT. 520 (1967).
3. Long Bluff Historical and Recreation Commission—The Florence County Council may recommend the appointment of the two members of this nine-member commission who must be residents of Florence County only. 57 STAT. 3563 (1972); 59 STAT. 23 (1975).
4. Lower Florence County Hospital Board of Directors and Advisory Board of Lower Florence County Hospital District—The Florence County Council cannot appoint the members of these two boards because together they constitute the governing body of a special purpose district. 52 STAT. 2683 (1962).
5. Ambulance Service Commission—The Florence County Council most probably cannot appoint the members of this commission because it constitutes the governing body of a special purpose district. 56 STAT. 2538 (1970).
6. Florence County Hospital Commission—The Florence County Council may recommend for appointment the members of this commission pursuant to [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See, 55 STAT. 3516 (1968).
7. Florence County Board of Health—The Florence County Council may recommend for appointment the members of this board pursuant to [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See, 39 STAT. 739 (1931) as amended.

8. Florence County Community Action Agency—The Florence County Council most probably may recommend for appointment the members of this agency pursuant to [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See, 58 STAT. 177 (1973).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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