

1980 WL 120639 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 29, 1980

*1 Ralph C. McCullough, II, Esquire
Chester County Hospital Attorney
113 Dibble Lane
Columbia, South Carolina 29206

Dear Mr. McCullough:

In response to your request for an opinion from this Office concerning the Chester County Hospital Board and the authority of the Chester County Council to provide for the appointment of its members pursuant to [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, my opinion is that the Council does have such authority as of January 1, 1980, inasmuch as the Board was not created by general law [[see](#), 45 STAT. 954 (1947)], is not a governing body of a special purpose district and, most probably, does not constitute a political subdivision. While South Carolina case law defining the term 'political subdivision' is not precise enough to determine with certainty if the Board constitutes one [[see](#), e.g., [Jackson v. Breeland](#), 103 S.C. 184, 88 S.E. 128 (1916) (questioned in part on other grounds in [Distin v. Bolding](#), 240 S.C. 545, 126 S.E.2d 649 (1963)); [Dillon Catfish Drainage District v. Bank of Dillon](#), 143 S.C. 178, 141 S.E. 274 (1927); [see also](#), [Hander v. San Jacinto Junior College](#), 519 F.2d 273 (5th Cir. 1975)], I think that the term contemplates an entity with more sovereignty than the Board possesses, *i.e.*, an entity similar to a school district or a special purpose district. I am enclosing copies of earlier opinions which relate to various hospital boards and the differences among them with respect to the applicability of [Section 4-9-170 of the Code](#).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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