

1982 WL 189436 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 23, 1982

***1 In re: County of Newberry**

The Honorable Robert C. Lake, Jr.
South Carolina Senate
Box 245
Whitmire, SC 29178

Dear Senator Lake:

You have asked for an opinion from this Office as to the proper method of appointment of members of eight boards or commissions in Newberry County. The Home Rule Act provides that 'beginning January 1, 1980, the [county] council shall provide by ordinance for the appointment of all county boards, committees and commissions whose appointment is not provided for by the general law or the Constitution, but this authority shall not extend to . . . special purpose districts or other political subdivisions created by the General Assembly.' [§ 4-9-170, Code of Laws of South Carolina](#), 1976.

It is the opinion of this Office that:

(1) The Council may not provide for the appointment of the Newberry County Water and Sewer Authority because it, most likely, constitutes the governing body of a special purpose district. 53 STAT. 114 (Act No. 119 of 1963). Its members would continue to be appointed by the governor upon the recommendation of the delegation. 56 STAT. 202 (Act No. 190 of 1969).

(2) The Council shall provide for the appointment of The Board of Rural Fire Control because the appointment of that board is not provided for by the general law or the Constitution. 52 STAT. 487 (Act No. 291 of 1961).

(3) The Council shall provide for the appointment of the Newberry County Commission on Alcohol and Drug Abuse because the appointment of that commission is not provided for by the general law or the Constitution. 58 STAT. 1427 (Act No. 733 of 1973).

(4) The Council shall provide for the appointment of the Newberry Airport Commission because the appointment of that commission is not provided for by the general law or the Constitution. 44 STAT. 1372 (Act No. 472 of 1946).

(5) The Council shall provide for the appointment of the Newberry County Park Commission because the appointment of that commission is not provided for by the general law or the Constitution. 39 STAT. 1410 (Act No. 735 of 1936).

(6) The Council shall provide for the appointment of the Newberry County Nursing Home Commission because the appointment of that commission is not provided for by the general law or the Constitution. 54 STAT. 1631 (Act No. 679 of 1965).

(7) The Council shall provide for the appointment of the Newberry County Hospital Board of Trustees because the appointment of that board is not provided for by the general law or the Constitution. 57 STAT. 1631 (Act No. 809 of 1971).

(3) The Council shall provide for the appointment of the Newberry County Community Hall Commission because the appointment of that commission is not provided for by the general law or the Constitution. 46 STAT. 339 (Act No. 221 of 1969).

Sincerely,

Daniel R. McLeod
Attorney General

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