

1982 S.C. Op. Atty. Gen. 63 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-62, 1982 WL 155031

Office of the Attorney General

State of South Carolina

Opinion No. 82-62

September 28, 1982

*1 The Honorable Alexander S. Macaulay
South Carolina Senate
Drawer 428
Walhalla, SC 29691

Dear Alet

You have requested an opinion concerning the method of appointment of the Commissioners of the Pendleton Historical and Recreational Commission. Although the matter is not entirely free from doubt, it would appear that the members of the Commission should be appointed by the Governor upon the recommendation of the legislative delegation.

The Commission was created by Act No. 794 of 1966, 54 STAT. 2073. It was subsequently amended by Act No. 859 of 1976, 54 STAT. 2183. These two Acts provide for a multi-county Commission with the membership of the Commission to be appointed by the Governor on the recommendation of a majority of the county legislative delegations of the respective counties. § 1, Act No. 859 of 1966, surpa. The Home Rule Act does authorize county councils to provide for the appointment of county boards, committees, and commissions whose appointment is not provided for by the general law or the [Constitution](#). § 4–9–170, Code of Laws of South Carolina, 1976. However, this Commission is not a county Commission but is rather a commission for three counties. In at least certain instances, such multi-county Commissions are not deemed to be entities of the county. See [Kleckley v. Pulliam](#), 265 S.C. 177, 217 S.E.2d 217 (1975). Therefore, although the matter is not entirely free from doubt, I would advise that the appointment should continue to be made by the Governor upon the recommendation of the respective legislative delegations.

Sincerely,

Daniel R. McLeod
Attorney General

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