

1980 WL 121248 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1980

*1 The Honorable James Madison Waddell, Jr.

Senator—District No. 15

Attention: Mr. Mike Copeland

State House

Post Office Box 142

Columbia, South Carolina 29202

Dear Senator Waddell:

You have requested an opinion as to who should exercise the power of appointment of members to the Beaufort County Development Commission. The Commission was set up by Act No. 861 of 1960, a special act which provides that the Commission shall consist of members appointed by the Governor upon the recommendation of the legislative delegation. The Home Rule Act provides at [§ 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, 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.’ The Commission is not a special purpose district nor is it a political subdivision. Furthermore the appointment of members to the Beaufort County Development Commission is not provided for by general law or the Constitution. Therefore, as of January 1, 1980, the Beaufort County Council has the power to provide by ordinance for the appointment of such members instead of the Governor.

Sincerely yours,

David G. Eckstrom

State Attorney

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