

1980 WL 121026 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 15, 1980

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Dear Bill:

You have requested the comments of this office as to whether the 'Blue Ribbon Committee' appointed by the Aiken County Board of Education to recommend attendance or zoning plans for Area 1 of the Aiken County School District¹ is a 'public body' subject to the Freedom of Information Act ([§ 30-4-10, et seq. of the Code of Laws of South Carolina \(1976\)](#), as amended). Although this committee has been disbanded, our comment has been requested for future reference. You, an Aiken County citizen, and Judith Evans Finuf, Assistant Attorney General, had previously been in communication about this matter, but Ms. Finuf referred it to me because of my responsibility in school law matters.

Both you and an Aiken County citizen have provided this office with information as to the organization, compensation, and powers of the committee. According to this information, the committee was established by the Aiken County Board of Education to recommend to it three alternate plans for drawing school attendance area lines; however, the County Board had the sole responsibility of adopting the final plan, which could be one of those recommended, a combination of them, or one completely different. The committee members were all approved by the County Board, but some may have been initially selected by the Area 1 schools. These people consisted of Aiken County citizens and they were not compensated for their work; however, Area 1 schools spent Three Hundred Twenty-three Dollars and Forty-nine (\$323.49) Cents on materials for the committee, the committee met on school property, and its members occasionally received a lunch or supper at the schools during briefings by school officials.

The Freedom of Information Act (the Act) requires disclosure of records and the holding of open meetings of 'public bodies' under the circumstances described in the Act. The Act defines public bodies as follows:

'Public body' means any department of the State, any State board, commission, agency and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi-governmental body of the State and its political subdivision including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina State Ports Authority. [emphasis added]. [§ 30-4-20\(a\) of the Code.](#)

Under this definition, the committee does not appear to be a public body which is subject to the Freedom of Information Act, as it is merely an advisory body which has no governmental powers. See Opinion of this Office dated November 8, 1979. Although it does submit zoning recommendations to the County Board, these recommendations may be rejected in their entirety and the Board may adopt a completely different plan. Thus, the committee merely assists the Board in doing work which the Board could accomplish alone and its few expenses are generated only by this work. When the Board pays these expenses, it is expending money for its own business rather than supporting an independent public agency.

*2 Our conclusion is that the terms of the Act indicate that the Blue Ribbon Committee is not a public body as defined in § 30-4-20. However, this matter is not free from doubt as the terms of the definition are somewhat vague, they have not been interpreted by the courts of this State, and each case has to be determined on its own facts.

If I may be of further assistance, please let me know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Attorney General

Footnotes

- 1 The Aiken County School District is divided into various administrative areas which have advisory councils. The councils have policy making power not inconsistent with County Board of Education policy and have other powers delegated by the County Board. Act 461, Acts and Joint Resolutions of South Carolina, 1967.

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