

1977 WL 37264 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1977

*1 Honorable James M. Waddell, Jr.
Senator
Beaufort County
Box 1026
Beaufort, South Carolina 29902

Dear Senator Waddell:

Your letter of March 1, 1977, to Attorney General McLeod in regard to the Allendale School District has been referred to me for a response. The selection of the Board of Education for Allendale County is determined by Act No. 1064 of 1974 or Section 21-1100, Code of Laws of South Carolina, 1962, as amended, which provides that the Board shall consist of nine (9) members appointed in the manner proscribed in Section 21-101 of the Code. Therefore, the Allendale Board as provided in Section 21-101 is appointed by the Governor upon recommendation of the Senator and at least one half of the members of the House of Representatives for the County. Based upon previous opinions of this Office (No. 3601, 1972-73 Op. Atty. Gen. and No. 3557, 1972-73 Op. Atty. Gen.), the Governor has a positive duty to make the appointments but in the event no appointments are made, the members would serve in a de facto capacity until successors are appointed.

In response to your third question, present law does proscribe the issuance of bonds without a preceding election (referendum) approving a bond issue but there is nothing to prevent the Legislature from suspending Section 21-973(1) for a period of time or repealing it with respect to Allendale County and thereby enabling the Allendale School District to issue bonds for an approved purpose.

Please call me if you need additional information.

Sincerely,

Kenneth L. Childs
Assistant Attorney General

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