

1977 WL 37416 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 8, 1977

*1 Hon. Jarvis R. Klapman
Member
House of Representatives
125 Hendrix Street
West Columbia, South Carolina 29169

Dear Representative Klapman:

You have requested an opinion from this Office as to whether or not the statutory procedure for the appointment of the members of the Lexington County Recreation District and the Irmo-Chapin Recreation District provided for in the enabling legislation which created the two districts, respectively, has been altered by the provisions of Act No. 283 of 1975, the 'home rule' legislation. In my opinion, it has not.

Act No. 1201 of 1968 [55 STAT. 2763 (1968)] created the present Lexington County Recreation District and provided for a five-member commission whose members were to be appointed by the Governor 'upon the recommendation of a majority of the Lexington County Legislative Delegation.' A 1970 act expanded the membership to seven but the method of appointment and recommendation remained unchanged. In the case of the Irom-Chapin Recreation District, Act No. 329 of 1969 [56 STAT. 398 (1969)] created it and provided for a five-member commission whose members were to be appointed by the Governor 'upon the recommendation of a majority of the resident members of the legislative delegation from Lexington County.' Section 4-9170, CODE OF LAWS OF SOUTH CAROLINA, 1976, provides that the appointment power vested in county councils 'shall not extend to school districts, special purpose districts or other political subdivisions created by the General Assembly;' inasmuch as the two recreation districts are special purpose districts created by the General Assembly, the Lexington County Council does not have any authority with respect to the appointment of the members of their governing bodies. The members of both governing bodies are to continue to be appointed as the legislation which created them provided for.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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