

1979 WL 43034 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 29, 1979

*1 Joseph H. Earle, Jr., Esquire
Greenville County Attorney
408 E. North Street
Greenville, South Carolina 29601

Dear Mr. Earle:

In response to your request for an opinion from this Office as to the appointment of members of the Greenville County Recreation Commission (commission), I agree with your conclusion that the Greenville County Council presently retains the authority to recommend their appointment by the Governor pursuant to Act No. 1329 of 1968 [55 STAT. 3113 (1968)], as amended by Act No. 17 of 1969. 56 STAT. 17 (1969). This is so because of certain language contained in [Section 4-9-80, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, providing that special purpose districts (such as the Greenville County Recreation District) are to continue to function as prescribed in their respective enabling legislation 'except as they may be modified by act of the General Assembly.' Furthermore, [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, does no more than prohibit a county council from providing by ordinance for the appointment of special purpose district commissions beginning on January 1, 1980. It does not speak to an act of the General Assembly which vests such power in a county council and, consequently, that power will continue to repose in the Greenville County Council even after January 1, 1980, notwithstanding the provisions of [Section 4-9-170 of the Code](#).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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