

1979 WL 43173 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1979

*1 Mr. Richard G. Shell
Commissioner
Commission of Public Works of the City of Laurens
P. O. Box 349
Laurens, South Carolina 29360

Dear Mr. Shell:

You have asked whether the constitutional provision which prohibits dual office holding would be violated if an individual served simultaneously on the City of Laurens Commission of Public Works and the Laurens County Water Resources Commission.

The Laurens County Water Resources Commission was created by Act No. 1885 of 1972. Section 4, of that Act, deals with the membership of the Commission and indicates that the Commission shall be composed of ten members appointed by the governing body of Laurens County. One member shall be nominated for appointment by several organizations, including the Commission of Public Works of the City of Laurens. Section 4 also states:

Representatives of municipal corporations may be elected officials serving ex officio or any elector of the municipal corporation.

Since the Commission of Public Works of the City of Laurens is elected by the electors of the City, a member of the Commission would come squarely within the above quoted statement and he would be allowed to serve ex officio.

You indicate in your letter that the Water Resources Commission is to soon be restructured. Assuming that a similar statement allowing a representative of a municipal corporation to serve ex officio is retained when the membership of the Water Resources Commission is restructured, it would not violate the dual office holding provision if an individual simultaneously served on the Commission of Public Works of the City of Laurens and the Laurens County Water Resources Commission.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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