

1978 WL 34691 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 8, 1978

\*1 Honorable Nikki G. Setzler  
Senator  
District No. 8  
Post Office Box 1036  
West Columbia, South Carolina 29169

Dear Senator Setzler:

You have requested an opinion from this office as to the method of appointment for the members of the Richland-Lexington Airport District Commission (Commission) and the members of the Lexington County Hospital Board of Trustees (Board). In my opinion, both the Commission and the Board members are to continue to be appointed as they have heretofore been appointed, to wit: the eleven members of the Board are to be appointed by a majority of the Lexington County Legislative Delegation (defined for the purpose of these appointments as ‘the members of the House of Representatives from Lexington County and the Senators of the district in which Lexington County is located’) pursuant to the provisions of Act No. 1303 of 1964 [53 STAT. 3083 (1964)], as amended, and the three Lexington County members of the Commission are to be appointed by the Governor upon the recommendation of a majority of the Lexington County Legislative Delegation pursuant to the provisions of [Section 55-11-320, CODE OF LAWS OF SOUTH CAROLINA, 1976](#). Even after January 1, 1980, the Commission members will continue to be recommended for appointment as they presently are since they are members of a special purpose district commission [[see, § 55-11-310, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)], and as such, the method of appointing them cannot be changed by the Lexington County Council (Council) after that date. [See, § 4-9-170, CODE OF LAWS OF SOUTH CAROLINA, 1976](#). In the case of the Board members, however, after January 1, 1980, the Council will be authorized to change their method of appointment since it is provided for by special law and since the Board does not constitute the governing body of a special purpose district or other political subdivision of the State. In order to retain the recommendatory powers vis a vis the Board members in the Delegation after January 1, 1980, the provisions of [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), would have to be amended by general law.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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