

1978 WL 34888 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1978

\*1 Herbert L. Novit, Esquire  
Attorney at Law  
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Hilton Head Island, South Carolina 29928

Dear Mr. Novit:

In response to your request for an opinion from this Office as to the proper procedure to follow in appointing the members of the Board of Regents of the Beaufort County Memorial Hospital (Board), my opinion is that the procedure prescribed by Act No. 1197 of 1966 [54 STAT. 2976 (1966)], whereby the Board members are 'appointed by a majority of the county legislative delegation, including the Senator', is the proper one. [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, provides in part that county councils are to have such appointive powers with regard to existing boards and commissions as the General Assembly may authorize. The General Assembly has not yet devolved the power to appoint the Board members upon the Beaufort County Council nor, most probably, can it do so on less than a total and complete basis (*i.e.*, must relinquish its appointment powers with respect to all boards and commissions). See, e.g., 59 STAT. 2187 (1976). Beginning on January 1, 1980, however, a county council can alter by ordinance the method of appointing members of all county boards and commissions other than those whose appointment is provided for by general law (*e.g.*, election commission, board of voter registration) and other than the governing bodies of special purpose districts, school districts and other political subdivisions. The Beaufort County Council can, therefore, change the method of appointing the Board members after January 1, 1980.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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