

1975 WL 29377 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 7, 1975

\*1 Mr. George E. Smith, Jr.  
Chief of Land Management and Resource Development  
S. C. Land Resources Conservation Commission  
P. O. Box 11708  
Columbia, South Carolina 29211

Dear Mr. Smith:

You have requested an opinion of this office regarding the determination of terms of office for the Clarks Fork-Bullocks Creek Watershed Conservation-District directors. That district was formed in 1965 and the directors assumedly took office sometime during that year. As only five persons offered for the positions, those candidates were deemed elected to fill the five seats. However, it was not until 1968 that the directors drew lots to determine their respective initial terms of office. You have asked whether their subsequent terms should be computed from 1965 or 1968. It is my opinion that the terms should be computed from the time that the directors originally qualified, i.e. 1965.

The act under which the district was formed provides that the first directors should serve their first terms in the following manner: Two shall serve for four years; two shall serve for three years; and one shall serve for two years. Thereafter, all directors shall serve full four-year terms. This staggering of terms is intended and required by the law to be implemented from the formation of the district.

In the present case, the directors originally took office sometime in 1965, therefore, that year would be the starting point for computing the two, three, and four year terms, respectively, even though the determination of initial terms was not made until 1968 when lots were drawn. Of course, the ideal procedure would be to have made this determination at the very outset in 1965. Delay, as in this instance, is not recommended.

It appears certain that the determination by lots as to the length of first terms should be retroactive to the original date of qualification for purposes of computing each successive term. For example, if the date of original qualification were 1965, as here, the following chart would illustrate the proper terms for directors:

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Each successive term would be calculated by adding four years to the preceding expiration year.

Therefore, it is my opinion that the drawing of lots in 1968 to determine the length of initial terms of office for directors should be computed from the date of original qualification in 1965.

Very truly yours,

Richard P. Wilson  
Staff Attorney

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