

1975 WL 29750 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 23, 1975

*1 The Honorable David S. Taylor
State Senator
Box 46
Laurens, South Carolina 29360

Dear Senator Taylor:

You have inquired as to the method of appointment of members of the Laurens County Board of Education and the Laurens County Library Board of Trustees for the Laurens County Library.

The Laurens County Board of Education is provided for by Section 21-3301 of the Code of Laws, 1962, as amended in 1967. The 1967 amendment provides for the appointment of seven members to be appointed upon recommendation of the Senator and at least one-half of the Members of the House of Representatives from the County.

Subsequent to the foregoing amendment, an Act to create a County Council form of government for Laurens County was enacted in 1969 (69 Acts 708). That Act provides that:

‘All appointments in Laurens County to be made upon the recommendation of the County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the Council, except as provided in the Constitution of the State. It is intended that the Council shall exercise all power and authority with respect to appointments heretofore exercised by the County Delegation and the County Delegation, including the Senator.’

The last Act referred to above, in my opinion, vests in the County Council the authority to make appointments to the Laurens County Board of Education.

The Laurens County Library Board of Trustees for the Laurens County Library was created by an Act approved in 1961. Members of the Board of Trustees were provided to be appointed by the Laurens County Legislative Delegation. After this Act, the County Council Act was created which, in my opinion, vests in the County Council the authority to make appointments thereto.

In addition to the Laurens County Library, there is a Laurens County Court Library Commission, consisting of members to be appointed by the Laurens County Bar Association (71 Acts 325). This is a separate and distinct library from that created previously for the general operation of the Laurens County Library.

I therefore advise that, in my opinion, the members of the Board of Trustees of the Laurens County Library are subject to appointment by the Laurens County Council and that the members of the Laurens County Board of Education are similarly subject to appointment by the Laurens County Council. The members of the Laurens County Court Library Commission are subject to appointment by the Laurens County Bar Association.

Very truly yours,

Daniel R. McLeod
Attorney General

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