

1975 WL 29198 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 21, 1975

\*1 The Honorable Thomas E. Smith, Jr.  
Senator  
Florence, Marion, Horry and Williamsburg Counties  
100 Walnut Street  
Pamlico, South Carolina 29583

Dear Senator Smith:

You have requested an opinion as to whether the Florence County Council presently has appointive powers, pursuant to Act. No 27 of 1975 [59 STAT. Act No. 27 at 23 (1975)], with regard to various boards and commissions.

With regard to the Florence County Board of Voter Registration, the Florence County Election Commission and the Florence County Board of Social Services, the Florence County Council does not presently have appointive powers as to their respective members for the reasons stated in my July 29, 1975, opinion to you. My opinion as to the remaining boards and commissions is as follows:

1. Florence County Public Library Board of Trustees—The County Council may recommend for appointment all nine members of the Board. See, § 42-399, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended; 53 STAT. Act No. 1034 at 2365 (1964).
2. Florence City-County Airport Commission—The County Council may recommend for appointment the six members of the twelve-member Commission who must be residents of Florence County only. See, 58 STAT. Act No 482 at 836 (1973), as amended.
3. Florence City-County Historical Commission—The County Council may recommend for appointment the five members of the ten-member Commission who must be residents of Florence County only. See, 58 STAT. Act No. 426 at 762 (1973).
4. Area Committee for the Florence-Darlington Counties Technical Education Center—The County Council may recommend for appointment the five members of the ten-member Committee who must be registered voters of Florence County. See, § 21-708, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.
5. Florence County Forestry Commission—The County Council may not recommend for appointment any member of the Commission as they are appointed pursuant to general law. See, § 29-55, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended; see also, 1968-69 Op. Att'y. Gen., No. 2698 at 139.
6. Florence County Board of Health—The County Council may recommend for appointment the six members of the six members of the ten-member Board who must be residents of Florence County only. See, § 32-242, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended; 53 STAT. Act No. 743 at 1799 (1964); 55 STAT. Act No. 313 at 433 (1967).
7. Lower Florence County Hospital Board of Trustees—The County Council may recommend for appointment all five members of the Board. See, 52 STAT. Act No. 1095 at 2683 (1962); 55 STAT. Act No. 725 at 1531 (1967).

8. Florence County Commission on Alcohol and Drug Abuse—The County Council may appoint all ten members of the Commission. See, 58 STAT. Act No. 653 at 1256 (1973).

9. Florence County Board of Assessment Control and Florence County Board of Assessment Appeals—The County Council may recommend for appointment all seven members of the Board of Assessment Control and all five members of the Board of Assessment Appeals. See, 53 STAT. Act No. 819 at 1904 (1964); 54 STAT. Act No. 882 at 2219 (1966); 56 STAT. Act No. 935 at 2031 (1970).

\*2 10. Florence County Recreation Commission—The County Council may recommend for appointment all nine members of the Commission. See, § 51-341, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended; 56 STAT. Act No. 530 at 898 (1969); 58 STAT. Act No. 44 at 46 (1973). 11. Mental Health Center Property Board of Trustees for Florence and Darlington Counties—The County Council may recommend for appointment the three members of the five-member Board who must be residents of Florence County. See, §§ 32-1860.8 and .9, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

12. Florence County Planning Commission—The County Council may recommend for appointment all ten members of the Commission. See, §§ 14-400.286 and . 287, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended; 54 STAT. Act No. 885 at 2223 and Act No. 904 at 2260 (1966); 55 STAT. Act No. 252 at 345 (1967).

13. Florence County Industrial Development Commission—The County Council may recommend for appointment all nine members of the Commission. See, 58 STAT. Act No. 153 at 186 and Act No. 343 at 423 (1973).

14. Building Commission of the City and County of Florence—The County Council may recommend for appointment the five members of the seven-member Commission who were previously recommended for appointment by the legislative delegation from Florence County. See, § 59-567.1, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

15. Florence City-County Agricultural Commission—The County Council may appoint the one member of the six-member Commission who was previously appointed by the legislative delegation from Florence County. See, § 3-267, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

With regard to the Florence County Ambulance Service Commission, the Florence County Board of Fire Control and the Greater Lake City Recreation Commission of Florence County, I have not yet made a determination as to whether they constitute the governing bodies of special purpose districts so as to beyond the appointive power of the Florence County Council. See, Act No. 27 of 1975 [59 STAT. Act No. 27 at 23 (1975)]; cf., § 14-3714 of Act No. 283 of 1975 [59 STAT. Act No. 283 at 692 (1975)]. When the research on that question is completed, I shall answer with dispatch.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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