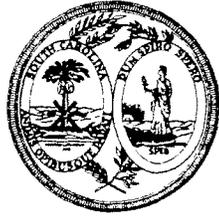


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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

April 27, 2000

Ms. Elizabeth Alston
Chairman
Charleston County School District Board of Trustees
7 Calhoun Street
Charleston, SC 29401

Dear Ms. Alston:

You have asked whether more than thirteen members may be appointed to a local advisory committee pursuant to S.C. Code Ann. §59-32-30 (B) (1990) of the Comprehensive Health Education Act. This part of that Act provides that "...each local school board shall appoint a thirteen-member local advisory committee . . ." with the representation specified in the law. A previous opinion of this Office concluded that the membership should not consist of more than thirteen members. *Ops. Atty. Gen (March 2, 1993)*.

You have also asked about whether votes taken by a committee with more than thirteen members are valid. A previous opinion of this Office addressed a similar issue in the instance of a chairperson voting when he lacked authority to do so. *Ops. Atty. Gen (August 29, 1984)*. The Opinion concluded that whether the entire vote of the body was invalidated or just the chairperson's vote depended upon whether the chairperson's vote was identifiable. The public body itself would be the judge of whether the vote was identifiable. *Id.* This opinion may be of guidance here as to the votes of the additional members.

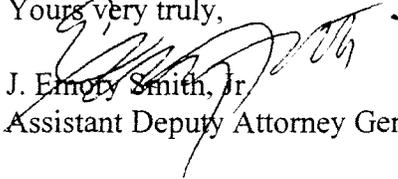
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

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If you have further questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Deputy Attorney General

Enclosures