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The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

July 14, 1993

William F. Prioleau, Esquire
Legal Counsel, Patriot's Point
Development Authority
607 Barringer Building
Columbia, South Carolina 29201

Dear Mr. Prioleau:

You have advised that Act No. 424 of 1992 added the Mayor of Mount Pleasant, South Carolina, as an ex officio member of the Patriot's Point Development Authority. A question has arisen as to whether the Mayor, as an ex officio member of the Authority, has the power or authority to vote on matters before the Authority. You have requested our opinion as to the voting status of this ex officio member.

Act No. 424 of 1992 added § 51-13-725 to the South Carolina Code of Laws to state:

In addition to the members of the Patriot's Point Development Authority provided for in Section 51-13-720, the mayor of Mt. Pleasant, South Carolina, shall serve as an ex officio member of the authority.

The voting status of this ex officio member is not addressed in the 1992 act, nor is such status addressed in Article 11, Chapter 13 of Title 51. Thus, general law as to the rights, powers, duties, and responsibilities of ex officio members must be examined.

This Office has opined on numerous occasions that an ex officio member of a board or commission or the like enjoys all rights, privileges, powers, and responsibilities as other members enjoy, including voting and holding office, unless a statute otherwise restricts the ex officio member. Enclosed are opinions so concluding dated January 11, 1991; January 3, 1985; December 22, 1981; and March 4, 1976.

Deputy Section

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In conclusion, it is our opinion that, because no statute provides otherwise, the Mayor of Mount Pleasant, who is serving as an ex officio member of the Patriot's Point Development Authority, may vote on matters before the Authority and otherwise exercise the powers, duties, and responsibilities that other Authority members exercise.

With kindest regards, I am

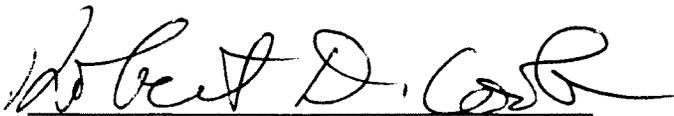
Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an
Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions