

1973 WL 27678 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1973

\*1 Honorable Patrick B. Harris  
Member  
House of Representatives  
Box 655  
Anderson, South Carolina 29621

Dear Mr. Harris:

The minutes of the Anderson County Delegation held on September 18, 1972, read as follows:

Dr. Baldwin was next to be heard and requested the Delegation to name members to the County Health Building Committee. A motion was made by Representative Ashley, seconded by Senator Garrison, and passed unanimously stating that this committee should consist of seven members. The Director of the Anderson County Health Department shall be chairman, one from each school district appointed by the Delegation, and these six shall appoint one member at large. Their power shall be to select sites, architect and contractor.

You have inquired as to whether this committee is vested with power to enter into contracts and to make a binding determination of the site for the proposed Health Building.

The above minutes reflect the meeting of the County Legislative Delegation only and no legislative action has been taken creating, a committee or commission of this type and vesting it with basic contractual powers. In my opinion, the creation of the committee results only in an ad hoc body, which can only be advisory in nature and would have no contractual authority. A procedure must be followed which is similar to that employed by the General Assembly in the creation of a commission to establish a new courthouse, which was accomplished by the passage of an appropriate legislative vehicle.

Very truly yours,

Daniel R. McLeod  
Attorney General

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