CHAPTER 41

GLEAMNS Human Resources Commission

**SECTION 43‑41‑10.** GLEAMNS Human Resources Commission created.

 There is created the GLEAMNS Human Resources Commission in Greenwood, Laurens, Edgefield, Abbeville, McCormick, Newberry, and Saluda Counties.

HISTORY: 1976 Act No. 670 Section 1; 1982 Act No. 345, Section 2; 1993 Act No. 16, Section 2, eff March 23, 1993.

Editor’s Note

The preamble to 1976 Act No. 670, provides as follows:

“Whereas, the General Assembly finds that a public commission should be created in Greenwood, Laurens, Edgefield, Abbeville, McCormick, Newberry, and Saluda Counties charged with the responsibility of implementing programs designed to improve the health, education, welfare, housing, and employment opportunities of economically disadvantaged persons in these counties, the commission must be funded by federal, state, county, municipal, or private organizations. Now, therefore,”. (Amended 1982 Act No. 345; 1993 Act No. 16, Section 1, eff March 23, 1993.).

Attorney General’s Opinions

GLEAMNS is subject to audit by the Legislative Audit Council. S.C. Op.Atty.Gen. (August 18, 1997) 1997 WL 569077.

**SECTION 43‑41‑20.** Commission to constitute corporate body.

 The commission is declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges as such. Membership on the commission shall not be construed to be an office of honor or profit.

HISTORY: 1976 Act No. 670 Section 2.

**SECTION 43‑41‑30.** Composition of membership; authorization to increase total membership; apportionment of new seats.

 (A) The commission must be composed of twenty‑one members in accordance with federal law appointed by the governing bodies of the counties enumerated in Section 43‑41‑40 and must be so constituted that:

 (1) one‑third of the members of the commission are elected public officials or their representatives, unless the number of these officials reasonably available or willing to serve is less than one‑third of the membership of the commission;

 (2) at least one‑third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the areas served; and

 (3) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the areas served.

 (B) The commission may increase in multiples of three in the total membership if necessary to comply with Section 43‑41‑80 or to meet additional federal requirements.

 (C) If the commission membership is increased under Section 43‑41‑80, the three new seats must be apportioned by the commission among the participating counties, to include a seat for the petitioning group, according to federal regulatory measures promulgated under federal law.

HISTORY: 1976 Act No. 670 Section 3; 1982 Act No. 345, Section 3; 1993 Act No. 16, Section 3, eff March 23, 1993; 1999 Act No. 48, Section 1, eff June 1, 1999.

CROSS REFERENCES

Terms of office to be served by commission members, see Section 43‑41‑60.

Library References

States 45.

Westlaw Topic No. 360.

C.J.S. States Sections 145 to 146, 157 to 161, 249.

Attorney General’s Opinions

It would not violate the dual office holding prohibition of the South Carolina Constitution for a city public works Commissioner to also serve as a member of the GLEAMNS Commission. S.C. Op.Atty.Gen. (March 13, 2003) 2003 WL 21043500.

The simultaneous holding of an appointment to the GLEAMNS Human Resources Commission, Inc. along with an appointment to the Greenwood Metro Board would constitute dual office holding in contravention of the South Carolina Constitution. S.C. Op.Atty.Gen. (Nov. 19, 2002) 2002 WL 31958833.

**SECTION 43‑41‑40.** Apportionment of membership between counties.

 The twenty‑one members of the commission must be apportioned among the participating counties as follows:

 1. Greenwood County ‑ three members

 2. Laurens County ‑ three members

 3. Edgefield County ‑ three members

 4. Abbeville County ‑ three members

 5. McCormick County ‑ three members

 6. Newberry County ‑ three members

 7. Saluda County ‑ three members

 The membership from each county also must be constituted according to the formula provided for in Section 43‑41‑30 (A).

HISTORY: 1976 Act No. 670 Section 4; 1982 Act No. 345, Section 4; 1993 Act No. 16, Section 4, eff March 23, 1993.

**SECTION 43‑41‑60.** Terms of office.

 The terms of office of members of the commission shall be for two years and until their successors are appointed and qualify. No member of the commission selected under item (2) and item (3) of Section 43‑41‑30(a) shall serve for more than five consecutive years nor more than a total of ten years.

HISTORY: 1976 Act No. 670 Section 6.

Library References

States 51.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 151, 153, 169 to 170.

**SECTION 43‑41‑70.** Compensation; vacancies.

 Members of the commission shall serve without compensation except as otherwise provided for by appropriate federal authorization. In the event of a vacancy on the commission it shall be filled for the remainder of the unexpired term by selection and appointment in the same manner as provided for the original appointments.

HISTORY: 1976 Act No. 670 Section 7.

Library References

States 51.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 151, 153, 169 to 170.

**SECTION 43‑41‑80.** Commission shall establish procedures for petitions for additional membership.

 The commission shall establish procedures under which community agencies or organizations and representative groups of the poor, which feel themselves inadequately represented on the commission, may petition for adequate membership on the commission. In this regard, the commission must be governed by the federal regulations and guidelines promulgated under federal law. If the commission finds that a petition for membership is meritorious and a seat is warranted, it shall increase the membership of the commission as provided for in Section 43‑41‑30(B) and (C).

HISTORY: 1976 Act No. 670 Section 8; 1993 Act No. 16, Section 5, eff March 23, 1993.

**SECTION 43‑41‑90.** Organization; election of officers; meetings; maintenance of current membership record.

 The commission shall meet as soon as practicable after appointment and at its first meeting and annually thereafter shall elect a chairman, a vice chairman, a secretary and a treasurer. The commission shall meet at least quarterly and at such other times as may be designated by the chairman. Each member of the commission shall receive advance notification of each meeting in the manner the commission shall determine. The commission shall file and maintain a current record of its membership with the clerk of court and with the respective legislative delegations in each of the counties represented on the commission.

HISTORY: 1976 Act No. 670 Section 9.

**SECTION 43‑41‑100.** Powers.

 The commission is empowered:

 (a) to sue and be sued;

 (b) to adopt, use and alter a corporate seal;

 (c) to make bylaws for the management and regulation of its affairs;

 (d) to appoint agents and employees, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties;

 (e) to undertake the improvement of communication and cooperation among existing and future programs administered by federal, state, county and municipal governmental agencies and private organizations designed to improve the health, education, welfare, housing or employment of the low income residents of the counties represented by the commission and, with the consent of such agencies and organizations, to coordinate the same;

 (f) to enter into contracts and agreements for performance of its programs and duties with federal, state, county and municipal governmental agencies and subdivisions thereof, and private nonprofit organizations;

 (g) to receive and expend funds for the performance of its duties in the administration of its programs from such governmental agencies and subdivisions thereof and private nonprofit organizations, as well as any other sources;

 (h) to designate an executive committee from among the members of the commission to which may be delegated one or more duties and responsibilities of the commission and, from time to time, to appoint one or more subcommittees to advise and assist in the administration of its programs and the performance of its duties; all such committees designated to have representation from the three categories enumerated in items (1), (2) and (3) of Section 43‑41‑30(a) in the same proportion as such categories are represented on the full commission;

 (i) to maintain adequate accounts and records of its activities, receipts and expenses in conformance with requirements of any contract or agreement with any federal, state, county or municipal governmental agency, or subdivision thereof, or any private nonprofit organization;

 (j) to acquire, own or hold in trust, preserve, restore, maintain, or lease property, facilities and equipment reasonably necessary for the performance of its duties and the administration of its programs;

 (k) to do such other things as may be necessary to perform the duties prescribed in this chapter.

HISTORY: 1976 Act No. 670 Section 10.

Library References

States 67.

Westlaw Topic No. 360.

C.J.S. States Sections 224 to 227, 249 to 251, 253.

**SECTION 43‑41‑110.** Exemption from taxation.

 All property of the commission shall be exempt from all ad valorem taxes levied by the counties represented on the commission or any municipality therein, or any division, subdivision or agency thereof.

HISTORY: 1976 Act No. 670 Section 11.

**SECTION 43‑41‑120.** Fiscal year; audit; annual report.

 The commission shall conduct its affairs on the fiscal year basis of April first to March thirty‑first. As shortly after the close of its fiscal year as may be practicable an audit of its affairs shall be made by a certified public accountant in good standing to be designated by the commission. Copies of such audit, incorporated into an annual report of the commission, shall be filed with the legislative delegations and the governing bodies of each participating county.

HISTORY: 1976 Act No. 670 Section 12.

Library References

States 121.

Westlaw Topic No. 360.

C.J.S. States Sections 322 to 323, 372.

**SECTION 43‑41‑130.** Regular and special meetings; quorum.

 Any action required of the commission may be taken at any regular or special meeting, and at such meeting fifty percent of the total membership of the commission shall constitute a quorum.

HISTORY: 1976 Act No. 670 Section 13.