



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

October 14, 2003

Ms. Dana Turner, Administrative Advisor
City of Columbia
Post Office Box 147
Columbia, SC 29217

Dear Ms. Turner:

You have asked for an opinion as a follow up to an earlier opinion issued by this Office on August 27, 2003. In that opinion, we concluded that Charles P. Austin, Sr. was not dual office holding by holding the position of Interim City Manager/Director of Public Safety for the City of Columbia. There, we found that "the positions of Interim City Manager and Director of Public Safety have been combined into one position by the City of Columbia. In our view, "... the City of Columbia has assigned the additional duties of the director of public safety to the Interim City Manager." Consistent with our longstanding opinion that "the mere assignment of additional duties to an already-existing office would not create a second office," we concluded that no dual office holding problem was presented by Mr. Austin's status.

You now advise that Mr. Austin has been appointed City Manager. As City Manager, you indicate that as part of Mr. Austin's duties, he will "continue to have direct supervision over the Police Department, the Fire Department, Emergency Services Operations and 911 Emergency Communications." You note that "the Chief of Police, the Fire Chief and the directors of the other departments all report directly to the City Manager." As City Manager, Mr. Austin will, according to your letter, "continue to serve as Commissioner for Commission of Accreditation for Law Enforcement Agencies, a national organization for the accreditation of law enforcement agencies."

These all appear to constitute additional duties of the City Manager for Columbia. Accordingly, in our opinion, based upon the information provided, the reasoning of the August 27, 2003 opinion remains applicable and no dual office holding problem is presented by Mr. Austin's performance of these duties.

Very truly yours,

Robert B. Cook
Assistant Deputy Attorney General

RDC/ph