



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HARLES M. CONDON
ATTORNEY GENERAL

November 20, 1998

Andrew G. Goodson, Esquire
Fountain Inn City Attorney
P.O. Box 549
Fountain Inn, South Carolina 29644

RE: Informal Opinion

Dear Mr. Goodson:

Your opinion request has been forwarded to me for reply. As city attorney for the City of Fountain Inn, you have been asked by the Mayor and Council to obtain guidance regarding certain provisions of the Fountain Inn Code of Ordinances. Specifically, you ask whether the mayor is prohibited from making changes to standing committees during his term of office.

In your request, you state the following:

The City of Fountain Inn operates a Mayor/Council form of Government. Council members are required to serve on both standing and special committees. Section 2-111 of the Code of Ordinances allows appointment of special committees and Section 2-112 allows appointment of standing committees. Section 2-112 states as follows:

“The standing committees of the council shall be appointed by the Mayor at the first meeting of the council after his inauguration, to serve during his term of office.”

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In an opinion dated April 17, 1979, this Office addressed several questions relating to the role of the mayor in the mayor-council form of government in city council committees. In response to one of the questions posed, this Office concluded:

I understand that standing committees of the Easley City Council have been provided for by municipal ordinance and that that ordinance provides that those standing committees are to be appointed by the mayor at the beginning of his term to serve during his term of office. In my opinion, the mayor has no authority to, in effect, abolish those committees since they are created by ordinance and, consequently, must be abolished by ordinance. Cf., 5 McQUILLIN MUNICIPAL CORPORATIONS § 15.14 (3rd ed. 1969). Moreover, if the ordinance provides that the members of the standing committees are to serve during the mayor's term of office, then they have a specified term of office which cannot be shortened or ended by the mayor. (emphasis added).

It would appear that the above stated conclusion would be applicable to your question as well. There, as here, an ordinance set forth the appointment powers of the mayor in regards to standing committees and included language that the appointees are to serve during the mayor's term of office. Therefore, based on the 1979 opinion, the mayor's power to make changes to the standing committees would be severely limited by the fact that the members of the standing committees have a specified term of office which cannot be shortened or ended by the mayor. Of course, nothing precludes the Fountain Inn city council from amending this ordinance if they so desire.

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

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General