

1979 WL 42931 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 17, 1979

*1 A. D. Orander, Jr., Esquire
Easley City Attorney
Post Office Box 1018
Easley, South Carolina 29640

Dear Mr. Orander:

You have requested opinions from this Office relating to the role of the mayor in the mayor-council form of municipal government vis a vis city council committees, and I shall respond to them in the order in which you have posed them:

1. A city council committee, standing or otherwise, has no more authority than the council as a whole possesses. In other words, a city council cannot vest its committees with any more powers than it has. Cf., 2 McQUILLIN MUNICIPAL CORPORATIONS § 10.43 (3rd ed. 1966); 4 McQUILLIN MUNICIPAL CORPORATIONS § 13.51 (2d ed. 1968). In the mayor-council form, the mayor is the 'chief administrative officer' [[§ 5-9-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended](#)] and the council is the policy-making body. Cf., [§ 5-7-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended](#). While the council is authorized to institute policies and procedures to be followed by municipal departments, it is not to involve itself in the daily functioning and operations of those departments but, instead, it is to leave that administrative duty to the mayor. Likewise, a portion of the council, whether acting as a standing or ad hoc committee, is not to take part in the daily supervision, direction or administration of municipal departments.

2. 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.

3. In response to your third inquiry, I think that the pertinent section of the Easley City Code does have an effect on the matter which you have raised as hereinabove discussed in paragraph 2.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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