



ALAN WILSON
ATTORNEY GENERAL

August 11, 2026

Mr. Peter M. Balthazor
Town Attorney
Town of Blythewood
Riley, Pope & Laney, LLC
2838 Devine Street
Columbia, SC 29205

Dear Mr. Balthazor:

Attorney General Alan Wilson referred your letter to the Opinions section for a response. You seek an opinion regarding the mayor's authority to issue proclamations and bestow a "Community Champion award" without the approval of Town Council. In short, the mayor, or any member of a town council, may not independently exercise the authority of council absent specific delegation.

Law/Analysis

In your opinion request, you explain that the Town of Blythewood (the "Town") operates under a council-manager form of municipal government. You go on to say:

It has come to the Town's attention that the Mayor has issued one or more "proclamations" in his capacity as Mayor of the Town. For example, on or about May 27, 2026, the Mayor issued a "special proclamation" to a deserving citizen on behalf of himself and "members of Blythewood Town Council." *See Exhibit One.* The four other members of Town Council did not have any knowledge this proclamation was being issued. Also in May 2026, the Mayor issued a Community Champion award to a deserving citizen. *See Exhibit Two.* The award states it is sponsored by Blythewood Economic Development and Tourism. The Town has not established such a department.

The council-manager form of government is described in Chapter 13 of Title 5 of the South Carolina Code of Laws. *See S.C. Code Ann. § 5-13-10 et seq. (2004).* In a council-manager form of government, "All legislative powers of the municipality and the determination of all matters of policy shall be vested in the municipal council, each member, including the mayor, to have one vote." S.C. Code Ann. § 5-13-30 (2004). Section 5-13-30 further provides that Town Council has the authority to "[e]stablish other administrative departments and assign and distribute the work thereof." S.C. Code Ann. § 5-13-30(2) (2004).

This Office has previously examined the authority of a single member to act on behalf of a public body. In doing so, we have observed that the South Carolina Supreme Court has recognized that when authority is given jointly to several persons, “they must generally act jointly or their acts are invalid.” State v. McMillan, 52 S.C. 60, 29 S.E. 540, 545 (1898) (quoting Cooley v. O’Connor, 79 U.S. 391, 398 (1870)). Furthermore, in a 2003 Opinion pertaining the delegation of authority of a body to one of its members, we stated:

[A]cts by individual members of a public body cannot bind the municipality unless officially sanctioned in accordance with a statute. The members of the governing body are chosen by the people to represent the municipality and they are charged with a public trust and the faithful performance of their duties and the public is entitled to the judgment and discretion of each member

Op. S.C. Att’y Gen., 2003 WL 22862787 (Nov. 13, 2003) (quoting 56 Am. Jur. 2d, Municipal Corporations § 134). We have consistently opined, and the law clearly supports, that individual members may not take action on behalf of a public body absent specific constitutional or statutory authorization and appropriate delegation by the public body.

Specifically regarding town councils, we have recognized that “any action taken by the City Council will have to be done by the majority vote thereof” Op. S.C. Att’y Gen., 1963 WL 11099 (March 5, 1963). For example, we considered a similar question in a 2007 Opinion. Op. S.C. Att’y Gen., 2007 WL 4284633 (Sept. 13, 2007). That opinion addressed the authority of a single town council member to make decisions regarding a municipal time capsule. In it, we said:

Based upon these principles cited above, we do not believe a single council member may individually take action on behalf of a town unless such authority is provided to that council member by law. Therefore, in addressing your questions, assuming no statute or ordinance provided councilman Middleton with authority to exhume the time capsule, it appears that such action may only be taken by Town Council as a whole. Without the vote or action of a majority of the members of council, councilman Middleton would be without the authority to instruct Town employees to exhume the time capsule.

Op. S.C. Att’y Gen., 2007 WL 4284633 at *2 (Sept. 13, 2007).

Our 2007 Opinion references an April 13, 1989, Opinion which is also similar to this situation. Op. S.C. Att’y Gen., 2007 WL 4284633 at *1 (Sept. 13, 2007) (citing Op. S.C. Att’y Gen., 1989 WL 406135 (April 13, 1989)). In the 1989 Opinion, we addressed the authority of a single member of a local public works commission, and we opined:

The general law, applicable in this situation, is that authority vested in a board or commission for public purposes may be exercised by a majority of the members if all have had notice and opportunity to act and a quorum, or the number fixed by

Mr. Peter M. Balthazor

Page 3

August 11, 2026

statute, are present. The presence and vote of a quorum is necessary, and the action of less than a quorum of a public body is void. 1 Am. Jur.2d, Administrative Law § 196. Unless otherwise provided by statute, the authority of a commission may not be exercised by a single member of such body, or less than a majority. Id.

Op. S.C. Att’y Gen., 1989 WL 406135 (April 13, 1989). We went on to say:

[T]he response to your question is that the elected commissioner has no individual authority to single-handedly make decisions concerning direction and control of the water and sewer department. Instead, all such decisions must be made by a majority vote of a quorum of the commissioners of public works, except where the Town ordinance provides otherwise. See also Pettiford v. S.C. State Board of Education, 218 SC 322, 62 S.E.2d 780 (1950) as to what constitutes an unlawful delegation of power.

Id. Thus, we again highlighted that a single member may not act on behalf of the public body absent prior delegation.

Though they fall short of the level of legislative action carried out in ordinances,¹ we believe a court would likely conclude that issuing proclamations, bestowing awards, and speaking on behalf of Town Council all constitute adopting positions or policies of approval on behalf of the Town. As a result, a court would likely conclude these should all be conducted by resolution approved by the entire Town Council, not through the actions of a single member. We recommend that the Town adopt a policy outlining the procedure for applying for and granting various forms of recognition. Such procedures have been adopted by numerous towns and counties across the State. It is possible that the process could delegate some of the decision-making authority to the mayor. However, in the absence of such delegation, we believe the Mayor should not undertake these actions without the consent of Town Council. Further, declaring that an award is sponsored by a department, such as “Blythewood Economic Development and Tourism,” which has not been established by the Town Council likely violates Section 5-13-30(2). S.C. Code Ann. § 5-13-30(2) (2004) (giving Town Council the authority to “[e]stablish other administrative departments and assign and distribute the work thereof”).

¹ For a discussion of the distinction between ordinances and resolutions, see McQuillin, The Law of Municipal Corporations § 15.2 (3rd ed.) (“A ‘resolution’ is usually a mere declaration with respect to future purpose or proceedings, while an ‘ordinance’ is a local law which is adopted with all the legal formality of a statute It has been said that measures that prescribe binding rules of conduct are ‘ordinances,’ while measures that relate to administrative or housekeeping matters are categorized as ‘resolutions.’”).

Mr. Peter M. Balthazor

Page 4

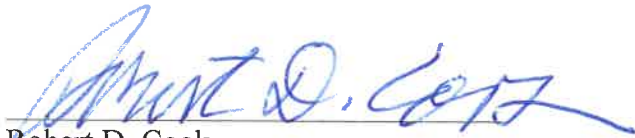
August 11, 2026

Sincerely,



David Leggett
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook

Solicitor General Emeritus