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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

September 6, 2005

John M. Tolar, Esquire
Georgetown County Attorney
Post Office Box 421270
Georgetown, South Carolina 29442

Dear Mr. Tolar:

In a letter to this office you questioned the authority, if any, of the Georgetown County Administrator over the employees of the Georgetown County Board of Elections and Registration and the Georgetown County Veteran's Affairs Director or the Director's subordinate. In our telephone conversation you requested that, for the purposes of this opinion, it is to be assumed that the appointment authority for the Board of Elections and Registration and the Veteran's Affairs Director is the Georgetown County Legislative Delegation.

S.C. Code Ann. §§ 4-9-610 et seq. provide for the council-administrator form of government. Pursuant to Section 4-9-620

(t)he council shall employ an administrator who shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the council has the authority to control.

(emphasis added). When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). Statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

As set forth, the administrator in a council-administrator form of government is responsible only for the administration of those departments "which the council has the authority to control".

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Inasmuch as it is to be assumed that for purposes of this opinion the appointment authority for the two offices referenced by you, the Georgetown County Board of Elections and Registration and the Georgetown County Veteran's Affairs Director is the Georgetown County Legislative Delegation and not the county council, in my opinion, the county administrator would have no authority over these two departments or offices.

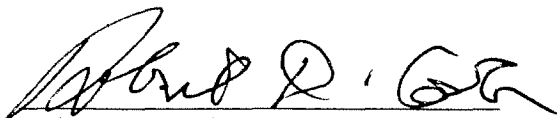
If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General