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The State of South Carolina

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Office of the Attorney General

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October 31, 1985

Wesley L. Brown, Esquire
Cherokee County Attorney
Post Office Box 936
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Dear Mr. Brown:

By letters dated August 2 and August 7, 1985, this Office addressed your question on whether the positions of Delinquent Tax Collector and Director of Civil Defense be combined and held by a single individual with corresponding compensation. We noted in the letters that it was unlikely that the two positions could be merged or consolidated for several reasons, though there might be additional facts of which we were unaware which could change our conclusion. We have now been supplied with that information and hereby modify our responses accordingly.

As stated in our letter of August 7, the position of Delinquent Tax Collector was created by Act No. 49 of 1973; this person is now appointed by and answers to Cherokee County Council, we are advised. This person is to be employed on a part-time basis. Following the adoption of the Home Rule Act, Cherokee County Council by an ordinance ratified July 11, 1978 created the Office of Coordinator of the Cherokee County Disaster Preparedness Agency. The coordinator is ordinarily appointed by and answers to Cherokee County Council and further is employed on a part-time basis.

Rather than hiring two part-time employees, Cherokee County Council wishes to assign additional duties in the nature of disaster preparedness to the Delinquent Tax Collector. The actual positions are not to be merged or consolidated, as stated in our earlier letters. We know of no statutory or constitutional prohibition against the imposition of additional duties upon the Delinquent Tax Collector by the Cherokee County Council.

Mr. Brown
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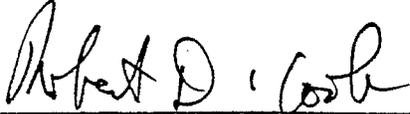
We trust that we have now satisfactorily resolved the question. Please advise if we may provide additional assistance or clarification.

Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions