

1983 WL 181693 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 18, 1983

*1 The Honorable Margie K. Carn
Dorchester County Clerk of Court
Post Office Box 158
St. George, South Carolina 29477

Dear Ms. Carn:

You have asked for an opinion from this office relating to the powers of the County Clerk of Court with respect to the employment and discharge of personnel employed in the Clerk's Office. Those powers are set out in the Home Rule Act. Since the Clerk of Court is an elected official, the County Council does not have responsibility for the employment and discharge of county personnel in the Office of the Clerk of Court. [Section 4-9-30\(7\), Code of Laws of South Carolina](#), 1976. Therefore the Clerk of Court has the power under the Home Rule Act to employ and discharge all personnel employed in the Office of the Clerk of Court. Those personnel would, however, be subject to general "personnel system policies and procedures for county employees by which all county employees are regulated". *Id.* Furthermore, the Council also has the authority "to establish such ... positions in the County as may be necessary and proper to provide services of local concern for public purposes...." [§ 4-9-30\(6\)](#), *supra*. However, none of the above described powers or actions by the County Council can infringe upon the general authority of the Clerk of Court, as an elected official, to make all decisions as to employment and discharge of personnel in the Office of the Clerk of Court.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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