

1983 WL 181875 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1983

*1 The Honorable Frank H. McGill

Member

South Carolina Senate

Post Office Box 759

Kingstree, SC 29556

Dear Senator McGill:

You have asked for an opinion as to who has the appointment powers for the Williamsburg County Tax Assessor, the Williamsburg County Veterans Affairs Officer, and the Williamsburg County Civil Defense Director. You have also asked who has the power to relieve these individuals of duty.

Prior to home rule, the appointment of the tax assessor was provided for in Act No. 491 of 1969. It provided that the assessor would be appointed by the delegation upon the recommendation of the Tax Reassessment Board. Under the Home Rule Act, the county councils have now been given the power to provide by ordinance for all county offices not provided for by general law. However, unless the county council has provided by ordinance for changing the method of appointment, the tax assessor would continue to be appointed by the Delegation upon the recommendation of the Tax Reassessment Board. The tax assessor would, as a county employee, be subject to discharge only by the supervisor. [§ 4-9-420\(12\), Code of Laws of South Carolina, 1976](#) (as amended).

The Veterans Affairs Officer is provided for in [§ 25-11-40 Code of Laws of South Carolina, 1976](#), a general law provision. This provision is not subject to change by ordinance. The appointment of the Veterans Affairs Officer must be made by the State Director of Veterans Affairs, 'subject to recommendation of a majority of the Senators representing the county and a majority of the House members representing the county.' [§ 25-11-40, id.](#) The county veterans affairs officer is 'subject to removal at any time by a majority of the Senators representing the county and a majority of the House members representing the county.' [Id.](#)

With respect to the Williamsburg County Civil Defense Director, we were unable to find, in our research, any state law relating to this position. County governments are generally given the responsibility to plan and develop certain civil defense programs. [§ 25-1-450, id.](#) However, it appears that any positions thereby established would be done by county ordinance. The provisions of any such ordinance would apply to the determination of appointment and removal powers.

The opinions expressed herein are based solely on interpretations of state law. They include no interpretation or application of county ordinances that might relate to the subject. We will be happy to look at any ordinance you think might be applicable.

Sincerely yours,

T. Travis Medlock

Attorney General

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