

1982 WL 189165 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 11, 1982

*1 Ms. Sarah E. Martin
Clerk-Treasurer
Office of the Mayor
Hardeeville, South Carolina 29927

Dear Ms. Martin:

In a letter to this office you stated that Hardeeville is anticipating a contractual agreement with Jasper County to provide for a county magistrate to preside over its municipal court pursuant to [§ 14-25-25, Code of Laws of South Carolina](#), 1976. As to the matter of compensation for the magistrate, you questioned whether the Town should draw up a separate agreement with the magistrate as to salary or should the salary be included in the original contract with the County.

It appears that the matter of compensation for the magistrate's services in presiding over the municipal court should be included in the contract between the County and the Town. Such would be consistent with the provisions of [§ 22-1-70, Code of Laws of South Carolina](#), 1976, which provides that a portion of the fines and penalties collected by a magistrate who presides over a municipal court are to be turned over to a municipality pursuant to the contract between a municipality and a county. Such is further consistent with [§ 14-25-25, supra](#), which provides that any contract providing for the employment of a county magistrate to preside over a municipal court be made between a county and a municipality. Furthermore, this office, in an opinion dated December 4, 1980, a copy of which is enclosed, determined that in the situation where a county magistrate presides over a municipal court as described above, the result is not a situation whereby the magistrate is appointed to the office of municipal judge. Instead, additional powers and duties are annexed to the office of a particular county magistrate.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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