

1981 WL 158205 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1981

\*1 Mayor Gilbert R. Hibbard  
City of Inman  
3 Bishop Street  
Inman, South Carolina 29349

Dear Mayor Hibbard:

In response to your request for an opinion from this Office concerning the hiring and firing authority of the mayor in the mayor council form of municipal government, I am enclosing copies of earlier opinions rendered by this Office which are responsive to your inquiry. [Section 5-9-30\(1\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, authorizes the mayor to hire and fire all municipal employees and appointive administrative officers except those whose appointment and removal are otherwise provided by law. Examples of the latter are the municipal attorney [[§ 5-7-230, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended] and municipal clerk. [§ 5-7-220, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

You have also inquired about your authority over the position of administrative assistant to the mayor. While you are authorized pursuant to [Section 5-9-30\(2\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, to direct and supervise the administration of all offices of the municipality, [Section 5-9-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, provides that the mayor 'and council' may employ an administrator to assist the mayor in his office. If the position is abolished, it must be done by the council pursuant to the same Code Sections.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

1981 WL 158205 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.