

1981 WL 157865 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 14, 1981

*1 Ms. Jewel P. McGrath
County Auditor
Post Office Box 64
McCormick, South Carolina 29835

Dear Ms. McGrath:

In response to your request for an opinion from this Office regarding the inclusion of language in the 1981-1982 McCormick County budget ordinance providing that any vacancy occurring in any department is to be refilled only upon written permission of the McCormick County Council, my opinion is that such language does not infringe upon your authority to hire your employees only if it means that the filling of a vacancy is to be approved by the McCormick County Council. In other words, the McCormick County Council is most probably acting within its budget authority if it provides in the budget ordinance that vacancies occurring during the fiscal year are to be filled on a case-by-case basis; once it approves the filling of a vacancy in your office, however, it cannot then require that the hiring of a particular individual be done subject to its approval.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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