

1980 WL 121097 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1980

*1 G. P. Callison, Esquire
Greenwood County Attorney
P. O. Box 1115
Greenwood, South Carolina 29646

Dear Mr. Callison:

You have requested an opinion from this Office as to whether or not the Greenwood County Council (Council) is required to pay to the Greenwood County Supervisor his salary and other benefits until his elected term expires if the Council abolishes that office by ordinance prior to the expiration of that term. In my opinion, the Council is not so required.

The law appears to be well-settled that:

The power to abolish an office may be exercised at any time and even while the office is occupied by a duly elected or appointed incumbent, . . .

By abolishing a public office, the [county] does not deprive the incumbent of any constitutional rights, for he has no contractual right or property interest in the office. He accepts it with the understanding that it may be abolished at any time, and the tenure of the office is not protected by constitutional provisions which prohibit impairment of the obligation of contract. 63 AM. JUR. 2d Public Officers and Employees §§ 33 and 34 at 646-647.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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