

1980 WL 121219 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 12, 1980

\*1 Honorable W. B. Bookhart, Jr.  
Mayor Town of Elloree  
Elloree Town Hall  
Elloree, South Carolina 29047

Dear Mayor Bookhart:

You have requested an opinion from my Office as to whether or not the Elloree City Council is authorized to prohibit your access to the City's post office box. In my opinion, the Council is not so authorized because such a prohibition would interfere with an infringe upon your duties, powers and responsibilities as the 'chief administrative officer' of Elloree pursuant to [Section 5-9-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. As the chief executive officer of the municipality, you are responsible for its day-to-day functioning and for the supervision of its departments and offices. [§ 5-9-30\(2\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. In addition, you have certain duties as municipal judge pursuant to [Section 5-7-230, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, which duties often necessitate the receipt of mail. For these reasons, your access to the City's post office box cannot validly be prohibited by the Council. See generally, 3 McQUILLIN MUNICIPAL CORPORATIONS §§ 12.41, 12.43 and 12.43a (3rd rev.ed. 1973).

Very truly yours,

Daniel R. McLeod  
Attorney General

**ATTACHMENT**

P.S. To insure receipt of this letter, I am forwarding it in care of your personal attorney, J. C. Nicholson, Jr., Post Office Box 1764, Orangeburg, SC 29115, with the request that he deliver same to you.

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