

1980 WL 120832 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 19, 1980

*1 Frank Harrison, Esquire
McCormick County Attorney
Augusta Street
McCormick, South Carolina 29835

Dear Mr. Harrison:

In response to your request for an opinion from this Office as to the authority of an individual member of the McCormick County Council or of the McCormick County Council itself to give orders or instructions directly to a county employee instead of dealing with him through the McCormick County Supervisor, my opinion is that such a practice is prohibited by the following language of [Section 4-9-430, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended:

Except for the purposes of inquiries and official investigations, neither the council nor its members shall give direct orders to any county officer or employee, either publicly or privately.

In addition, the supervisor in the council-supervisors form of county government is expressly designated as the chief administrative officer of the county by [Section 4-9-420\(1\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, and hires and fires county employees and officials pursuant to [Section 4-9-420\(12\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. Any attempt on the part of the McCormick County Council or its members to infringe upon or usurp these statutorily imposed duties would be unauthorized. See generally, [Poore v. Gerrard](#), 271 S.C. 1, 244 S.E.2d 510 (1978).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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