

1977 S.C. Op. Atty. Gen. 18 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 77-6, 1977 WL 24349

Office of the Attorney General

State of South Carolina

Opinion No. 77-6

January 6, 1977

*1 Matthew Poliakoff, Esquire
Attorney at Law
P. O. Box 1702
Spartanburg, South Carolina 29304

Dear Mr. Poliakoff:

In response to your request for an opinion as to whether the mayor or the municipal council has the authority to elect or appoint a municipal judge and a municipal attorney under the mayor-council form of government, my opinion is that the municipal council is so authorized pursuant to Section 47–52, CODE OF LAWS OF SOUTH CAROLINA, 1962, (Cum. Supp.). The provisions of that Code section apply to all municipalities regardless of which of the three forms of municipal government they might select and, in fact, Article 3 of Title 47, Chapter 1, of which Section 47–52 is a part, is entitled ‘General Structure, Organization, Powers, Duties, Functions and Responsibilities of All Municipalities.’ Moreover, the authority granted by Section 47–62(1) of the Code to the mayor in the mayor-council form of municipal government to appoint all municipal employees and appointive administrative officers is limited to those whose employment or appointment is not otherwise provided by law. In my opinion, the provisions of Section 47–52 are of the type intended by the ‘except as otherwise provided by law’ language of Section 47–62(1). See also, § 47–97, CODE OF LAWS OF SOUTH CAROLINA, 1962, (Cum. Supp.).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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