

1977 S.C. Op. Atty. Gen. 113 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-134, 1977 WL 24475

Office of the Attorney General

State of South Carolina

Opinion No. 77-134

May 3, 1977

\*1 Matthew Poliakoff, Esquire  
Post Office Box 1702  
Spartanburg, South Carolina 29304

Dear Mr. Poliakoff:

You have requested an opinion from this Office as to whether or not the mayor in the mayor-council form of municipal government is the authorized official to hire and fire the chief of police. In my opinion, he is.

Section 47–62, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum.Supp.), provides that the mayor in the mayor-council form is the ‘chief administrative officer’ of the municipality and included among his power is the power:

(1) to appoint and, when he deems it necessary for the good of the municipality, suspend or remove all municipal employees and appointive administrative officers provided for by or under this chapter, except as otherwise provided by law, or personnel rules adopted pursuant to this chapter. . . .

Until 1971, the chief of police for the Town of Woodruff was to be appointed by a civil service commission with the approval of the city council. See, 54 STAT. 2724 (1966); 55 STAT. 2545 (1968); 57 STAT. 532 (1971). Inasmuch, however, as the Woodruff Chief of Police is at present an appointive administrative officer whose appointment is not otherwise provided for by law, I think that the above-quoted language empowers the mayor to hire and fire him. Cf., 47–40, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.)

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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