

1977 S.C. Op. Atty. Gen. 304 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-380, 1977 WL 24717

Office of the Attorney General

State of South Carolina

Opinion No. 77-380

December 2, 1977

\*1 Honorable Susie Newman  
Member  
Richland County Council  
164 Lionsgate Drive  
Columbia, South Carolina 29204

Dear Mrs. Newman:

In response to your request for an opinion from this Office as to whether or not you, as a member of the Richland County Council, are to have access to county records such as personnel records, my opinion is that you are to have such access.

Section 4-9-30(7), CODE OF LAWS OF SOUTH CAROLINA, 1976, provides in part that county councils in all four forms of county government are empowered:

(7) to develop personnel system policies and procedures for county employees . . . , and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government . . . .

Although in the council-administrator form, pursuant to which Richland County operates, the administrator is responsible for the employment and discharge of personnel [§ 4-9-630(8), CODE OF LAWS OF SOUTH CAROLINA, 1976], that responsibility is to be fulfilled by him subject to the provisions of Section 4-9-30(7) of the Code. Thus while the administrator is to do the actual hiring and firing of county personnel, the county council as the policy-making and ultimate decision-making body concerning personnel matters is free to inspect county personnel records so long as it does not infringe upon the administrator's authority to employ and discharge county employees. Indeed, a private citizen has the right to inspect public records, including personnel records not otherwise closed to the public, pursuant to the provisions of the Freedom of Information Act [§§ 30-3-10 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, 1976].

You have also inquired as to the authority of the county council and its members to investigate and make inquiries concerning county matters. Section 4-9-660, CODE OF LAWS OF SOUTH CAROLINA, 1976, authorizes the county council to deal directly with county officers and employees who are subject to the direction and supervision of the county administrator 'for the purposes of inquiries and investigations.'

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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