

1979 WL 43516 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 13, 1979

*1 Costa M. Pleicones
Richland County Attorney
Post Office Box 4069
Columbia, SC 29240

Dear Mr. Pleicones:

You have requested an opinion from this Office as to whether or not the power of the county administrator in the council-administrator form of county government to hire and fire county employees pursuant to [Section 4-9-630\(8\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, is subject to the county council's authority to reinstate any discharged county employee pursuant to [Section 4-9-30\(7\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. In my opinion, the administrator's power to hire and fire is clearly subject to the council's authority to reinstate.

[Section 4-9-630\(8\) of the Code](#) empowers the administrator:

to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of [§ 4-9-30](#) and subject to the appropriation of funds by the council for that purpose; . . . [Emphasis added.]

The administrator's power to hire and fire, then, is expressly subject to the council's authority to reinstate any discharged county employee. Cf., §§ [4-9-420\(12\)](#) and [4-9-830\(8\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. Moreover, Section 4-9-970, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended, confirms that conclusion by providing as follows:

Except as specifically provided for in this article, the structure, organization, powers, duties, functions and responsibilities of county government under the council-administrator form shall be as prescribed in Article I of this chapter.

Finally, I know of no other provision in the 'home rule' legislation which would make the administrator's hiring and firing authority final and thus not subject to review by the Council. See also, [Poore v. Gerrard, et al., 244 S.E.2d 510 \(1978\)](#).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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