

1979 WL 43591 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 18, 1979

*1 Honorable Wyman Nettles
Mayor of Ridgeland
Post Office Box B
Ridgeland, South Carolina 29936

Dear Mayor Nettles:

You have requested the advice of this Office concerning whether or not you, as the mayor of Ridgeland, South Carolina, may also serve as the administrator of Ridgeland. In my opinion, you may not do so in any official capacity.

Under the council form of municipal government, the city council, of which you as mayor are a member, is charged with the direction and supervision of the administrator, should one be hired. [Section 5-11-40, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. To serve as mayor and administrator would thus put you in the dual capacity of employer and employee, which public policy forbids. See also, [§ 5-7-180, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. I would point out, however, that, under the council form of government, there is no requirement that an administrator be hired. It would, therefore, seem possible that the council could informally designate you to oversee the day-to-day functioning of the municipal government without compensating you therefor except to reimburse you for any actual expenses incurred.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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