

1975 WL 29283 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 22, 1975

*1 Honorable John T. Wood
Member
House of Representatives
Greenville County
Tigerville, South Carolina 29688

Dear John:

Thank you for your letter of September 19, 1975, inquiring as to the validity of the action of the Greenville County Council in re-employing a County Administrator whose term of employment had expired, the vote therefor being five to four. You further state that no proposed ordinance or resolution was presented and read on two consecutive regular meetings before the action of re-employment and that there was no advertisement in the newspaper before the action was taken.

As you note in your letter, Section 7 of Act No. 573 of 1967, which is the basic Act under which Greenville County is governed, provides in Section 7 thereof that:

'No ordinance, resolution, code or policy shall be passed unless at least six members of the Council shall have voted for its approval or passage.'

I do not believe that the act of re-employing an employee constitutes an 'ordinance, resolution, code or policy' within the meaning of Section 7 of the Act but that, on the contrary, the action of re-employment is an administrative function which is not required to follow the formalities prescribed in the case of ordinances, etc. Of course, following implementation of the Local Government Amendment by at least July 1, 1976, matters of this type will be specifically cared for, but under the present Act, I feel confident of the conclusions herein expressed.

I hope that you are making a good recovery and feeling well.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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