

1975 WL 29282 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 22, 1975

*1 William F. Able, Esquire
County Attorney
700 Security Federal Building
Columbia, SC 29201

Dear Mr. Able:

Attorney General McLeod has referred to me your letter of August 29, 1975, concerning delegation of portions of the Richland County Council's authority to an Administrator.

This Office is aware of no legislative or constitutional authority which would prohibit the hiring of a County Administrator, entering into a contract with him, and delegation to him of the authority for hiring, firing, and supervision of county employees. These powers are obviously not legislative powers. The rule with respect to this situation has been well stated in 1 Am. Jur. 2d, Administrative Law, Section 102 (1962):

'Any power not legislative in character which the legislature [or county legislative authority] may exercise it may delegate. What the rule [against delegation] precludes is the delegation of those powers which are strictly or inherently and exclusively legislative and the legislature's abdication of its own power and the conferring of such power upon an administrative agency to be exercised in its uncontrolled discretion.'

The rule's application to the situation at hand is clear.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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