

1975 WL 29199 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 21, 1975

\*1 Hon. Paul Jones  
Chief of Police  
1633 Berry Road  
West Columbia, South Carolina 29169

Dear Chief Jones:

You have requested an opinion as to whether or not the South Congaree Mayor and a South Congaree councilman can be employed by that Town as school guards without violating the provisions of Section 47-47 of Act No. 283 of 1975, the 'home rule' legislation. You have also inquired as to whether or not a South Congaree councilman can be employed in other capacities, i.e., as a town sign maintenance man and as an 'enforcer of business licenses,' by that Town.

Section 47-47 of Act No. 283 provides as follows:

Except where authorized by law, no mayor or councilman shall hold any other municipal office or municipal employment while serving the term for which he was elected. [Emphasis added.]

While a mayor or councilman of South Congaree cannot hold municipal employment such as that hereinabove described during his term of office under the above-quoted language, the provisions of Section 47-47 are not now in effect and will not become operative until one of the three forms of municipal government provided for in Act No. 283 has been selected for South Congaree and begins functioning.

The opinion of this office is, therefore, that the Mayor of South Congaree and South Congaree councilmen may presently be employed by that Town in various capacities without violating Section 47-47 of Act No. 283 of 1975.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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