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May 23, 1985

Rick S. Chandler, Jr., Esquire  
City Attorney, City of Lancaster  
Post Office Box 1130  
Lancaster, South Carolina 29720

Dear Mr. Chandler:

By your letter of April 26, 1985, you have asked this Office for an interpretation of Section 2-12 of the Code of Ordinances for the City of Lancaster, which states that "[a]ll special committees shall be appointed by the Mayor unless a ballot be called for." The ordinance does not specify who has the power to remove special committee members appointed by the mayor; your question is, therefore, in whom the power to remove is vested.

The general rule applicable to your inquiry is stated in State ex rel. Williamson v. Wannamaker, 213 S.C. 1, 48 S.E.2d 601 (1948):

It is a general rule that when the term or tenure of a public officer is not fixed by law, and the removal is not governed by constitutional or statutory provision, the power of removal is incident to the power to appoint. In other words, the appointing power, where the term is not fixed by law, may remove the appointee at pleasure and without notice or opportunity to be heard.

213 S.C. at 9-10. See also Langford v. State Board of Fisheries, 217 S.C. 118, 60 S.E.2d 59 (1950); 63A Am.Jur.2d Public Officers and Employees § 221.

REQUEST LETTER

Continuation Sheet Number 2  
To: Rick S. Chandler, Jr., Esquire  
May 23, 1985

We are aware of no statute, ordinance, or other provision of law setting the term of the individual whose appointment was terminated, or any such provision of law bestowing any expectancy of service for any particular time. Therefore, applying the general rule as stated above to Section 2-12 of the City's Code of Ordinances, this Office concurs with your opinion that the power to appoint special committee members having been vested in the mayor, the mayor would also have the power to remove those appointees.

We trust that the foregoing satisfactorily responds to your inquiry. Please advise if additional assistance or clarification is needed.

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP:djg

REVIEWED AND APPROVED BY:

*Robert D. Cook*  
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Robert D. Cook  
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