

1976 WL 30833 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 14, 1976

*1 Carl L. Holloway, Esquire
City Attorney
4405 Bethel Church Road
Columbia, South Carolina 29206

Dear Mr. Holloway:

In your recent letter, you have requested several opinions from this Office including whether or not certain actions taken by the Forest Acres City Council and other City officials 'violate the due process rights of the two dismissed officers' of the Forest Acres Police Department. Inasmuch as the entire matter is presently the subject of litigation, this Office cannot appropriately issue an opinion relative thereto. Moreover, the Attorney General has instituted a policy that requests for opinions from city and county attorneys must be accompanied by their own research and conclusions regarding the questions posed.

At first blush, the ordinance attached to your letter creating the position of city administrator and vesting in him final authority in certain areas appears to be an unauthorized delegation of the powers vested in the council itself by Sections 47-70 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), in particular, Sections 47-73(a) and (b). Also, with respect to the action taken by the council on August 10, 1976, it most probably would not meet the requirements of Sections 47-55(1) and (7) of the Code, as amended.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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