

1975 WL 28959 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1975

\*1 Representative Eugene Blease  
207 Greenwood Highway  
Saluda, S. C. 29138

Dear Representative Blease:

You have inquired as to the authority of the Saluda County Commissioners to require that the offices of Auditor, Treasurer, Probate Judge, etc., be open on Saturday mornings.

From my research of the applicable statutes I have been unable to discover the vesting of any such authority on the County Commissioners. As the authority of the County Commissioners is limited to that which is expressed or may be implied from the Acts of the General Assembly, I must conclude that the County Commissioners do not have the authority to require these offices to open on Saturdays. In 55 STAT. Act No. 1121, Section 5, subsection 11 at 2616 (1968) creating the Saluda County Board of Commissioners and setting out its powers it is stated in part that:

'To supervise and regulate the various departments of the county, including personnel policies, except that the duties and functions now provided by law for the offices of the treasurer, auditor, sheriff, clerk of court, probate judge, coroner, magistrate, and county supervisor shall not be altered . . .' (Emphasis Added)

It is my interpretation that this just quoted provision of Act No. 1121 would prohibit the County Commissioners from enacting an ordinance giving themselves the authority to set the office hours of the above mentioned county officers.

Also you inquired as to the authority, in general, of the County Commissioners over these officers. Any such authority must be expressed or implied from the Acts of the General Assembly, so I would recommend that you refer to § 14-3251, et seq., South Carolina Code of Laws (1962), for a general statement of the authority of these Commissioners.

I wish to make it clear that, as a law clerk, I am not empowered to render official opinions for this Office. Instead, this response is rendered entirely in an advisory capacity. However, I have enclosed for your study and use a copy of a prior opinion issued by this Office on a closely related question.

I hope this response will prove adequate, and if we may be of any further assistance in the future, please do not hesitate to contact us.

Sincerely,

Jim Garner  
Law Clerk

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