

The Honorable Sharon W. Staggers

Page 2

December 5, 2023

It is our understanding that Williamsburg County operates under a council-supervisor form of county government pursuant to sections 4-9-410 to -440 of the South Carolina Code (2021 & Supp. 2023), which is included in the body of legislation known as the Home Rule Act.¹ Section 14-17-10 of the South Carolina Code (2017) provides for the election of clerks of the court of common pleas in each county by the qualified electors. We address your remaining questions

accordingly.

Section 8-21-300 of the South Carolina Code (2019) governs the salaries of clerks of court.

The clerks of court and registers of deeds of the several counties *shall receive such salaries for performance of their duties as may be fixed by the governing body of*

the county, which shall not be diminished during their terms of office, and such

The Honorable Sharon W. Stagers

Page 3

December 5, 2023

As previously cited, pursuant to section 8-21-300, the salary of the clerk of court must be set by the governing body of the county. *See Bales v. Aughtry*, 302 S.C. 262, 263-64, 395 S.E.2d 177, 178 (1990) (“The plain language of [section 4-9-30(7)] limits the county government's power to employ or discharge elected officials or those under their direction; it does not restrict *the county government's* ability to determine compensation for elected officials except to prohibit reduction of an elected official's salary during his term of office.” (emphasis added)); *see also* Op. S.C. Att’y

Gen., 2023 WL 7929599 (S.C.A.G. November 7, 2023). Moreover, section 4-9-420(5) gives the county supervisor the power and duty “to supervise the expenditure of funds appropriated by

council.” (emphasis added). As we stated in a 2016 opinion,

Our Office has opined that “[w]hen the Council properly enunciates policies, the supervisor's only function is to carry out such policies.” Op. S.C. Att’y Gen., 1970

The Honorable Sharon W. Stagers

Page 4

December 5, 2023

Finding no statutory authority allowing Title IV-D funds to be used to supplement the salaries of clerks of court and a strong presumption in favor of clerks receiving the salary set for them by their county governing body, we are skeptical that a court would allow a clerk of court to designate a supplement for themselves. Nevertheless, we believe Title IV-D funds could be used to fund a portion of the clerk of court's salary attributable to the establishment, collection, and enforcement

of child support obligations.

Id.

6. What authority does a county council and supervisor have over an elected official?

We have recognized in previous opinions that “[a] county council is generally considered as having only limited authority in dealing with the authority or duties of an elected official, . . .” Op. S.C. Att’y Gen., 2006 WL 1207277 (S.C.A.G. April 20, 2006); *see also* § 4-9-30(7); Op. S.C. Att’y

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