

SUPREME COURT OF SOUTH CAROLINA

Greenwood County Council v. Brooks

362 S.C. 500 (2005) · Decided February 7, 2005

SUMMARY

The South Carolina Supreme Court considered whether Greenwood County could reduce the salary of an interim clerk of court appointed to fill an unexpired term. Interpreting South Carolina Code sections 4-9-30(7) and 8-21-300, the court held that the County lacked authority to reduce the salary during the unexpired term of the office.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Waller; Waller; Toal; Burnett; Pleicones; Acting Justice Kenneth G. Goode
JURISDICTION	South Carolina
DECIDED	February 7, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Original-jurisdiction action for declaratory judgment concerning the county council's authority to reduce the salary of an interim clerk of court.
STANDARD OF REVIEW	The court reviewed the statutory question de novo in its original jurisdiction.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of South Carolina; precedential.
PARTIES	Greenwood County Council v. Emmett Brooks, Ingram Moon

TOPICS

- municipal law
- statutory interpretation
- legislative intent
- plain meaning rule

PRACTICE AREAS

- municipal law
- government salaries
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Greenwood County Council had authority under S.C. Code Ann. §§ 4-9-30(7) and 8-21-300 to reduce the salary of an interim clerk of court appointed to serve the unexpired term of an elected clerk.

HOLDINGS

1. The county did not have authority to reduce the salary of an interim clerk of court during the unexpired term of the previously elected clerk.

KEY QUOTATIONS

“We find the County did not have the authority to reduce the salary of an Interim Clerk of Court.” (502)

“Based upon the foregoing, we conclude that sections 4-9-30 and 8-21-300 prohibit County from reducing an elected official’s salary during the terms for which they are elected.” (504)

“Accordingly, we hold that County did not have the authority to reduce the salary for an Interim Clerk of Court.” (504)

FACTUAL BACKGROUND

Louise Davis was appointed interim clerk of court in 1999 and later elected clerk of court. When Davis retired on June 30, 2003, the county reduced the salary for the clerk of court position from \$46,592 to \$35,000.

Governor Mark Sanford appointed Emmett Brooks to serve the remainder of Davis’s term, and Brooks challenged the reduced salary after being told he would receive the predecessor’s salary.

PROCEDURAL HISTORY

Greenwood County Council brought an original-jurisdiction action seeking a declaration that it had authority to reduce the salary of an interim clerk of court. Emmett Brooks answered and counterclaimed; the parties later settled, Brooks resigned, and Ingram Moon was added as a party after being appointed interim clerk. The Supreme Court of South Carolina resolved the statutory issue and held that the county lacked authority to reduce the salary during the unexpired term.

DISPOSITION

other

CASES CITED

- Lee v. Peach County Board of Commissioners, 269 Ga. 380, 497 S.E.2d 562 (1998)
- McKesson v. Lowery, 51 Cal. 2d 660, 335 P.2d 662 (1959)
- State v. Oklahoma Corporation Commission, 971 P.2d 868 (Okla. 1998)
- Gaffney v. Mallory, 186 S.C. 337, 195 S.E. 840 (1938)
- Johnston v. City of Myrtle Beach, 283 S.C. 288, 321 S.E.2d 627 (Ct. App. 1984)

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