

1979 WL 42935 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 17, 1979

\*1 Mr. Ed McElveen  
Lee County Administrator  
Lee County Courthouse  
Bishopville, South Carolina 29010

Dear Mr. McElveen:

In response to your request for an opinion from this Office as to whether or not the Lee County Council (Council) can change the salary of its members, [Section 4-9-100, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, provides that the Council has an initial opportunity to set the salary of its members after it adopts a form of government provided for by Act No. 283 of 1975, the 'home rule' legislation. That salary determination is effective immediately upon the passage of the ordinance authorizing it. If the Council later changes the salary of its members, that change cannot become effective until after the next general election for Council members when the terms of office of the members elected therein begin.

You have also inquired as to whether or not the Council can provide by ordinance that the salary of its members is to increase by a certain percentage each year. There is no language in the 'home rule' legislation of which I am aware which would proscribe such a provision; of course, a succeeding Council acting, in accordance with [Section 4-9-100 of the 1976 Code](#), would be free to alter that provision.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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