

1976 WL 30710 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 15, 1976

*1 David B. Ward, Esquire
Attorney at Law
P. O. Box 10167 F.S.
Greenville, South Carolina 29603

Dear Mr. Ward:

In response to your request for an opinion from this Office as to the form of municipal government which the town of City View had on March 1, 1974, as compared with the three alternate forms of municipal government provided for by Act No. 283 of 1975, the 'home rule' legislation, my opinion is that the mayor-council form as set forth in §§ 47-60 through 47-63 of Act No. 283 is the form most nearly corresponding to that in effect in City View on March 1, 1974. Compare 59 STAT. Act No. 283 § 47-62 at 731 (1975) with §§ 2-1-1, 2-8, 2-12, 2-30 through 2-37 and 2-39, Code of Laws of City View.

In response to your second question, my opinion is that the determination required by § 47-26 of the Act to be made by the municipal governing body, like all actions of a governing body, must necessarily be a reasonable one; and, in making a determination as to the form of government in effect in City View on March 1, 1974, an eminently reasonable guide would be the municipal code then effective. A review of the governing body is determination is provided for by § 47-27 of the Act which authorizes fifteen per cent of the qualified electors of the municipality to petition for an election 'to determine or change the form of government' selected by the governing body (emphasis added).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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