



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

August 18, 2004

Dennis J. Rhoad, Esquire  
Kiawah Island Town Attorney  
Post Office Box 1059  
Charleston, South Carolina 29402-1059

Dear Mr. Rhoad:

In a letter to this office you indicated that the Town of Kiawah Island previously enacted an ordinance providing for the mayor-council form of government and two year terms of office for officeholders. The Town is now considering amending the ordinance to provide for four year staggered terms of office. You have questioned the method by which the Town may change from simultaneously elected two year terms of office to four year staggered terms.

S.C. Code Ann. Section 5-15-40 (2004) provides as follows:

The mayor and councilmen of each municipality shall be elected for terms of two or four years. Unless otherwise provided by ordinance, four-year terms shall be set so that not more than one-half of the council and mayor shall be elected in the same general election....

Prior opinions of this office have concluded that a town may by ordinance expand the terms of office of a mayor or a member of the town council. An opinion dated October 23, 1985 concluded that

(t)here is no requirement of a referendum to change the terms of office of a mayor and members of a city council. Further, there is no statutory limitation as to when or how often the terms of office may be changed,...In conclusion, a city council may, by ordinance, expand the terms of a mayor and members of a city council at any time after the initial form of government has been selected under the Home Rule Act.

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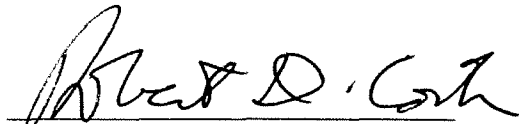
See also: Ops. of the Attorney General dated March 16, 1984; August 31, 1983 and June 10, 1982.  
Therefore, such change may be made by ordinance.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General