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The State of South Carolina



Office of the Attorney General

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February 27, 1985

The Honorable Charles L. Powell
Senator, District No. 4
506 Gressette Building
Columbia, South Carolina 29202

Dear Senator Powell:

You have requested the opinion of this Office as to how many members should be appointed to standing committees of the Abbeville County Council, referencing a rule of Council on the matter. The rule in question states, "Each standing committee shall consist of three (3) members of the Board." It has not been made clear to this Office whether this rule was adopted as an ordinance or whether the rule is merely an operating procedure of Council.

We must advise that there is no state statute which dictates operating procedures of county councils, including the structure of standing committees. The power of a county council is plenary in this regard. The law generally states that a municipal or county government is free to make or change its rules of procedure. As is stated in 4 McQuillin, Municipal Corporations § 13.42:

The council may abolish, suspend, modify or waive its own rules. This also may be done by implication, when action is had not in accordance therewith.

See also 56 Am.Jur.2d Municipal Corporations, etc. § 156.

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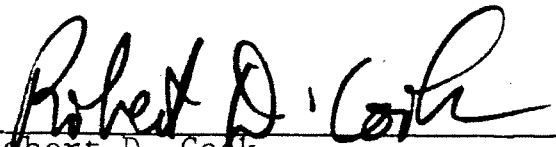
Applying general law to the Abbeville County Council rule, it would appear that three (3) members are to be appointed to each standing committee of Council. However, Council has the power to amend or abolish its own rule, by implication by the taking of some action inconsistent with the rule, or otherwise. If the rule were adopted by ordinance, it would be preferable to amend the rule by ordinance, to avoid problems sometimes arising with amendment by implication.

Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions

cc: Thurmond Bishop, Esquire
Abbeville County Attorney