

1984 WL 249988 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1984

*1 Henry B. Richardson, Esquire
Sumter County Attorney
Post Office Box 1716
Sumter, South Carolina 29151

Dear Mr. Richardson:

You have requested the opinion of this Office on the date of commencement of terms of office for the members of Sumter County Council to be elected in the general election on November 6, 1984. With your letter of October 2, 1984, you enclosed your research and concluded that the terms of office would commence on January 1, 1985. This Office concurs with your conclusion.

Sumter County has been determined to have form number 3, or the council-administrator form of government, pursuant to resolution of the Sumter County Council adopted July 13, 1976. The resolution actually continued the form of government established for Sumter County by Act No. 371, 1967 Acts and Joint Resolution. The three-judge federal panel, in its per curiam order in County Council of Sumter County v. United States, C.A. No. 82-0912, dated May 25, 1984, also determined, in finding of fact number 13, that the council-administrator form of government is in effect in Sumter County.¹ Thus, it is necessary to examine the statutes pertaining to the council-administrator form of government for relevant provisions.

Provisions for the council-administrator form of government are found at [Section 4-9-610 et seq., Code of Laws of South Carolina \(1976\)](#). [Section 4-9-610](#) provides in pertinent part, 'Council members shall be elected in the general election for terms of two or four years commencing on the first of January next following their election.' Where terms of a statute are clear and unambiguous, there is no room for construction, and the terms of the statute must be applied according to their literal meaning. [McCollum v. Snipes](#), 213 S.C. 254, 49 S.E.2d 12 (1948). It is therefore the opinion of this Office, concurring with your opinion, that terms of council members elected in the general election will commence on January 1, 1985.

We trust that we have sufficiently responded to your inquiry. Please advise us if we may provide clarification or additional assistance.

Sincerely,

Patricia D. Petway
Assistant Attorney General

Footnotes

- 1 It is the understanding of this Office that neither the above-referenced litigation nor 1984 acts of the General Assembly bearing ratification numbers 609 (effective upon approval by the Governor, June 28, 1984) and 630 (effective upon approval by the Governor, August 9, 1984) has any bearing on the form of government for Sumter County. Rather, the litigation and the acts were restricted to the type of election (single-member versus at-large) and dates for primary elections.

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