

1983 S.C. Op. Atty. Gen. 71 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-49, 1983 WL 142720

Office of the Attorney General

State of South Carolina

Opinion No. 83-49

July 26, 1983

*1 David D. Cantrell, Jr., Esquire
Chapman & King
Attorneys At Law
P. O. Box 2584
Anderson, S.C. 29622

Dear Mr. Cantrell:

You have asked me to advise you as to what is the proper procedure for a town council to go into Executive Session to discuss the town's legal affairs, and by what margin must the vote for Executive Session be. You have also asked our advice as to what constitutes an administrative briefing.

In order to hold an Executive Session for the purpose of receiving legal advice from an attorney, the town council must vote in public on the question of whether or not to enter into Executive Session after stating the purpose of the closed session. The purpose should be clearly enunciated as being the receipt of legal advice, the settlement of legal claims, or the position of the town council in an adversary situation. Prior to entering Executive Session, the town council must then reach a favorable majority vote, and the presiding officer must then announce that the town council will enter into a closed session for the purpose of receiving legal advice, discussing the settlement of legal claims, or the position of the town council in an adversary situation. See [§ 30-4-70\(2\), Code of Laws of South Carolina \(1976\)](#), as amended.

An Administrative Briefing is an Executive Session called for the purpose of receiving information or memoranda which pertains to some activity or authority over which the town council has supervision, control, jurisdiction, or advisory power. An Administrative Briefing may only be held by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the town council present and voting. [Section 30-4-70\(b\)](#) states that Executive Sessions should only be held when there is some exceptional reason so compelling as to override the general public policy in favor of public meetings.

I hope this provides an adequate response to your inquiry.

With best regards, I am
Sincerely,

Robert D. Cook
Executive Assistant for Opinions

1983 S.C. Op. Atty. Gen. 71 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-49, 1983 WL 142720

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.