

1980 WL 120920 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1980

\*1 Marion S. Riggs, Esquire  
Clarendon County Attorney  
27 West Boyce Street  
Manning, South Carolina 29102

Dear Mr. Riggs:

In response to your request for an opinion from this Office as to the salary amount to be paid to the present Clarendon County Treasurer who is serving out the unexpired term of the now-deceased original office-holder, my opinion is that that official is to receive the base salary which the Clarendon County Council established by ordinance in 1978. Although [Section 4-9-30\(7\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, prohibits a county council from reducing an elected official's salary during his term of office and this Office has heretofore construed that provision to mean that the salary must remain constant irrespective of the number of individuals who serve during that term, the \$200.00 per year increment based upon years in office which was established in the same 1978 ordinance appears to me to have been intended to be computed according to the individual office-holder and not to the specific term of office. It is in the nature of a fringe benefit which, strictly speaking, probably does not constitute a 'salary.' [Parsons v. Ferguson, 348 N.E.2d 692.](#)

I had previously advised Mrs. Jackson by telephone that the salary paid to her predecessor could not be reduced during the unexpired term of his office; however, I did not know at that time that that salary included an amount based entirely upon his years in office. Of course, her salary cannot be reduced below her predecessor's salary after the amount based upon years in office is subtracted.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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