

1977 WL 37338 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 13, 1977

*1 Hon. Patsy W. Hughes
Member
North Charleston City Council
Post Office Box 5817
North Charleston, South Carolina 29406

Dear Ms. Hughes:

You have requested an opinion from this Office as to whether or not the term of the present mayor pro tempore of the City of North Charleston has been extended by the provisions of Act No. 283 of 1975, the 'home rule' legislation. In my opinion, it has not necessarily been so extended as hereinafter discussed.

Section 47-48, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.), provides in part as follows:
Immediately after any general election for the municipal council, the council shall elect from its membership a mayor pro tempore for a term of not more than two years. . . .

If the first election for the North Charleston City Council members under the 'home rule' form of municipal government has not yet been held, then the present mayor pro tempore may very well continue in his office depending upon the term set for that office under the former form of municipal government. When, however, the first general election for council members under the 'home rule' form of government is held, the council must then elect a new mayor pro tempore in accordance with the provisions of Section 47-48 of the Code.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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