

1977 S.C. Op. Atty. Gen. 172 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-225, 1977 WL 24567

Office of the Attorney General

State of South Carolina

Opinion No. 77-225

July 19, 1977

*1 W. D. Nixon

Chairman

Abbeville County Council

Abbeville County Courthouse

Abbeville, South Carolina 29620

Dear Mr. Nixon:

In response to your request for an opinion from this Office as to whether or not the Abbeville County Council (Council) can change the salary of its members, Section 4–9–100, CODE OF LAWS OF SOUTH CAROLINA, 1976, provides in part as follows:

. . . After adoption of a form of government as provided for in this chapter, council shall by ordinance prescribe the salary and compensation of its members. After the initial determination of salary, council may by ordinance adjust such salary but no ordinance changing such salary shall be effective until the date of commencement of terms of members of council elected at the next general election following such changes.

According to this provision, then, the Council has an initial opportunity to set the salary of its members after it adopts a form of government provided for by Act No. 283 of 1975, the ‘home rule’ legislation. That salary determination is effective immediately upon the passage of the ordinance authorizing it. If the Council later changes the salary of its members, that change cannot become effective until after the next general election for county council members when the terms of office of the members elected therein begin.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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