

1977 S.C. Op. Atty. Gen. 183 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-249, 1977 WL 24591

Office of the Attorney General

State of South Carolina

Opinion No. 77-249

August 10, 1977

*1 Mr. E. Lewis Miller
Spartanburg City Council
P. O. Drawer 1749
Spartanburg, South Carolina 29304

Dear Mr. Miller:

You have requested an opinion from this Office as to whether or not the Spartanburg City Council can enact an ordinance providing for the payment of travel and lodging expenses for the spouses of city council members. In my opinion, it is not so authorized.

Section 5-7-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, provides in part as follows:

... The mayor and councilmen may also receive payment for actual expenses incurred in the performance of their official duties within limitations prescribed by ordinance. [Emphasis added.]

This language quite clearly limits reimbursement for expenses to those actually incurred by the mayor and council members in the performance of their official duties and, therefore, does not include expenses incurred by the spouses of those officials.

In response to your other inquiries, a per diem reimbursement would not be allowed since the statute authorizes repayment for actual expenses only. As far as itemization of expenses is concerned, I think that any itemization which discloses the actual expenses incurred (e.g., itemizations such as lodging, travel, seminar fees, books, etc.) would be appropriate.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

1977 S.C. Op. Atty. Gen. 183 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-249, 1977 WL 24591

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.