

1979 WL 43046 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1979

***1** Re: City of York—Proceedings Under the ‘Home Rule’ Act, [Section 5-7-210, 1976 Code](#)

David A. White, Esq.
Roddey, Carpenter & White
Attorneys at Law
Post Office Box 551, CSS
Rock Hill, South Carolina 29730

Dear Mr. White:

You have advised me that the City Council of the City of York desires legal services in connection with allegations of violations by the Mayor of York of certain provisions of the statutes, commonly known as the Home Rule Act; that the regular City Attorney of York has disqualified himself; and that the City Council has authorized the Mayor Pro-tempore to engage your services for such purposes. You have inquired whether this Office would be available to render the desired services on behalf of the City of York.

This is to confirm my prior oral advice that this Office is not in a position to render legal services in connection with proceedings before a City Council under [Section 5-7-210, Code of Laws of South Carolina](#), 1976. Such proceedings are to be held before the City Council, whose decisions may be appealed to the Court of Common Pleas. It is my opinion that the matter is essentially civil in nature and appropriately lies within the jurisdiction of counsel for the municipality involved. This is in accordance with the policy followed by this Office and cities concerned in similar, prior circumstances and is, I think, in accord with the spirit and intent of Home Rule legislation.

Very truly yours,

Daniel R. McLeod
Attorney General

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