

1978 WL 34626 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 31, 1978

*1 Mr. Joseph H. Earle, Jr.
County Attorney
Messrs. Earle, Bozeman & Grayson
Attorneys at Law
301 College Street
Greenville, South Carolina 29601

Dear Mr. Earle:

In accordance with letter of the Greenville County Council to me dated January 16, 1978, and my communications with you, I am submitting herewith my views on the problem presented.

It is my understanding that after the adoption of a form of government for Greenville County, and in accordance with [Section 4-9-100, Code](#) of Laws, 1976, the Council prescribed by ordinance that each member 'shall be paid an annual salary of \$3,800.00 and in addition thereto an annual expense allowance of \$1200.00.' No subsequent changes in this schedule have been made since its adoption in 1976.

[Section 4-9-100](#) provides that:

'Members may also be reimbursed for actual expenses incurred in the conduct of their official duties.'

In my opinion, this means that only those expenses which are actually incurred may be paid to members of county councils. The use of the words 'reimbursed for actual expenses incurred' seems to compel this conclusion and would negate the allowance of fixed amounts for expenses in the manner provided for in the Greenville County ordinance. In some instances, the amount of actual expenses incurred may be greater or may be less, but these amounts vary in accordance with the expenses incurred by the member and for which reimbursement is authorized.

The conclusions expressed herein are in accordance with previous opinions of this Office, copies of which are included herewith.

Very truly yours,

Daniel R. McLeod
Attorney General

Under the Home Rule Act, company councilmen may not be paid fixed amounts as expenses but are entitled to be reimbursed only for actual expenses incurred. An annual allowance of \$1200.00 for each councilman is invalid.

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