

1978 WL 207620 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 30, 1978

*1 Hubert E. Yarborough, III, Esquire
Attorney at Law
Post Office Box 10084
Greenville, South Carolina 29603

Dear Mr. Yarborough:

In response to your request for an opinion from this Office as to whether or not a city council member can be reimbursed for babysitting expenses incurred in connection with her attendance at council meetings, my opinion is that she cannot be so reimbursed, especially in the absence of a municipal ordinance authorizing such.

[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.

Expenses incurred in the performance of official duties ordinarily include meals, lodging and mileage [[see generally](#), 20 C.J.S. [Counties](#) § 79; [Watts Detective Agency v. Inhabitants of Sagadahoc County](#), 18 A.2d 308] and, in the absence of any ordinance expanding the scope of reimbursable expenses, the city council is without authority to reimburse for those expenses which are not ordinarily incurred.

You should also note that [Section 5-7-170 of the 1976 Code](#) contemplates that a municipality will prescribe by ordinance limitations on the reimbursable expenses of its mayor and council members; if, as you relate, the City of Simpsonville has not done so, then it should do so.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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