

1978 WL 35007 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1978

*1 Mrs. Virginia D. Lathan
County Clerk
County Council of Hampton County
Post Office Box 103
Hampton, South Carolina 29924

Dear Mrs. Lathan:

In response to your request for an opinion from this Office as to whether or not the salary of the Hampton County Council members can be increased effective July 1, 1978, my opinion is that the increase cannot become effective at that time because of the provisions of [Section 4-9-100, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.

My understanding is that the salary of the Council members has been specified in each annual budget ordinance since the provisions of Act No. 283 of 1975, the 'home rule' legislation, have become effective in Hampton County. In my opinion, the inclusion of their salary in the budget ordinance constitutes a determination thereof in such a way that the following provisions of [Section 4-9-100 of the Code](#) become applicable and require that the increase not become effective until at least January 2, 1979:

. . . 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.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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