

1975 S.C. Op. Atty. Gen. 195 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4121, 1975 WL 22417

Office of the Attorney General

State of South Carolina

Opinion No. 4121

September 18, 1975

\*1 Regardless of whether the council form of government prescribed in Article 2 of Act No. 283 of 1975, the 'home rule' legislation, becomes the form of county government for Greenwood County by referendum pursuant to Section 14-3701(a) thereof or by the provisions of Section 14-3701(b) thereof, there is no provision made under that form of government for the office of county supervisor.

TO: G. P. Callison  
Greenwood County Attorney

#### QUESTION PRESENTED

If the council form of county government as prescribed in Article 2 of Act No. 283 of 1975 becomes the form of county government for Greenwood County, does the office of county supervisor continue under that form?

#### STATUTES, CASES, ETC., INVOLVED

Act No. 283 of 1975.

§ 14-2201, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

#### DISCUSSION OF ISSUES

Section 14-3701 of Act No. 283 of 1975 provides two alternative methods by which one of the five forms of county government prescribed by the Act becomes effective in a specific county. Regardless of which of the two methods is used, i.e., whether by the holding of a referendum or by the failure to hold a referendum, the form of government selected is the same; and that form is as prescribed in the Act.

Article 2 of the Act describes the council form of government and reads in part:

Section 14-3720. In those counties adopting the council form of government provided for in this article, the responsibility for policy making and administration of county government shall be vested in the county council which shall consist of not less than three not more than twelve members who are qualified electors of the county. . . . [Emphasis added.]

There is no provision made, then, either expressly or impliedly, for a county supervisor in the council form of government.

If Greenwood County selects the council form of county government by either one of the two prescribed methods, the presently existing office of county supervisor will not be continued. This is not to say, however, that the term of office of the present Greenwood County Supervisor [see, § 14-2201, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended] will automatically cease at the effective date of the adoption of the council form for the Act expressly provides that all members of county governing bodies serving terms of office when a new form of county government becomes

effective will continue to serve the unexpired part of the terms for which they were elected. See, § 14–3701(e), § 14–3703.3, § 3(3)(a).

#### CONCLUSION

The opinion of this Office is, therefore, that regardless of whether the council form of government prescribed in Article 2 of Act No. 283 of 1975, the ‘home rule’ legislation, becomes the form of county government for Greenwood County by referendum pursuant to Section 14–3701(a) thereof or by the provisions of Section 14–3701(b) thereof, there is no provision made under that form of government for the office of county supervisor.

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