

1975 S.C. Op. Atty. Gen. 228 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4167, 1975 WL 22462

Office of the Attorney General

State of South Carolina

Opinion No. 4167

October 27, 1975

*1 If Anderson County selects the council-supervisor form of county government provided for in Article 3 of Act No. 283 of 1975, the 'home rule' legislation, the supervisor will serve as chairman of the council pursuant to Section 14-3730 of that Act but will not be elected to that position by virtue of Section 14-3706 of that Act.

TO: The Honorable Thomas E. Garrison

Senator

Abbeville, Anderson, Oconee and Pickens Counties

QUESTION PRESENTED

If Anderson County selects the council-supervisor form of county government provided for in Article 3 of Act No. 283 of 1975, the 'home rule' legislation, will the supervisor under that form be elected as chairman of the council pursuant to Section 14-3706 of that Act?

STATUTES, CASES, ETC., INVOLVED

Act No. 283 of 1975.

§§ 14-251, 14-851, 14-852, 14-856, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

57 STAT. Act No. 1078 at 2249 (1972).

DISCUSSION OF ISSUES

Anderson County is presently governed by a five-member board of commissioners and a supervisor who serves as the chairman of that board. See, §§ 14-851, 14-852 and 14-856, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. Pursuant to Section 14-251 of the Code, the Anderson County Supervisor is elected at large for a four-year term but that Code Section does not provide that he is to be elected to serve as chairman of the board of commissioners. Cf., 57 STAT. Act. No. 1078 at 2249 (1972) (providing, in part, that the chairman of the Aiken County Board of Commissioners is to be elected at large as a separate office).

Section 14-3706 of Act No. 283 of 1975, the 'home rule' legislation, provides in part as follows:

. . . [i]n those counties in which the chairman of the governing body was elected at large as a separate office prior to the adoption of one of the alternate forms of government provided for in this chapter, the chairman shall continue to be so elected.

Inasmuch as the Anderson County Supervisor is not currently elected as chairman of the board of commissioners as a separate office but, instead, is elected as county supervisor and serves as chairman of that board, he will not be elected as chairman of the new governing body of Anderson County if that new governing body is the council-supervisor form

provided for in Article 3 of Act No. 283. Note should be taken of the fact that Article 3 itself, in Section 14-3730 thereof provides in part:

. . . The supervisor shall serve as chairman [of the council] and vote only to break tie votes. The supervisor shall be . . . elected at large from the county in the general election for a term of two or four years. . . .

CONCLUSION

The opinion of this office is, therefore, that if Anderson County selects the council-supervisor form of county government provided for in Article 3 of Act No. 283 of 1975, the 'home rule' legislation, the supervisor will serve as chairman of the council pursuant to Section 14-3730 of that Act but will not be elected to that position by virtue of Section 14-3706 of that Act.

***2** Karen LeCraft Henderson
Assistant Attorney General

1975 S.C. Op. Atty. Gen. 228 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4167, 1975 WL 22462

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.