

1973 S.C. Op. Atty. Gen. 354 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3665, 1973 WL 21116

Office of the Attorney General

State of South Carolina

Opinion No. 3665

November 16, 1973

***1 1. When the council-manager form of government was adopted by the City of Myrtle Beach, it has the effect of superseding the older form of government, and will require the election of new officers to implement its provisions.**

2. Until officers are elected under the new form of government, the previous form of government continues, and must continue until replaced.

City Attorney
Myrtle Beach, South Carolina

You have requested the opinion of this Office, as City Attorney for the City of Myrtle Beach, upon the effect which the adoption of the council-manager form of government by the City of Myrtle Beach has upon the status of officers elected as mayor and councilmen on the same date on which the referendum was held upon the adoption of the new form of government.

The City of Myrtle Beach has heretofore operated under the commission form of government with four councilmen. At the election held recently, a mayor was voted upon, as were candidates for councilmen, to fill vacancies under the old form of government. At the same time, the voters approved the change to a council-manager form of government under the provisions of Sections 47–691, *et seq.*, Code of Laws, 1962.

It is my opinion that when the council-manager form of government was adopted at the election, it has the effect of superseding the older form of government and will require the election of new officers to implement its provisions. The new form of government requires that six councilmen be elected. This form of government similarly becomes effective thirty days after its adoption. Section 47–694, Code of Laws, 1962; Cf. 47–525, Code of Laws, 1962. After the expiration of thirty days, it is my opinion that a new election must be called for the purpose of electing the requisite officers to serve under the new council-manager form of government.

Until officers are elected under the new form of government, it is my opinion that the previous form of government continues, and must continue until replaced. [Bradford v. Byrnes](#), 221 S.C. 255, 70 S.E. 2d 228.

Daniel R. McLeod
Attorney General

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