

1972 WL 25252 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 24, 1972

*1 Mr. R. L. Plaxico
P. O. Box 356
Clinton, South Carolina 29325

Dear Mr. Plaxico:

Attorney General McLeod requested that I write you concerning the telephone conversation of yesterday. It is my understanding that the City of Clinton wishes to change from a mayor-council form of government to a council-manager form. You inquired as to how this can be done.

Sections 47-691 through 47-699.173 of the South Carolina Code Annotated are the sections which relate to the forming of a council-manager form of government. Section 47-694 states that:

Upon resolution duly passed by a majority of city council or upon the petition of registered electors qualified to vote in such city equal in number to 25 per cent of the votes cast for all candidates for mayor in the last preceding general election . . . the mayor shall, by proclamation, submit to a vote of the qualified registered electors of such city the question of adopting the form of government known as council manager form of government.

In other words, under this section, it will be necessary to have a general election on the question. However, these above-mentioned provisions pertain only to cities with populations of 7,000 to 12,000. Therefore, if a city's population is below 7,000, it may not adopt under these sections a council-manager form of government. It is my understanding that the City of Clinton has a population of about 5,000. Clinton, therefore, would not come within these provisions.

However, the city of Newberry also encountered this problem when they attempted to form a council-manager form of government, and had the General Assembly of South Carolina pass an act stating that the City of Newberry did qualify under the sections mentioned above, that is, the City of Newberry did not have a population of 7,000 people but became qualified to establish such a form of government by special act of the Legislature. I enclose a copy of that act for your consideration.

If this does not fully answer your inquiry, please advise and I will be happy to look into the matter further.

Sincerely,

Hubbard W. McDonald, Jr.
Assistant Attorney General

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