

1978 WL 207605 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1978

*1 Honorable Thomas W. Thomas
Thomas, Rushing, Goldsmith and Folks
Post Office Box 947
Lancaster, South Carolina 29720

Dear Mr. Thomas:

Your letter of April 27, 1978, to the Comptroller General has been referred to me for an appropriate response.

It is my understanding that the City of Lancaster has adopted a council form of government as provided by [Section 5-11-10, et seq., Code of Laws of South Carolina \(1976\)](#). Upon reviewing these statutory provisions as well as those in Section 5-7-10, [et seq.](#), dealing with the general structure, organization, powers, and duties of all municipalities, there appears to be no requirement for surety bonds for officers or employees of the Council. It should be noted that Section 5-13-60 would allow surety bonds in the instance of a council-manager form of government, but even this provision is clearly discretionary.

It is the opinion of this Office that the City of Lancaster could by ordinance require appropriate surety bonds, but in the absence of general legislation requiring such bonds, any action by the City would be wholly discretionary.

Should this Office be of assistance to you in the future, please let me know.

Very truly yours,

Richard B. Kale, Jr.
Assistant Attorney General

Approved by:

Frank K. Sloan
Deputy Attorney General

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