

1978 WL 35262 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 8, 1978

*1 G. P. Callison, Esquire
Greenwood County Attorney
Post Office Box 1115
Greenwood, South Carolina 29646

Dear Mr. Callison:

In response to your request for an opinion from this Office as to whether or not a county ordinance which has not been finally enacted by a county council at the time new members thereof begin their terms of office must be acted upon by the newly constituted council de novo, in my opinion, the council is a continuing body whose legislative actions carry over beyond the terms of its respective members and, consequently, any legislative action begun by one council can be finally concluded by a succeeding one without the necessity of beginning again.

As a rule:

A municipal governing body is generally considered to be a continuous body, regardless of changes in its personnel, even though the terms of all of the members expire at the same time. Accordingly proceedings which have been lawfully begun by a preceding council can be prosecuted by succeeding councils until completed and made effective. 4 McQUILLIN MUNICIPAL CORPORATIONS § 13.40 at 546 (1968 Rev. Vol.)

Where the charter makes the council a continuous body, an ordinance which has been read on two separate days before the regular election for councilmen, may, after the annual organization of the council following such election, be read a third time and passed. Id., § 13.46 at 562-563.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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