

1976 WL 30881 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 1, 1976

\*1 Mr. Julius W. McKay  
Vice-Chairman  
Richland County Council  
2020 Hampton Street  
Columbia, South Carolina 29240

Dear Mr. McKay:

You have requested an opinion from this Office as to whether or not the present five-member Richland County Council is authorized to set the salary of the eleven new Council members who assume office on January 1, 1977. In my opinion, it is pursuant to the following language of Section 14-3707, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.):

. . . [a]fter adoption of a form of government as provided for in this chapter, council shall by ordinance prescribe the salary and compensation for its members.

As you know, the council-administrator form of government became effective in Richland County as soon as the ordinance adopting the form was filed with the Secretary of State [see, § 14-3701(a) of the Code (Cum. Supp.)] and the United States Department of Justice gave its approval pursuant to Section 5 of the 1965 Voting Rights Act.

There is no provision in Act No. 283 of 1975 that I can find that would prevent the chairman of the Richland County Council from receiving a higher salary than the other Council members if the Council chooses to set a higher one for him. You should note one important change effected by Act No. 283 of 1975 vis á vis the salary and other compensation of county council members. Section 14-3707 of the Code provides that 'members may also be reimbursed for actual expenses incurred in the conduct of their official duties'; therefore, the practice of providing expense allowances or per diem reimbursements is no longer permitted and members can be reimbursed only for actual expenses incurred.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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