1975 WL 29112 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
August 29, 1975

***1 Re: Municipal Corporations—Audit**

Mr. Furman L. Pace, Sr.
Councilman
Town of City View
17 Hoyt Street
Greenville, South Carolina 29611

Dear Councilman Pace:
You have inquired as to whether the Town of City View is required to obtain a yearly audit by a certified public accountant.

At present there is no statutory requirement for such an audit; however, the 'home rule' legislation, Act 283 of 1975, includes the following provision:
'Section 47-53. The council shall provide for an independent annual audit of all financial records and transactions of the municipality and of any agency funded in whole or in part by municipal funds and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the municipal government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding four years, provided, that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year. The report of the audit shall be made available for public inspection. The council may in its discretion accept independent audits of municipal agencies and departments and include such audits in its general report of the audit of the municipality.'

This requirement will become applicable to municipalities at the beginning of the fiscal year following adoption of one of the three forms of municipal government as set out in the 'home rule' legislation. Section 6 of the Act provides that the governing body of each municipality in the State shall adopt one of the forms of government (in the manner set out therein) within fifteen months after June 25, 1975.

Therefore, although there is no present statutory requirement, municipalities will be required to obtain annual audits by certified public accountants when 'home rule' becomes effective.

If I may be of further assistance to you, please contact me.
Very truly yours,

Wade S. Kolb, Jr.
Assistant Attorney General

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