

1975 WL 29189 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
November 20, 1975

\*1 Honorable Darwin H. Wright  
Mayor  
City of Anderson  
P. O. Box 4026  
Anderson, South Carolina 29621

Dear Mayor Wright:

You have requested an opinion from this Office as to the form of government under which the City of Anderson presently operates. As you are aware, Section 47-20 of Act No. 823 of 1975, the 'home rule' legislation, provides in part as follows: The form [of municipal government] selected shall be the form most nearly corresponding to the form in effect in the particular municipality on March 1, 1974, as determined by the municipal governing body. [Emphasis added.]

As I understand your letter, the Anderson City Council is divided as to the form of municipal government currently in operation in Anderson.

After reviewing the relevant statutory provision, municipal ordinance and municipal code, I am of the opinion that the form most nearly corresponding to the form in effect in Anderson on March 1, 1974, is the council-manager form as provided for in Article 6 of Act No. 283 of 1975.

Act No. 160 of 1965 [54 STAT. Act No. 160 at 223 (1965)] provides in part as follows:

The City Council shall employ a city manager who shall be paid such salary as the council may deem advisable. The city manager shall have such powers and authority as are assigned by the city council, specifically including, but not restricted to, all administrative and routine matters and such other duties as may be assigned to him by the council. [Emphasis added.]

In an Ordinance ratified July 29, 1968, and in Article IV of the City Code, the City of Anderson has set forth the powers and duties of the city manager; those functions are very similar to those to be performed by the city manager pursuant to Article 6 of Act No. 283 of 1975. See, e.g., §§ 3, 4 and 6 of Anderson Municipal Ordinance ratified July 29, 1968, and §§ 2-69, 2-70 of Anderson City Code; compare, §§ 47-83(c), 47-88(1) through (5) of Act No. 283 of 1975 [59 STAT. Act No. 283 at 692 (1975)]. Because of these similarities in structure and functioning, my opinion is that the council-manager form of municipal government as set out in Article 6 of Act No. 283 of 1975, the 'home rule' legislation, is the form most closely resembling the form of municipal government in effect in the City of Anderson on March 1, 1974.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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