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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

January 19, 1999

Edward L. Boyd, Executive Director
Beaufort Housing Authority
Post Office Box 1104
Beaufort, South Carolina 29901

RE: Informal Opinion

Dear Mr. Boyd:

On behalf of the Beaufort Housing Authority, you have asked whether more than two of the Authority's seven commissioners can reside outside of the municipality's corporate boundaries. For the reasons set forth below, it is my opinion that a city housing authority, whose members are appointed pursuant to Section 31-3-340, may have no more than two members residing outside the corporate boundaries of the municipality.

As you know, Section 31-3-340 provides in relevant part:

When the council of a municipality adopts a resolution as provided in this chapter, the council shall appoint five persons as commissioners of the authority created for the municipality. However, *two additional commissioners may be appointed*, for terms of five years, when the authority exercises extraterritorial jurisdiction outside the corporate boundaries of the municipality. These two additional commissioners must reside in the area in which the municipality exercises its extraterritorial jurisdiction. ... (Emphasis added.)

The following rules of statutory construction are relevant here. "In interpreting any statute, the primary purpose is to ascertain the intent of the legislature." State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The court must apply the clear and unambiguous terms of the statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). If the intent of the legislature be clearly apparent from the language, the court may not embark upon a search for it outside the statute. Timmons v. South Carolina Tricentennial Commission, 254 S.C. 175 S.E.2d 805 (1975). The enumeration of certain matters in a statute excludes the idea of something else not mentioned. Pennsylvania Nat. Mut. Cas. Ins. v. Parker, 282 S.C. 320 S.E.2d 458 (Ct. App. 1984).

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Giving the words in Section 31-3-340 their plain and ordinary meaning, I must advise that in my judgment the legislature did not intend to allow more than two commissioners to reside outside the corporate boundaries of the municipality. Indeed, had the General Assembly's intent been otherwise, they could have easily inserted the words "or more" between the words "two" and "additional." Therefore, consistent with the foregoing principles of statutory construction, it is my opinion that no more than two members who reside outside the corporate boundaries of the municipality may serve on a city housing authority pursuant to Section 31-3-340.

This letter is an informal opinion. It has been written by the designated Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific question asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Sincerely yours,



Zeb C. Williams, III
Deputy Attorney General

ZCW/an