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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON  
ATTORNEY GENERAL

November 9, 1998

The Honorable McKinley Washington, Jr.  
Senator, District No. 45  
P.O. Box 247  
Ravenel, South Carolina 29470

Donald H. Howe, Esquire  
Post Office Box 598  
Charleston, South Carolina 29402

**Re: Informal Opinion**

Gentlemen:

This Office has received opinion requests from both of you concerning the St. John's Fire District. We have been informed that a question has arisen regarding the appointment of a member of the St. John's Fire Commission. The member in question lives in a portion of Johns Island that has been annexed by the City of Charleston. Due to this annexation, the member no longer lives within the boundaries of the Fire District and his fire protection is now being provided by the City of Charleston rather than the Fire District. The question asked of this Office is whether an individual need only be a resident of Johns Island to serve on the Fire District Commission or whether an individual must reside within the Fire District to properly serve on the Fire District Commission.

The St. John's Fire District was created by Act No. 369 of 1959. The Act has been amended on several occasions, including by Act 727 of 1978. Act 727 provides in pertinent part as follows:

"Section 4. The district shall be governed by the St. John's Fire Commission which shall consist of seven qualified electors of the district, four of whom shall be residents of Johns Island, one of whom shall be a resident of Seabrook Island, one of whom shall be a resident of Wadmalaw Island and one of whom shall be a resident of Kiawah Island. ..." (emphasis added).

*Request Letter*

The Honorable McKinley Washington, Jr.  
Donald H. Howe, Esquire  
Page 2  
November 9, 1998

Act 727 sets forth two requirements for the appointment of a resident of Johns Island to the Fire Commission. The individual in question must not only be a resident of Johns Island, but must also be a qualified elector of the Fire District. One of the factors needed to be a qualified elector is residence within the appropriate political unit. See Ops. Atty. Gen. Dated April 16, 1982 and March 24, 1980; See also S.C. Const. art. XVII, § 1; S.C. Code Ann. § 7-5-120. Therefore, residence on Johns Island, in and of itself, is not enough in this situation. The individual would also have to be a qualified elector of the Fire District. This would require that the individual reside within the Fire District.

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

With kindest regards, I remain

Very truly yours,



Paul M. Koch  
Assistant Attorney General