



ALAN WILSON
ATTORNEY GENERAL

July 07, 2025

The Honorable Everett Stubbs
Member
South Carolina Senate
506 Gressette Bldg.
Columbia, SC 29201

Dear Senator Stubbs:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter forwards a request from the Chester Fire District Commission Board regarding the following:

Is the Chester Fire District required by law to contract with the City of Chester for the provision of fire protection services to the district, or may the district lawfully determine the most appropriate provider to fulfill its statutory obligation to deliver such services?

The enabling legislation-Act No. 1779 of 1972-states that the district "shall seek to negotiate a contract with the City of Chester for providing fire service within the district." However, the Chester Fire District Board believes that the legislative intent of this language is not to mandate a perpetual contractual relationship in which the City of Chester is the exclusive service provider. Rather, the Board believes that the Act envisions that the Chester Fire Protection District is the entity responsible for fire protection within the district, and that any reference to a contract with the City was to facilitate initial coordination and support, not to create a binding obligation to outsource such services to the City indefinitely.

Furthermore, the City of Chester has consistently refused to provide any substantiation or cost breakdown for the annual fire protection contract amounts charged to the district. The contract is renewed each year, typically at an increased cost, without documentation or financial transparency. When the District Board requested justification for the contract pricing, the City responded that such information is solely under the City's purview and declined to provide any details.

As a result, the Chester Fire District Board, which is appointed by the Governor and charged with fiduciary responsibility to the taxpayers of the district, is left

without the necessary oversight or tools to ensure that public funds are being spent responsibly. This concern is compounded by the City's position that it is the only entity with which the district may legally contract fire protection services.

Law/Analysis

This Office agrees with the Chester Fire District Commission's (the "Commission") assessment of its responsibilities regarding fire protection services within the district. As stated in the Commission's letter, the Chester Fire District and the Commission were established by Act No. 1779 of 1972 (the Act). Therein, the legislation refers to the Commission contracting with the City of Chester in two sections. Section 3 of the Act, titled "Officers-duties," outlines the initial steps the commission members were to take to determine whether it was feasible to "operat[e] a system of fire protection within the district." Those steps include the following:

The commission shall organize by electing a chairman, vice-chairman, secretary and treasurer who shall serve in their respective offices for a period of two years. The commission shall investigate the feasibility of operating a system of fire protection within the district by studying operational costs, capital costs, and benefits to the residents of the district. The commission shall seek to negotiate a contract with the City of Chester for providing fire service within the district. Upon the completion of the said study, a report of the commission shall be made to the Chester County Board of Directors and such report shall contain a recommendation of the commission as to the commission's opinion as to the feasibility of the fire district becoming functional or recommending that it is not found feasible for it to become functional. In the event the commission recommends the fire district to become functional and the commission assume responsibility for fire protection in the district, then the commission shall submit to the County Board of Directors a proposed budget and a proposed plan of operation which shall include a proposed contract of operation with the City of Chester, which will have been mutually agreed upon, and a request for the approval of sufficient tax millage by said Board of Directors to finance the costs of such fire protection in the district. The said County Board of Directors shall be responsible for approving all tax assessments within the district for fire protection purposes.

Id. (emphasis added). The directives to "seek to negotiate a contract with the City of Chester" and to submit "a proposed contract of operation with the City of Chester, which will have been mutually agreed upon" were clearly intended to occur prior to the Commission becoming responsible for providing fire protection service within the district. Id. Section 4 of the Act, titled

“Powers,” includes powers that the Commission would have after it recommends the fire district become functional and the county approves the tax levy for the district.

Upon the approval of a tax levy by the County Board of Directors, the commission will be charged with the responsibility of fire protection in the area within the district and shall have the following powers:

(1) To contract with the City of Chester for providing fire services within the district.

(2) With the approval of the County Board of Directors, the commission shall have the power to borrow money in anticipation of taxes pledging the full faith and taxing power of the district for payment of such indebtedness.

(3) To do such other things as may be necessary to carry out the responsibility of providing fire protection within the district.

1972 Act No. 1779, § 4 (emphasis added). The first listed power authorizing the Commission to contract with the City of Chester for fire services in the district clearly demonstrates the General Assembly anticipated the contract negotiated and mutually agreed upon in section 3 would be executed if County Board of Directors accepted the commission’s recommendation regarding feasibility. However, the plain language of section 4 does not require that the City of Chester provide fire services in the district exclusively nor in perpetuity. See Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) (“Where a statute’s language is plain and unambiguous, ‘the text of a statute is considered the best evidence of the legislative intent or will.’”). While the General Assembly may have envisioned the City of Chester would provide fire services to the district, the Commission was also granted broad authority “[t]o do such other things as may be necessary to carry out the responsibility of providing fire protection within the district.” 1972 Act No. 1779, § 4(3). What other things may be necessary to provide fire protection within the district is factual question beyond the scope of this Office’s opinions, but a court would likely find those things reasonably include renegotiating with the City of Chester for the provision of fire services, negotiating with alternative parties for fire services if feasible, and/or developing its own fire service.

Conclusion

For the reasons discussed more fully above, it is this Office’s opinion that Act No. 1779 of 1972 does not require the Chester Fire District Commission to contract with the City of Chester for the provision of fire services within the district exclusively nor in perpetuity.

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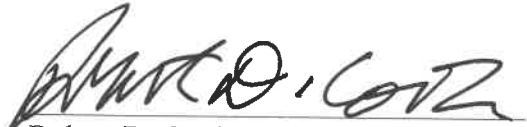
July 07, 2025

Sincerely,



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General