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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

May 22, 2002

Mike Hodges, Director
Jasper County Emergency Services
P.O. Box 2365
Ridgeland, South Carolina 29936

Re: Your Letter of March 13, 2002

Dear Mr. Hodges:

In your above-referenced letter, you ask for an opinion on the following question: "if Jasper County owns the equipment that the fire district uses, should Jasper County be in control of how it is operated?"

The answer to your question depends on how the fire district was created. If the district was established by Act of the General Assembly, then the terms of the Act must be reviewed. In most instances, where a fire district has been created by legislative act, some sort of commission or board has been established which is responsible for running the district. Generally, these commissions or boards are given the authority to purchase equipment, select sites or places to keep equipment, provide for and select drivers and volunteer firemen, procure and supervise the training of the firemen, provide for the upkeep of the equipment, promulgate rules and regulations, and borrow funds for the benefit of the district. See OP. ATTY. GEN. Dated December 13, 1995 (relating to Act No. 879 of 1960 which established the Croft Fire District in Spartanburg County). If the creation of the Jasper County fire district referenced in your question was created by an Act of the General Assembly with similar provisions as above, then the control of the equipment used by the district would most likely be within the control of the fire district's board or commission.¹

If, on the other hand, Jasper County Council has assumed responsibility for providing fire protection services and purchasing the fire equipment to be used pursuant to the powers given it by S.C. Code Ann. §4-9-30, then it appears that Council itself would ultimately be responsible for the equipment used to provide the fire protection services. This Office reached a similar conclusion in

¹ In responding to your letter, I reviewed the Index to Local Laws for Jasper County. I was unable to find any reference to an Act of the General Assembly related to the creation of a fire district in Jasper County. You may wish to confirm this with the Jasper County Attorney.

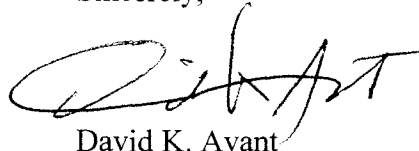
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a February 19, 1986 opinion wherein we stated that "[b]ecause Abbeville County has assumed responsibility ... for providing fire protection services ... it would appear to be appropriate that Council enter into contracts for lease or purchase of fire trucks..."

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 question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "DKA", written over the printed name.

David K. Avant
Assistant Attorney General

DKA/an