

1982 WL 189460 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 13, 1982

*1 W. Jerry Fedder, Esquire
Fedder, Derrick, Ritter & Williams
Post Office Box 795
Seneca, South Carolina 29678

Dear Mr. Fedder:

Your letter of October 7 to Mr. McLeod has been referred to me for reply. It appears that in 1955, the General Assembly created a water district whose boundaries were coterminous with Oconee County and that soon thereafter that body ceased its activity and has been inactive ever since. Your first question is whether that water district is still a valid entity. There appears to be no question that it is; there are a number of cases cited in 56 Am.Jur.2d., Municipal Corporations, § 91 which hold that the powers of a municipality (and by implication, a special purpose district) do not lapse solely because of nonuser.

You have also asked whether the Act may be amended so that its functions, the appointment of its commissioners, etc., would be appropriate for the present County Council form of government. It appears that any amendment to this statute would clearly violate [Article 8, § 7 of the South Carolina Constitution](#) which provides that no law for a specific county shall be enacted. Whatever the law may have been before 1973 when this section of the Constitution was ratified, there seems to be little question that it would prohibit any further amendment to the 1955 statute.

Finally, you have asked whether Oconee County, through and by means of this water district, could engage in the 'water business.' I am not sure exactly what this question means, unless it refers to the county contracting to take over the operations of whatever water service the authority might be able to provide. In any event, any involvement by a county with the water business would, in my opinion, require a referendum pursuant to [Article 8, § 16 of the South Carolina Constitution](#), for the same reasons set forth in my letter to you dated February 16, 1982.

Sincerely yours,

Kenneth P. Woodington
Senior Assistant Attorney General

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