

1980 WL 121146 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1980

*1 G. Ross Anderson, Jr., Esquire
Pendleton Town Attorney
Post Office Box 2167
Anderson, South Carolina 29621

Dear Ross:

I have looked at the statutes involved in the Town of Pendleton-Sandy Springs Water District controversy and I think that my original opinion to Senator Garrison is correct for the following reason: notwithstanding the language of Act No. 363 of 1969 to the effect that ' . . . the Authority shall not sell water to be used by persons or private corporations within the corporate limits of such municipalities or areas now served by municipalities without the consent of the municipal officers of such municipalities,' this prohibition applies only to the Authority and not to the water districts (like Sandy Springs Water District) authorized by that Act to be created pursuant to Act No. 1022 of 1964. There is no language in Act No. 1022 of 1964 similar to the above-quoted language of the 1969 legislation. If the Sandy Springs Water District buys from the Anderson County Water Authority the water which it proposes to provide to the Westinghouse service area (that is, the area that was being supplied by the Town of Pendleton as early as September, 1971), then, perhaps, the prohibition will operate to prevent the Sandy Springs Water District from supplying water to that area without the consent of the Town of Pendleton.

Please let me know if this is the case and, if so, I'll be glad to write to Senator Garrison. Also, if you do not agree with my conclusion, I'll be happy to discuss it further with you.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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