

1980 WL 121150 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 7, 1980

*1 C. Wesley Smith, Esquire
Attorney at Law
Post Office Box 1584
Aiken, South Carolina 29801

Dear Mr. Smith:

In response to your request for an opinion from this Office regarding the applicability of [Sections 6-11-410 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, to a special purpose district created pursuant to [Sections 6-11-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, my opinion is that they do not apply.

[Sections 6-11-410 et seq.](#) provide the method by which the service area and the governing body of a special purpose district 'created by act of the General Assembly prior to March 7, 1973' [[§ 6-11-410\(a\)](#)] can be altered by county councils. A special purpose district which exists pursuant to [Sections 6-11-10 et seq.](#) exists not by virtue of an act of the General Assembly but, instead, by an affirmative vote in an election called for by petition. See, [§§ 6-11-20 and 6-11-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

The opinion dated October 23, 1979, and issued to C. Clyde Hooks, Chairman of the Belvedere Fire District Commission, was based on the erroneous assumption that the Belvedere Fire District was created by an act of the General Assembly and not by the petition and election method. Inasmuch as the Belvedere Fire District was in fact established pursuant to [Sections 6-11-410 et seq.](#) do not apply, in my opinion, and the Aiken County Council is without authority to act upon a petition presented to it pursuant to [Sections 6-11-410 et seq.](#) I apologize for any inconvenience which my previous opinion may have caused.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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