

1979 WL 43126 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 23, 1979

*1 Mr. C. Clyde Hooks
Chairman
Belvedere Fire District Commission
204 Hampton Avenue
Belvedere, South Carolina 29841

Dear Mr. Hooks:

In response to your request for advice from this Office concerning the expansion of the Belvedere Fire District boundaries, [Section 6-11-420, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, provides in part as follows:

Each county board [county council] . . . shall, upon the petition of the commissions of the special purpose districts to be affected, take the action authorized by this article to enlarge, diminish or consolidate any special purpose districts lying within such county. In each such instance, by resolution duly adopted, the county board shall order a public hearing to be held for the purpose of making a determination as to whether and to what extent a special purpose district shall be enlarged, diminished or consolidated. [Emphasis added.]

The language hereinabove emphasized makes clear that the county council has a duty to order a public hearing and take the other steps set out by the statute on the question of altering the service areas of special purpose districts situated within the county once a petition requesting such action is submitted to it by the governing body of the special purpose districts concerned. Assuming that the Belvedere Fire District is the only one affected by its requested expansion and that its petition complies with the statutory requirements and is otherwise proper, my opinion is that the Aiken County Council must carry out its duties as set forth in the provisions of Title 6, Chapter 11, Article 3 of the 1976 Code.

I am returning herewith the material which you furnished this Office.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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