



HENRY McMASTER
ATTORNEY GENERAL

August 18, 2008

The Honorable Donald C. Smith
Member, House of Representatives
828 Richland Avenue, West
Aiken, South Carolina 29801

Dear Representative Smith:

We understand from your letter that a request has been made for you to increase the membership on the Belvedere Fire District's Board of Commissioners (the "Board"). Thus, we "are inquiring as to the possibility of the expansion of this board." Furthermore, you ask: "If so, how is that accomplished?"

Law/Analysis

Based upon prior opinions of this Office, it is our understanding that the Belvedere Fire District was organized under the provisions of article 1 of chapter 11 of title 6 of the South Carolina Code. Ops. S.C. Atty. Gen., April 20, 1994; March 23, 1981; April 7, 1980. Section 6-11-60 of the South Carolina Code (2004) pertains to the establishment special purpose or public service districts. This provision provides as follows

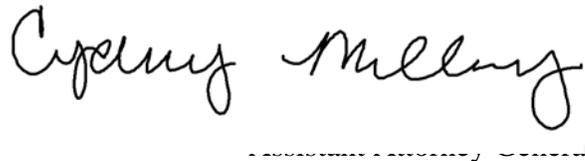
At such election the qualified voters shall vote "Yes" or "No" on the establishment of such electric light, water supply, fire protection and sewerage district and of the electric light, water supply, fire protection and sewerage plant and at the same election they shall vote on the election of three commissioners of the district who shall hold office for a period of six years and until their successors are elected and qualified, the members of the first commission, however, to have terms of office of two, four and six years. Thereafter a commissioner shall be elected at each State biennial election.

(emphasis added). Thus, according to this provision, boards representing special purpose or public service district have three members. Therefore, presuming our understanding that the Board was created pursuant to article 1 of chapter 11 of title 6 is correct, the only way to change the number of members on the Board is by an amendment to section 6-11-60.

The Honorable Donald C. Smith
Page 2
August 18, 2008

Very truly yours,

Henry McMaster
Attorney General



.....,

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Assistant Deputy Attorney General