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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

September 3, 1999

The Honorable Harry F. Cato
Member, House of Representatives
407 Blatt Building
Columbia, South Carolina 29211

RE: Informal Opinion

Dear Representative Cato:

You have asked for an opinion of this Office on the following issues: "May the Attorney General become involved in settling boundary disputes (a) for an area/district created before home rule and (b) for an area/district created after home rule?"

Generally, State law does not authorize this Office to issue opinions to or advise county or municipal governments, special purpose districts, or similar entities. S.C. Code Ann. §§ 1-7-90; 1-7-100; 1-7-110. There are, however, certain limited situations where this Office will advise such entities. South Carolina Attorney General, Office Manual, page 55. Unfortunately, the issue presented in your request would not appear to be one of those situations.

This Office does not normally advise or intervene in a boundary dispute between a special purpose district and another political subdivision. This would be the case whether the district was created before or after home rule. The settling of this type of dispute would not only involve a factual determination, but also a factual investigation. Because this Office does not have the authority of a court or other fact-finding body, we are not able to adjudicate or investigate factual questions. Op. Atty. Gen. dated October 9, 1985. Unlike a fact-finding body such as a legislative committee, and administrative agency or a court, we do not possess the necessary fact-finding authority and resources required to adequately determine difficult factual questions such as the proper boundaries of political subdivisions.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific

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questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,



Paul M. Koch
Assistant Attorney General