

OFFICE OF THE
ATTORNEY GENERAL

DON SIEGELMAN
ATTORNEY GENERAL
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STATE OF ALABAMA

FEB 17 1989

(BUT, SEE OPINION NO.
94-00207 CONCERNING
SATELLITE COURTHOUSES)

Honorable William O. Walton, Jr.
Attorney at Law
213 Avenue A, S. E.
Lafayette, AL 36862

County Commissions -
Courthouses - Public Meetings

Regular and special meetings of Chambers County Commission must be held in county seat of Chambers County, which is Lafayette. Such meetings may be held at location other than courthouse if courthouse is found to be inadequate. If location other than courthouse is used, it must be a convenient one in county seat.

Dear Mr. Walton:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Can the Chambers County Commission legally hold any of its regular or special meetings at locations within the county other than at the courthouse or in the county seat?

FACTS AND ANALYSIS

Our research reveals that your question has been answered in a prior Attorney General's opinion addressed to Honorable James A. Avary, who was the former attorney for Chambers County. In that opinion, a copy of which is attached, this office held that the Chambers County Commission must hold its regular weekly meetings at the county seat, i.e., in Lafayette.

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Moreover, Code of Alabama 1975, § 11-3-11(a)(1) provides that the county commission is empowered to designate rooms to be occupied by the officers entitled to rooms in the courthouse and to change the designation of the rooms for officers as it may deem best and most expedient. That statute further states that in the event the courthouse is inadequate to supply office rooms, the county commission may lease office rooms in a convenient location in the county site and pay the rental from the county fund.

Under the provisions of § 11-3-11(a)(1), supra, it is the opinion of this office that the county commission may hold its regular or special meetings in a location other than the courthouse if the courthouse is found to be inadequate. However, if a location other than the courthouse is used, it must be a convenient location in the site of the county seat, which is, of course, Lafayette.

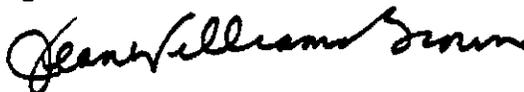
CONCLUSION

The regular and special meetings of the Chambers County Commission must be held in the county seat of Chambers County, which is Lafayette. Such meetings may be held at a location other than the courthouse if the courthouse is found to be inadequate. If a location other than the courthouse is used, it must be a convenient one in the county seat.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:



JEAN WILLIAMS BROWN
Assistant Attorney General

DS/JWB/jho

Attachment

02350

brought about by the solid waste act which has now become law. It was the Grand Jury's thinking that if these unsightly dumping places were cleaned up, that perhaps the people who are now dumping at these places would take more pride and our County would be made more beautiful.

"In response to this Grand Jury recommendation, the County Commissioners advised that there was no authority under the law for them to go on private property and clean these garbage dumps up. Would you please advise so that I might advise the Grand Jury and County Commissioners, whether or not the Court of County Commissioners in St. Clair County would be authorized under the law to begin cleaning these dumps on the right of way of the public roads and to go further and clean the dumps that have extended to the private property adjoining the right of way.

"The Grand Jury of this County is meeting on October 10, 1973 and if at all possible, would like to have you reply to this inquiry by this time."

Subsection (b) of Section 3 of the Solid Waste Act (Act No. 771, Regular Session 1969) provides as follows:

"UNAUTHORIZED DUMPS: The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful, and shall be abated by authority granted under Title 22, Section 75 and 76 of the Code of Alabama, 1940, and such existing dumps shall be eliminated by removal, or on-site burial within the feasible time limitations as specified under Section 4 of this Act."

It is the opinion of this office that all county and municipal governing bodies not only have the authority but are required under the above-cited statute to eliminate by removal or on-site burial any unauthorized dump regardless of whether it is on public or private property.

If we may be of further assistance, please advise.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

October 16, 1973

Honorable James A. Avary
Attorney for Chambers County
P. O. Drawer 409
Lanett, Alabama 36863

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Constitution of Alabama 1901, Section 41.

Seat of county government cannot be moved without referendum.

Title 12, Section 12(1), Code of Alabama 1940, Recompiled 1958.

Opinion by Assistant Attorney General Lurie.

Dear Mr. Avary:

Your request for an opinion dated September 27, 1973, is as follows:

"I am county attorney for Chambers County, and I would appreciate your opinion whether the Chambers County Commission can hold its regular weekly meetings within the city limits of Lanett, which is within Chambers County, rather than at the court house in LaFayette, the county seat.

"For your information, I enclose a copy of the Bill which establishes the commission form of county government in Chambers County.

"When you have had a chance to consider this matter, I would appreciate your calling me by telephone in hopes that I can be of assistance to you."

It is the opinion of this office that the Chambers County Commission must hold its regular weekly meetings at the county seat, that is, in LaFayette.

The provisions of Section 41 of the Constitution of Alabama of 1901 prohibit the removal of the county site without the vote of the people.

The establishment of the county seat was for the purpose of providing a site for the people in the county to attend the meetings of the county governing body and it was for this reason that the constitutional provision was adopted. Changing meeting place would work a hardship on those seeking to attend as well as on the members of the governing body. The business of the county governing body is the business of the people of the county and should be conducted at the site selected as the county seat which, in this case, is LaFayette.

Title 12, Section 12(1), Code of Alabama 1940, Recompiled 1958, provides that the commissioners' court has sole power to locate the courts in the rooms of the courthouse and further provides that, in the event the courthouse is inadequate, the court may provide offices in a convenient location in the county site. (Emphasis supplied.)

Yours very truly,

WILLIAM J. BAXLEY
Attorney General