



2009-031

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

January 15, 2009

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Honorable D'Wayne May
Probate Judge and Chairman
Choctaw County Commission
117 South Mulberry - Suite 9
Butler, Alabama 36904

Counties – Real Property – Competitive
Bid Law – Land Sales Act – Contracts

Pursuant to section 11-14-2 of the Code
of Alabama, Choctaw County does not
have to use the bid process when
selling real estate that is owned by the
county that may be lawfully disposed.

Dear Judge May:

This opinion of the Attorney General is issued in response to your
request on behalf of the Choctaw County Commission.

QUESTIONS

After a review of the contract, do you find
any provisions/terms contained therein to be in
violation of Alabama law?

After a review of the contract, do you find
the sale of this landfill to be subject to the bid
laws of the State of Alabama?

FACTS AND ANALYSIS

In your letter of request, you stated that the Choctaw County Com-
mission has entered into a contract with Landfill Management of Alabama
to sell a 240-acre parcel of property owned by Choctaw County that cur-
rently contains a 40-acre permitted landfill. In a supplemental conver-
sation, you informed this Office that the county purchased the

contemplated property from a private company. As such, the Land Sale Act does not apply to your inquiry regarding the sale of land.

In your initial question, you seek guidance from this Office regarding whether any provisions/terms contained within the contract may be in violation of Alabama law. It is not within the scope of the Attorney General's authority to review contracts to determine if all aspects of the contracts are legal and enforceable. This Office addresses specific questions of law and provides advice regarding interpretations of statute and law. *See, generally*, ALA. CODE § 36-15-1(a) (2001).

In your second question, you ask whether the bid law is applicable to the sale of the land. Section 11-14-2 of the Code of Alabama authorizes the county commission to dispose of county property that can be lawfully disposed. Specifically, this section states as follows:

The county commission shall have control of all property belonging to the county and may, by an order to be entered on its minutes, direct the disposal of any real property which can be lawfully disposed, and direct the chairman of the county commission to make titles thereto and a conveyance made by the chairman of the county commission in accordance with such order invests the grantee with the title of the county.

ALA. CODE § 11-14-2(1989). Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Based on section 11-14-2, a county is not required to dispose of real property through the bid process. *See, generally*, opinion to the Honorable Charles Hayes, Chairman, Wilcox County Commission, dated June 10, 1988, A.G. No. 88-00323.

CONCLUSION

Pursuant to section 11-14-2 of the Code of Alabama, Choctaw County does not have to use the bid process when selling real estate that is owned by the county that may be lawfully disposed.

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I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/MMG
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