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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Gerald Allen  
Member, House of Representatives  
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Tuscaloosa, Alabama 35407

Sunshine Law - Boards - Executive  
Sessions - Public Meetings - Tuscaloosa  
County

When a closed meeting is held to discuss  
the character of an individual by a city,  
county, or school board, etc., the names of  
the members present at that meeting should  
be disclosed.

Dear Representative Allen:

This opinion of the Attorney General is issued in response to your  
request.

QUESTION

When a closed meeting is held to discuss the  
character of an individual by a city, county, or school  
board, etc., can the names of the members present be  
given out?

FACTS AND ANALYSIS

Section 13A-14-2 of the Code of Alabama provides, in part, as follows:

(a) No executive or secret session shall be held  
by any of the following named boards, commissions or  
courts of Alabama, namely: Alabama Public Service  
Commission; school commissions of Alabama; board of  
adjustment; state or county tax commissions; any  
county commission, any city commission or municipal  
council; or any other body, board or commission in the  
state charged with the duty of disbursing any funds

belonging to the state, county or municipality, or board, body or commission to which is delegated any legislative or judicial function; except, that executive or secret sessions may be held by any of the above named boards or commissions when the character or good name of a woman or man is involved.

ALA. CODE § 13A-14-2 (1994).

The entities to which the "Sunshine Law" applies are only those governed by a group of individuals who sit as a deliberative body to set policy regarding the public matters with which the entity is entrusted. *Advertiser Co. v. Wallis*, 493 So. 2d 1365 (Ala. 1986). Under the "Sunshine Law," all meetings of the bodies named, whether formal or informal, whether or not an official vote is taken, must be open to the public, except where the character or good name of a person is involved. *Dale v. Birmingham News Co.*, 452 So. 2d 1321 (Ala. 1984). The right to public access extends to the entire process from public policy discussion and formulation through adoption and enforcement. *Id.* Otherwise, business could be conducted in secrecy and public meetings held only to ratify decisions already made in secret. *Id.*

The Legislature intended by the use of the words "character" or "good name" to permit executive sessions only when there is a discussion of a person's general reputation, i.e., the estimate that the public places on an individual, his reputation, good or bad, and his personal attributes. *Miglionico v. Birmingham News Co.*, 378 So.2d 677 (Ala. 1979). It might also include such personal traits as honesty, loyalty, integrity, reliability, and other such characteristics, good or bad, that make up a person's individual personality. *Id.* A discussion of any person relating to any such matters may therefore be permitted in an executive session. *Id.*

The Legislature, however, saw fit not to include any exceptions other than the one governing "character or good name." *Dale*, 452 So. 2d at 1323. That omission in the Alabama statute was pointed out to the Legislature, and the Legislature has not amended the statute. *Id.* The public meeting requirement is for the benefit of the public to ensure that it has the opportunity to become informed as to the affairs of its governmental bodies. It is intended that the whole deliberative process be open to public scrutiny, rather than that there be the mere formal announcement of decisions already made in private. *Miglionico*, 378 So. 2d at 680. If a closed session is held, nothing other than an individual's good name or character may be discussed. *Auburn Univ. v. Advertiser Co.*, 867 So. 2d 293 (Ala. 2003). This is the only information that may remain "secret." The names of the persons attending the meeting would not be included in the definition of those matters that may be kept private and out of the public eye.

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CONCLUSION

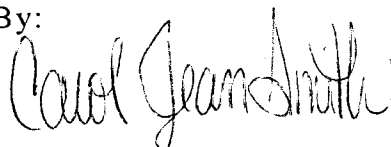
When a closed meeting is held to discuss the character of an individual by a city, county, or school board, etc., the names of the members present at that meeting should be disclosed.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ben Albritton of my staff.

Sincerely,

TROY KING  
Attorney General

By:

A handwritten signature in cursive script that reads "Carol Jean Smith".

CAROL JEAN SMITH  
Chief, Opinions Division

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