

# OFFICE OF THE ATTORNEY GENERAL



94-00207

JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

JUL - 7 1994

ALABAMA STATE HOUSE  
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Honorable Robert A. Wills  
Attorney, Baldwin County Commission  
Wills & Simon  
P.O. Box 547  
Bay Minette, AL 36507

County Commissions - Public  
Meetings - Courthouses -  
Branch Offices

The Baldwin County Commission  
may hold its official  
commission meetings in either  
one of the branch or  
satellite courthouses in  
Foley and Fairhope.  
Reasonable public notice of  
the meeting should be given.

The holding of the commission  
meeting in either one of the  
branch courthouses does not  
affect the 160-day limitation  
for use of the courthouses by  
the circuit and district  
courts for non-jury  
proceedings.

Dear Mr. Wills:

This opinion is issued in response to the Baldwin County  
Commission's request for an opinion from the Attorney General.

## QUESTIONS

Can the Baldwin County Commission hold its  
official commission meetings in either one

of the satellite courthouses located in  
Foley and Fairhope in Baldwin County?

Would the holding of official commission  
meetings in either satellite courthouse be  
construed as the use of said satellite  
courthouses pursuant to Section 1 of Act  
No. 88-384 so as to affect the 160-day  
limitation as cited therein in light of  
the fact that the Baldwin County  
Commission is a court of record?

#### FACTS AND ANALYSIS

Pursuant to Act No. 155, Acts of Alabama 1972, the  
Baldwin County Commission is authorized to provide branch  
offices in the southern portion of the county for the probate  
judge, the tax assessor and the tax collector from October 1  
through January 15 annually. Act No. 88-384 authorizes the  
circuit and district court judges of the 28th Judicial  
Circuit to conduct non-jury court proceedings in the branch  
courthouses in Foley and Fairhope not to exceed a total of  
160 days during any year at both locations. This Act was  
approved by a referendum provided in Section 4 of the Act as  
required by Amendment No. 81 of the Alabama Constitution.  
Pursuant to these acts the County Commission currently  
operates satellite courthouses in Foley and in Fairhope.

In a prior opinion to Honorable William O. Walton, Jr.,  
Attorney, Chambers County, dated February 17, 1989, A.G. No.  
89-00177, this office held that regular and special meetings  
of the Chambers County Commission must be held in the county  
seat of Chambers County and could only be held at a location  
outside the courthouse if the courthouse is found to be  
inadequate. However, that opinion did not indicate that  
branch courthouses had been established in Chambers County.

Branch or satellite courthouses may be established by  
legislative act outside the county seat. Board of Revenue v.  
Huey, 195 Ala. 83, 70 So. 744 (1916). Since Baldwin County  
has two branch courthouses, it is our opinion that the county  
commission may hold its official commission meetings in  
either one of the branch courthouses. It is further our  
opinion that the holding of the official commission meetings  
in either of the branch courthouses would not be construed as  
the use of branch courthouses which would affect the 160-day  
limitation as set forth in Act No. 88-384. This Act

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specifically limits the number of days the circuit and district courts may conduct non-jury court proceedings and makes no reference to county commission meetings.

We note that if the County Commission determines that it will hold an official commission meeting in either of the branch courthouses, reasonable public notice of the meeting should be given. See Slawson v. Alabama Forestry Commission, [Ms. No. 1921309, January 14, 1994] \_\_\_ So. 2d \_\_\_ (Ala. 1994).

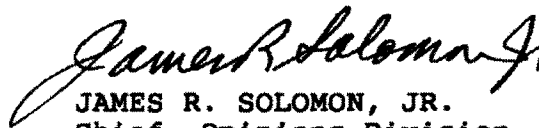
#### CONCLUSION

The Baldwin County Commission may hold its official commission meetings in either one of the branch or satellite courthouses in Foley and Fairhope. Reasonable public notice of the meeting should be given. The holding of the commission meeting in either one of the branch courthouses does not affect the 160-day limitation for use of the courthouses by the circuit and district courts for non-jury proceedings.

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

Sincerely,

JIMMY EVANS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JE/BFS

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