



2009-006

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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October 21, 2008

Honorable Laura V. Hall  
Member, House of Representatives  
100 St. Clair Avenue, Suite A  
Huntsville, Alabama 35801

Open Meetings Act – Health Care  
Authorities – Exemptions – Madison  
County

The board meetings of the Health  
Care Authority of the City of  
Huntsville are not subject to the  
Open Meetings Act.

Dear Representative Hall:

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

QUESTIONS

Is the Health Care Authority of the City of  
Huntsville subject to the Open Meetings Act?

If so, can the public request to be placed  
on the agenda to speak at the meetings and have  
access to the approved executive minutes?

FACTS AND ANALYSIS

The Health Care Authority of the City of Huntsville (“Authority”) is organized under section 22-21-310, *et seq.*, of the Code of Alabama. ALA. CODE § 22-21-310 to § 22-21-359 (2006). Section 22-21-316 of the Code provides for the holding of regular and special meetings by the board of directors of the Authority and specifically provides that none of the meetings shall be subject to “the provisions of Chapter 25A, Title 36 or other similar law.” ALA. CODE § 22-21-316 (2006). Chapter 25A of title 36 is the codification of the Open Meetings Act. Thus, the meetings

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of the Authority are specifically exempted from the provisions of the Open Meetings Act.

Furthermore, section 36-25A-11 of the Open Meetings Act provides that any exclusions from the application of the Sunshine Law that were in effect before the adoption of the Open Meetings Act shall remain in effect and any reference to section 13A-14-2 of the Code shall be changed to refer to the new sections of the Open Meetings Act. ALA. CODE § 36-25A-11 (Supp. 2007). Accordingly, board meetings of the Authority are not subject to the Open Meetings Act.

This Office has been informed that the Authority has adopted, as a part of its articles of incorporation or bylaws, a policy of holding one monthly meeting of the board of directors that shall be open to the public and members of the public may request to be placed on the agenda to speak at these public meetings. Thus, members of the public may attend these "public" meetings, may request to be placed on the agenda of these "public" meetings, and may have access to any minutes of these "public" meetings.


#### CONCLUSION

The board meetings of the Health Care Authority of the City of Huntsville are not subject to the Open Meetings Act.

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

Sincerely,

TROY KING  
Attorney General  
By:

  
BRENDA F. SMITH  
Chief, Opinions Division

TK/BFS

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