

SUPREME COURT OF ALABAMA

Walker Cnty. Comm'n v. Kelly

262 So. 3d 631 (Ala. 2018) · Decided March 9, 2018

SUMMARY

The Alabama Supreme Court dismissed the Walker County Commission's appeal from a circuit-court judgment concerning the Alabama Open Meetings Act and the quasi-judicial activities of the Walker County Civil Service Board. The court held that the Commission's complaint did not present a bona fide justiciable controversy and instead sought an advisory opinion regarding the Board's future compliance with the Act. Because the circuit court lacked subject-matter jurisdiction, the Supreme Court dismissed the appeal and instructed the circuit court to vacate its judgment and dismiss the case without prejudice.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Wise, Justice; Stuart, C.J.; Bolin, J.; Parker, J.; Shaw, J.; Main, J.; Bryan, J.; Sellers, J.
JURISDICTION	Alabama
DECIDED	March 9, 2018
DISPOSITION	dismissed
PROCEDURAL POSTURE	The Walker County Commission appealed a Walker Circuit Court judgment ruling that the Commission lacked standing to bring claims under the Alabama Open Meetings Act, that the Civil Service Board was not required to comply with the Act when acting in a quasi-judicial capacity, and that the Commission was responsible for the Board's attorney fees.
STANDARD OF REVIEW	Subject-matter jurisdiction and justiciability are jurisdictional matters that the appellate court must consider, including ex mero motu.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Walker County Commission, Keith Davis, Bobby Nunnelly, Steven Aderhold, Billy Luster v. David Kelly, Rufus Reed, Donald Baxter, Raymond Bennett, Gary Davis

TOPICS

subject matter jurisdiction

declaratory judgment

appellate jurisdiction

appellate procedure

civil procedure

PRACTICE AREAS

Appellate procedure

Civil procedure

Municipal law

Administrative law

Declaratory relief

QUESTIONS PRESENTED

1. Whether the Alabama Supreme Court could reach the merits of the Commission's Open Meetings Act and related claims when the complaint failed to allege an actual, present controversy.
2. Whether the circuit court had subject-matter jurisdiction over an action seeking declaratory and injunctive relief that amounted to a request for an advisory opinion.
3. What disposition was required when the circuit court's judgment was entered without subject-matter jurisdiction.

HOLDINGS

1. A declaratory-judgment action requires a bona fide existing controversy of a justiciable character between parties with adverse legal interests; a complaint seeking clarification of how the Alabama Open Meetings Act would apply in future circumstances, without alleging an actual controversy, seeks an impermissible advisory opinion.
2. Because the complaint presented no justiciable controversy, the circuit court lacked subject-matter jurisdiction; its judgment was absolutely void and could not support an appeal.
3. The appeal must be dismissed, with instructions for the circuit court to vacate its judgment and dismiss the case without prejudice.

KEY QUOTATIONS

“There must be a bona fide existing controversy of a justiciable character to confer upon the court jurisdiction to grant declaratory relief under the declaratory judgment statutes, and if there was no justiciable controversy existing when the suit was commenced the trial court had no jurisdiction.” (638)

“A judgment entered by a court lacking subject-matter jurisdiction is absolutely void and will not support an appeal; an appellate court must dismiss an attempted appeal from such a void judgment.” (638)

FACTUAL BACKGROUND

Susan Russell, a Walker County revenue auditor, was suspended, reprimanded, and terminated, but the Walker County Civil Service Board reversed the discipline and ordered her reinstated. The Commission alleged that the Board had violated the Alabama Open Meetings Act by deliberating and acting in secret during Russell's appeal and by holding other closed-door meetings concerning employee matters. The Commission sought to invalidate the Board's actions and obtain prospective declaratory and injunctive relief concerning the Board's future meeting procedures.

PROCEDURAL HISTORY

The Commission sued the Walker County Civil Service Board and its members seeking relief under the Alabama Open Meetings Act, declaratory and injunctive relief, and a declaration that the statutory standing restriction was unconstitutional. The Board moved to dismiss for lack of subject-matter jurisdiction and asserted counterclaims. The circuit court entered judgment against the Commission, denied its postjudgment motion, and stayed determination of the amount of attorney fees pending appeal. The Alabama Supreme Court dismissed the appeal because the underlying action sought an advisory opinion rather than resolution of a justiciable controversy, instructing the circuit court to vacate its judgment and dismiss the case without prejudice.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The circuit court was instructed to vacate its judgment and dismiss the case without prejudice.

CASES CITED

- Ex parte Smith, 438 So. 2d 766, 768 (Ala. 1983)
- Ex parte State ex rel. James, 711 So. 2d 952, 960 n. 2 (Ala. 1998)
- Baldwin County v. Bay Minette, 854 So. 2d 42, 45, 47 (Ala. 2003)
- Stamps v. Jefferson County Board of Education, 642 So. 2d 941, 944-945 & n. 2 (Ala. 1994)
- Bedsole v. Goodloe, 912 So. 2d 508, 518 (Ala. 2005)
- Bruner v. Geneva County Forestry Department, 865 So. 2d 1167, 1175 (Ala. 2003)
- Town of Warrior v. Blaylock, 275 Ala. 113, 114, 152 So. 2d 661, 662 (1963)
- Etowah Baptist Ass'n v. Entrekin, 45 So. 3d 1266, 1274 (Ala. 2010)
- Ex parte Bridges, 925 So. 2d 189, 192 (Ala. 2005)
- Gulf Beach Hotel, Inc. v. State ex rel. Whetstone, 935 So. 2d 1177, 1183 (Ala. 2006)
- City of Mobile v. Scott, 278 Ala. 388, 178 So. 2d 545 (1965)
- City of Mobile v. Jax Distributing Co., 267 Ala. 289, 101 So. 2d 295 (1958)
- State ex rel. Baxley v. Johnson, 293 Ala. 69, 73, 300 So. 2d 106, 110 (1974)
- Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)
- Ex parte Alabama Educational Television Commission, 151 So. 3d 283 (Ala. 2013)
- Ex parte Richardson, 957 So. 2d 1119 (Ala. 2006)
- Ingram v. Van Dall, 70 So. 3d 1191 (Ala. 2011)
- MPQ, Inc. v. Birmingham Realty Co., 78 So. 3d 391, 394 (Ala. 2011)
- Vann v. Cook, 989 So. 2d 556, 559 (Ala. Civ. App. 2008)

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