

Bond Case Briefs

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POLITICAL SUBDIVISIONS - ALABAMA

Ex parte GASP

Supreme Court of Alabama - April 5, 2019 - So.3d - 2019 WL 1499372

Objectors sought judicial review of county board of health's adoption of revised county air pollution control rules and regulations.

The Circuit Court dismissed. Objectors appealed. The Court of Civil Appeals affirmed. Objectors petitioned for a writ of certiorari.

The Supreme Court held that the board was not required to comply with the notice and hearing requirements of the Alabama Administrative Procedure Act (AAPA).

County board of health was not a "state agency" but rather a local governmental unit, and thus the board was not required to comply with the notice and hearing requirements of the Alabama Administrative Procedure Act (AAPA) when it adopted revised county air pollution control rules and regulations; county boards of health and county health officers performed local functions and had jurisdiction only within their relevant counties, albeit under the general supervision of the State Health Officer, regulations at issue applied only in the particular county, and the Alabama Code appeared to give substantial financial autonomy to each county board of health.