

Bond Case Briefs

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LOCAL ACTS - ALABAMA

Talladega County Commission v. State ex rel. City of Lincoln

Supreme Court of Alabama - February 21, 2020 - So.3d - 2020 WL 858151

City, in the name of the State, petitioned for a writ of mandamus ordering county commission to disburse money from a fund created by a tax pursuant to a local act, as had been recommended by county economic development authority and delegation of state legislators representing the county.

Commission counterclaimed for a judgment declaring its authority to determine the proper composition of the county legislative delegation as that term was defined in the amended local act at issue, its authority to approve expenditures from the fund at issue, and the authority of the delegation to dictate to the commission expenditures from the fund. The Circuit Court determined which state legislators were required by the local act to approve expenditures from the fund, determined that the commission had no discretion to disapprove, veto, reject, or otherwise refuse to follow the authorization by the legislative delegation for the expenditure of funds, and, after the city agreed to dismiss the mandamus petition, dismissed the petition without prejudice while stating that the declaratory-judgment ruling would remain in effect. Commission appealed.

The Supreme Court held that legislative delegation's withdrawal of its approval of county economic development authority's resolution recommending the expenditure at issue rendered the counterclaim moot.

County legislative delegation's withdrawal of its approval of county economic development authority's resolution recommending that county commission authorize an expenditure to a city from a tax fund created by a local act rendered moot commission's counterclaim, made in response to city's mandamus petition against the commission to compel the expenditure, for a declaratory judgment as to the commission's authority to authorize the expenditure and the authority of the legislative delegation to dictate to the commission expenditures from the fund; once the legislators withdrew their approval, city was no longer entitled to the funds, and there ceased to be a controversy between the city and the commission.