

**SAMPLE "OPINION LETTER" REGARDING
EXECUTIVE SESSION ON A LEGAL MATTER**

ATTORNEY LETTERHEAD

(Insert Date)

Members of the _____ County Commission
(Insert Address)

RE: Opinion on Applicability of Executive Session

Dear _____ County Commission Members:

This is to advise the members of the _____ County Commission that I have reviewed the matter on which the County Commission is considering convening an executive session for discussion with legal counsel regarding a legal matter or to meet or confer with a mediator or arbitrator, and have determined that, in my legal opinion, this matter is appropriate for executive session under *Ala. Code § 36-25A-7(a)(3)*.

Pursuant to *Ala. Code § 36-25A-7(a)(3)*, a copy of this letter should be attached to the minutes of the County Commission meeting wherein the body considers a motion to convene an executive session to discuss this matter.

Sincerely,

County Attorney (Alabama Bar No. _____)*

** The attorney should include his or her Bar Number as proof that he or she is licensed to practice in the State of Alabama as required in Ala. Code § 36-25A-7(a)(3)..*

**SAMPLE “OPINION LETTER”
REGARDING EXECUTIVE SESSION ON A CRIMINAL
INVESTIGATION**

LETTERHEAD OF PERSON OR ENTITY GIVING ADVICE

(Insert Date)

Members of the _____ County Commission
(Insert Address)

RE: Opinion on Applicability of Executive Session

Dear _____ County Commission Members:

I have been advised that the _____ County Commission proposes to discuss matters related to a criminal investigation and/or matters which may reveal the identity of an undercover law enforcement agent or informer. I am writing to advise the _____ County Commission that this discussion would imperil effective law enforcement if conducted outside of executive session, and that under authority granted under *Ala. Code* § 36-25A-7(a)(5), this body may convene an executive session for this discussion.

Pursuant to *Ala. Code* § 36-25A-7(a)(5), a copy of this letter should be attached to the minutes of the County Commission meeting wherein the body considers a motion to convene an executive session to discuss this matter.

Sincerely,

Attorney General/Assistant Attorney General/District
Attorney/Assistant District Attorney/Law Enforcement Officer with
arrest powers*

** This letter must be signed by one of these persons.*

**SAMPLE “OPINION LETTER”
REGARDING EXECUTIVE SESSION ON NEGOTIATIONS
RELATED TO TRADE OR COMMERCE**

LETTERHEAD OF PERSON OR ENTITY GIVING ADVICE

(Insert Date)

Members of the _____ County Commission
(Insert Address)

RE: Opinion on Applicability of Executive Session

Dear _____ County Commission Members:

Please be advised that I have reviewed the commerce or trade matter which the _____ County Commission proposes to discuss in executive session. It is my opinion that an executive session is authorized for this discussion under *Ala. Code § 36-25A-7(a)(7)*, and that it will have a detrimental effect upon the competitive position of the _____ County Commission or will reveal information protected by the Alabama Trade Secrets Act if the discussion is conducted outside of executive session.

Pursuant to *Ala. Code § 36-25A-7(a)(7)*, a copy of this letter should be attached to the minutes of the County Commission meeting wherein the body considers a motion to convene an executive session to discuss this matter.

Sincerely,

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** This letter must be signed by a person involved in the recruitment effort or, if the ground is that the information is protected by the Alabama Trade Secrets Act, by someone with personal knowledge that the discussion regards information covered by the Alabama Trade Secrets Act.*

**SAMPLE “OPINION LETTER”
REGARDING EXECUTIVE SESSION ON PUBLIC EMPLOYEE
NEGOTIATIONS**

LETTERHEAD OF PERSON GIVING ADVICE

(Insert Date)

Members of the _____ County Commission
(Insert Address)

RE: Opinion on Applicability of Executive Session

Dear _____ County Commission Members:

This is to advise the members of the _____ County Commission that, as the person representing the interests of the county commission in pending negotiations with a group of county employees, it is my opinion that under *Ala. Code § 36-25A-7(a)(8)*, the _____ County Commission may properly convene an executive session for this discussion, and that there would be a detrimental effect upon the negotiating position of the _____ County Commission if discussion of these matters was conducted outside of an executive session.

Pursuant to *Ala. Code § 36-25A-7(a)(8)*, a copy of this letter should be attached to the minutes of the County Commission meeting wherein the body considers a motion to convene an executive session to discuss this matter.

Sincerely,

Person representing County Commission in negotiations with
employees