

# **AGENDA**

**CITY OF GULF SHORES**

**SPECIAL MEETING**

**August 17, 2020**

**3:00 P.M.**

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- 1. Call To Order**
- 2. Roll Call**
- 3. Executive Session**
- 4. Other Business**
- 5. Adjourn.**



SMALL TOWN, BIG BEACH

TO: Council Members  
City of Gulf Shores, Alabama

**NOTICE OF SPECIAL MEETING**

Notice is hereby given that a Special Meeting of the City Council of the City of Gulf Shores, Alabama will be held in the Erie Hall Meyer Annex Executive Conference Room at 3:00 p.m. on Monday, August 17, 2020 for the purpose of going into Executive Session to:

- a) discuss with the City Attorney the legal ramifications of and legal options for controversies not yet being litigated, but imminently likely to be litigated if the governmental body pursues a proposed course of action; and
- b) for the transaction of any and all other business that may come before Council at said meeting.

Dated this 14th day of August, 2020.

A handwritten signature in black ink that reads "Robert Craft".

Robert Craft, Mayor

**MINUTES  
OF SPECIAL COUNCIL MEETING  
CITY OF GULF SHORES, ALABAMA  
AUGUST 17, 2020**

The City Council of the City of Gulf Shores, Alabama, met in special session on August 17, 2020 in the Erie Hall Meyer Annex Conference Room. Mayor Craft called the meeting to order at 3:00 p.m.

Upon roll call, the following officials answered "present": Councilman Gary M. Sinak, Councilman Philip Harris, Councilman Jason Dyken, M. D., Councilman Stephen E. Jones and Mayor Robert Craft. Councilman Joe Garris, Jr. was absent. Mayor Robert Craft declared a quorum present. Also present were City Administrator Steve Griffin, Economic Development Coordinator Blake Phelps, Recreation and Grant Brown, Cultural Affairs Director and Wanda Parris, City Clerk. City Attorney Donald Stewart attended via phone.

Mayor Craft stated that due notice of the time, place and purpose of this meeting had been given to all members of the City Council and that each member had signed the acceptance of service of said notice, waiving all irregularities, if any, in said notice. The notice and acceptance of service and waiver signed by each member was ordered inserted in the minutes of this meeting at the end thereof.

Mayor Craft stated he had requested a meeting of the members of the City Council for the purpose of going into Executive Session to discuss the following:

- a) discuss the general reputation, character, physical condition, professional competence, and job performance of one or more certain public employees; and
- b) for the transaction of any and all other business that may come before Council at said meeting.

Whereupon, a motion was made by Councilman Gary M. Sinak for the Council to go into Executive Session to (1) discuss the general reputation, character, physical condition, professional competence, and job performance of one or more certain public employees; and (2) for the transaction of any and all other business that may come before Council at said meeting. Said motion was seconded by Councilman Stephen E. Jones.

The Mayor directed the City Clerk to enter said motion and purpose into the minutes of the meeting and called for a vote on said motion in regard to the Executive Session as follows: Councilman Gary M. Sinak, "aye"; Councilman Philip Harris, "aye"; Councilman Jason Dyken, M.D., "aye"; Councilman Stephen E. Jones, "aye" and Mayor Robert Craft, "aye." Councilman Joe Garris, Jr. was absent.

The Mayor declared that a majority of the votes of those officials present being in favor of the motion, that such motion had therefore passed and Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and reconvene in approximately 45 minutes at which time a formal Council action may be required.

Council convened in Executive Session at 3:02 p.m.


The Council recessed the Executive Session and reconvened the Special Meeting at 3:47 p.m.

There being no further business to come before the Council, Councilman Jason Dyken, M.D. moved to adjourn; seconded by Councilman Stephen E. Jones; and the vote of those officials present was unanimously in favor of the motion.

Mayor Robert Craft declared the meeting adjourned at 3:45 p.m.

ATTEST:

  
Wanda Parris, MMC  
City Clerk

  
Robert Craft, Mayor

# Cabaniss Johnston

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August 16, 2020

Honorable Robert Craft  
Mayor  
City of Gulf Shores, Alabama

Re: Meeting of Members of City Council To Discuss With Counsel the Legal Ramifications of and  
Legal Options For Controversies Not Yet Being Litigated But Imminently Likely To Be Litigated If  
The City Pursues A Proposed Course of Action

Dear Mayor Craft:

This will confirm that as attorney for The City of Gulf Shores, I have requested a meeting of the members of the City Council to discuss with me the legal ramifications of, and legal options for, controversies not yet being litigated but imminently likely to be litigated if the City pursues a proposed course of action. To the extent that the Council will desire to discuss with me such legal ramifications and legal options, an executive session is authorized under the exception provided under Section 7(a)(3) of the Alabama Open Meetings Act (Ala. Code § 36-25A-7), and this letter constitutes my written opinion as an attorney licensed to practice law in Alabama that Section 7(a)(3) of the Act is applicable to such an attorney-client discussion.

The Office of the General Counsel of the Alabama State Bar has previously issued a formal opinion addressing the professional obligation of an attorney representing a governmental body: "[I]f an attorney representing a public entity that comes within the scope of this [Open Meetings] statute makes a good faith professional judgment that a meeting with his client is for the purpose of imparting legal advice and discussing strategy concerning pending litigation, contemplated litigation or other purely legal matter, the attorney would not be guilty of violating any of the provisions of the Code of Professional Responsibility of the Alabama State Bar by insisting that the meeting be held in closed or executive session and if the attorney is of the opinion that it would be detrimental to the best interest of his client to allow public access to the meeting, he would be guilty of a violation of the Code of Professional Responsibility should he not insist upon a closed or executive meeting." OGC Opinion 1995-09. I am of the opinion that it would be detrimental to the best interest of the City as my client to allow public access to any meeting in which my comments and opinions are sought by the Council on the legal ramifications and legal options in question. As part of my

**CABANISS, JOHNSTON, GARDNER  
DUMAS & O'NEAL LLP**

Honorable Robert Craft  
August 16, 2020  
Page 2

professional responsibility to the City I must insist that any such meeting be conducted as an executive session as permitted under Section 7(a)(3) of the Open Meetings Act.

As provided in the Open Meetings Act, if any deliberation begins among the members of the Council regarding what Council action to take based on the advice of counsel, the executive session shall be concluded and the deliberation shall be conducted in the open portion of the meeting or deliberation shall cease.

Please let me know if you need any clarification of the foregoing.

Very truly yours,

/s/ Donald J. Stewart

Donald J. Stewart