Rel: October 21, 2022

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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2022-2023

SC-2022-0554

City of Helena

v.

Pelham Board of Education and Rick Rhoades, Angie Hester, Bob O'Neil, Robert Plummer, Sharon Samuel, and Scott Coefield, in their official capacities as officers and/or members of the Pelham Board of Education

Appeal from Shelby Circuit Court
(CV-21-900714)

SELLERS, Justice.

The City of Helena ("Helena") appeals from a preliminary injunction entered by the Shelby Circuit Court in favor of the Pelham Board of Education ("the Board") and its officers and/or members, in their official capacities (the Board and its individual officers and/or members are referred to collectively as "the Board defendants").[1] We reverse and remand.

Facts

The Board, a city board of education, and Helena are both located within Shelby County. In June 2021, the Board purchased approximately 52 acres of undeveloped land located within the corporate limits of Helena. The land has not been annexed by the City of Pelham or the Board. Helena collects property taxes on the land, and the land is zoned for single-family residential use under a Helena zoning ordinance. After purchasing the land, the Board began clearing the land for the purpose of constructing one or more athletic fields and a parking lot ("the athletic

[1]Helena sued the following officers and/or members of the Board: Rick Rhoades, in his capacity as president of the Board; Angie Hester, Bob O'Neil, Robert Plummer, and Sharon Samuel, in their capacities as members of the Board; and Scott Coefield, in his capacity as the superintendent of the Pelham City Schools and the chief executive officer of the Board.

field project") as part of the Pelham High School campus. Pelham High School is located adjacent to the land but lies within the corporate limits of the City of Pelham. The athletic-field project was originally scheduled to be completed on or before January 17, 2022, but it was delayed by Helena's attempts to enforce its zoning ordinance, which is an issue in this case.

In November 2021, Helena sued the Board defendants, seeking declaratory and injunctive relief based on its position that construction of the athletic-field project was contrary to Helena's zoning ordinance. Helena asserted in its complaint, among other things, that the Board has no statutory authority to construct the athletic-field project within the corporate limits of Helena. See § 16-11-9, Ala. Code 1975 ("The city board of education is hereby vested with all the powers necessary or proper for the administration and management of the free public schools within such city and adjacent territory to the city which has been annexed as part of the school district which includes a city having a city board of education."). The Board defendants filed a counterclaim, seeking monetary damages based on Helena's alleged unlawful issuance of stop-work orders directed at the athletic-field project. The Board defendants

also sought declaratory and injunctive relief based on their position that the athletic-field project served a governmental purpose and, therefore, was not subject to Helena's zoning ordinance. The Board defendants relied on Lauderdale County Board of Education v. Alexander, 269 Ala. 79, 110 So. 2d 911 (1959) ("Lauderdale"), a case in which a county board of education sought to build a storage and maintenance facility on property located within the corporate limits of the City of Florence in an area zoned for residential use. This Court concluded that the construction and operation of the facility by the county board of education was a governmental function and, therefore, was not subject to the City of Florence's zoning regulations. This Court reasoned that, "[i]f a city engaged in a governmental function is not subject to its own zoning regulations, certainly a county engaged in a governmental function is not subject to a city's zoning regulations." 269 Ala. at 86, 110 So. 2d at 918. In its "trial brief," Helena sought to distinguish Lauderdale on the basis that neither Lauderdale nor any of the cases cited therein address the issue presented in this case -- whether the Board, as a city board of education, may construct a school-related project within the corporate limits of another city, albeit one located in the same county.

On May 6, 2022, the trial court, after considering the undisputed facts to which the parties had stipulated and the briefs and exhibits filed by the parties, entered an order granting the Board defendants preliminary injunctive relief. Relying primarily on Lauderdale, the trial court concluded that the Board, as an agency of the State, was not subject to the zoning regulations of either the City of Pelham or any other city in Shelby County, including Helena. Accordingly, the trial court ruled that the stop-work orders issued by Helena were void, and it ordered Helena to immediately rescind those orders. Helena appealed. See Rule 4(a)(1)(A), Ala. R. App. P. Helena also filed an emergency motion to stay the preliminary injunction pending the resolution of this appeal, which this Court denied.

Standard of Review

When reviewing the grant or denial of a preliminary injunction, this Court reviews the legal rulings of the trial court, to the extent that they resolve questions of law based on undisputed facts, de novo; we review the trial court's ultimate decision to issue the preliminary injunction, however, for an excess of discretion. City of Cedar Point v. Atlas Rental Prop., LLC, [Ms. 1210316, Aug. 26, 2022] ___ So. 3d ___ (Ala. 2022).

Additionally, "this Court must consider both whether the evidence in the record supports the issuance of the preliminary injunction and whether the form of the preliminary-injunction order itself complies with the requirements of Rule 65(d)(2), Ala. R. Civ. P." Stephens v. Colley, 160 So. 3d 278, 282 (Ala. 2014). In order for a trial court to grant a preliminary injunction, the party seeking the injunction must demonstrate that (1) the party would suffer irreparable harm without the injunction, (2) the party has no adequate remedy at law, (3) the party has at least a reasonable chance of success on the ultimate merits of the case, and (4) the hardship that the injunction will impose on the opposing party will not unreasonably outweigh the benefit accruing to the party seeking the injunction. Holiday Isle, LLC v. Adkins, 12 So. 3d 1173, 1176 (Ala. 2008).[2]

[2]In their appellate brief, the Board defendants contend that the trial court did not issue a preliminary injunction and, that therefore, it was not required to apply the preliminary-injunction analysis in its order. Rather, the Board defendants contend "the issue presented in this appeal" was submitted to the trial court for its determination as a matter of law based on stipulated undisputed facts; thus, they assert that the trial court's order is reviewable "under appellate standards that ordinarily apply to questions of law predicated on undisputed facts." Board defendants' brief at 8. It is clear from the record, however, that both sides requested declaratory and injunctive relief and that the trial court granted the Board defendants preliminary injunctive relief, noting

Discussion

The dispositive issue on appeal is whether the trial court exceeded its discretion in granting a preliminary injunction in favor of the Board defendants by failing to include in its order the specific reasons for the issuance of the injunction as required by Rule 65, Ala. R. Civ. P. Rule 65(d)(2) requires that "[e]very order granting an injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained ...." See also Monte Sano Rsch. Corp. v. Kratos Def. & Sec. Sols., Inc., 99 So. 3d 855, 863 (Ala. 2012) ("Pursuant to Rule 65, it is mandatory that a preliminary-injunction order give reasons for the issuance of the injunction, that it be specific in its terms, and that it describe in reasonable detail the act or acts sought to be restrained."). Obviously, the trial court determined that the Board defendants had at least a reasonable chance of success on the ultimate merits based on its finding that the Board was not subject to Helena's zoning regulations. However, the order contains no further explanation

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that their request for "permanent injunctive relief and money damages" remained pending. Accordingly, this Court applies the standard of review applicable to the grant or denial of a preliminary injunction.

of the reasons for its issuance. It is well settled that "[t]he primary reason for issuing an injunction is to prevent an irreparable injury, i.e., one not redressable [through an award of money damages] in a court of law." Triple J Cattle, Inc. v. Chambers, 551 So. 2d 280, 282 (Ala. 1989). "A plaintiff that can recover damages has an adequate remedy at law and is not entitled to an injunction." Monte Sano Rsch. Corp., 99 So. 2d at 862. Notably absent from the trial court's order is any statement that the Board defendants would suffer irreparable harm if the trial court refused to grant the preliminary injunction; additionally, the order does not address whether the Board defendants have an adequate remedy at law. For these reasons, the order fails to comply with Rule 65(d)(2). See Stephens, 160 So. 3d at 284 ("In sum, the circuit court's failure to include in the preliminary-injunction order the reasons for granting … injunctive relief requires the reversal of that order regardless of the fact that the circuit court presumably had its reasons for granting the [relief], though those reasons were not articulated in the order."); Butler v. Roome, 907 So. 2d 432, 435 (Ala. 2005) ("[T]he trial court's order in this case does not contain the reasons for its issuance, nor does the order state that Roome will suffer irreparable loss if the injunction is not issued. Therefore, the

order does not comply with Rule 65(d)(2), and it must be dissolved."); Appalachian Transp. Grp., Inc. v. Parks, 738 So. 2d 878, 885 (Ala. 1999) ("When viewed in the context of this Court's consistent interpretation of Rule 65(d)(2), the orders of the trial court here cannot withstand appellate scrutiny. The orders do not contain the reasons for their issuance, nor does the trial court state that but for its orders irreparable harm would occur."); and Teleprompter of Mobile, Inc. v. Bayou Cable TV, 428 So. 2d 17, 20-21 (Ala. 1983) ("Since the provisions of Rule 65(d)(2) were not followed, and there was no evidence of an irreparable injury or lack of an adequate remedy at law, the order of the trial court is hereby reversed and the preliminary injunction … is hereby dissolved."). Because the preliminary-injunction order in this case fails to comply with Rule 65(d)(2), the trial court exceeded its discretion in granting preliminary injunctive relief in favor of the Board defendants. Accordingly, we need not address the other arguments raised by Helena in this appeal, which are directed at the merits of the order. See Marathon Constr. & Demolition, LLC v. King Metal Recycling & Processing Corp., 129 So. 3d 272, 276 n.3 (Ala. 2013) (noting that, because the trial court's failure to comply with the requirements of Rule 65 was

dispositive, it was unnecessary to address the other issues raised on appeal).

Conclusion

Because the trial court did not follow the mandatory requirements of Rule 65(d)(2), the preliminary injunction is due to be dissolved and the order issuing the injunction is, therefore, reversed and the case remanded. Our holding should not be interpreted as precluding the Board defendants from requesting that the trial court issue a preliminary injunction that is consistent with this opinion. See Stephens, 160 So. 3d at 284.

REVERSED AND REMANDED.

Parker, C.J., and Bolin, Wise, and Stewart, JJ., concur.