



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 14, 2021

Donald F. Myers, Commissioner
Caledonia Natural Gas District
6200 Wolfe
Columbus, Mississippi 39705

Re: Qualifications for membership on Board of Commissioners

Dear Mr. Myers:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Can a person who lives outside the Caledonia Natural Gas District (the “District”) serve on the Board of Commissioners?

Brief Response

No. Only District residents are qualified to serve on the District’s Board of Commissioners (the “Board”).

Applicable Law and Discussion

Pursuant to Mississippi Code Annotated Section 7-5-25, this office can only issue official opinions on matters involving prospective actions. An official opinion can neither validate nor invalidate a past action. Moreover, while the District’s enabling local and private legislation empowers the District to promulgate rules and regulations related to the election of Board members, our office does not interpret any such rules or regulations. MS AG Op., *Brett* at *1 (May 31, 1988) (“Under the provisions of Section 7-5-25, Miss. Code of 1972, this office may not interpret local ordinances, resolutions, regulations or rules.”). Finally, whether a particular individual is a resident of the District is a fact question that this office also cannot address.

As your request notes, the District was formed through local and private legislation enacted by the Mississippi Legislature during the 1988 Regular Legislative Session. Since that time, the District’s enabling legislation has been amended several times—in 1989, 1990, 1997, and 2021.

To date, the law provides as follows—added by amendments made during the 1997 session:

From and after the effective date of House Bill No. 1869, 1997 Regular Session, the powers of the Caledonia Natural Gas District shall be vested in and exercised by a board of commissioners consisting of five (5) *residents of the district*.

H.B. 1436, Reg. Sess. (Miss. 2021) (emphasis added). This language clearly requires that the Board consist of only individuals who reside within the District.¹

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ *Phil Carter*

Phil Carter
Special Assistant Attorney General

OFFICIAL OPINION

¹ Based on our review of the legislation in effect prior to the 1997 amendments, there appears to have always been a requirement for Board members to be District residents. Following the District's formation, the Board was comprised of the Mayor of Caledonia and four "residents of the district." After gas service within the District commenced and began serving at least 100 users, a Board election was to be called, where users could "vote upon the selection of the resident members of the board"