



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

September 30, 2021

The Honorable Rob Roberson
Attorney, Oktibbeha County Board of Supervisors
212 East Main Street
Starkville, Mississippi 39759

Re: Publication of County Ordinances

Dear Mr. Roberson:

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

Questions Presented

1. When a county passes an ordinance, how many times must it advertise in the local newspaper?
2. Must all ordinances be advertised in their entirety, or may they be shortened and posted on a website?

Brief Response

1. For ordinances dealing with a subject matter that is not governed by specific statutory publication requirements, the Mississippi Code does not prescribe a specific number of times that a county must advertise such an ordinance.
2. Ordinances dealing with a subject matter not governed by a publication requirement may be shortened for dissemination. If a statute requires publication in a specific manner, the ordinance must be published in such manner. In the absence of a statutorily required medium of publication, the board of supervisors may disseminate on a website.

Applicable Law and Discussion

Several sections of the Mississippi Code lay out specific publication requirements for different orders, resolutions, or ordinances passed by a county board of supervisors, and other matters of county business. *See, e.g.*, Miss. Code Ann. §§ 19-3-1 (publication of order changing boundaries of districts); 19-3-11 (publication of notice for moving location of meeting in counties with one

court district); 19-3-19 (notice for special meetings); 19-3-35 (publication of itemized statement of allowances; list of all contracts; statement of all loans from sixteenth section funds, lieu land funds, and sinking, and other trust funds; statement or list of all sales of timber, of all leases upon, including all leases for oil, gas, and minerals upon, sixteenth section or lieu lands situated in the county or belonging to the county; recapitulation of all expenditures); 19-3-67 (publication of certain expenses); 19-5-81 (publication of notice of intention to borrow funds and issue loan warrants, notes or bonds); 19-5-189 (publication of a resolution to levy taxes); 19-5-199 (publication of notice of construction contracts); 19-5-221 (publication of resolution of intent to create fire protection grading district); 19-9-11 (publication of resolution of intent to issue bonds); 19-9-13 (publication of election notice related to county bonds); 19-9-111 (publication of intention to levy tax related to economic development district).

With respect to your first question, for ordinances dealing with a subject matter not governed by a specific publication requirement, such as those listed above, the Mississippi Code does not prescribe a specific number of times that a county must advertise such an ordinance.

With respect to your second question, ordinances dealing with a subject matter not governed by a publication requirement may be shortened for dissemination, if the board so desires. If a statute requires publication in a specific manner—*i.e.*, by newspaper—the ordinance must be published in such specified manner.¹ However, in the absence of a statutorily required medium of publication, it is the opinion of this office that the board of supervisors may disseminate on a website, if the board so desires.

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/ Abby Cummings*

Abby Cummings
Special Assistant Attorney General

¹ The chancery clerk, as the clerk of the board of supervisors, is still required to maintain “a complete and correct record of all the proceedings and orders of the board.” *See* Miss. Code Ann. § 19-3-27; MISS. CONST. art. VI, § 170 (“The clerk of the chancery court shall be the clerk of the board of supervisors.”).