



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

October 29, 2021

Tim C. Holleman, Esq.  
Attorney for Harrison County Board of Supervisors  
1720 23<sup>rd</sup> Avenue  
Gulfport, Mississippi 39501

Re: Notice of Special Meetings

Dear Mr. Holleman:

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

### **Question Presented**

You ask if it is sufficient for the Harrison County Board of Supervisors to comply with the notice provisions of Mississippi Code Annotated Section 25-41-13(1) prior to a special meeting, rather than the provisions of Section 19-3-19.<sup>1</sup>

### **Brief Response**

No. Boards of supervisors are subject to Section 19-3-19, which prescribes specific notice requirements for their special meetings, in addition to the provisions of Section 25-41-13(1).

### **Applicable Law and Discussion**

Pursuant to Section 25-41-13(1), a public body that has statutorily prescribed meeting times, places and procedures must provide meeting notice—including notice for special meetings—within an hour after such meeting is called. That section provides, in part:

---

<sup>1</sup> We recognize that as of the issuance of this opinion, Mississippi is currently under a declared state of emergency due to the Covid-19 pandemic. The Mississippi Ethics Commission has issued guidance to assist public bodies on compliance with the Open Meetings Act during the pandemic. However, as our authority is limited to issuing opinions on prospective questions of state law, we can offer no opinion on the Ethics Commission guidance. We further note that this opinion may be or may become affected by any applicable executive orders issued by the Governor pursuant to Section 33-15-11(b)(17).

(1) Any public body which holds its meetings at such times and places and by such procedures as are specifically prescribed by statute shall continue to do so and no additional notice of such meetings shall be required *except that*:

(a) A notice of the place, date, hour and subject matter of any recess meeting, adjourned meeting, interim meeting *or any called special meeting* shall be posted within one (1) hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the public body normally meets . . . ; and

(b) Except as otherwise provided by law, *a notice of a called special meeting* shall be posted to the public body's website, if the public body has a website and has the capability to update the website, not less than one (1) hour before the meeting . . . .

Miss. Code Ann. § 25-41-13 (emphasis added). As set forth above, this section applies to public bodies that hold meetings in accordance with times, places, and procedures specifically proscribed by statute. In turn, Section 19-3-19 sets forth the procedures for boards of supervisors to call special meetings. Subsection (2) provides:

The president, or the vice president in the absence or disability of the president, or any three (3) members of the board, may call special meetings when deemed necessary. Notice shall be given of all special meetings, for at least five (5) days, by advertisement posted at the courthouse door, or published in a newspaper of the county, and the notice thereof, whether posted or published in a newspaper, shall be entered in full on the minutes of said meeting. The notice of a special meeting, shall specify each matter of business to be transacted thereat, and at such special meetings business shall not be transacted which is not specified in the order or notice for such meeting.

The notice provisions of Section 25-41-13 that requires a one (1) hour posting of notice prior to a called special meeting by boards of supervisors is supplemental, but not an alternative, to the provisions of Section 19-3-19. Reading the two statutory provisions together, we are of the opinion that the one (1) hour posting requirement in Section 25-41-13(1) is in addition to the five (5) day requirement of Section 19-3-19.

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