



November 23, 2021

William C. Hammack, Esq.  
Attorney, Clarke County Board of Supervisors  
1724A 23<sup>rd</sup> Avenue  
Meridian, Mississippi 39301

Re: Payment or Reimbursement for Cost of Hookup and Delivery of  
Broadband/Internet Service to County Supervisor's Home

Dear Mr. Hammack:

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

### **Background**

According to your request, a member of the Clarke County Board of Supervisors (the "Board") lives in an area that does not currently have broadband/internet service. You state that it is anticipated that in the near future such service will become available and will be a great benefit to the County and the supervisor's availability to communicate about county business. We understand that, after a subsequent conversation with you, the supervisor's home would not be the only home receiving broadband/internet service if service was made available to the area.

### **Questions Presented**

1. May the County pay for or reimburse a supervisor for the cost of hookup and delivery of broadband/internet service to the supervisor's home when and if made available?
2. If the answer to the previous question is "yes," what would be considered a reasonable limit on the period of time during which a reimbursement would be allowed?

### **Brief Response**

1. The County cannot expend public funds to provide broadband/internet service to a private home of a member of the Board of Supervisors, unless the Board finds, consistent with the facts and spread upon the minutes, that such expenses are reasonable and necessary to the performance of the supervisor's duties or to conduct public business of the county.

2. The Board may pay for the supervisor's broadband/internet services for as long as, consistent with the facts and spread upon the minutes, the Board determines such expenses are reasonable and necessary to the performance of the supervisor's duties or to conduct public business of the county, not to exceed the time during which the supervisor is in office.

### **Applicable Law and Discussion**

In response to your first question, "[t]he Mississippi Constitution has placed strict controls on the use of public resources for private purposes." MS AG Op., *Shepard* at \*1 (Aug. 7, 2015). This office previously analyzed whether a county could provide internet service to a coroner's home for her use in conducting investigations, preparing and filing reports, etc., necessary in the performance of her official duties. MS AG Op., *Shepard* (Jan. 10, 2014). In response, we stated: "A board of supervisors cannot expend public funds to provide internet service to a private home of the county coroner, unless the Board finds, consistent with fact and spread upon the minutes, that such are necessary to the performance of her duties or to conduct public business of the county." Moreover, such use must also be reasonable. MS AG Op., *Custom* at \*1 (Jan. 31, 2014) (citing MS AG Op., *Balch* at \*1 (Feb. 18, 1993)). As with all public expenditures, this expenditure would be subject to review by the State Auditor.

Your request raises the obvious concern of the supervisor using the internet at his home for personal reasons, in addition to use for public business. This office has opined that a board of supervisors may determine the percentage of monthly usage associated with county business for a county employee that uses his personal cell phone in lieu of obtaining a county cell phone, to allow the county employee to be reimbursed for county business. MS AG Op., *Norwood* at \*1 (Mar. 12, 2012). This office did not find any specific prohibition against the reimbursement so long as:

[t]he Board of Supervisors determines, consistent with the facts, that the County will receive a benefit at least equivalent to the amount expended and, by order, resolution or ordinance duly entered on its minutes authorizes such reimbursements and establishes procedures that insure [sic] that public funds are not being spent to reimburse employees or officials for personal use of their cell phones.

*Id.* The Board must ensure that public funds are not used for the supervisor's personal use of broadband/internet service to his or her home. *Id.*

According to our conversations with you, your second question asks for how long the Board may pay for the supervisor's broadband services. It is the opinion of this office that the Board may pay for such services for as long as, consistent with the facts and spread upon the minutes, the Board determines such expenses are reasonable and necessary to the performance of the supervisor's duties or to conduct public business of the county, not to exceed the time during which the supervisor is in office.

For guidance regarding specific payments for broadband/internet services, we refer you to the Office of the State Auditor's Technical Assistance Division.

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November 23, 2021

Page 3

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/ Gregory Alston*

Gregory Alston  
Special Assistant Attorney General

OFFICIAL OPINION