



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

February 24, 2022

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

Re: Notice for Recessed, Adjourned, and Interim Meetings

Dear Mr. Holleman:

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

### **Background**

Your request is in response to an opinion of this office issued to you on October 29, 2021, regarding notice of special meetings of the Harrison County Board of Supervisors. You now request additional information regarding notice for other types of meetings.

### **Question Presented**

Should the notice provision in Mississippi Code Annotated Section 19-3-19 or Section 25-41-13 be used by counties for purposes of calling recessed, adjourned, or interim meetings?

### **Brief Response**

The general notice requirements of the Open Meetings Act, Section 25-41-13, are in addition to the notice requirements for meetings of county boards of supervisors in Section 19-3-17 for recessed meetings and Section 19-3-19 for adjourned meetings.

### **Applicable Law and Discussion**

Section 25-41-13 is the notice section of the Open Meetings Act, which applies to public bodies including, but not limited to, county boards of supervisors. It is supplemental to specific procedures prescribed by statute for public bodies. Miss. Code Ann. § 25-41-13(1). As stated in the previous opinion issued to you by this office, Section 25-41-13(1)(a) provides, in pertinent part:

(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 ***recessed 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. A copy of the notice shall be made a part of the minutes or other permanent official records of the public body . . . .

MS AG Op., *Holleman* at \*1 (Oct. 29, 2021) (emphasis added).

The terms recessed, adjourned, and interim are not defined by statute, but recessed and adjourned meetings are addressed in Sections 19-3-17 and 19-3-19, respectively. Section 19-3-17 states, in part, that “the board of supervisors may recess from time to time, subject to the limitation herein provided, to convene on a day fixed by an order of the board entered on its minutes, and may transact any business coming before it for consideration.” Counties with a population of more than forty thousand may not meet for a period exceeding twelve days in any one month to conduct its regular business. MS AG Op., *Yancey* at \*1 (July 27, 2007) (citing Section 19-3-17).

According to the Mississippi Supreme Court, “[i]t is apparent that the board of supervisors can recess from day to day, skip a day, and recess to a future day, so long as the days consumed do not exceed” the statutorily allotted days. *In re \$30,000 Road and Bridge Bonds of 1960, Sup’s Dist. No. 3, Neshoba Co., Mississippi*, 133 So. 2d 267, 273 (Miss. 1961). Essentially, a recessed meeting is a suspension of business. *Byrd v. Byrd*, 8 So. 2d 510, 512 (Miss. 1942). The notice required for a recessed meeting according to Section 19-3-17 is an order by the Board entered on its minutes fixing a day for the meeting. Additionally, the requirements of Section 25-41-13(1)(a), *supra*, also must be met.

Unlike a recessed meeting, an adjourned meeting is “one ordered by the board at a regular meeting, and which is to convene after the termination of such regular meeting and prior to the next regular meeting.” *Byrd* at 513. Section 19-3-19 states that “[t]he board of supervisors may, at a regular meeting, by an order on its minutes, adjourn to meet at any time it may determine upon.” Like recessed meetings, Section 25-41-13 also requires additional notice for adjourned meetings in order to comply with the Open Meetings Act. *See* Section 25-41-13(1)(a), *supra*.

As to interim meetings, the term does not appear in the entirety of Section 19-3-1, *et seq.*

In conclusion, the statutory notice requirements of Sections 19-3-17 and 19-3-19 must be met as well as the additional Open Meetings Act requirements for recessed and adjourned meetings under Section 25-41-13(1)(a).

Tim C. Holleman, Esq.

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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/ Misty Monroe*

Misty Monroe  
Special Assistant Attorney General

OFFICIAL OPINION