



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 23, 2023

Marsha Gates
Councilwoman, City of Okolona
301 Middle Street
Okolona, Mississippi 38860

Re: Municipal Authority to Interview Candidates for the Okolona School Board

Dear Ms. Gates:

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

Background

The city of Okolona (“City”) is a special charter municipality and its governing body, the Okolona City Council (“Council”), is comprised of the mayor and Council. According to your request, the governing body of the City is appointing two school board members to the Okolona Municipal Separate School District (“District”) pursuant to Mississippi Code Annotated Section 37-7-203(1).

Question Presented

May the governing body of the City interview candidates for a school board position?

Brief Response

Assuming the City’s charter is silent regarding interviewing candidates for appointment on the school board for the District, the Council may interview candidates pursuant to its “home rule” authority set out in Section 21-17-5.

Applicable Law and Discussion

As a special charter municipality, the governing authority’s powers flow directly from the City’s charter. MS AG Op., *Carouthers* at *1 (June 28, 2019). Thus, the specific provisions of that charter should be used to answer any questions regarding the authority of the municipality; however, if the charter is silent on a particular matter, general statutory provisions would apply. *Carouthers* at

*1 (internal citations omitted). Assuming the special charter of the City is silent on your question, this opinion will apply general statutory provisions.

As an initial matter, when you say in your request that the governing body of the City will be appointing school board members, we understand that those appointments will be for new terms on the board and are not appointments to fill vacancies. Regarding appointments for new terms, Section 37-7-203(1) states, “[e]xcept as otherwise provided herein, the trustees of such a municipal separate school district shall be elected by a majority of the governing authorities of the municipality.” We find no statutory provision authorizing a municipality to interview candidates for the local school board or prohibiting same. Therefore, we turn to the municipal “home rule” statute which grants the governing authorities of municipalities “the care, management and control of the municipal affairs” so long as the municipality acts in accordance with the laws of the state, and “the powers granted to governing authorities of municipalities in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi.” Miss. Code Ann. § 21-17-5(1).

Thus, it is the opinion of this office that the Council may interview candidates for appointment on the District’s school board pursuant to Section 21-17-5. We refer you to the Mississippi School Boards Association and the Mississippi Municipal League for further guidance on appropriate procedures. In addition, we recommend that you contact the Mississippi Ethics Commission for guidance on when the interviewing of potential board members implicates the Open Meetings Act.

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/ Abigail C. Overby*

Abigail C. Overby
Special Assistant Attorney General