



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

June 23, 2023

Richard R. Barrett, Esq.  
Attorney, Holmes Community College Board of Trustees  
2086 Old Taylor Road, Suite 1011  
Oxford, Mississippi 38655

Re: “Facilities” as Used in Mississippi Code Annotated Section 37-29-135

Dear Mr. Barrett:

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

### **Question Presented**

Is the term “facilities” as used within Mississippi Code Annotated Section 37-29-135 restricted so as not to include a renewable energy facility?

### **Brief Response**

“Facilities” as used within Section 37-29-135 includes renewable energy facilities.

### **Applicable Law and Discussion**

Section 37-29-135 provides:

The board of trustees is authorized to lease land and/or buildings owned by the college to any governmental agency, political subdivision, corporation, partnership, joint venture, or individual for the purpose of enabling such persons to construct thereon or repair, renovate and rehabilitate any buildings or facilities the board may determine as necessary and beneficial for additional facilities, services or educational opportunities to the college, students, faculty or the community, and to lease such building and facilities to the college.

You ask whether the term “facilities” as used within Section 37-29-135 includes renewable energy facilities. “Mississippi law mandates that ‘[a]ll words and phrases contained in the statutes are used according to their common and ordinary acceptance and meaning . . . .’” *Lawson v.*

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*Honeywell Int'l, Inc.*, 75 So. 3d 1024, 1028 (Miss. 2011) (quoting Miss. Code Ann. § 1-3-65). “Where a popular word is used in a statute with no statutory definition, we follow the well[-] established rule that popular words in a statute must be accepted in their popular sense . . . .” *Lambert v. Ogden*, 423 So. 2d 1319, 1321 (Miss. 1982). Although “facilities” is not statutorily defined, Merriam-Webster defines “facilities” as “something that makes an action, operation, or course of conduct easier” or “something . . . that is built, installed, or established to serve a particular purpose.” MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/facility> (last visited June 22, 2023).

It is thus the opinion of this office that, according to its common and ordinary meaning, the term “facilities” would include renewable energy facilities. This opinion, however, remains subject to the board of trustees’ factual determination that such facility is “necessary and beneficial for additional facilities, services or educational opportunities to the college, students, faculty or the community.” Miss. Code Ann. § 37-29-135.

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/ *Maggie Kate Bobo*

Maggie Kate Bobo  
Special Assistant Attorney General