



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

June 29, 2023

Wayne Spell, Executive Director  
DeSoto County Regional Utility Authority  
365 Loshier Street, Suite 310  
Hernando, Mississippi 38632

Re: Utility Authority as a Member of the Chamber of Commerce

Dear Mr. Spell:

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

### **Background**

The DeSoto County Regional Utility Authority (“DCRUA”) was established and is governed by Mississippi Local and Private Laws of 1999, Chapter 1039, House Bill 1735 (“Local and Private Legislation”), which, according to your request, grants the DCRUA broad authority, including the authority to contract.

### **Question Presented**

Does the DCRUA have the authority to pay membership dues and join local chambers of commerce?

### **Brief Response**

The DCRUA’s Local and Private Legislation does not provide authority for the DCRUA to pay membership dues and join local chambers of commerce.

### **Applicable Law and Discussion**

As we understand your request, the DCRUA is not looking to the local chambers to provide specific services beyond those provided to other members of the chamber. *See MS AG Op., Perry* (Sept. 30, 2021) (opining that a county can allow a chamber of commerce to manage a county park pursuant to a lawful management agreement). Thus, this opinion is limited to whether the Local

and Private Legislation authorizes DCRUA to pay membership dues and join the local chambers of commerce and does not discuss contracts for specific services such as those in the *Perry* opinion. Administrative agencies, such as DCRUA, are created by statute and have “only such powers as are expressly granted to [it] or necessarily implied in [its] grant of authority.” *Wilkerson v. Mississippi Emp. Sec. Comm’n*, 630 So. 2d 1000, 1001 (Miss. 1994) (internal citations omitted). The Local and Private Legislation establishing and governing DCRUA does not authorize it to pay membership dues and join local chambers of commerce.

The authority found in Mississippi Code Annotated Section 17-3-1 for municipalities and counties to contribute to chambers of commerce does not apply to utility authorities. *See* MS AG Op., *Jordan* (Oct. 12, 1989) (opining that upon the proper factual finding, Section 17-13-1 allows counties and municipalities to contribute to chambers of commerce); MS AG Op., *Hunt* (Aug. 17, 2018) (opining that a municipal utility authority may not rely upon the authority specifically granted to a municipality to contribute to a chamber of commerce). Also, the Local and Private Legislation does not provide the DCRUA with the authority to make donations to entities such as chambers of commerce. *Contra* MS AG Op., *Barton* at \*2 (Oct. 5, 2020) (opining that a municipality can donate to a chamber of commerce pursuant to Section 21-91-44). Accordingly, it is the opinion of this office that the DCRUA does not have the authority to pay membership dues and join local chambers of commerce or donate funds to such organizations. Additionally, the general authority to contract, as referenced in your request, fails to provide such authority.

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/ Beebe Garrard

Beebe Garrard  
Special Assistant Attorney General