



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 30, 2024

The Honorable Charles A. Dumas
Mayor, Town of Prentiss
Post Office Box 1344
Prentiss, Mississippi 39474

Re: Authority to Sell Police Tahoe

Dear Mayor Dumas:

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

Question Presented

May the Prentiss Police Department sell a police Tahoe —no longer being used by the police department— to a county constable, who also serves as the Prentiss fire chief, for use as a constable vehicle?

Brief Response

Mississippi Code Annotated Section 17-25-25 sets forth the ways that a municipality may dispose of personal property that is no longer being used for a public purpose. Section 17-25-25 does not limit who may purchase the personal property. If Prentiss makes the factual determination that the governing authority is no longer using the subject police Tahoe, it may sell the Tahoe to a county constable, fire chief, or any other individual or entity so long as it complies with that Section.

Applicable Law and Discussion

Section 17-25-25 authorizes municipalities to sell or dispose of personal property, including but not limited to vehicles, upon cessation of said property being used for a public purpose. Section 17-25-25(3) provides that “[w]here the personal property does not exceed One Thousand Dollars (\$1,000.00) in value, the governing authority, by a unanimous approval of its members, may sell or dispose of the property at a private sale.” If the personal property exceeds \$1,000.00 in value, a public sale or auction would be necessary:

(1) General. The governing authority of a county or municipality may sell or dispose of any personal property or real property belonging to the governing

authority when the property has ceased to be used for public purposes or when, in the authority's judgment, a sale thereof would promote the best interest of the governing authority. For purposes of this section, the term “personal property,” includes, but is not limited to, equipment, vehicles, fixtures, furniture, firearms and commodities.

(2) Public sale. At least ten (10) days before bid opening, the governing authority shall advertise its acceptance of bids by posting notices at three (3) public places located in the county or municipality that the governing authority serves. One (1) of the three (3) notices shall be posted at the governing authority’s main office. The governing authority may designate the manner by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids made electronically or bids made by any other method that promotes open competition. The proceeds of the sale shall be placed in a properly approved depository to the credit of the proper fund.

...

(4) Public auction. The governing authority of a county or municipality may sell or dispose of any surplus personal or real property at a public auction that shall be conducted by an auctioneer or auction company that meets the standards established by the State Department of Audit and is hired by the governing authority of a county or municipality.

Miss. Code Ann. § 17-25-25(1)-(2), (4).¹

In summary, a municipality must comply with Section 17-25-25 when selling personal property—such as a police Tahoe—that is no longer being used. Section 17-25-25 does not limit who may purchase the personal property. If Prentiss makes the factual determination that the governing authority is no longer using the subject police Tahoe, it may sell the Tahoe to a county constable, fire chief, or any other individual or entity so long as it complies with Section 17-25-25.

Lastly, you note in your request that the subject county constable also serves as the Prentiss fire chief. We recommend contacting the ethics board regarding any potential conflicts of interest.

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

¹ Section 17-25-25(6) allows private sales to other governmental agencies, such as counties. *See also* Miss. Code Ann. § 31-7-13(m)(vi) (addressing intergovernmental sales).