



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 1, 2025

Kimberly Walker Nailor, Esq.
Attorney, Town of Port Gibson
1125 Openwood Street
Vicksburg, Mississippi 39183

Re: The Open Meetings Act

Dear Ms. Nailor:

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

Question Presented

Should a motion by an alderman be recorded in the minutes if it was not carried or brought forth by another alderman?¹

Brief Response

The Open Meetings Act requires that final actions of a board of aldermen be included in the official minutes of the board. The board also has the discretion to include information in the minutes beyond what the Open Meetings Act requires.

Applicable Law and Discussion

As an initial matter, we understand that Port Gibson (“Town”) operates pursuant to a special charter. If the Town’s special charter speaks to what is required to be included in the Town’s minutes, the charter controls. *See* MS AG Op., *Gaylor* at *1 (Dec. 15, 2006) (“[W]here the provisions of a special charter conflict with general law[,] . . . the specific provisions of a municipal

¹ Your opinion request included two additional questions. However, those questions either required us to opine on past action or interpret the Town’s special charter. Pursuant to Mississippi Code Annotated Section 7-5-25, opinions of this office are limited to prospective questions of state law. We cannot by official opinion interpret special charters nor can we validate or invalidate past action. Thus, this opinion is limited to the question of what is required to be included in the minutes of a public body under the Open Meetings Act. We understand from a telephone conversation with you that you are asking this question for future board meetings.

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special charter will take precedence over the provisions of general municipal law.”) (internal citations omitted); MS AG Op., *Lowe* at *1 (Nov. 3, 2000) (“[P]rovisions of a private or special charter that are contrary to general statutory provisions are viewed by this office as exceptions to the statutory provisions except where the general statutes expressly provide otherwise.”) (internal citations omitted). Because this office cannot interpret special charters, this opinion is limited to interpretation of state law. To the extent that the Town’s charter is silent, we offer the following for prospective purposes only.

Boards of aldermen are required to comply with the Open Meetings Act and thus must keep minutes of all of their meetings. Miss. Code Ann. §§ 25-41-1, *et seq.* The minutes must show “the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes.” Miss. Code Ann. § 25-41-11. Thus, while the Board is only required to include final board actions in its minutes, it has the discretion to include a motion that was not voted on or carried or brought forth by another alderman. For any further questions regarding your specific situation, you may also wish to consult with the Mississippi Ethics Commission as they have enforcement authority with respect to the Open Meetings Act. Miss. Code Ann. § 25-41-15.

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