



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

December 8, 2025

Jeffrey S. Bruni, Esq.
Attorney, City of Gulfport
Post Office Box 1780
Gulfport, Mississippi 39502-1780

Re: Private Use of City Hall by Political Party's Municipal Executive Committee

Dear Mr. Bruni:

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

Background

In your request, submitted on behalf of the City of Gulfport ("City"), you state: "Our inquiry concerns the authority . . . to allow for the no-cost use of meeting space . . . to conduct a private meeting/hearing" You further state that the City does not normally rent out spaces within City Hall and does not have any ordinance or policy setting a fee for the private use of spaces within City Hall.

Question Presented

Does the City have the authority to allow a political party's municipal executive committee to utilize meeting space in City Hall free of charge when the purpose of the use is to conduct a private meeting of that political party's municipal executive committee to which the public is not invited?

Brief Response

The City has the discretion to allow private individuals or groups to use municipal facilities if it is in accordance with a uniform policy enacted by the municipal governing authorities allowing such use.

Applicable Law and Discussion

As an initial matter, pursuant to Mississippi Code Annotated Section 7-5-25, opinions of this office are limited to prospective questions of state law. We do not by official opinion, interpret or approve administrative policies enacted by local governmental entities.

The Attorney General's Office has consistently opined that public entities are authorized to permit the use of public facilities by private individuals or groups so long as the public entity has adopted a uniform policy that allows such use. MS AG Op., *Short* at *1 (Apr. 24, 2009). When our office was asked whether a municipality could allow a private entity to use a municipal auditorium and not charge a fee for such use, we stated:

A municipality is not required to charge a fee when allowing non-municipal individuals or entities to use municipal property. However, such use must accord with a uniform policy enacted by the municipal governing authorities. Furthermore, the municipality must collect from the user any expenses that the municipality is required to expend as a result of the municipal facility being used—i.e., cleaning fees or charges for utilities; otherwise, such uncompensated use would constitute a donation, which is prohibited by Article 4, Section 95 of the Mississippi Constitution unless explicitly authorized by law.

MS AG Op., *Barton* at *1 (Oct. 5, 2020). This remains the opinion of this office. Accordingly, the City has the discretion to allow private individuals or groups to use municipal facilities if it is in accordance with a uniform policy enacted by the municipal governing authorities allowing such use.

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