

**BEFORE THE MISSISSIPPI ETHICS COMMISSION**

**ADAM PRESTRIDGE**

**COMPLAINANT**

**VS.**

**OPEN MEETINGS CASE NO. M-23-001 and M-23-002  
(Consolidated)**

**GRENADA CITY COUNCIL**

**RESPONDENT**

**FINAL ORDER**

This matter came before the Mississippi Ethics Commission through two Open Meetings Complaints filed by Adam Prestridge, Publisher of The Grenada Star, against the City Council for the City of Grenada (the “council”). The council filed a response to the complaint by and through its attorney. The Ethics Commission has jurisdiction over this matter pursuant to Section 25-41-15, Miss. Code of 1972. In accordance with Rule 4.6, Rules of the Mississippi Ethics Commission, the hearing officer presented a Preliminary Report and Recommendation to the Ethics Commission at its regular meeting on December 1, 2023. The respondent did not object to the Preliminary Report and Recommendation and has thereby waived the right to a hearing on the merits. Accordingly, this Final Order is entered in accordance with Rule 4.6 of the Rules of the Mississippi Ethics Commission.

**I. FINDINGS OF FACT**

1.1 Adam Prestridge alleges the Grenada City Council violated the Open Meetings Act by failing to provide notice for its special called meeting on Thursday, January 19, 2023, which was held via videoconference. Mr. Prestridge received an anonymous tip that the council was holding the meeting. Mr. Prestridge states:

[H]e arrived five minutes prior to the meeting at City Hall which was dark and locked. Councilman Frederick “Pete” Wilson (Ward 2) was parked in front of City Hall and offered access to the meeting using the teleconference phone number and code. City Attorney Mary Brown, who was on the phone call, then requested that City Manager Stanford Amos drive to City Hall and let both parties in.

No agenda was provided for the meeting, which covered three items.

1.2 At this meeting the council unanimously<sup>1</sup> approved three motions: (1) to declare an emergency and replace a valve on a water well; (2) to name City Manager Stanford Amos the Mississippi Municipality & County Water Infrastructure (MCWI) Grant Authorizing Representative; and (3) to approve a resolution to provide MCWI with the city’s Code of Standards of Conduct as it related to the grant application.

---

<sup>1</sup> Mayor Billy Collins and five of the seven councilmembers (Warren Cox, Fredrick Wilson, Lewis Johnson, Michael Smith and Ronald Merriman) were present on the call.

1.3 Mr. Prestridge also alleges the council violated the Open Meetings Act on Thursday, January 12, 2023, when he saw a quorum of the council eating together at a Grenada restaurant less than fifteen minutes after the conclusion of the council's regular meeting. Present at the meal were Councilmen Frederic "Pete" Wilson, Lewis Johnson, Michael D. Smith and Eric Harris, in addition to City Attorney Mary Brown. Mr. Prestridge notes that he does not know if city business was discussed, but that these types of meetings "look bad in the public's eye."

1.4 In response to the complaints, the council concedes that it failed to provide notice for the January 19, 2023, meeting. The council provided an affidavit from Martha Profit, Executive Secretary to the City Manager, in which she states that she prepared the agenda and notice on Friday, January 13, 2023. This was signed by the mayor and then distributed to the council. She further states that it was her intention to provide notice of the meeting to the newspaper (and post the notice on the city's website and Facebook page) on Tuesday, January 17. However, Ms. Profit became ill over the weekend, and failed to perform these actions; returning to work on Monday, January 23, 2023. The council states that due Ms. Profit's absence, the council's usual practice of allowing the public to attend council meetings in person at the Council Chamber, where regular meetings of the council are held, was also not followed.

1.5 However, the council argues that the meal shared by four councilmen (and the city attorney) on Thursday, January 12, 2023, after the regular council meeting was a social event and did not violate the Open Meetings Act. The council states that at the dinner, "there was no discussion of formation and determination of public policy." The council concludes:

The dinner ... was a purely social event which occurred after a duly noticed open public meeting. There would be no need for the council members to discuss public business after exiting an open meeting and executive session meeting wherein minutes were duly taken.

## II. CONCLUSIONS OF LAW

2.1 "The Open Meetings Act was enacted for the benefit of the public and is to be construed liberally in favor of the public." Council of Trustees of State Insts. of Higher Learning v. Miss. Publishers Corp., 478 So.2d 269, 276 (Miss. 1985). In Hinds County Council of Supervisors v. Common Cause of Mississippi, 551 So.2d 107 (Miss.1989), the Supreme Court summarized the Legislative intent of the Open Meetings Act as follows:

Every member of every public council and commission in this state should always bear in mind that the spirit of the Act is that a citizen spectator, including any representative of the press, has just as much right to attend the meeting and see and hear everything that is going on as has any member of the council or commission.

Id. at 110. "However inconvenient openness may be to some, it is the legislatively decreed public policy of this state." Mayor & Aldermen of Vicksburg v. Vicksburg Printing & Pub., 434 So.2d 1333, 1336 (Miss.1983).

2.2 Meetings of a public body must be open to the public; minutes of meetings must be kept; and public notice must be provided. See Sections 25-41-5, 25-41-11 & 25-41-13. Pursuant to Section 25-41-13(1)(a) of the Act, a public body, such as this council “which holds its meetings at such times and places and by such procedures as are specifically prescribed by statute,” “[a] notice of the place, date, hour and subject matter of . . . any called special meeting shall be posted within one (1) hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the public body normally meets. A copy of the notice shall be made a part of the minutes or other permanent official records of the public body.” As the council concedes, it failed to post notice for the January 19, 2023 special meeting in violation of the Open Meetings Act.

2.3 Additionally, it should be noted that even if Ms. Profit had not fallen ill, her intention of posting notice Tuesday, January 17, 2023, would still have violated the Open Meetings Act. Section 25-41-13(1)(a) requires that notice be posted “within one (1) hour after such meeting is called...” Ms. Profit’s affidavit states the mayor called the meeting (i.e., signed the notice) on Friday, January 13, 2023, such that the council was required to post notice of the special called meeting within an hour of that time.

2.4 However, that a quorum of the council members dined together on Thursday, January 12, 2023 after their regular open meeting does not violate the Open Meetings Act. The Open Meetings Act does “not apply to chance meetings or social gatherings of members of a public body.” Section 25-41-17. Moreover, not every “informal or impromptu meeting” is subject to the Open Meetings Act. Hinds County at 122.

A public board should be available for social functions with charities, industries and businesses, at which no action is taken and their only function is to listen, without being subjected to the Act. Therefore, a function attended by a public board, whether informal or impromptu, is a meeting with the meaning of the Act only when there is to occur “deliberative stages of the decision-making process that lead to formation and determination of public policy.”

Id. at 123, quoting Bd. of Trustees at 278.

2.5 A quorum of the council dining together at a restaurant does not, in itself, violate the Open Meetings Act. No evidence was presented that shows the quorum deliberated or discussed any matters of city business. While dining together may prompt questions from the public, this is not a “meeting” under the Act, and no violation of the Open Meetings Act occurred. Compare to Hall v. Miss. Transportation Comm., Open Meetings Case M-09-007, (where a quorum of commissioners admitted to discussing commission business).

### III. CONCLUSION

WHEREFORE, IT IS HEREBY ORDERED as follows:

3.1 The Ethics Commission finds the Grenada City Council violated Section 25-41-13, Miss. Code of 1972, by failing to post notice of its January 19, 2023, special called meeting.

3.2 The Ethics Commission orders the Grenada City Council to refrain from further violations and comply strictly with the Open Meetings Act.

So ordered, this the 25th day of January 2024.

---

SONIA SHURDEN, Hearing Officer  
Mississippi Ethics Commission