

BEFORE THE MISSISSIPPI ETHICS COMMISSION

WILLIE NEVILLS

COMPLAINANT

VS.

OPEN MEETINGS CASE NO. M-20-003

**BOARD OF TRUSTEES,
EAST TALLAHATCHIE SCHOOL DISTRICT**

RESPONDENT

FINAL ORDER

This matter came before the Commission through an Open Meetings Complaint filed by Willie Nevills against the Board of Trustees for the East Tallahatchie School District (the “board”). The board filed a response to the complaint. In accordance with Rule 4.6, Rules of the Mississippi Ethics Commission, the hearing officer prepared and presented a Preliminary Report and Recommendation to the Ethics Commission at its regular meeting on June 5, 2020. The respondent did not object to the Preliminary Report and Recommendation and has thereby waived a right to a hearing on the merits. Accordingly, the hearing officer enters this Final Order in accordance with Rule 4.6, Rules of the Mississippi Ethics Commission

I. FINDINGS OF FACT

1.1 Mr. Willie Nevills alleges the Board of Trustees for the East Tallahatchie School District violated the Open Meetings Act by failing to include the subject matter of the January 24, 2020 Special Meeting on the meeting notice. In support of his complaint, Mr. Nevills included a copy of the January 24, 2020 meeting notice, which listed only the time and date of the special called meeting of the board.

1.2 In response, the board states that three board members, Donna Taylor, Lincoln Smith and Raymond Radcliff called this meeting “to elect officers and to discuss the superintendent’s contract.” The board further states that they called the meeting because the board president declined to amend the agenda at the regular meeting to address these matters. The board admits that they failed to include the subject matter on the notice, but that it was a mistake, and “it was not [their] intention . . . to conceal or omit anything from the notice for January 24, 2020.”

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.” Board of Trustees of State Insts. of Higher Learning v. Miss. Publishers Corp., 478 So.2d 269, 276 (Miss. 1985). The Open Meetings Act requires public bodies to provide notice of meetings to allow the public the opportunity to attend and observe those meetings. See Hinds County Board of Supervisors v. Common Cause of Mississippi, 551 So.2d 107 (Miss.1989). “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 The Open Meetings Act specifically requires that public bodies post a notice for “any recess meeting, adjourned meeting, interim meeting or any called special meeting” that includes “the place, date, hour and subject matter” of the meeting. Section 25-41-13(1). The board’s failure to include the subject matter on the notice for its January 24, 2020 special meeting violated the Open Meetings Act.

III. CONCLUSION

WHEREFORE, IT IS HEREBY ORDERED as follows:

3.1 The Ethics Commission finds the Board of Trustees for the East Tallahatchie School District violated Section 25-41-13 of the Open Meetings Act when it failed to include the subject matter on the notice for its January 24, 2020 special meeting.

3.2 The Ethics Commission orders the Board of Trustees for the East Tallahatchie School District to refrain from further violations and comply strictly with the Open Meetings Act.

SO ORDERED, this the 17th day of June, 2020.

TOM HOOD, Executive Director & Chief Counsel
Mississippi Ethics Commission