

BEFORE THE MISSISSIPPI ETHICS COMMISSION

PAM MORRIS

COMPLAINANT

VS.

OPEN MEETINGS CASE NO. M-23-006

JASPER COUNTY BOARD OF SUPERVISORS

RESPONDENT

ORDER OF DISMISSAL

This matter came before the Commission through an Open Meetings Complaint filed by Pam Morris against the Board of Supervisors for Jasper County, Mississippi (the “board”). The board filed a response by and through its attorney. The Ethics Commission has jurisdiction over this matter pursuant to Section 25-41-15, Miss. Code of 1972. The hearing officer presented a Recommendation of Dismissal to the Ethics Commission at its regular meeting held on January 12, 2024, at which time the commission approved this Order of Dismissal in accordance with Rule 4.6, Rules of the Mississippi Ethics Commission.

I. FINDINGS OF FACT

1.1 Pam Morris alleges the Board of Supervisors for Jasper County, Mississippi violated the Open Meetings Act by discussing matters at the June 26, 2023, special meeting that were not listed on the notice. The notice stated the board would “discuss storm debris clean-up.” The minutes for the special meeting state that the board discussed storm debris clean-up and the board approved: (1) selling a dump truck, (2) purchasing two dump trucks, (3) terminating an employee, and (4) advertising for term bids for various projects.

1.2 The board concedes that the notice did not sufficiently list all matters discussed at the special meeting. The board states that it normally holds a “middle of the month” special meeting on the third Monday of each month, to take up matters that come up between regular meetings. This meeting was held June 19, 2023, but was unusually short, due to a devastating tornado that hit Jasper County the night before. The board states that the June 26, 2023, meeting was called primarily to address debris clean-up, specifically to seek support from MEMA and FEMA. The board states all other matters that were taken up were “emergency in nature” since they should have been addressed at the “middle of the month” meeting on June 19, but were not due to dealing with the immediate impacts of the tornado. The board attorney states that “I somehow did not remember that the meeting was called specifically for storm cleanup and discussing storm related matters.” The board notes that if these circumstances arise again, it understands “the proper way … would have been for the Board to recess, set a special meeting one (1) hour later and reconvene.”

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). In Hinds County Board 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 board 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 board 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 board of supervisors, “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.”

2.3 Miss. Code Section 19-3-19(2) requires that, for special meetings held by Boards of Supervisors, “The notice of a special meeting, shall specify each matter of business to be transacted thereat, and at such special meetings business shall not be transacted which is not specified in the order or notice for such meeting.” However, since this statutory section lies outside the Open Meetings Act, the Ethics Commission lacks the authority to determine whether any violation of this statutory section occurred. Accordingly, there is no violation of the Open Meetings Act by the board’s discussion of matters not listed on the special meeting notice.

WHEREFORE, the complaint is hereby dismissed this the 12th day of January 2024.

MISSISSIPPI ETHICS COMMISSION

BY: _____
TOM HOOD, Executive Director