WRITTEN MATERIALS FOR MMA – MUNICIPAL LAW 101:
Top 5 things I thought were important for my "new" alderman to know:

1. The Open Meetings Act of Title 25, Chapter 41: A public entity MUST be conducted in an open and public manner. This is because they (governmental entity) owe a legal duty to the public to be transparent in its actions and that its citizens be advised of and be aware of the public performance of public officials as well as the deliberations and decisions that go into the making of public policy. While there are exceptions (executive session) the "OPENNESS" of a public meeting is a foundational basis for governance. What is a meeting? When the quorum is present and discusses matters under their authority. They can be work sessions, board retreats, committee meetings or even chance encounters! Social gatherings (small towns) can become a meeting if official business is discussed and this can become tricky. Problems arise when you have "factions" or "groups" with similar positions but seek to "GET THEIR WAY" in private. While the Open Meetings Act is very clear, people always seem to try and find their way around it – "e-mail voting"; separate telephone calls; or "reply all" can become problematic. . .as does can't we just discuss it in "executive session" and exclude the public? (Executive Session: 25-41-7(4)(a-n) – clearly defined reasons for executive session.

2. "The Minutes Rule" – *Singing River MOB, LLC v. Jackson Cnty*., 342 So.3d 140 (Miss. 2021) – a municipality (governmental entity) acts only through its minutes – and it must be SPREAD upon the minutes, else it will be invalid (can't just attach a contract – it must be contained therein). Recent Mississippi Supreme Court case: *Hous. Auth. v. Billings*, 404 So.3d 1148 (Miss. 2025) – "while the entire contract need not be placed on the board's minutes, the minutes must contain enough of the terms and conditions of the contract to determine the liabilities and obligations of the contracting parties without resorting to other evidence." (somewhat conflicting – but makes sense) –

   Where this tends to become an issue (especially in smaller towns – or with "personal relationships") is where one alderman/councilperson tries to do a "FAVOR" for someone – like a purchase or smaller service/purchase contract – he or she cannot bind the municipal entity and if not "VOTED and/or agreed upon by the group" in the minutes – then it's not binding. Good example – sure. . .we'll help pay for the baseball field repairs or uniforms. OUCH! It also helps clarify the vote – example: Indianola – recent 3-2 vote to pay for services when board attorney recommended against it – State Auditor used the minutes to go back against the individual board members to seek repayment from only the "VOTING FOR" members as was contained within the minutes.

3. Predecessor Boards generally cannot bind a Successor Board: *Broadband Voice, LLC v. Jefferson Cnty*., 348 So. 3d 305 (Miss. 2022). I see this a lot in school district service contracts, but 2-3 year contracts become the norm and sometimes, service providers seek 5 year contracts, which could be negated. . . requires a more thorough discussion and evaluation.

4. ROBERTS RULES OF ORDER: While often times NOT contained within municipal or governmental entities policies, boards follow Robert's Rules of Order – must obtain the floor to speak; deliberation of issues; motions; voting; amendments; tabling; enacting;

5. Decorum of the meeting: This covers so many issues but most notably, as it relates to how discussions are had and how conflict is handled within the meeting. While board attorneys are there to "advise" on the legal nature of the actions of the municipality, the position of the board attorney often times also carries with it, the duty to keep discussions fair as we are the ones who more often than not, do not have a "personal feeling" one way or the other. We are there to advise and assist the board on what THEY AS A GROUP seek to do. By facilitating the discussion and sometimes becoming the mediator – we assist the entity in performing its legal duty, to its citizens, in a proper manner, without taking any one side.

   EXTRAS!!!

   a. All the applicable law, is NOT in the Mississippi Code: Once had a question about how the city clerk was paid and advised that under the Fair Labor Standards Act, the US Department of Labor had prepared fact sheets explaining some of the laws re: wage and hour laws. The alderman quickly voiced an opinion that the MS Code was the controlling law and that THEY, under the code, could set ALL of their salary and hourly wages. Key – hopefully, the board undergoes their training and understands federal preemption and notions of federal and state law.
   b. Open Meetings Act: NOTICE – 25-41-13: Can be at the "normally held" scheduled/monthly/weekly time – but the earliest it can be held, AND IT MUST BE POSTED, for a recess/adjourned/interim/special call meeting is 1 hour before –
   c. Can you take action or vote while in Executive Session? YES!!!
   d. LOOK TO YOUR POLICIES!!!! State law says THIS about a topic. . .yeah? What does your city ordinance say? Common areas of "conflict" – sale of alcohol or hours for bars/restaurants; transitory vendors (food trucks).