



ATTORNEY GENERAL'S OPINION OUTLINE

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The purpose of the Opinion Outline is to inform state, county and municipal officials and other interested persons of official opinions issued by the Attorney General's Office. This outline contains synopses of opinions issued from January 1, 2018 through January 31, 2018. When opinions are of state-wide application or interest, we will try to publish the entire opinion.

The following opinion outlines are based upon opinions that were issued by this office in response to specific facts and circumstances and therefore may not be applicable in all cases.

Complete opinions are also available on our internet website at: agjimhood.com

Very truly yours,

Jim Hood
Attorney General

COURTS

To serve a person within the State of Mississippi with an arrest warrant you must follow the provisions of Rule 3 of the Mississippi Rules of Criminal Procedure. Extradition, pursuant to Section 7-1-31, would be required for the arrest of a person who is an out-of-state resident.
(Delgado, 1/26/2018)(#056)(OP-2017-00379)

The State Drug Courts Advisory Committee falls within the "judiciary", and its meetings are exempt from the Open Meetings Act pursuant to Miss. Code Ann. Section 25-41-3(a)(i).
(Lackey, 1/26/2018)(#056)(OP-2018-00006)

CRIMINAL LAW

A judge in municipal court may not assess the costs of the Mississippi Crime Lab pursuant to Section 45-1-29 of the Mississippi Code for a conviction of a misdemeanor.
(Nowak, 1/26/2018)(#057)(OP-2017-00383)

INTERLOCAL AGREEMENTS

The Interlocal Cooperation Agreement between Lauderdale County, Mississippi and the City of Meridian, Mississippi for the purposes of completing drainage projects within the City of Meridian is approved.
(Thaggard, 1/10/2018)(#277)(OP-2017-00421)

The Interlocal Cooperation Agreement between the Hancock County Board of Supervisors and the City of Diamondhead, Mississippi for the provision of police protection services by the Hancock County Sheriff's Department is approved.
(Karl, 1/24/2018)(#277)(OP-2018-00013)

The Interlocal Cooperation Agreement between Lauderdale County, Mississippi and the City of Meridian, Mississippi for utilization of grant funds awarded under the Justice Assistance Grant Program is approved.
(Thaggard, 1/25/2018)(#277)(OP-2018-00017)

MISCELLANEOUS

Distributions of funds seized under the Uniform Controlled Substance Law, Miss. Code Ann. Section 41-29-101, *et seq.*, should be made in accordance with Section 41-29-181. Interlocal Agreements that involve distribution of funds seized under these laws must comply with the statutorily prescribed distribution percentages.
(Baker, 1/26/2018)(#115)(OP-2018-00002)

The Mississippi Commission on Volunteer Service may utilize funds held and managed for its benefit by the Community Foundation of Mississippi as a result of private donations in order to carry out MCVS' statutorily prescribed duties.
(Ritchie, 1/26/2018)(#115)(OP-2017-00417)

MUNICIPALITIES

A municipality may not compensate its employee for damage caused to the employee's private vehicle even when the damage is caused while said employee is at work.
(Powell, 1/5/2018)(#142)(OP-2017-00413)

In general, a board of aldermen may create an advisory committee. However, neither the board of aldermen, nor the mayor, have the authority to delegate their statutory duties. Whether an advisory committee is a public body would depend upon how the advisory committee was created and its specific responsibilities. If the advisory committee is a public body, the advisory committee would have to comply with the Open Meetings Law.
(St. Pe', 1/12/2018)(#142)(OP-2017-00389)

Service as a commissioner of a local planning commission created under Mississippi Code Annotated Section 17-1-11 is not subject to the holdover limitations imposed in Section 21-15-41. As to your remaining inquiries, we are unable to respond with an official opinion as such response would require this office to interpret provisions of a municipal ordinance.
(Holmes-Hines, 1/26/2018)(#142)(OP-2018-00001)

SCHOOLS-DISTRICTS

Section 25-53-191 does not apply to public school districts.
(Keith, 1/5/2018)(#180)(OP-2017-00405)

SCHOOLS-SUPERINTENDENTS OF EDUCATION

Governing bodies may not bind their successors in office by contract unless expressly authorized by law.
(Mayo, 1/5/2018)(#198)(OP-2017-00400)

SUPERVISORS-AUTHORITY

The president of the board is elected to serve in that capacity for the four year term of the board of supervisors.
(McWilliams, 1/5/2018)(#220)(OP-2017-00414)

Miss. Code Ann. Section 65-7-7 prohibits a private landowner from erecting a gate across a public road that would limit access to the general public.
(Chiles, 1/12/2018)(#220)(OP-2017-00395)

TAXES-ROAD & STREET

Pursuant to Section 65-15-21, Walthall County is mandated to refund to the Town of Tylertown one-half of all ad valorem taxes collected within the municipality for road purposes of such county.
(Mord, 1/26/2018)(#255)(OP-2018-00004)

UTILITY DISTRICTS

The Tunica County Utility District should deposit funds into a qualified county depository selected by the Board of Supervisors in accordance with Section 27-105-301, *et seq.*
(Dulaney, 1/12/2018)(#266A)(OP-2017-00418)

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