

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

June 7, 2019

Jane C. O'Neal, City Clerk
City of Poplarville
200 Highway 26 East
Poplarville, Mississippi 39470

Re: Community Public Water System Training

Dear Ms. O'Neal:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Background

You state that the City of Poplarville is a code charter municipality with less than 3,000 inhabitants and cite Section 41-26-101 of the Mississippi Code which provides training requirements for members of governing boards of any community public water system which includes governing board members of municipalities with a population of ten thousand (10,000) or less.

Question

You ask if the Mayor is legally required to have the same community public water system training as is required for members of the Board of Aldermen.

Response

No. Section 41-26-101 requires members of a governing board of certain municipal water systems to attend the specified training. When a municipality has not established a public utility commission, the board of aldermen serves as the board contemplated in Section 41-26-101. While the mayor is a part of the municipal governing authorities, the board of aldermen is the governing board of a code charter municipality. *MS AG Op., Embry* (August 28, 1991); *MS AG Op., Patterson* (December 3, 1984).

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Applicable Law

Section 41-26-101 (1) provides:

Each member elected or reelected after June 30, 1998, to serve on a governing board of any community public water system, except systems operated by municipalities with a population greater than ten thousand (10,000), shall attend a minimum of eight (8) hours of management training within two (2) years following the election of that board member. Any member failing to complete the management training within two (2) years after his election shall be subject to removal from the board by the remaining members. If a board member has undergone training and is reelected to the board, that board member shall not be required to attend training as provided by this subsection.

If this office can be of further assistance to you, please let us know.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:

Phil Carter
by: *lgp*

Phil Carter
Special Assistant Attorney General