



MISSISSIPPI ETHICS COMMISSION

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August 15, 2018

VIA U.S. MAIL

Mr. Robert Latham
City Attorney, City of Natchez
P.O. Box 1307
Natchez, MS 39121

Re: Open Meetings Case Nos. M-18-006; M-18-007; M-18-008; M-18-010
(Consolidated); City of Natchez

Dear Mr. Latham,

Enclosed please find a copy of the Final Order in the above referenced case. This Final Order was issued in accordance with Rule 4.6, Rules of the Mississippi Ethics Commission.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sonia Shurden".

SONIA SHURDEN
Hearing Officer,
Mississippi Ethics Commission

cc: Mr. David Hamilton
Mr. Paul D. Sullivan
Mississippi Justice Institute
Mr. Shadrack T. White (VIA EMAIL)

(Enclosure)
SS/lk

BEFORE THE MISSISSIPPI ETHICS COMMISSION

**THE NATCHEZ DEMOCRAT, JOHN A. WHITE,
PAUL BENOIST, GINGER C. SCHWAGER,
WILLIAM MYERS, PAUL D. SULLIVAN &
MISSISSIPPI JUSTICE INSTITUTE**

COMPLAINANTS

**OPEN MEETINGS CASE NOS.
M-18-006, M-18-007, M-18-008 &
M-18-010 (CONSOLIDATED)**

VS.

**MAYOR AND BOARD OF ALDERMEN,
CITY OF NATCHEZ**

RESPONDENT

FINAL ORDER

This matter came before the Ethics Commission through four separate Open Meetings Complaints filed against the Mayor and Board of Aldermen for the City of Natchez (hereinafter “the board”), by David Hamilton on behalf of The Natchez Democrat, by Shadrack White on behalf of the Mississippi Justice Institute, by Paul Sullivan on behalf of citizens John A. White, Paul Benoist, Ginger C. Schwager, and William Myers, and by Paul Sullivan, individually. The complaints involve the same subject-matter and are consolidated herein. The board responded to the complaints 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 Preliminary Report and Recommendation to the Ethics Commission at its regular meeting on August 3, 2018, and thereafter served it on the parties in accordance with Rule 4.6, Rules of the Mississippi Ethics Commission. The respondent did not object to the Preliminary Report and Recommendation and has thereby waived the right to a hearing on the merits. Accordingly, the hearing officer enters this Final Order pursuant to Rule 4.6, Rules of the Mississippi Ethics Commission.

I. FINDINGS OF FACT

1.1 The complainants allege the Mayor and Board of Aldermen for the City of Natchez violated the Open Meetings Act at its April 23, May 1 and May 3, 2018 meetings when the board entered executive session to discuss proposals for the provision of garbage collection and recycling services. Specifically, the complainants argue that the Open Meetings Act does not permit the board to go into executive session to discuss proposals for garbage collection and recycling services. Additionally, Paul Sullivan asserts that the board failed to follow the mandatory procedures to properly enter executive session at its April 23 and May 1, 2018 meetings.

1.2 In its responses, the board denies that it violated the Open Meetings Act at these meetings and provided draft copies of meeting minutes as well as a copy of the “Request for Proposals for Solid Waste Collection” (the “RFP”) issued by the City of Natchez.

1.3 By way of background, on March 9, 2018, the City of Natchez initiated a Request for Proposals process for solid waste and recycling services for the City of Natchez. The RFP sought “proposals for the curbside collection of solid waste and recyclables” to be submitted by April 9, 2018. Proposals were to be submitted in a sealed envelope, and Section 5 of the RFP stated that “[d]ue to potential negotiations envisioned by the RFP process, Proposals shall not be opened publicly but shall be opened in the presence of the City Clerk and two or more Aldermen. Proposals shall be handled so as to avoid disclosure of contents to competing offerors during the process of negotiation, if any. . . .”

1.4 The board held meetings on April 23, May 1 and May 3 to discuss, among other items, these proposals for garbage collection and recycling services. The board states in its response, “[o]n April 23rd, the Natchez Board of Aldermen met in a specially called meeting for several purposes, one of which was to discuss the various Proposals submitted by companies desiring to locate an office in the City of Natchez for the purpose of handling the waste collection and recycling in the City of Natchez.” Apparently, the city had received six proposals for garbage collection and recycling services.

1.5 The complaint filed by Mr. Hamilton states that upon exiting the closed determination at the April 23 meeting, the board announced to the public that it was entering executive session to discuss “(1) an unrelated item regarding potential litigation, and (2) the discussion and reviewal [sic] of the waste/recycling proposals.” Mr. Hamilton further states:

For the latter, a reporter then asked Latham [the city attorney] what exemption under the Open Meetings Act the city was claiming. Latham cited the list of best practices for soliciting requests for proposals or requests for qualifications, found in Miss. Code §31-7-401 through 423. The reporter, again, asked what specific exemption under the Open Meetings Act the city was claiming, as the aforementioned statute did not fall under one of those exemptions. Latham then took about a minute to review the list of exceptions before selecting “(j) Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.”

1.6 The complainants represented by Mr. Sullivan allege similar facts. The complaint further states that at the April 23, 2018 meeting:

[T]he Board of Aldermen violated the Open Meetings Act by improperly going into executive session without following the proper procedures as set forth in the Act, and without a valid justification under the Act.

Specifically, the Board did not announce its statutory justification for going into executive session prior to voting to do so. Rather, the Board first voted to go into executive session, without specifying a statutory exception to the Open Meetings Act to justify executive session. Without having a proposed statutory exception on the record, the Board went ahead and voted to go into executive session. Only after the vote, and then and only in response to questions from citizens present at the meeting, did the Board attempt to provide a statutory exception to the Open Meetings Act to justify the executive session. The Board initially announced that

it was entitled to go into executive session “to protect the city’s ability to negotiate with bidders.” When again challenged as to the statutory exception which permitted the exclusion of the public from the Board of Aldermen meeting, the board next announced that section 25-41-7(4)(j) provided the statutory exception to the Open Meetings Act upon which the city relied to go into executive session. . . .

Clearly, this subsection does not apply to the City of Natchez Board of Aldermen discussing the merits of relative proposals for the provision of garbage collection services. Discussing the relative merits of six competing proposals for providing garbage collection services is simply not covered by any of the statutory exceptions, and the Board of Aldermen violated the Open Meetings Act by going into executive session. . . .

1.7 The board asserts in its response that it followed the proper procedure to enter executive session on April 23 and “informed the public that the discussion of the Proposals submitted by the various companies qualified for executive session on the basis that the Mayor and Board would be discussing a transaction of business and negotiations regarding the location of a business in the City of Natchez.” The board further states that:

The general public was also informed that the Mayor and Board would be reviewing Proposals that were submitted with confidential and financial information that was protected by the Public Records Act. They were also informed that the legislature had recently passed a Best Practice Act for the conduct of Request for Proposals and Request for Qualifications that provided a process to discuss the contents of the Proposals without releasing the information contained in the competitive Proposals. Although the process does not specifically apply to municipalities, the new Act is entitled “Best Practices for Soliciting Request for Proposals or Request for Qualifications.” These provisions were added at the end of Chapter 7 – Public Purchases.

1.8 The board specifically denies Mr. Sullivan’s contention that it entered executive session on April 23 without announcing any authority to do so. The city’s executed minutes for the April 23, 2018 meeting reflect the following actions taken when it entered executive session:

Alderwoman Smith made a motion to move into a Closed Determination, which was seconded by Alderman Dillard and unanimously carried.

A motion was made by Alderwoman Mathis to continue into Executive Session for the discussion of Potential Litigation and Negotiations of the RFP for Waste Collections and Recycling as permitted under Miss. Code Ann. § 25-41-7. This motion as seconded by Alderman Davis and unanimously carried.

Alderman Davis made a motion to return to Open Session, which was seconded Alderwoman Irving and unanimously carried.

1.9 At the May 1, 2018 meeting, the board again entered executive session to discuss the garbage collection and recycling services proposals. In his complaint, Mr. Sullivan states:

At the end of the meeting, the aldermen, clerk and board attorney adjourned the regular meeting and retired to a separate room for discussions of the proposals for garbage collection. After a newspaper reporter and myself questioned the lawfulness of the executive session, the Board attorney initially explained that the justification for the executive session was that “private information relating to companies’ business practices” would be discussed. I explained that this was not an exception under the Open Meetings Act. I then explained to the mayor and city attorney that under the statute, the board was required to initially vote to go into executive session, and that they could not simply convene an executive session without a vote. I also told them that the statute required that they provide an explicit exception under the statute which would justify exclusion of the public. Only then did the board take a vote to go into executive session. When pressed by me and the reporter on which exception they were relying upon, the board attorney told us they were relying upon the same exception they cited on April 23, 2018, i.e., section 25-41-7(4)(j). . . .

To be clear, the discussion was about which garbage collection contract to accept and not about the location or relocation of any business. Clearly, this subsection does not apply to the City of Natchez Board of Aldermen discussing the merits of relative proposals for the provision of garbage collection services. Discussing the relative merits of six competing proposals for providing garbage collection services is simply not covered by any of the statutory exceptions, and the Board of Aldermen violated the Open Meetings Act by going into executive session. . . .

1.10 In its response the board repeated that it followed the proper procedure to enter executive session on May 1 and “informed the public that the discussion of the Proposals submitted by the various companies qualified for executive session on the basis that the Mayor and Board would be discussing a transaction of business and negotiations regarding the location of a business in the City of Natchez.” The board further states that:

Paul D. Sullivan does not understand the procedure for proceeding into an executive session. Mr. Sullivan again states that the Mayor and Board entered into an executive session without announcing any authority to do so. This is just not true. At the May 1st meeting, the Board of Aldermen followed its normal procedure of entering into a closed determination to determine if certain items for discussion qualified for execution session. The Board made the determination that certain items qualified for executive session including the Proposals in question and announced to the general public the basis for which they qualified prior to entering into executive session.

The general public, as well as Paul D. Sullivan, were also informed that the Mayor and Board would be reviewing Proposals that were submitted with confidential and financial information that was protected by the Public Records Act. They were also informed that the legislature had recently passed a Best

Practice Act for the conduct of Request for Proposals and Request for Qualifications that provided a process to discuss the contents of the Proposals without releasing the information contained in the competitive Proposals. Although the process does not specifically apply to municipalities, the new Act is entitled “Best Practices for Soliciting Request for Proposals or Request for Qualifications.” These provisions were added at the end of Chapter 7 – Public Purchases.

1.11 The draft minutes for the May 1, 2018 meeting reflect the following actions taken by the board when entering executive session:

Alderwoman Irving made a motion to move into a Closed Determination. This motion was seconded by Alderman Frazier and unanimously carried.

A motion was made by Alderwoman Irving, seconded by Alderman Davis and Unanimously carried to proceed into Executive Session to discuss topics covered under Proposals containing Financial and Commercial Confidential Information, as allowed under Miss. Code Ann. § 25-61-9, and Best Practices for Soliciting Requests for Proposals, as allowed under Miss. Code Ann. § 31-7-401.

A motion to return to Open Session was made by Alderman Davis, seconded by Alderman Dillard and unanimously carried.

1.12 Finally, at its May 3, 2018 meeting, the board again entered executive session to discuss the garbage collection and recycling services proposals. In his complaint, Mr. White states:

The Board of Aldermen and Mayor of the City of Natchez violated the Open Meetings Act by conducting an illegal, closed-door executive session on May 3, 2018. That evening, the Board of Aldermen and Mayor of Natchez held a meeting to discuss who would receive the City's garbage collection and recycling contract. During the meeting, the Board and Mayor entered into an executive session. A video of the meeting shows that one member of the Board, Hon. Sarah Carter-Smith, expressed reticence about moving into a closed session, stating, “Because what we will be discussing, which is, we’ve already said, the RFP [for garbage collection] ... having attorneys consulted, I'm uncomfortable discussing it [the contract] in executive session. And I read it the same way – that cities aren’t exempt. I just want to publicly say that I would prefer that we do this [discuss the garbage contract] out in the open.” Regardless, the Mayor and Board moved to executive session.

1.13 In its response the board again repeated that it followed the proper procedure to enter executive session on May 3 and “informed the public that the discussion of the Proposals submitted by the various companies qualified for executive session on the basis that the Mayor and Board would be discussing a transaction of business and negotiations regarding the location of a business in the City of Natchez.” The board also states:

The general public, as well as Shadrack T. White, were also informed that the Mayor and Board would be reviewing Proposals that were submitted with confidential and financial information that was protected by the Public Records Act. The statement made by Shadrack T. White that the only exemption claim by the City was the location of a business is not true. They were also informed that the legislature had recently passed a Best Practice Act for the conduct of Request for Proposals and Request for Qualifications that provided a process to discuss the contents of the Proposals without releasing the information contained in the competitive Proposals. Although the process does not specifically apply to municipalities, the new act is entitled "Best Practices for Soliciting Request for Proposals or Request for Qualifications." These provisions were added at the end of Chapter 7 - Public Purchases.

1.14 The draft minutes for the May 3, 2018 meeting reflect the following actions taken by the board when entering executive session:

Alderwoman Mathis made a motion to move into a Closed Determination. This motion was seconded by Alderman Frazier and unanimously carried.

A motion was made by Alderwoman Mathis and seconded by Alderwoman Irving to proceed into Executive Session to discuss topics covered under Competitive Sealed Proposals, as permitted under Miss Code Ann § 25-61-5, Proposals containing Financial and Commercial Confidential Information, as allowed under Miss. Code Ann. § 25-61-9, and Best Practices for Soliciting Requests for Proposals, as allowed under Miss. Code Ann. § 31-7-401, and Proprietary Information from Companies trying to come to the City of Natchez to do business and Potential Litigation, as allowed under Miss. Code Ann. § 25-41-7. The following vote count was taken:

Alderwoman Mathis	Aye
Alderman Frazier	Aye
Alderwoman Smith	Nay
Alderwoman Irving	Aye
Alderman Davis	Aye
Alderman Dillard	Aye

The motion passed by majority.

A motion to return to Open Session was made by Alderman Davis, seconded by Alderwoman Irving and unanimously carried.

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).

A. Executive Session Reasons

2.2 In its response, the board asserts that it was entitled to enter executive session on April 23, May 1 and May 3, 2018 to discuss the garbage collection and recycling services proposals it received in response to its RFP. The board asserts multiple grounds, including:

1. That the process for issuing an RFP, as provided in Section 31-7-13 of the Mississippi Code allows negotiations with one or more persons making proposals, “to create an efficient and economical process which will allow the governing authority to obtain more favorable proposals.” And, that “to discuss proposals submitted under the RFP process in open meetings [] would negate the ability to negotiate with various persons submitting proposals to gain the most favorable contract for the governing authority.”
2. That Section 25-41-7(j) of the Open Meetings Act provides that a public body may enter executive session for the “[t]ransaction of business and discussion or negotiations regarding the location, relocation or expansion of a business, medical service or an industry.” And, that such exemption should be read broadly beyond economic development, to include discussing proposals for “the prospect of locating an office in the City of Natchez to conduct the business of waste collection and recycling.”
3. That Section 25-61-5(1)(b) of the Mississippi Public Records Act allows a public body to delay production of competitive sealed proposals after the notice of intent to award is issued by the public body. And, that the delay in production allowed under the Public Records Act should provide an adequate basis for a public body to enter executive session to discuss those competitive sealed proposals.

4. That Section 25-61-9(1) of the Public Records Act allows third parties adequate time to seek a protective order for trade secrets or confidential commercial or financial information provided a public body, to shield such information from a public records request. And, that the right to seek a protective order for such information should provide an adequate basis for a public body to enter executive session to discuss the garbage collection and recycling services proposals.
5. That the Best Practices for Soliciting Requests for Proposals or Requests for Qualifications Act, Section 31-7-401 et seq. of the Mississippi Code (hereinafter "Best Practices Act"), requires confidentiality of "[a]uction techniques, revealing one offeror's price to another, and disclosure of any information derived from competing proposals." Section 31-7-419(3). And, that the Best Practices Act should apply not only to state agencies, but municipalities as well. And, that the confidentiality required under the Best Practices Act for the garbage collection and recycling services proposals received by the City of Natchez should provide an adequate basis for the board to enter executive session to discuss such proposals.

2.3 However, in its response, the board concedes that "there is not a statute that explicitly states that public bodies can meet in executive session to discuss the contents of competitive sealed proposals." Nonetheless, the board urges the Commission to view "all of the statutory provisions pertaining to businesses submitting competitive sealed proposals lead to that conclusion." The board goes on to state:

It would be inconceivable that the legislature would provide that competitive sealed proposals are exempt from the Mississippi Public Records Act until after the award of the contract to the winning proposer if the public body issuing the RFP could not meet in executive session to consider proposals.

Furthermore, the Mississippi Public Records Act exempts the release of documents containing trade secrets, confidential information and financial information for a period of twenty-one (21) days so that businesses can seek a protective order to preserve the release of this information. Even if competitive sealed proposals were not exempt from the Mississippi Public Records Act, the public body would be required to meet in executive session to review and discuss any aspects of the proposals pertaining to trade secrets, confidential information or financial information.

2.4 The Ethics Commission has repeatedly upheld the Supreme Court's dictate that "within the framework of the statutory language itself, all statutory exceptions must, under the spirit and philosophy of the Act, be strictly construed against executive session." Hinds County at 125. That is, only in those narrowly drawn and limited circumstances, which are specifically enumerated in Section 25-41-7(4) of the Mississippi Code, may a public body enter executive session and exclude the public. See, Hood v. Humphreys County School District, Open Meetings Case M-17-010 (school board improperly entered executive session to discuss embargoed Mississippi state test scores); Griffith v. City of Lumberton, Open Meetings Cases

M-17-003 and M-17-004 (board improperly entered executive session to confidentially discuss hiring an independent contractor as a building inspector); Thomas v. City of Indianola, Open Meetings Case M-16-016 (board improperly entered executive session to discuss hiring an accounting firm); Noonan v. Bay Saint Louis-Waveland School District, Open Meetings Case M-15-001 (school board improperly entered executive session to interview potential architects and to keep those firms' competitive or proprietary information confidential to the extent allowed by the Public Records Act); and Harding v. City of Bay Saint Louis, Open Meetings Cases M-12-005 and M-12-006 (board improperly entered executive session to discuss the job performance of an independent contractor hired to remove debris).

2.5 Accordingly, as conceded by the board in its response, none of the enumerated exceptions in Section 25-41-7(4) include discussion of proposals for garbage collection and recycling services the city received in response to its RFP. The Mississippi Supreme Court has held that any attempt to add additional exemptions for executive sessions outside those specifically enumerated by Open Meetings Act is "repugnant and contrary to the intent of the Open Meetings Act as well as the express words that an executive session "shall be limited" to the statutory enumerated exemptions of subsection (4). The proper forum to address additional exemptions to the Open Meeting Law is the state legislature." Board of Trustees of State Insts. of Higher Learning, at 277.

2.6 In its efforts to make the RFP process fair to the companies submitting proposals and maintain the confidentiality of the financial, competitive or proprietary information in the proposals, the board could have considered delegating the RFP process to the mayor or to another city official, who would not be required to deliberate or meet in an open forum pursuant to the Open Meetings Act. The delegate could have conducted the due diligence and negotiations the board desired – while maintaining the confidentiality of the companies' financial, competitive or proprietary information to the extent allowed under the Mississippi Public Records Act – and reported his or her findings and/or recommendation to the board. Indeed the Mississippi Attorney General's office has similarly opined that even though federal law requires drug rebate information be maintained as confidential, the Pharmacy and Therapeutics Committee of the Division of Medicaid may not enter executive session to discuss such information. MS Atty. Gen. Op., Dzielak, March 1, 2013. The Attorney General's office suggested the committee "attempt to structure its discussions in public meetings in such a manner that they do not disclose" confidential information.

2.7 "The philosophy of the Open Meetings Act is that all deliberations, decisions and business of all governmental boards and commissions, unless specifically excluded by statute, shall be open to the public." Hinds County at 110. As such, without a specific exemption allowing a confidential or executive session, regardless of the impact of discussions in open session on third parties, the board was not permitted to exclude the public from their discussions of the proposals, and to enter executive session to do so was a violation of the Open Meetings Act.

B. Executive Session Procedure

2.8 The Open Meetings Act also requires certain technical, procedural requirements be met in order for a public body to enter executive session and exclude the public from its

deliberations. The Mississippi Supreme Court has ruled the following steps “mandatory requirements:”

1. The meeting must begin as an Open Meeting. Miss. Code Ann. § 25-41-7(1).
2. A member must make [a] motion in [an] Open Meeting for the meeting to be closed to determine whether or not the Board should declare an executive session. The statute does not require a second to this motion, but the vote on this motion is taken in Open Meeting. If a majority votes to close the meeting to make a determination on the question of an executive session, the meeting is closed for this purpose. Miss. Code Ann. § 25-41-7(2).
3. No other business during this closed interim shall be considered until a vote has been taken on whether or not to declare an executive session. Miss. Code Ann. § 25-41-7(2). In order to go into executive session, a majority of three-fifths of those present must vote in favor of it. Miss. Code Ann. § 25-41-7(1).
4. **The Board must then state in Open Meeting the reason for going into executive session, and this reason and total vote thereon must thereafter be recorded on the minutes of the meeting.** Miss. Code Ann. § 25-41-7(3), (5).
5. The vote to go into executive session is applicable only to that particular meeting on that particular day. Miss. Code Ann. § 25-41-7(6).

Hinds County at 110-111 (emphasis added). The Court goes on to explain that:

If a three-fifths majority of the board votes to go into executive session, **the chairman must then re-open the meeting and announce publicly that the board is going into executive session, and give the reason for doing so. . . .** The reason stated must be of sufficient specificity to inform those present that there is in reality a specific, discrete matter or area which the board had determined should be discussed in executive session.

The board may then go into executive session to discuss this one matter and, when concluded, must re-open the meeting.

Id. at 111 (emphasis added). “The technical requirements of the Act not only enlighten the public that there exists a specific, valid reason for going into executive session, but also make it somewhat onerous and time consuming for the board to do so.” Id. at 112.

2.9 Accordingly, the Court clearly envisions that the executive session discussions be announced with sufficient specificity prior to entering executive session. Section 25-41-7(3) also requires that the reasons for holding an executive session are recorded in the minutes.

2.10 From the complaints and responses, it appears that the board may have announced the reasons for entering executive session after the closed determination, prior to entering executive session at the April 23, May 1 and 3, 2018 meetings. The minutes also recorded the reasons the board entered executive session.

2.11 The April 23, 2018 meeting minutes state that “[a] motion was made by Alderwoman Mathis to continue into Executive Session for the discussion of Potential Litigation and Negotiations of the RFP for Waste Collections and Recycling as permitted under Miss. Code Ann. § 25-41-7.”

2.12 The May 1, 2018 meeting minutes state that “[a] motion was made by Alderwoman Irving, seconded by Alderman Davis and Unanimously carried to proceed into Executive Session to discuss topics covered under Proposals containing Financial and Commercial Confidential Information, as allowed under Miss. Code Ann. § 25-61-9, and Best Practices for Soliciting Requests for Proposals, as allowed under Miss. Code Ann. § 31-7-401.”

2.13 The May 3, 2018 meeting minutes state that “[a] motion was made by Alderwoman Mathis and seconded by Alderwoman Irving to proceed into Executive Session to discuss topics covered under Competitive Sealed Proposals, as permitted under Miss Code Ann § 25-61-5, Proposals containing Financial and Commercial Confidential Information, as allowed under Miss. Code Ann. § 25-61-9, and Best Practices for Soliciting Requests for Proposals, as allowed under Miss. Code Ann. § 31-7-401, and Proprietary Information from Companies trying to come to the City of Natchez to do business and Potential Litigation, as allowed under Miss. Code Ann. § 25-41-7.”


2.14 Accordingly, it appears the board followed the proper procedure to enter executive session and sufficiently recorded the reasons for entering executive session in its minutes.

WHEREFORE, IT IS HEREBY ORDERED as follows:

3.1 The Ethics Commission finds the Mayor and Board of Aldermen for the City of Natchez violated Section 25-41-7, Miss. Code of 1972, by entering executive session on April 23, May 1 and 3, 2018 to discuss proposals for the provision of garbage collection and recycling services.

3.2 The Ethics Commission orders the Mayor and Board of Aldermen for the City of Natchez to refrain from further violations and comply strictly with Section 25-41-7 of the Open Meetings Act.

SO ORDERED, this the 15th day of August, 2018.


SONIA SHURDEN, Hearing Officer
Mississippi Ethics Commission