

2001 WL 283632 (Miss.A.G.)

Office of the Attorney General
State of Mississippi

Opinion No. 2001-0077

February 16, 2001

Re: Requirements of newspaper qualified to publish county proceedings

Mr. Robert P. Shepard

Dear Mr. Shepard:

Attorney General Mike Moore has received your recent letter on behalf of the Board of Supervisors of George County and has asked me to respond. Your letter states:

The Board of Supervisors publishes a notice to bidders requesting bids to publish county proceedings. The Board receives one bid. That bid is from a newspaper which has its main office in an adjoining county. It has opened a news bureau in George County. Publications must be sent to the main office in order to make sure that they are published on time. It has subscribers in George County and also sells newspapers through vending machines [as do some other newspapers]. During the past year, the Board has had several problems with publications not being done on time; having to change bid return dates; having to delay bid openings because the proofs of publication have not been delivered timely; and having to republish notices to bidders. There is a newspaper located solely in George County. This newspaper has its main (and only) office in George County, and there has never been a problem with any publication to the best of anyone's knowledge. That newspaper did not submit a bid because its owner/publisher believes that it is the only newspaper legally qualified to publish legal notices in George County.

The questions are as follows:

May the Board of Supervisors accept the bid which it received from the out-of-county newspaper as a valid bid?

Must the Board of Supervisors accept the bid from the out-of-county newspaper even though it had problems with publications in said paper during the past year?

A county board of supervisors must publish the proceedings of the board or the minutes of the board pursuant to [Miss. Code Ann. Section 19-3-33](#) and [19-3-35](#). MS AG Op., Fortier (April 12, 1996). Section 13-3-31 sets forth qualifications for publication of legal notices. All of the qualifications of Section 13-3-31 are equally important, and a newspaper must meet all of the qualifications to be qualified to publish legal notices. If there is only one paper published in the county that is qualified under Section 13-3-31, then that paper must be used for legal notices. MS AG Op., Dickerson (December 3, 1999). This office does not make factual determinations such as those necessary to decide if a particular newspaper meets all of the qualifications to publish legal notices. MS AG Op., Dickerson (December 3, 1999); MS AG Op., Haque (May 22, 1990). If we may be of any further assistance, please let us know.

Very truly yours,
Mike Moore
Attorney General

By: Alice Wise
Special Assistant Attorney General

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