

No. 2006-00021.

**Mississippi Attorney General Opinions  
2007.**

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February 9, 2007

Gary Carnathan

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P.O. Drawer 70  
Tupelo, MS 38802-0070

Re: Video of public meeting

Dear Mr. Carnathan:

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

Your letter states and asks the following:

The City of Verona meets on a regular basis and a gentleman appears at the meeting with a camera and conducts a video of the entire Board meeting. It is not known by the Board for what purpose or use the video is being obtained.

Everyone is aware that the meetings are public; however, the Board desires that you render an opinion as to whether or not they can be videoed by a private individual for purposes unknown. In response, as you correctly point out, the monthly meetings of Verona city officials are public meetings and fall under the Mississippi Open Meetings Act, Section 25-41-1, et seq., of the Mississippi Code. Generally speaking, the public may attend such meetings and take notes, photographs, and video or audiotape of the proceedings. This office has issued several opinions addressing the tape recording of public meetings, and has looked to Section 25-41-9, which allows a public body to develop reasonable rules and regulations concerning the conduct of their meetings. MS AG Op., Smith (August 8, 2006); MS AG Op., Scott (November 20, 1991); MS AG Op., Garrett (May 3, 1990) (copies attached). In those opinions we opined that "while a board may develop reasonable rules regarding taping and/or recording of its public meetings, a flat prohibition against taping is unreasonable and violates the intent of the open meetings laws."

While we have not specifically addressed permissible purposes for audio and video recording, it is the opinion of this office that the citizen's/public's purpose or intended use for the recording has no bearing on whether same should be allowed. Indeed, to attempt to limit the use of any such recording, or to prohibit recording unless it is for a specific enumerated reason, would clearly violate the intent of the Open Meetings Law.

Therefore, it is the opinion of this office that the Board may develop rules concerning the tape

recording of its meetings to allow for minimal disruption thereof, but may not limit or restrict such recordings based upon the person's purpose in making the recording.

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

Sincerely,

JIM HOOD,

ATTORNEY GENERAL

By: Ellen O'Neal

Special Assistant Attorney General