

Bond Case Briefs

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PUBLIC EMPLOYMENT . - MISSISSIPPI

Jones v. City of Canton

Supreme Court of Mississippi - September 26, 2019 - So.3d - 2019 WL 4686409

Public school district and trustee of district filed a bill of exceptions, challenging decision of city's board of aldermen to remove trustee.

The Circuit Court affirmed trustee's removal, and he appealed.

The Supreme Court held that:

- As matter of first impression, trustee could be removed only in accordance with provision of State Constitution, stating that all public officers, for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by grand jury and, upon conviction, shall be removed from office;
- City ordinance, stating that every officer who willfully neglects to perform the duties imposed upon him, or for any satisfactory cause, shall be removed from office, violated State Constitution; and
- Trustee's procedural due process rights were violated when city board of aldermen's decision, to remove trustee, was made without notice or hearing.