

**IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI**

**JAMES FAILING**

**APPELLANT**

**VS.**

**CAUSE NO. : 67CI1 :25-cv-00332**

**CITY OF INDIANOLA, MISSISSIPPI**

**APPELLEE**

**AMENDED NOTICE OF APPEAL**

COME NOW, James Failing, Appellant, by this amended notice and pursuant to Miss. Code Ann. § 11-51-75 (2018) and Rule 5.03 of the Uniform Rules of Circuit and County Court Practice, and appeals to this Court against the City of Indianola, Mississippi, from a vote of the Board of Aldermen at its meeting held on or about Oct. 1, 3, or 6, 2025, purporting to adopt the City's FY 2025-26 budget.

**I.**

The reasons, or grounds, for the appeal, is as follows:

The Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to publish the city's budget during the month of September in a newspaper published in the municipality or county, as required by Miss. Code Ann. § 21-35-5.

The Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to hold a public hearing at least one week prior to the adoption of the budget with advanced notice and outside of normal working hours, as required by Miss. Code Ann. § 21-35-5.

The Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to hold a public hearing regarding the subject of the adoption of the tax levy.

The Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to advertise properly for the required public hearing(s) prior to the adoption of the tax levy and budget adopted for the Fiscal Year 2025-26, as required by Miss. Code Ann. § 21-35-5.

The Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to adopt a budget by October 1, 2025, as required by Miss. Code Ann. § 21-35-9.

The Appellant reserves the right to amend this Amended Notice of Appeal, including adding to the above reasons or grounds for the appeal.

II.

The designation of record which includes all matters that the appellant desires to be made part of the record is as follows:

1. All notices required by Mississippi Code Ann. Title 21, Chapter 35 Municipal Budgets related to public hearings for the adoption of the tax levy and budget for the Fiscal Year 2025-26;
2. All proofs of publications related to notices and public hearings as required by Mississippi Code Ann. Title 21, Chapter 35 Municipal Budgets related to public hearings for the adoption of the tax levy and budget for the Fiscal Year 2025-26;
3. All minutes, audio/video recordings, and/or transcripts of any regular and special meetings of the Mayor and Board of Aldermen of the City of Indianola held during the month of September 2025;
4. All minutes, audio/video recordings, and/or transcripts of any regular and special meetings of the Mayor and Board of Aldermen of the City of Indianola held during the month of October 2025;

The Appellant reserves the right to amend this Amended Notice of Appeal, including adding matter to the above designation of the record.

This appeal is to be taken on the record. Appellant James Failing appeals this matter because the Mayor and Board of Aldermen of the City of Indianola, Mississippi failed to advertise and hold statutorily required hearings prior to the adoption of the tax levy and budget adopted for the Fiscal Year 2025-26.

Respectfully submitted, this the 10<sup>th</sup> day of October, 2025.

JAMES FAILING, Appellant

By: Mills, Scanlon, Dye & Pittman,  
His Attorneys

By: /s/ Jerry L. Mills  
JERRY L. MILLS

**CERTIFICATE OF SERVICE**

I, Jerry L. Mills, one of the attorneys for James Failing, do hereby certify that I have this day served a true and correct copy of the above and foregoing document by U.S. Mail, postage pre-paid and/or electronic mail (e-mail) to the following:

Stephanie Washington  
City Hall  
101 Front Street  
P.O. Box 269  
Indianola, MS 38751  
Phone: 662-887-3101, ext. 7  
Fax: 662-887-6009  
Email: [cityclerk@indianolams.gov](mailto:cityclerk@indianolams.gov)

Dated this the 10<sup>th</sup> day of October, 2025.

/s/ Jerry L. Mills  
JERRY L. MILLS

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