MISSISSIPPI LEGISLATURE

By: Representative Holland

HOUSE BILL NO. 542

To: County Affairs

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

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AN ACT TO AMEND SECTION 65-17-1, MISSISSIPPI CODE OF 1972, TO
authorize a member of the board of supervisors in a county unit
county, within the district from which the supervisor was elected,
to consult with and advise the county road manager, and to share
certain powers and duties of the county road manager with regard
to the management and supervision of road projects and county
personnel; and for related purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-17-1, Mississippi Code of 1972, is
amended as follows:

65-17-1. (1) This section, relating to the establishment of
a county road department, the employment of a county road manager
and prescribing the powers and duties of the county road manager,
shall not be mandatory in any county which is not required to
operate under a countywide system of road administration;
provided, however, such county may, by order of the board of
supervisors, adopt all or part of the procedures prescribed by
this section.

(2) The board of supervisors of each county shall establish
a county road department. The board of supervisors shall adopt
the general policies to be followed in administration of the
county road department and shall appoint as administrative head of
the county road department a county road manager who shall be
educated or experienced in the construction and maintenance of
highways, bridges and other facets of county highway
responsibilities. Provided, however, that in any county which, on
July 1, 1988, employed two (2) county road managers each of whom
managed an administrative division of the county for road
construction and maintenance, the board of supervisors may
continue to employ two (2) county road managers. The county road
manager shall not be a member of the board of supervisors. The
county road manager, under the policies determined by the board of
supervisors and subject to the board's general supervision and
control, shall administer the county road department, superintendent
the working, construction and maintaining of the public roads and
the building of bridges in such county, and carry out the general
policies of the board in conformity with the estimates of
expenditures fixed in the annual budget as finally adopted by the
board or as thereafter revised by appropriate action of the board.
All requisitions for the purchase and repair of all equipment,
heavy equipment, machinery, supplies, commodities, materials and
services for the county road department shall be prepared by the
county road manager and submitted to the county department of
purchasing for processing in accordance with the central
purchasing system. The county road manager shall serve at the
will and pleasure of the board of supervisors and may be removed
from such position by a majority vote of the board.

(3) The county road manager shall receive such compensation,
to be paid from the county road and bridge funds, as the board of
supervisors shall determine. The county road manager, before
entering upon his duties, shall give bond, with sufficient surety,
to be payable, conditioned and approved as provided by law, in a
penalty in such amount as may be approved by the board of
supervisors, but not less than Fifty Thousand Dollars
($50,000.00).

(4) A county may appoint as county road manager the same
person whom it has under the law employed as its county engineer
for its state aid road system, provided that such county road
manager is being compensated by the county for serving as county
road manager and for all duties, if any, that he performs as
county engineer by payment of an annual salary and not on the
basis of a percentage of the cost of road projects.
(5) Nothing shall preclude one (1) person from serving two
(2) or more counties as county road manager by agreement between
such counties.

(6) Nothing in this section shall be construed to require
new county personnel to be employed but, to the extent
practicable, an existing county employee shall be appointed as the
county road manager.

(7) The responsibility for construction and maintenance of
all "local farm roads" (including bridges) as the same are defined
in Sections 65-9-1 and 65-9-3, Mississippi Code of 1972, together
with all functions not vested by law in the county state aid
engineer in the construction and maintenance of state aid roads
shall be vested in the county's road department.

(8) The county road manager each year shall prepare, or
shall assist the county administrator (if one has been appointed)
in the preparation of, a tentative road budget containing all
proposed expenditures for the ensuing fiscal year for construction
and maintenance of county roads and bridges and the operation of
the county road department. Such tentative road budget shall be
submitted to the board of supervisors for incorporation, with such
modification as the board may adopt, in the county budget, as
prescribed by law.

(9) The county road manager shall employ, subject to
approval of the board of supervisors, such assistants and
employees as may be necessary in conformity with the budget and
county policies and procedure with respect to personnel and
subject to approval of the board as to salary or other
compensation to be paid. He shall have supervision and
jurisdiction over personnel and assignments of personnel engaged
in the work of the road department. He may purchase, lease or
hire such equipment and purchase such materials and supplies as
may be necessary for operation of the county road department in
conformity with the budget, in accordance with the central
purchase system and existing laws and subject to approval of the
board as to price or rental. He shall have jurisdiction over the
assignment of equipment needed in performance of the work of the
county road department.

(10) The board of supervisors may, by a majority vote of the
entire board, supersede any act of the road manager or change,
modify or revoke any act which has been completed by the road
manager, provided the change, modification or revocation does not
constitute a breach of contract.

(11) Nothing in this section or in the provisions of any
other law shall be construed to prohibit any member of the board
of supervisors, within the district from which the supervisor was
elected, from consulting with or advising the county road manager
or sharing the powers and duties of the county road manager with
regard to the management and supervision of county road projects
and county personnel to the extent that the exercise of such
powers and duties and the management and supervision of such
projects and personnel do not conflict with any policies or
procedures adopted or approved by the board of supervisors of the
county.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.