

By: Representative Holland

To: County Affairs

## HOUSE BILL NO. 542

1 AN ACT TO AMEND SECTION 65-17-1, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A MEMBER OF THE BOARD OF SUPERVISORS IN A COUNTY UNIT  
3 COUNTY, WITHIN THE DISTRICT FROM WHICH THE SUPERVISOR WAS ELECTED,  
4 TO CONSULT WITH AND ADVISE THE COUNTY ROAD MANAGER, AND TO SHARE  
5 CERTAIN POWERS AND DUTIES OF THE COUNTY ROAD MANAGER WITH REGARD  
6 TO THE MANAGEMENT AND SUPERVISION OF ROAD PROJECTS AND COUNTY  
7 PERSONNEL; AND FOR RELATED PURPOSES.

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

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

11 65-17-1. (1) This section, relating to the establishment of  
12 a county road department, the employment of a county road manager  
13 and prescribing the powers and duties of the county road manager,  
14 shall not be mandatory in any county which is not required to  
15 operate under a countywide system of road administration;  
16 provided, however, such county may, by order of the board of  
17 supervisors, adopt all or part of the procedures prescribed by  
18 this section.

19 (2) The board of supervisors of each county shall establish  
20 a county road department. The board of supervisors shall adopt  
21 the general policies to be followed in administration of the  
22 county road department and shall appoint as administrative head of  
23 the county road department a county road manager who shall be  
24 educated or experienced in the construction and maintenance of  
25 highways, bridges and other facets of county highway  
26 responsibilities. Provided, however, that in any county which, on  
27 July 1, 1988, employed two (2) county road managers each of whom  
28 managed an administrative division of the county for road  
29 construction and maintenance, the board of supervisors may



30 continue to employ two (2) county road managers. The county road  
31 manager shall not be a member of the board of supervisors. The  
32 county road manager, under the policies determined by the board of  
33 supervisors and subject to the board's general supervision and  
34 control, shall administer the county road department, superintend  
35 the working, construction and maintaining of the public roads and  
36 the building of bridges in such county, and carry out the general  
37 policies of the board in conformity with the estimates of  
38 expenditures fixed in the annual budget as finally adopted by the  
39 board or as thereafter revised by appropriate action of the board.  
40 All requisitions for the purchase and repair of all equipment,  
41 heavy equipment, machinery, supplies, commodities, materials and  
42 services for the county road department shall be prepared by the  
43 county road manager and submitted to the county department of  
44 purchasing for processing in accordance with the central  
45 purchasing system. The county road manager shall serve at the  
46 will and pleasure of the board of supervisors and may be removed  
47 from such position by a majority vote of the board.

48 (3) The county road manager shall receive such compensation,  
49 to be paid from the county road and bridge funds, as the board of  
50 supervisors shall determine. The county road manager, before  
51 entering upon his duties, shall give bond, with sufficient surety,  
52 to be payable, conditioned and approved as provided by law, in a  
53 penalty in such amount as may be approved by the board of  
54 supervisors, but not less than Fifty Thousand Dollars  
55 (\$50,000.00).

56 (4) A county may appoint as county road manager the same  
57 person whom it has under the law employed as its county engineer  
58 for its state aid road system, provided that such county road  
59 manager is being compensated by the county for serving as county  
60 road manager and for all duties, if any, that he performs as  
61 county engineer by payment of an annual salary and not on the  
62 basis of a percentage of the cost of road projects.



63           (5) Nothing shall preclude one (1) person from serving two  
64       (2) or more counties as county road manager by agreement between  
65 such counties.

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

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

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

85           (9) The county road manager shall employ, subject to  
86 approval of the board of supervisors, such assistants and  
87 employees as may be necessary in conformity with the budget and  
88 county policies and procedure with respect to personnel and  
89 subject to approval of the board as to salary or other  
90 compensation to be paid. He shall have supervision and  
91 jurisdiction over personnel and assignments of personnel engaged  
92 in the work of the road department. He may purchase, lease or  
93 hire such equipment and purchase such materials and supplies as  
94 may be necessary for operation of the county road department in  
95 conformity with the budget, in accordance with the central



96 purchase system and existing laws and subject to approval of the  
97 board as to price or rental. He shall have jurisdiction over the  
98 assignment of equipment needed in performance of the work of the  
99 county road department.

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

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

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

