

By: Representatives Baker, Dixon

To: Judiciary A

HOUSE BILL NO. 1239

1 AN ACT TO AMEND SECTION 11-51-75, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PROCESS FOR APPEALS TO THE CIRCUIT COURT FROM A  
3 JUDGMENT OR DECISION OF THE BOARD OF SUPERVISORS OR MUNICIPAL  
4 AUTHORITIES OF A CITY, TOWN OR VILLAGE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 11-51-75, Mississippi Code of 1972, is  
7 amended as follows:

8 11-51-75. Any person aggrieved by a judgment or decision of  
9 the board of supervisors of a county, or municipal authorities of  
10 a city, town, or village, may appeal \* \* \* such judgment or  
11 decision to the circuit court of the county in which such board of  
12 supervisors is the governing body or in which such city, town or  
13 village is located. Such notice of appeal to the circuit court of  
14 such county shall be in writing and shall be filed with the  
15 circuit clerk within ten (10) days from the date at which session  
16 of the board of supervisors or municipal authority rendered such  
17 judgment or decision. A copy of such filed, written notice of  
18 appeal shall be delivered to the president of the board of  
19 supervisors or to the mayor or city clerk of the municipal



20 authority and, if applicable, to such party who had been the  
21 petitioner before the board of supervisors or the municipal  
22 authority.

23 (a) The notice of appeal filed in the circuit court  
24 with the circuit clerk shall contain the following:

25 (i) The name of the county board of supervisors or  
26 the name of the municipality as the appellee. Additionally, if  
27 applicable, the name of the party who had been the petitioner  
28 before the board of supervisors or the municipal authority shall  
29 be named as an appellee.

30 (ii) A succinct statement of the reasons, or  
31 grounds, for the appeal.

32 (iii) A written description or designation of  
33 record which includes all matters that the appellant desires to be  
34 made part of the record.

35 (iv) Appellant shall include, as part of the  
36 designation of the record, a written list of all documents or  
37 transcripts in appellant's possession which should be part of the  
38 record, as well as a list of those items or matters which are in  
39 the possession of appellee(s) that should be included in the  
40 designated record.

41 (v) Appellant shall also deliver a copy of the  
42 notice of appeal and his or her written designation of the record,  
43 along with a list of all documents or transcripts in appellant's



44 possession to the clerk of the board of supervisors or to the  
45 clerk of the municipal authority.

46 (b) Appellee(s) shall have ten (10) days from the  
47 filing of the notice of appeal with the circuit clerk to designate  
48 any other items or matters that appellee(s) believes should be  
49 included in the designated record as well as those items or  
50 matters that have been requested by appellant in his or her  
51 designation of record.

52 (c) The clerk of the board of supervisors or the  
53 municipal clerk shall assemble a complete record of the  
54 proceedings to include all writings, matters, items, documents,  
55 plats, maps, transcripts of proceedings and all other items that  
56 were designated by appellant and appellee(s) and deliver such  
57 complete record to the circuit clerk within thirty (30) days of  
58 the filing of the notice of appeal with the circuit clerk. The  
59 clerk of the board of supervisors or the municipal clerk shall  
60 certify that the record is accurate and complete and contains all  
61 writings, matters, items, documents, plats, maps, transcripts of  
62 proceedings and all other items designated by appellant and  
63 appellee(s) in their designation of record.

64 (d) The circuit court, as an appellate court, shall,  
65 either in term time or in vacation, hear and determine the same on  
66 the record as designated by appellant and appellee(s) and shall  
67 affirm or reverse the judgment. The circuit court shall enter an  
68 order establishing a briefing schedule and a hearing date for the



69 parties to appear and present oral argument before the court  
70 supporting their arguments regarding the appeal prior to the court  
71 entering its judgment. If the judgment be reversed, the circuit  
72 court shall render such judgment as the board or municipal  
73 authorities ought to have rendered, and certify the same to the  
74 board of supervisors or municipal authorities. Costs shall be  
75 awarded as in other cases.

76 (e) The board of supervisors or municipal authorities  
77 may employ counsel to defend such appeals, to be paid out of the  
78 county or municipal treasury. Any such appeal may be heard and  
79 determined in vacation in the discretion of the court on motion of  
80 either party and written notice for ten (10) days to the other  
81 party or parties or to the attorney of record, and the hearing of  
82 same shall be held in the county where the suit is pending unless  
83 the judge in his or her order shall otherwise direct.

84 (f) Provided, however, that no appeal to the circuit court  
85 shall be taken from any order of the board of supervisors or  
86 municipal authorities which authorizes the issuance or sale of  
87 bonds, but all objections to any matters relating to the issuance  
88 and sale of bonds shall be adjudicated and determined by the  
89 chancery court, in accordance with the provisions of Sections  
90 31-13-5 \* \* \* through 31-13-11, both inclusive, of the Mississippi  
91 Code of 1972. And all rights of the parties shall be preserved  
92 and not foreclosed, for the hearing before the chancery court, or



93 the chancellor in vacation. Provided, further, nothing in this  
94 section shall affect pending litigation.

95 **SECTION 2.** This act shall take effect and be in force from  
96 and after July 1, 2018.

