

By: Representatives Baker, Dixon

To: Judiciary A

HOUSE BILL NO. 1239  
(As Sent to Governor)

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 THE GOVERNING  
4 AUTHORITY OF A MUNICIPALITY; 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 \* \* \* the governing  
10 authority of a \* \* \* municipality, may appeal \* \* \* the judgment  
11 or decision to the circuit court of the county in which the board  
12 of supervisors is the governing body or in which the municipality  
13 is located. A written notice of appeal to the circuit court must  
14 be filed with the circuit clerk within ten (10) days from the date  
15 at which session of the board of supervisors or the governing  
16 authority of the municipality rendered the judgment or decision.  
17 Upon filing, a copy of the notice of appeal must be delivered to  
18 the president of the board of supervisors or to the mayor or city  
19 clerk of the municipality and, if applicable, to any party who was



20 a petitioner before the board of supervisors or the governing  
21 authority of the municipality.

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

24 (i) The name of the county board of supervisors or  
25 the name of the municipality as the appellee. If applicable, any  
26 party who was a petitioner before the board of supervisors or the  
27 governing authority of the municipality shall be named as an  
28 appellee.

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

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

34 (iv) Appellant must also deliver a copy of the  
35 notice of appeal and a written designation of the record, along  
36 with a list of all documents or transcripts in appellant's  
37 possession, to the clerk of the board of supervisors or to the  
38 clerk of the municipality.

39 (b) An appellee has ten (10) days from the filing of  
40 the notice of appeal with the circuit clerk to designate any other  
41 items or matters that appellee believes should be included in the  
42 designated record.

43 (c) The clerk of the board of supervisors or the  
44 municipal clerk must assemble a complete record of the proceedings



45 to include all writings, matters, items, documents, plats, maps  
46 and transcripts of proceedings that were part of the record and  
47 deliver the complete record to the circuit clerk within thirty  
48 (30) days after the filing of the notice of appeal with the  
49 circuit clerk. The clerk of the board of supervisors or the  
50 municipal clerk shall certify that the record is accurate and  
51 complete and contains all writings, matters, items, documents,  
52 plats, maps and transcripts of proceedings designated by appellant  
53 and appellee in their designations of record.

54 (d) The circuit court, as an appellate court, either in  
55 term time or in vacation, shall hear and determine the same on the  
56 record and shall affirm or reverse the judgment. The circuit  
57 court shall enter an order establishing a briefing schedule and a  
58 hearing date, if any, for the parties to appear and present oral  
59 argument. If the judgment is reversed, the circuit court shall  
60 render such judgment or decision as the board of supervisors or  
61 the governing authority of the municipality ought to have  
62 rendered, and certify the same to the board of supervisors or the  
63 governing authority of the municipality. Costs shall be awarded  
64 as in other cases.

65 (e) \* \* \* No appeal to the circuit court shall be taken  
66 from any order of the board of supervisors or \* \* \* the governing  
67 authority of the municipality which authorizes the issuance or  
68 sale of bonds, but all objections to any matters relating to the  
69 issuance and sale of bonds shall be adjudicated and determined by



70 the chancery court, in accordance with the provisions of Sections  
71 31-13-5 \* \* \* through 31-13-11 \* \* \*. And all rights of the  
72 parties shall be preserved and not foreclosed, for the hearing  
73 before the chancery court, or the chancellor in vacation. \* \* \*

74 **SECTION 2.** This act shall take effect and be in force from  
75 and after July 1, 2018, but nothing in this act shall affect any  
76 appeal perfected before July 1, 2018.

