

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2735

1 AN ACT TO AMEND SECTION 21-7-13, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE SCOPE OF MAYORAL VETO POWER; TO AMEND SECTION 21-3-15,
3 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 21-7-13, Mississippi Code of 1972, is
6 amended as follows:

7 21-7-13. The powers and duties heretofore conferred upon the
8 mayor of municipalities by law are hereby conferred upon and
9 charged to the council. The mayor, or in his absence the vice
10 mayor, shall (a) as chairman preside at all meetings of the
11 council, and shall have veto power, in writing, giving his reasons
12 therefor, of any affirmative measure passed by the council,
13 although * * * an affirmative measure vetoed may be adopted
14 notwithstanding, if two-thirds (2/3) of the council vote therefor;
15 (b) represent the municipality in all functions political, social
16 or economic, but he shall in no wise bind the municipality, other
17 than as he may be specifically authorized or delegated to do by
18 the council, as reflected by its orders, resolutions or



19 ordinances; (c) execute for and on behalf of the council, all
20 documents or instruments of writing, of whatever kind and
21 character, under the seal of the municipality, when necessary or
22 required; and (d) act for the municipality as directed by the
23 council, in any manner and for any purpose which by any statute or
24 law, because of its particular wording or meaning, provides for
25 individual action of the mayor rather than body action of the
26 council, wherein and whereby such right of action could not be
27 properly or consistently exercised by the latter, all to the end
28 that any such municipality coming under the provisions of this
29 chapter shall not be denied any of the rights and privileges which
30 any such municipality would enjoy except for the provisions of
31 this chapter. In carrying out his duties or exercising his
32 powers, the mayor shall in no case expend municipal funds in
33 excess of One Hundred Dollars (\$100.00) in any one instance
34 without the prior approval of the council. No mayor shall
35 implement any ordinance nor enter into any public contract which
36 has not previously been adopted by the council. The council shall
37 fix the amount of compensation of the mayor and vice mayor, for
38 their additional duties as such, which compensation shall be in
39 addition to their compensation as councilmen.

40 **SECTION 2.** Section 21-3-15, Mississippi Code of 1972, is
41 amended as follows:

42 21-3-15. (1) The mayor shall preside at all meetings of the
43 board of aldermen, and in case there shall be an equal division,



44 shall give the deciding vote. The executive power of the
45 municipality shall be exercised by the mayor, and the mayor shall
46 have the superintending control of all the officers and affairs of
47 the municipality, and shall take care that the laws and ordinances
48 are executed. In exercising his executive power, the mayor shall
49 in no case expend municipal funds in excess of One Hundred Dollars
50 (\$100.00) in any one instance without the prior approval of the
51 board of aldermen.

52 (2) (a) The legislative power of the municipality shall be
53 exercised by the board of aldermen by a vote within a legally
54 called meeting. No member of the board of aldermen shall give
55 orders to any employee or subordinate of a municipality other than
56 the alderman's personal staff.

57 (b) Ordinances adopted by the board of aldermen shall
58 be submitted to the mayor. The mayor shall, within ten (10) days
59 after receiving any ordinance, either approve the ordinance by
60 affixing his signature thereto, or return it to the board of
61 aldermen by delivering it to the municipal clerk together with a
62 written statement setting forth his objections thereto or to any
63 item or part thereof. No ordinance or any item or part thereof
64 shall take effect without the mayor's approval, unless the mayor
65 fails to return an ordinance to the board of aldermen prior to the
66 next meeting of the board, but no later than fifteen (15) days
67 after it has been presented to him, or unless the board of
68 aldermen, upon reconsideration thereof on or after the third day



69 following its return by the mayor, shall, by a vote of two-thirds
70 (2/3) of the members of the board, resolve to override the mayor's
71 veto.

72 (c) No mayor shall implement any ordinance nor enter
73 into any public contract which has not previously been adopted by
74 the board of aldermen.

75 (3) The term "ordinance" as used in this section shall be
76 deemed to include ordinances, resolutions and orders.

77 **SECTION 3.** This act shall take effect and be in force from
78 and after July 1, 2023.

