

By: Senator(s) Hill

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2735
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 21-7-13, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE SCOPE OF MAYORAL VETO POWER AND CONTRACT POWER UNDER
3 THE COUNCIL FORM OF GOVERNMENT; TO AMEND SECTION 21-8-17,
4 MISSISSIPPI CODE OF 1972, TO CLARIFY THE SCOPE OF MAYORAL VETO
5 POWER AND CONTRACT POWER UNDER THE MAYOR-COUNCIL FORM OF
6 GOVERNMENT; TO AMEND SECTION 21-3-15, MISSISSIPPI CODE OF 1972, TO
7 CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

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

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



21 than as he may be specifically authorized or delegated to do by
22 the council, as reflected by its orders, resolutions or
23 ordinances; (c) execute for and on behalf of the council, all
24 documents or instruments of writing, of whatever kind and
25 character, under the seal of the municipality, when necessary or
26 required; and (d) act for the municipality as directed by the
27 council, in any manner and for any purpose which by any statute or
28 law, because of its particular wording or meaning, provides for
29 individual action of the mayor rather than body action of the
30 council, wherein and whereby such right of action could not be
31 properly or consistently exercised by the latter, all to the end
32 that any such municipality coming under the provisions of this
33 chapter shall not be denied any of the rights and privileges which
34 any such municipality would enjoy except for the provisions of
35 this chapter. The council shall fix the amount of compensation of
36 the mayor and vice mayor, for their additional duties as such,
37 which compensation shall be in addition to their compensation as
38 councilmen.

39 **SECTION 2.** Section 21-8-17, Mississippi Code of 1972, is
40 amended as follows:

41 21-8-17. (1) The mayor shall enforce the charter and
42 ordinances of the municipality and all general laws applicable
43 thereto, but he shall neither enforce or implement any municipal
44 ordinance nor enter into any public contract without the prior
45 approval of the council. He shall annually report to the council



46 and the public on the work of the previous year and on the
47 condition and requirements of the municipal government and shall,
48 from time to time, make such recommendations for action by the
49 council as he may deem in the public interest. He shall supervise
50 all of the departments of the municipal government and shall
51 require each department to make an annual report and such other
52 reports of its work as he may deem desirable. No member of the
53 council shall give orders to any employee or subordinate of a
54 municipality other than the council member's personal staff.

55 (2) Affirmative ordinances adopted by the council shall be
56 submitted to the mayor and he shall, within ten (10) days (not
57 including Saturdays, Sundays or holidays) after receiving any
58 affirmative ordinance, either approve the affirmative ordinance by
59 affixing his signature thereto or return it to the council by
60 delivering it to the clerk of the council together with a
61 statement setting forth his objections thereto or to any item or
62 part thereof. No affirmative ordinance or any item or part
63 thereof shall take effect without the mayor's approval, unless the
64 mayor fails to return an affirmative ordinance to the council
65 prior to the next council meeting, but no later than fifteen (15)
66 days (not including Saturdays, Sundays or holidays) after it has
67 been presented to him or unless the council upon reconsideration
68 thereof not later than the tenth day (not including Saturdays,
69 Sundays or holidays) following its return by the mayor, shall, by



70 a vote of two-thirds (2/3) of the members present and voting
71 resolve to override the mayor's veto.

72 (3) The mayor may attend meetings of the council and may
73 take part in discussions of the council but shall have no vote
74 except in the case of a tie on the question of filling a vacancy
75 in the council, in which case he may cast the deciding vote.

76 **SECTION 3.** Section 21-3-15, Mississippi Code of 1972, is
77 amended as follows:

78 21-3-15. (1) The mayor shall preside at all meetings of the
79 board of aldermen, and in case there shall be an equal division,
80 shall give the deciding vote. The executive power of the
81 municipality shall be exercised by the mayor, and the mayor shall
82 have the superintending control of all the officers and affairs of
83 the municipality, and shall take care that the laws and ordinances
84 are executed.

85 (2) (a) The legislative power of the municipality shall be
86 exercised by the board of aldermen by a vote within a legally
87 called meeting. No member of the board of aldermen shall give
88 orders to any employee or subordinate of a municipality other than
89 the alderman's personal staff.

90 (b) *** Affirmative ordinances adopted by the board
91 of aldermen shall be submitted to the mayor. The mayor shall,
92 within ten (10) days after receiving any affirmative ordinance,
93 either approve the ordinance by affixing his signature thereto, or
94 return it to the board of aldermen by delivering it to the



95 municipal clerk together with a written statement setting forth
96 his objections thereto or to any item or part thereof. No
97 ordinance or any item or part thereof shall take effect without
98 the mayor's approval, unless the mayor fails to return an
99 ordinance to the board of aldermen prior to the next meeting of
100 the board, but no later than fifteen (15) days after it has been
101 presented to him, or unless the board of aldermen, upon
102 reconsideration thereof on or after the third day following its
103 return by the mayor, shall, by a vote of two-thirds (2/3) of the
104 members of the board, resolve to override the mayor's veto.

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

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

110 **SECTION 4.** This act shall take effect and be in force from
111 and after July 1, 2023, and shall stand repealed on June 30, 2023.

