

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2735**

**BY: Senator(s) Hill**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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. In carrying out his duties or exercising his  
36 powers, the mayor shall in no case expend municipal funds in  
37 excess of One Hundred Dollars (\$100.00) in any one instance  
38 without the prior approval of the council. No mayor shall  
39 implement any ordinance nor enter into any public contract which  
40 has not previously been adopted by the council. The council shall  
41 fix the amount of compensation of the mayor and vice mayor, for  
42 their additional duties as such, which compensation shall be in  
43 addition to their compensation as councilmen.



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

46           21-8-17. (1) The mayor shall enforce the charter and  
47 ordinances of the municipality and all general laws applicable  
48 thereto, but he shall neither expend municipal funds in excess of  
49 One Hundred Dollars (\$100.00) nor enforce or implement any  
50 municipal ordinance nor enter into any public contract without the  
51 prior approval of the council. He shall annually report to the  
52 council and the public on the work of the previous year and on the  
53 condition and requirements of the municipal government and shall,  
54 from time to time, make such recommendations for action by the  
55 council as he may deem in the public interest. He shall supervise  
56 all of the departments of the municipal government and shall  
57 require each department to make an annual report and such other  
58 reports of its work as he may deem desirable. No member of the  
59 council shall give orders to any employee or subordinate of a  
60 municipality other than the council member's personal staff.

61           (2) Affirmative ordinances adopted by the council shall be  
62 submitted to the mayor and he shall, within ten (10) days (not  
63 including Saturdays, Sundays or holidays) after receiving any  
64 affirmative ordinance, either approve the affirmative ordinance by  
65 affixing his signature thereto or return it to the council by  
66 delivering it to the clerk of the council together with a  
67 statement setting forth his objections thereto or to any item or  
68 part thereof. No affirmative ordinance or any item or part



69 thereof shall take effect without the mayor's approval, unless the  
70 mayor fails to return an affirmative ordinance to the council  
71 prior to the next council meeting, but no later than fifteen (15)  
72 days (not including Saturdays, Sundays or holidays) after it has  
73 been presented to him or unless the council upon reconsideration  
74 thereof not later than the tenth day (not including Saturdays,  
75 Sundays or holidays) following its return by the mayor, shall, by  
76 a vote of two-thirds (2/3) of the members present and voting  
77 resolve to override the mayor's veto.

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

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

84 21-3-15. (1) The mayor shall preside at all meetings of the  
85 board of aldermen, and in case there shall be an equal division,  
86 shall give the deciding vote. The executive power of the  
87 municipality shall be exercised by the mayor, and the mayor shall  
88 have the superintending control of all the officers and affairs of  
89 the municipality, and shall take care that the laws and ordinances  
90 are executed. In exercising his executive power, the mayor shall  
91 in no case expend municipal funds in excess of One Hundred Dollars  
92 (\$100.00) in any one instance without the prior approval of the  
93 board of aldermen.



94 (2) (a) The legislative power of the municipality shall be  
95 exercised by the board of aldermen by a vote within a legally  
96 called meeting. No member of the board of aldermen shall give  
97 orders to any employee or subordinate of a municipality other than  
98 the alderman's personal staff.

99 (b) Ordinances adopted by the board of aldermen shall  
100 be submitted to the mayor. The mayor shall, within ten (10) days  
101 after receiving any ordinance, either approve the ordinance by  
102 affixing his signature thereto, or return it to the board of  
103 aldermen by delivering it to the municipal clerk together with a  
104 written statement setting forth his objections thereto or to any  
105 item or part thereof. No ordinance or any item or part thereof  
106 shall take effect without the mayor's approval, unless the mayor  
107 fails to return an ordinance to the board of aldermen prior to the  
108 next meeting of the board, but no later than fifteen (15) days  
109 after it has been presented to him, or unless the board of  
110 aldermen, upon reconsideration thereof on or after the third day  
111 following its return by the mayor, shall, by a vote of two-thirds  
112 (2/3) of the members of the board, resolve to override the mayor's  
113 veto.

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

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



119           **SECTION 4.** This act shall take effect and be in force from  
120 and after July 1, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

