

By: Senator(s) Michel

To: Municipalities

SENATE BILL NO. 2832

1 AN ACT TO AMEND SECTION 21-3-15, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE EXECUTIVE AUTHORITY OF THE MAYOR AND THE LEGISLATIVE
3 AUTHORITY OF THE BOARD OF ALDERMEN; TO AMEND SECTIONS 21-8-13,
4 21-8-15 AND 21-8-17, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
5 EXECUTIVE AUTHORITY OF THE MAYOR AND THE LEGISLATIVE AUTHORITY OF
6 THE COUNCIL IN THE MAYOR-COUNCIL FORM OF GOVERNMENT; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 21-3-15, Mississippi Code of 1972, is
10 amended as follows:

11 21-3-15. (1) The mayor shall preside at all meetings of the
12 board of aldermen, and in case there shall be an equal
13 division, * * * shall give the deciding vote. The mayor's
14 authority is executive, and the mayor shall have the
15 superintending control of all the officers and affairs of the
16 municipality, and shall take care that the laws and ordinances are
17 executed.

18 (2) (a) The authority of the board of aldermen is
19 legislative and is executed by a vote within a legally called
20 meeting. No member of the board of aldermen shall give orders to
21 any employee or subordinate of a municipality.

22 (b) Ordinances adopted by the board of aldermen shall
23 be submitted to the mayor. The mayor shall, within ten (10) days
24 after receiving any ordinance, either approve the ordinance by
25 affixing his signature thereto, or return it to the board of
26 aldermen by delivering it to the municipal clerk together with a
27 written statement setting forth his objections thereto or to any
28 item or part thereof. No ordinance or any item or part thereof
29 shall take effect without the mayor's approval, unless the mayor

30 fails to return an ordinance to the board of aldermen prior to the
31 next meeting of the board, but no later than fifteen (15) days
32 after it has been presented to him, or unless the board of
33 aldermen, upon reconsideration thereof on or after the third day
34 following its return by the mayor, shall, by a vote of two-thirds
35 (2/3) of the members of the board, resolve to override the mayor's
36 veto.

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

39 **SECTION 2.** Section 21-8-13, Mississippi Code of 1972, is
40 amended as follows:

41 21-8-13. (1) The council shall appoint a clerk of the
42 council and deputy clerks, as necessary, who shall compile the
43 minutes and records of its proceedings, its ordinances and
44 resolutions as this chapter requires, and perform such duties as
45 may be required by law.

46 (2) At the end of each fiscal year, the council shall cause
47 a full and complete examination of all the books, accounts and
48 vouchers of the municipality to be made by a competent,
49 independent accountant or accountants who shall be appointed by
50 the council, and the report of said examination shall be typed or
51 printed in pamphlet form. The council shall make available a copy
52 of said pamphlet to all persons who shall apply therefor at the
53 office of the municipal clerk and shall cause three (3) of the
54 printed copies of said pamphlet for each fiscal year to be
55 substantially bound in three (3) volumes which shall be kept and
56 preserved as a record of the clerk's office. Said pamphlets shall
57 be published as now provided by law.

58 (3) If, at the beginning of the first term of office of the
59 first city council elected by any municipality under the
60 provisions of this chapter, the appropriations for the
61 expenditures for the municipal government for the current fiscal
62 year shall have been made, the council shall have power by

63 ordinance, to revise, repeal or change said appropriations and to
64 make additional appropriations.

65 (4) The authority of the council is otherwise legislative
66 and is executed by a vote within a legally called meeting. No
67 member of the board of aldermen shall give orders to any employee
68 or subordinate of a municipality. The council shall deal with the
69 municipal departments and personnel solely through the mayor.

70 **SECTION 3.** Section 21-8-15, Mississippi Code of 1972, is
71 amended as follows:

72 21-8-15. The executive power of the municipality shall be
73 exercised by the mayor, and the mayor shall have the
74 superintending control of all the officers and affairs of the
75 municipality, and shall take care that the laws and ordinances are
76 executed.

77 **SECTION 4.** Section 21-8-17, Mississippi Code of 1972, is
78 amended as follows:

79 21-8-17. (1) The mayor shall enforce the charter and
80 ordinances of the municipality and all general laws applicable
81 thereto. He shall annually report to the council and the public
82 on the work of the previous year and on the condition and
83 requirements of the municipal government and shall, from time to
84 time, make such recommendations for action by the council as he
85 may deem in the public interest. He shall supervise all of the
86 departments of the municipal government and shall require each
87 department to make an annual report and such other reports of its
88 work as he may deem desirable. No member of the board of aldermen
89 shall give orders to any employee or subordinate of a
90 municipality.

91 (2) Ordinances adopted by the council shall be submitted to
92 the mayor and he shall, within ten (10) days (not including
93 Saturdays, Sundays or holidays) after receiving any ordinance,
94 either approve the ordinance by affixing his signature thereto or
95 return it to the council by delivering it to the clerk of the

96 council together with a statement setting forth his objections
97 thereto or to any item or part thereof. No ordinance or any item
98 or part thereof shall take effect without the mayor's approval,
99 unless the mayor fails to return an ordinance to the council prior
100 to the next council meeting, but no later than fifteen (15) days
101 (not including Saturdays, Sundays or holidays) after it has been
102 presented to him or unless the council upon reconsideration
103 thereof not later than the tenth day (not including Saturdays,
104 Sundays or holidays) following its return by the mayor, shall, by
105 a vote of two-thirds (2/3) of the members present and voting
106 resolve to override the mayor's veto.

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

111 **SECTION 5.** This act shall take effect and be in force from
112 and after July 1, 2006.