

By: Senator(s) Michel

To: Municipalities

COMMITTEE SUBSTITUTE
FOR
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 other than the
22 alderman's personal staff.

23 (b) Ordinances adopted by the board of aldermen shall
24 be submitted to the mayor. The mayor shall, within ten (10) days
25 after receiving any ordinance, either approve the ordinance by
26 affixing his signature thereto, or return it to the board of
27 aldermen by delivering it to the municipal clerk together with a
28 written statement setting forth his objections thereto or to any
29 item or part thereof. No ordinance or any item or part thereof

30 shall take effect without the mayor's approval, unless the mayor
31 fails to return an ordinance to the board of aldermen prior to the
32 next meeting of the board, but no later than fifteen (15) days
33 after it has been presented to him, or unless the board of
34 aldermen, upon reconsideration thereof on or after the third day
35 following its return by the mayor, shall, by a vote of two-thirds
36 (2/3) of the members of the board, resolve to override the mayor's
37 veto.

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

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

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

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

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

63 year shall have been made, the council shall have power by
64 ordinance, to revise, repeal or change said appropriations and to
65 make additional appropriations.

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

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

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

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

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

93 (2) Ordinances adopted by the council shall be submitted to
94 the mayor and he shall, within ten (10) days (not including
95 Saturdays, Sundays or holidays) after receiving any ordinance,

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

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

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