



Supervisors 101: First Board Meeting & More

Mississippi Association of Supervisors

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New Term Orientation

December 8-9, 2015

§ 170 Mississippi Constitution of 1890

“Each county shall be divided into five districts, a resident freeholder of each district shall be selected, in the manner prescribed by law, and the five so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business.”

“The board of supervisors shall have full jurisdiction over roads, ferries, and bridges, to be exercised in accordance with such regulations as the legislature may prescribe, and perform such other duties as may be required by law; ...The clerk of the chancery court shall be the clerk of the board of supervisors.”

Actions Necessary to Take Office

January 4, 2016

Miss. Code Ann. § 25-1-35 (1972)

1. Take Oath of Office

Who may administer oath?

- “...any person authorized by law to administer an oath.”
Includes judges and court clerks, among others.

(Miss. Code Ann. § 25-1-9, § 11-1-1 (1972))





Oath of Office

268 MS Const. 1890

"I, _____, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of County Supervisor; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

2. Post Bond

Miss. Code Ann. § 19-3-5, (1972)

- Purpose of Bond (Miss. Code Ann. § 25-1-45 (1972))
- Personal Bonds Allowed (Miss. Code Ann. § 25-1-31 (1972))
- Bonds Must be Executed, Approved and Recorded— Chancery Clerk (Miss. Code Ann. § 25-1-19)
- Approval fees paid by supervisor; Bond premium paid by county (Miss. Code Ann. 25-1-33, 43)
- Misdemeanor Offense to exercise power of county supervisor without taking oath and providing required bond (Miss. Code Ann. § 97-11-41)

Supervisor Compensation

Miss. Code Ann. § 25-3-13 (1972)

Based on preceding taxable year's total assessed value of county

Assessed Value of County	Supervisor Salary
Less than \$30,000,000	\$29,000
Between \$30,000,000 and 49,999,999	\$32,300
Between \$50,000,000 and \$74,999,999	\$33,700
Between \$75,000,000 and \$124,999,999	\$34,700
Between \$125,000,000 and \$299,999,999	\$40,400
Between \$300,000,000 and \$999,999,999	\$44,700
Between 1,000,000,000 and 1,999,999,999	\$45,700
\$2,000,000,000 or more	\$46,700

Regular Board Meetings

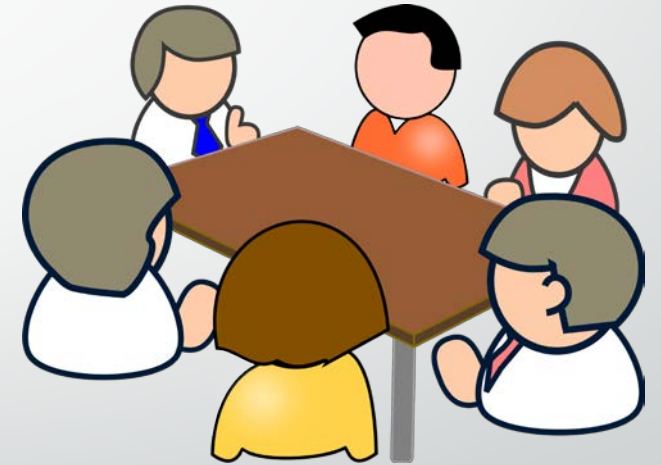
Miss. Code Ann. § 19-3-11, § 19-3-13 (1972)

- Mandatory first Monday of each month (unless legal holiday, following day)
- Held at courthouse/chancery clerk's office, if in building separate from courthouse.
- May hold meetings at other county-owned location if public notice is posted according to state law.
- Counties with two court districts must alternate meetings between two locations.

Organizational Meeting

Miss. Code Ann. § 19-3-7, § 19-3-21 (1972)

- 1st Monday in January – January 4, 2016
- Elect President and Vice President
- President is Presiding Officer; Vice President presides in his or her absence
- Sheriff and Chancery Clerk attend board meetings



Quorum Requirement

Miss. Code Ann. § 19-3-23(1972)

- Three (3) members may legally conduct business
- Fine for failure to attend meetings without sufficient excuse



Board Meeting Minutes

Miss. Code Ann. 19-3-27 (1972)

- Boards speak only through official actions taken at properly called and noticed board meetings and as reflected in official board minutes
- Duty of chancery clerk or deputy to “keep and preserve minutes”
- Adoption, Approval and Execution—Minutes shall either be read and signed by board president or vice-president, if president is absent or disabled, on or before first Monday of month following day of adjournment of any term of board **OR** be adopted and approved by board of supervisors as the first order of business on first day of next monthly meeting of board.
- MS AG opines that full board may review and ratify minutes signed by president/vice-president to be certain of accurate recording of official actions. (MS Atty. Gen. Guice, July 6, 2012)

Powers of the Board

Miss. Code Ann. § 19-3-40 (1972)

Home Rule – board of supervisors “shall have the power to adopt any orders, resolutions or ordinances with respect to county affairs, property and finances, for which no specific provision has been made by general law and which are not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi....”

Powers of the Board

Miss. Code Ann. § 19-3-40 (1972)

Limitations on Home Rule – Home rule “does not authorize the board of supervisors of a county to:

- (a) Levy taxes other than those authorized by statute or increase the levy of any authorized tax beyond statutorily established limits
 - (b) Issue bonds of any kind
 - (c) Change the requirements, practices or procedures for county elections or establish any new elective office
 - (d) Use any public funds, equipment, supplies or materials for any private purpose
 - (e) Regulate common carrier railroads
 - (f) Grant any donation
 - (g) Without prior legislative approval, regulate, directly or indirectly, the amount of rent charged for leasing private residential property in which the county does not have a property interest;
- unless such actions are specifically authorized by another statute or law of the State of Mississippi.

Jurisdiction of the Board

Miss. Code Ann. § 19-3-41 (1972)

- § 170, MS Const. 1890—reiterates powers provided there re: roads and adds “other matters of county police.”
- Authorizes contracts with private collection agents for collection of delinquent payment owed to county – Contingency Payments authorized but must be in addition to amount owed county, authorizing collection of 25% or 50% collection fee depending on in-state or out-of-state collection.



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