

CHAPTER II

THE OFFICE OF SUPERVISOR

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Chapter I traced the historical and constitutional development of the county as a unit of local government in the United States, giving particular attention to its evolution in Mississippi. The chapter ended with a summary of the maturation of the office of supervisor through Mississippi's Constitutions of 1817, 1832, 1869, and 1890 – all of which placed the board of supervisors in the judicial branch of government, but established functions for the board which were executive or legislative in nature. This chapter surveys the basic features and characteristics of the office of supervisor as the office has evolved under the Constitution of 1890 through statutes adopted by the legislature and decisions of the state judiciary.

DISTRICTS

Each county is divided into five districts which are to be as equal as possible in population. By a three-fifths ($\frac{3}{5}$) absolute majority (three of the five members of the board) vote, the board may change the boundaries of the districts, provided that the changed boundaries conform, as far as possible, to “natural, visible artificial boundaries” (streets, highways, railroads, rivers, lakes, bayous, or other lines of demarcation, except county lines and municipal corporate limits). The changed boundaries must be entered in the minutes of the proceedings of the board; the order of the board changing the boundaries must be published once a week for three consecutive weeks in a newspaper having general circulation in the county; the election commissioners of the county must be notified; and the secretary of state must be notified and furnished a legal description and a map of the boundary changes.⁴⁶ [Apportionment of supervisors' districts must conform to the “one person, one vote” standards established by the federal courts and must be found acceptable under the provisions of the federal Voting Rights Act of 1965, as amended (42 USC § 1973c)].

TERM OF OFFICE AND ELECTION

The qualified electors (voters) in each of the five districts elect a member of the board of supervisors for a term of four years, or until a successor is elected and qualified.⁴⁷ There is no constitutional or statutory limit on the number of consecutive terms a person may be elected supervisor. The term of office of a supervisor starts on the first Monday of January after the election.⁴⁸

Traditionally, nominations for election as a supervisor result from primary elections conducted by the political parties. Nominations may also result from a petition of electors.

In the primary method of nomination, the first primary is held on the first Tuesday after the first Monday in August preceding a regular or general election. Generally, the candidate receiving the most votes is nominated, if the votes received constitute a majority of the votes cast. If no

⁴⁶*Code*, §§ 19-3-1 and 23-15-283.

⁴⁷*Code*, §§ 19-3-1, 23-15-193, and 25-1-1.

⁴⁸*Code*, § 25-1-5.

candidate receives a majority of the votes cast in the first primary, the two candidates with the highest number of votes run in a second primary held three weeks after the first primary. The candidate receiving the highest number of votes cast in the second primary is nominated.⁴⁹

In the petition method of nomination, petitions containing the signatures of fifteen (15) or more qualified electors of a supervisor's district must be filed with the circuit clerk of the proper county no later than 5:00 p.m. on March 1 of the year in which the primary election for the office is held or on the qualifying deadline provided by state law, whichever is earlier.⁵⁰

The general election is held on the first Tuesday after the first Monday in November of general election years.⁵¹ The person receiving the most votes is declared the winner.

QUALIFICATIONS

The Constitution⁵² and a statute⁵³ provide that a supervisor be a resident freeholder (property owner) in the district from which he is chosen. The statute⁵⁴ further provides that a supervisor must own real estate valued at least at \$1,500. [This freeholder requirement was declared unconstitutional in 1985 as a denial of equal protection of the laws in *Williams v. Adams County Board of Election Commissioners*.]

In addition, the Constitution provides that a public officer (such as a supervisor) must be a qualified elector;⁵⁵ not be liable (as principal) for public money unaccounted for;⁵⁶ not have been convicted of "bribery, perjury, or other infamous crime" [offenses (any violation of the law liable to punishment by criminal prosecution⁵⁷) punished with death or confinement in the penitentiary⁵⁸], including having been convicted of giving or offering (directly or indirectly) a bribe to procure (his own or any other person's) election or appointment;⁵⁹ personally devote

⁴⁹*Code*, § 23-15-191.

⁵⁰*Code*, §§ 23-15-299(2), 23-15-359(1)(g), and 23-15-359(4).

⁵¹*Mississippi Constitution of 1890* (hereinafter, *Constitution or Const.*), §102.

⁵²*Const.*, § 176.

⁵³*Code*, §19-3-3.

⁵⁴*Ibid.*

⁵⁵*Const.*, § 250.

⁵⁶*Const.*, § 43.

⁵⁷*Code*, § 1-3-37.

⁵⁸*Code*, § 1-3-19.

⁵⁹*Const.*, § 44.

time to the performance of the duties of the office,⁶⁰ and not hold an office “of honor or profit” or “act for” a foreign government or the government of the United States.⁶¹

Further, since November 3, 1992, any person convicted in another state of any offense which is a felony in Mississippi or convicted of any felony in a federal court is ineligible to hold the office of supervisor.⁶² Finally, a person is not disqualified from holding office if he has been pardoned from a disqualifying offense or if the offense is manslaughter, any violation of the United States Internal Revenue Code, or any violation of Mississippi’s tax laws, unless the tax law violation also involved misuse or abuse of his office or money coming into his hands by virtue of his office.⁶³

ACTIONS NECESSARY TO TAKE OFFICE AFTER ELECTION

A supervisor is prohibited by law from exercising the duties and functions of the office until he has received a certificate of election, posted the required bond, and taken the oath of office prescribed by the Constitution.⁶⁴ A person who attempts to take office without having taken the oath of office or having posted the bond required by law is guilty of a misdemeanor punishable by a fine of up to \$500 or imprisonment in the county jail for a term not longer than one year, or both.⁶⁵

Posting the Bond

A supervisor must post a bond, with sufficient surety, payable to the state for use of the county, equal to five percent (5%) of the sum of all state and county taxes shown on the county’s assessment rolls for the year prior to the year the supervisor is to take office – the bond not to exceed \$100,000.⁶⁶ The bond must be approved by the chancery clerk of the county and filed and recorded in the chancery clerk’s office.⁶⁷ The premium on the bond of a supervisor may be paid out of county funds, but any fee for approval of the bond must be paid by the supervisor.⁶⁸ If an official bond is found to be insufficient for any reason, the board of supervisors may require the posting of a new bond. If a new bond is required and not posted, the supervisor’s

⁶⁰*Const.*, § 267.

⁶¹*Const.*, § 266.

⁶²*Const.*, § 44(2).

⁶³*Const.*, § 44(3).

⁶⁴*Code*, § 25-1-35.

⁶⁵*Code*, § 97-11-41.

⁶⁶*Code*, §§ 19-3-5 and 25-1-17.

⁶⁷*Code*, § 25-1-19(1).

⁶⁸*Code*, §§ 25-1-33 and 25-7-43.

position is declared vacant and filled in the manner discussed in the “Vacancies in Office” section found below.⁶⁹

A supervisor’s bond must be made with a surety company authorized to do business in the state.⁷⁰ If a supervisor gives an affidavit, including two letters of refusal from bonding companies licensed to do business in the state, that he has made a diligent effort to obtain the required surety bond and has been unable to do so, he may make his official bond with two or more qualified personal sureties.⁷¹

A supervisor executes bond for the faithful performance of duty. Any supervisor who “knowingly or wilfully” fails, neglects, or refuses to perform the duties required by law, or violates his official obligations in any respect, is subject to suit upon his bond for the recovery of damages that the county may have sustained.⁷²

Taking the Oath

A supervisor must take the oath found in § 268 of the *Constitution* from one of a number of individuals authorized to administer oaths.⁷³ The oath must be filed in the office of the chancery clerk of the county.⁷⁴

VACANCIES IN OFFICE

Vacancies in the office of supervisor may result from any one of a number of reasons. Vacancies may be caused by death; resignation; moving out of the district from which elected; accepting a position in the executive or legislative branches of state government; failure to “qualify” (discussed above); failure to account for public money for which he was responsible prior to election or appointment to the board; and removal from office.

In the case of an emergency, the governor may make a provisional appointment to fill a vacancy.⁷⁵ In situations other than emergencies, the Legislature has provided⁷⁶ for the filling of a vacancy, as follows:

1. If the unexpired term is less than six (6) months:

⁶⁹*Code*, § 25-1-25.

⁷⁰*Code*, § 25-1-31.

⁷¹*Code*, § 25-1-31.

⁷²*Code*, § 25-1-45.

⁷³*Code*, § 11-1-1.

⁷⁴*Code*, § 25-1-11.

⁷⁵*Const.*, § 103.

⁷⁶*Code*, § 23-15-839.

- a. The board of supervisors appoints someone to fill the vacancy by an order entered upon the minutes, with the chancery clerk certifying the appointment to the secretary of state. The governor will commission the person appointed.
 - b. If the board is not in session, the president of the board, with the consent of an absolute majority of the members of the board, makes the appointment, with the chancery clerk certifying the appointment to the Secretary of State. The governor will commission the person appointed.
2. If the unexpired term is longer than six (6) months and the vacancy occurs in a year in which the election of supervisors would normally be held, the individual appointed in the manner described above will serve until a successor is elected.
 3. If the unexpired term is longer than six (6) months and the vacancy occurs in a year in which the election of supervisors *would not* normally take place, the individual appointed in the manner described above will serve until a successor is elected in a special election which will be timed and conducted according to the requirements of law.⁷⁷

REMOVAL FROM OFFICE

A supervisor may be removed from office for the following reasons and in the manner described:

1. Civil officers of the state may be impeached for “treason, bribery, or any high crime or misdemeanor in office.”⁷⁸ If impeached, the civil officer is removed from office, disqualified from holding any “office of honor, trust, or profit” in the state, and “subject to indictment, trial, judgement, and punishment according to law.”⁷⁹ The house of representatives brings the charge of impeachment by a two-thirds (b) simple majority vote (b of the members present), and the senate tries the impeachment and convicts by a two-thirds (b) simple majority vote.⁸⁰
2. Public officers of the state must be removed from office and “otherwise punished as may be prescribed by law” if convicted (after indictment by a grand jury) by a court of competent jurisdiction of “wilful neglect of duty or misdemeanor in office.”⁸¹
3. Public officers of the state must be removed from office (and are subject to any other punishment a court may prescribe) if they are convicted in any court of competent jurisdiction in any state or any federal court:

⁷⁷ See *Code*, §§ 23-15-833, 23-15-835, 23-15-839, and 23-15-841.

⁷⁸*Const.*, § 50.

⁷⁹*Const.*, § 51.

⁸⁰*Const.*, § 49 and § 52.

⁸¹*Const.*, §175.

- a. of any crime which is a felony (any violation of law punished with death or confinement in the penitentiary⁸²) under the laws of Mississippi or which is punishable by imprisonment for one year or more (*other* than manslaughter or any violation of the U. S. Internal Revenue Code);
- b. of corruption in office or peculation (embezzlement);
- c. of gambling or dealing in futures with “any money coming into his hands by virtue of his office.”

The attorney general of the state must file a motion for removal from office in the circuit court of the county of residence of the official. The circuit court, or the judge in vacation, must, upon notice and a proper hearing, issue an order of removal from office.⁸³

- 4. Public officers must be removed by the judgement of a court of competent jurisdiction (or otherwise lawfully) if they are found by inquest to be of unsound mind during the term for which they are elected or appointed.⁸⁴
- 5. Any public officer who is indicted and convicted of habitual drunkenness or being drunk while discharging the duties of his office (or when called upon to perform the duties of his office) must be removed from office.⁸⁵
- 6. Any public official who “intentionally, wilfully and knowingly” violates the laws governing public purchasing must be removed from office.⁸⁶
- 7. A supervisor *may* (in the discretion of the court) be removed from office if convicted of “wilfully” neglecting or refusing to return “any person committing any offense against the laws, committed in his view or knowledge, or of which he has any notice, or shall wilfully absent himself when such offense is being or is about to be committed, for the purpose of avoiding knowledge of the same, . . .”⁸⁷
- 8. Any officer (agent or trustee) who is convicted of accepting any “gift, offer or promise” prohibited by § 97-11-11 of the *Code* (generally, a bribe to influence official action) must forfeit his office, be “forever disqualified from holding any public office, trust, or appointment,” and be imprisoned in the penitentiary not more than ten (10) years or be fined not more than \$5,000.⁸⁸

⁸²*Code*, § 1-3-11.

⁸³*Code*, §§ 25-5-1 and 97-33-3.

⁸⁴*Code*, § 25-5-1.

⁸⁵*Code*, § 97-11-23.

⁸⁶*Code*, § 31-7-55.

⁸⁷*Code*, § 97-11-35.

⁸⁸*Code*, § 97-11-13.

9. The governor may remove any elective county officer for “knowingly or wilfully failing, neglecting, or refusing to perform any of the duties required of such officer by law.”⁸⁹ Consideration of the removal of a supervisor by the governor requires a petition demanding removal signed by not less than fifty-one percent (51%) of the qualified electors of the beat or district from which he was originally elected.⁹⁰ State law establishes certain procedures to be followed with respect to the form, signing, verification, certification, and examination of the petition; the notice of hearing; the convening and judgement of a “removal council”; the conducting of a special removal election; and the contesting of the results of the special removal election.⁹¹

COMPENSATION

The annual salary of a supervisor is fixed by law⁹² and is based upon the total assessed valuation of his county for the preceding taxable year. Note that in counties with producing oil wells, the total valuation of the oil produced, as reported by the state tax commission for the preceding calendar year, may be combined with the total assessed valuation to determine the salary category of the supervisors of that county. In addition, in any county in which the federal government or an agency of the federal government owns twenty-five percent (25%) of the real property (consequently, exempt from ad valorem taxes), the salary category of the members of the board of supervisors from that county moves to the next highest rate from that rate determined by the total assessed value of the property in the county.⁹³ Current compensation for supervisors is as follows:

Assessed Valuation	Salary
Less than \$20,000,000	\$23,529
\$20,000,000 but less than \$25,000,000	\$24,137
\$25,000,000 but less than \$35,000,000	\$24,744
\$35,000,000 but less than \$50,000,000	\$26,869
\$50,000,000 but less than \$75,000,000	\$28,083
\$75,000,000 but less than \$125,000,000	\$28,994
\$125,000,000 but less than \$300,000,000	\$33,548
\$300,000,000 or more	\$37,343

⁸⁹Code, §§ 25-5-3 and 25-5-5.

⁹⁰Code, § 25-5-7.

⁹¹Code, §§ 25-5-7 through 25-5-37.

⁹²Code, § 25-3-13.

⁹³Code, § 25-3-15.

ORGANIZATION OF THE BOARD

After posting the required bond and taking the oath of office, the members of the board of supervisors meet at the county courthouse on the first Monday in January after the election and organize the board by electing one of the members of the board as the president (for the four year term) and one of the members as the vice president. The board, attended by the sheriff (or a deputy sheriff) and the clerk (chancery clerk or a deputy chancery clerk) may then proceed to discharge its duties.⁹⁴

The sheriff (or a deputy sheriff) must attend all meetings of the board to execute its process and orders.⁹⁵ The clerk of the board, the chancery clerk (or a deputy chancery clerk or a clerk pro tempore⁹⁶), must attend meetings of the board to “keep and preserve a complete and correct record of all the proceedings and orders of the board.” The clerk records on the minutes the names of those members of the board in attendance and the names of those members absent.⁹⁷

If an epidemic at the county seat or some other cause makes it impracticable for the board to meet on the first Monday in January after the election, the board must meet as early as it can safely do so, upon the call of any three members-elect of the board. This called meeting will be held at the place designated in the call of the meeting.⁹⁸

MEETINGS OF THE BOARD

As is the case with the organizational meeting of the board of supervisors, if it is not practicable for the board to meet at the normal time and in the normal place, discussed below, for any other meeting, the president, or the vice president in the absence or disability of the president, or any three members, may call a meeting in a place designated within the county.⁹⁹ A board of supervisors may not hold meetings or transact official acts outside the county in which they were elected.¹⁰⁰

In counties having only one (1) court district, the board of supervisors will hold regular meetings on the first Monday of each month (the next day if the first Monday falls on a legal holiday) at the courthouse (or in the chancery clerk’s office in those counties where the chancery clerk’s office is in a building separate from the courthouse). The board of supervisors may meet in any other county-owned building located within one (1) mile of the courthouse, provided the board enters an order on its minutes designating and describing in full the building and room to be used as the meeting room for the board of supervisors. In addition, more than thirty (30) days before the place for the meeting changes, the board must post in the chancery clerk’s office and in one

⁹⁴*Code*, § 19-3-7.

⁹⁵*Code*, § 19-3-25.

⁹⁶*Code*, § 19-3-29.

⁹⁷*Code*, § 19-3-27.

⁹⁸*Code*, § 19-3-9.

⁹⁹*Code*, § 19-3-9.

¹⁰⁰Ellis, March 1, 1995, A.G. Op. #95-0119.

(1) other place in the courthouse a “conspicuous, permanent notice” of the meeting location change. Finally, to change the meeting location, the board must publish a notice to that effect once a week for three consecutive weeks in a newspaper published in the county. If no newspaper is published in the county, the notice must appear in a newspaper having general circulation in the county.¹⁰¹

In counties having two (2) court districts, the board of supervisors must hold regular meetings on the first Monday of each month. If a board of supervisors holds only one regular meeting each month, the first (January) meeting in each year must be held in the courthouse or chancery clerk’s office (where the chancery clerk’s office is in a building separate from the courthouse) in the first court district. The second (February) regular meeting must be held in the courthouse or chancery clerk’s office (again, if in a building separate from the courthouse) in the second court district. Thereafter, the meetings of the board of supervisors must alternate between the two court districts.¹⁰²

In counties having two court districts, the board of supervisors may hold two regular meetings each month—one meeting on the first Monday of the month, and the other meeting on the second Monday of the month. If the board decides (by an order entered upon its minutes) to hold two regular meetings each month, the meeting locations must alternate between the two court districts in the manner described above. In addition, the board must give at least five days’ notice of its decision to hold two regular meetings each month by posting copies of a notice specifying the decision to hold two regular meetings each month at the courthouse door in each district. When any regular meeting date falls on a legal holiday, the meeting must be held the following day.¹⁰³

The board of supervisors may adjourn a regular meeting to any date and time it determines by placing an order upon its minutes. The order providing for the adjourned meeting must specify each item of business to be transacted at the adjourned meeting, and only items of business so specified can be transacted at the adjourned meeting.¹⁰⁴

Normally, at regular business meetings, the board of supervisors may sit for a period not to exceed ten days in any one month. In counties having a population of more than forty thousand and in counties having two court districts, the board may continue in session at regular meetings for a period not to exceed twelve days in one month. However, at regular meetings for the transaction of business under the state’s revenue laws, the board in any county may continue in session as long as is required. Further, the board of supervisors may recess meetings from time

¹⁰¹ *Code*, § 19-3-11.

¹⁰² *Code*, § 19-3-13.

¹⁰³ *Ibid.* It should be noted that § 19-3-13 of the *Code* also specifies that if the act creating two judicial districts in a county directs otherwise with respect to the holding of regular meetings, the board of supervisors may continue to hold regular meetings as required by the act. Further, § 19-3-15 of the *Code* has specific requirements relative to the holding of meetings of the board of supervisors in Harrison County.

¹⁰⁴ *Code*, § 19-3-19.

to time to convene on a day fixed by an order of the board entered upon its minutes and may transact any business coming before it for consideration.¹⁰⁵

When deemed necessary, a special meeting of the board of supervisors may be called by the president of the board (or vice president in the absence or disability of the president) or any three members of the board. Notice of the special meeting must be entered in full upon the minutes of the board and must specify each item of business to be transacted at the special meeting. Like an adjourned meeting, only the items of business specified in the notice of the special meeting can be considered or acted upon. The board must give at least five days' notice of the special meeting by posting an advertisement at the courthouse door or publishing an advertisement in a newspaper of the county. In cases of emergency arising from serious damage to county property, including roads and bridges, or from an epidemic, or from a situation where immediate action is required for the repair of county roads and bridges, a special meeting may be called in the manner specified above for the purpose of considering the emergency and taking appropriate action. Notice of the special emergency meeting must be given to each supervisor in person or a copy of the notice left at each supervisor's usual place of residence at least twenty-four hours before the meeting.¹⁰⁶

With regard to the "giving public notice of meetings" requirements specified in the paragraphs above, it should be noted that a section of the Open Meetings Act requires certain actions with respect to recess, adjourned, or special meetings:

Any public body which holds its meetings at such times and places and by such procedures as are specifically prescribed by statute shall continue to do so and no additional notice of such meeting shall be required *except that a notice of the place, date, hour and subject matter of any recess meeting, adjourned meeting, interim meeting or any special called meeting shall be posted within one (1) hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the public body normally meets. A copy of the notice shall be made a part of the minutes or other permanent official records of the public body.*¹⁰⁷

The president of the board of supervisors (or the vice president in the absence or disability of the president) presides at all meetings of the board. If both the president and vice president are absent or disabled, the board may elect another member to preside during the absence of the president or vice president.¹⁰⁸

Three (3) members of the board of supervisors constitute a quorum. If a quorum of the board is not present on the first day of any regular, adjourned, or special meeting, the sheriff may adjourn the meeting from day to day until a quorum is present. A member of the board of supervisors, properly notified, who fails to attend any meeting will be fined \$5.00 per day for each day he is absent. Unless the absent supervisor provides a "sufficient excuse" at the next meeting, he must pay the fine into the county treasury. Until any such fine is paid, including any costs associated

¹⁰⁵ Code, § 19-3-17.

¹⁰⁶ Code, § 19-3-19.

¹⁰⁷ Code, § 25-41-13(1), emphasis supplied by the author.

¹⁰⁸ Code, § 19-3-21.

with collection of the fine, the supervisor cannot receive any “allowance” or warrants from the county.¹⁰⁹

The sheriff (or a deputy sheriff) of the county must attend all meetings of the board of supervisors and must execute all of the board’s process and orders.¹¹⁰ The board of supervisors may go into executive session without the sheriff at the discretion of the board.¹¹¹

The chancery clerk serves as clerk of the board of supervisors and must “keep and preserve a complete and correct record of all the proceedings and orders of the board.” The clerk must enter on the minutes the names of the members who attend or fail to attend each meeting. The clerk “shall safely keep and preserve all records, books, and papers pertaining to his office, and deliver them to his successor when required.”¹¹²

The board has the power to subpoena witnesses in all matters coming under its jurisdiction and to fine and imprison any person for a contempt committed while the board is in session. The fine for contempt may not exceed fifty dollars (\$50.00) and the imprisonment may not extend beyond the continuance of the term. A person so fined or imprisoned may appeal to the circuit court.¹¹³

MINUTES

A board of supervisors speaks and acts only through its minutes. The minutes of each day’s proceedings must either be read and signed by the president (or vice president if the president is absent or disabled so as to prevent his signing the minutes) on or before the first Monday of the month following the day of adjournment of any “term” of the board of supervisors or be adopted and approved by the board as the first order of business on the first day of the next monthly meeting of the board.¹¹⁴

A board of supervisors is required to publish its proceedings each month in a newspaper published in the county¹¹⁵ or to publish a synopsis of certain of its proceedings in the form of an abstract or summary under a cumulative method authorized by § 19-3-35 of the *Code*.

Mississippi’s Open Meetings Act provides with respect to minutes of meetings of public bodies the following:

Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time, and

¹⁰⁹*Code*, § 19-3-23.

¹¹⁰*Code*, § 19-3-25.

¹¹¹Pickett, March 9, 1994, A.G. Op. #94-0129.

¹¹²*Code*, § 19-3-27.

¹¹³*Code*, § 19-3-51.

¹¹⁴*Code*, § 19-3-27.

¹¹⁵*Code*, § 19-3-33.

place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours . . .¹¹⁶

POWERS, DUTIES, AND RESPONSIBILITIES

The powers of the board must be exercised by the board as a group speaking through its minutes. Individual members of the board cannot bind the county.

This writer once counted some 227 specific powers, duties, or responsibilities of a board of supervisors. The extensive powers and responsibilities of a board of supervisors are categorized and discussed in the next chapter.

PRIVILEGES OF OFFICE

State law provides that the members of a board of supervisors are exempt from working on the roads, serving in the militia, and jury duty.¹¹⁷

EMPLOYMENT OF LEGAL COUNSEL

A board of supervisors has discretionary power to employ an attorney or a firm of attorneys (but not both at the same time) to represent the board as its regular attorney or attorneys. The salary or compensation paid the attorney or firm of attorneys must not exceed the maximum annual amount authorized by law for the salary of a supervisor in that county.¹¹⁸ Benjamin E. Griffith, long-time Bolivar County board attorney, has summarized the role of the county board attorney in presentations at continuing legal education seminars for the Mississippi Association of County Board Attorneys as follows:

As the chief legal officer for the county, the board attorney is expected to provide competent legal representation and advice concerning a wide variety of problems facing county government. The board attorney is often called upon for legal guidance with regard to county services, programs, functions, activities, and responsibilities. When the soundness of the board attorney's legal advice spells the difference between a supervisor's personal liability or immunity, one can readily see that even the most competent board attorney has his or her hands full in providing proper legal guidance for the board of supervisors and a host of other local government officials.

A board of supervisors also has the discretionary power to employ counsel in all civil cases in which the county is interested, including eminent domain proceedings and the examination and

¹¹⁶*Code*, § 25-41-11.

¹¹⁷*Code*, § 19-3-37.

¹¹⁸*Code*, § 19-3-47(1)(a) and (2).

certification of title to property the county is acquiring. Reasonable compensation may be paid to such counsel.¹¹⁹

In addition, a board has discretionary power to employ counsel in criminal cases against a county officer for malfeasance or dereliction of duty in office when the county might be affected pecuniarily. The counsel conducts the proceeding against the county officer instead of, or in conjunction with, the district attorney. Reasonable compensation may be paid to counsel so employed.¹²⁰

Further, a board of supervisors has the discretionary power to employ counsel in the matter of the issuance of bonds, including the drafting of orders and resolutions connected to the bond issue. Attorneys fees for services connected to the bond issue are limited by statute.¹²¹

Finally, a board of supervisors is authorized to call upon the district attorney to give his written opinion “upon all cases concerning the revenue or expenses of the county.” The district attorney, with the approval of the attorney general, must prosecute public debtors to any county within his district.¹²²

¹¹⁹*Code*, § 19-3-47(1)(b).

¹²⁰*Ibid*.

¹²¹*Code*, § 19-3-47(1)(c).

¹²²*Code*, § 25-31-17.