

## CHAPTER VI

### THE DISTRICT AND UNIT SYSTEMS OF ORGANIZATION

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In the First Extraordinary Session of 1988, House Bill 4, commonly referred to as the “County Government Reorganization Act of 1988,” was passed by the Legislature and approved by the Governor. This act required each county in the state of Mississippi to construct and maintain roads and bridges on a countywide basis unless exempted by a majority of the qualified electors of the county. From and after October 1, 1989, each county not exempted was required to operate as a countywide (unit) system of road administration. Presently, forty-four (44) counties operate under a unit system of road administration and thirty-eight (38) counties operate a beat or district system.

#### THE UNIT SYSTEM OF ROAD ADMINISTRATION

In a unit system of road administration there shall be no road districts, separate road districts, or special road districts in any county; *supervisors districts shall not serve as road districts*; and the construction and maintenance of roads and bridges shall be on a countywide basis. The distribution and use of all road and bridge funds; the planning, construction and maintenance of county roads and bridges; the purchase, ownership, and use of all road and bridge equipment, materials, and supplies; the employment and use of the road and bridge labor force; and the administration of the county road department shall be on the basis of the needs of the county as a whole, as determined by the board of supervisors, without regard to any district boundaries. Any real and personal property of any road district becomes the property of the countywide system of road administration in a unit system.

#### County Administrator<sup>514</sup>

The board of supervisors must appoint some person other than a member of the board to serve as county administrator. The board may appoint the chancery clerk of the county as county administrator if the chancery clerk agrees to serve as county administrator, or the board may appoint some other person who has knowledgeable experience in any of the following fields: work projection, budget planning, accounting, purchasing, cost control or personnel management.

The county administrator, under the policies determined by the board of supervisors and subject to the board’s general supervision and control, shall administer all county affairs falling under the control of the board and carry out the general policies of the board. The board of supervisors may delegate and assign to the county administrator the duties and responsibilities as the board may determine, not contrary to the laws of the State of Mississippi or the Constitution and not assigned by law to other offices.

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<sup>514</sup>Code, § 19-4-1.

## Road Manager<sup>515</sup>

The board of supervisors shall establish a county road department. The board of supervisors must adopt the *general policies* to be followed in the administration of the county road department and appoint, as administrative head of the county road department, a county road manager who shall be educated or experienced in the construction and maintenance of highways, bridges and other facets of county highway responsibilities. The county road manager, under the policies determined by the board of supervisors and subject to the board's *general* supervision and control, administers the county road department, superintends the working, construction and maintenance of the public roads and the building of bridges, and carries out the general policies of the board.

The county road manager employs, subject to the approval of the board of supervisors, all assistants and employees as may be necessary. He has jurisdiction over personnel and assignments of all personnel in the road department. He is responsible for purchasing all equipment, supplies, and materials for the road department. The county road manager also has jurisdiction over the assignment of all equipment used in the road department. The board of supervisors may, by a majority vote of the entire board, supersede any act of the road manager, or change, modify, or revoke any act which has been completed by the road manager, provided such action does not constitute a breach of contract.

## Road Department Management Materials (Forms)

The Office of the State Auditor has developed a package of materials to assist the county road manager in carrying out the various duties and responsibilities of the county road department. These materials include report forms to keep the board of supervisors informed about road department work and to help the road manager better manage work requests, equipment, and personnel under his authority. These materials are available upon request. To obtain these materials or assistance concerning them, one may contact the Department of Technical Assistance, Office of the State Auditor, telephone number 1-800-321-1275. Audit department staff will look for documentation from these reports as well as the four-year road plan, to determine if a countywide system of road administration is in place.

A brief listing and explanation of the organization chart and prescribed forms follow. The organization chart, Form RD #2 and Form RD #4 are required. Other listed forms are suggested, but are optional.

### Organization Chart

The road manager shall prepare an organization chart of his department. The organization chart shows the functional and procedural relationships and the lines of authority and responsibility within the department.

### Job Descriptions

Written job descriptions for every position in the road department shall be prepared. The job descriptions may be prepared by the personnel department, the road department, or jointly. Each job description must include authority, responsibility, and minimum qualifications.

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<sup>515</sup>Code, § 65-17-1.

### Form RD #1, "Work Schedule"

The work schedule shows what work will be done in the coming month. The schedule should be prepared at the end of the month preceding the month the schedule covers. For example, toward the end of April, the May schedule of work should be prepared. The schedule can be used to inform the board of supervisors at their monthly meeting about the proposed work for the new month.

### Form RD #2, "Report to Board of Supervisors"

The report to the board of supervisors should summarize what work was planned for the preceding month. It should show how much work was accomplished during the month. The report should explain why work planned was not completed or why more was accomplished than planned. The report should be presented to the board at their monthly board meeting. Additional reports in other forms may be prepared for the board.

### Form RD #3, "Equipment Use Report"

The equipment use report shall be prepared each month. A separate report will be kept for each major piece of equipment such as truck, tractor, grader, etc.

### Form RD #4, "Work Order"

A work order shall be completed for each assignment of work each day. Each work order should originate in the road manager's office. Control of work orders may be strengthened by pre-numbering the documents or maintaining a log.

### Form RD #5, "Personnel Report"

The personnel report shall be used to provide employee change of status data to the payroll department of the county.

### Form RD #6, "Equipment Service Record"

An equipment service record shall be maintained on each serviceable piece of equipment of the road department.

### Form RD #7, "Daily Work Sheet"

The road manager or the crew leaders shall complete a daily work sheet for personnel, equipment, and materials used.

### Form RD #8, "Daily Time Sheet"

The road department shall maintain a daily time sheet covering all departmental employees.

### Form RD #9, "T-A Report"

A time and attendance report shall be completed each month by the road department and provided to the payroll department for preparation of the payroll.

## Form RD # 10, “Automotive and Equipment Consumption Report”

A daily report of fuel and oil consumption shall be maintained by the road department.

### County Engineer<sup>516</sup>

The board of supervisors is authorized and empowered at their discretion to employ, as county engineer, a civil engineer or person qualified to perform the duties of a county engineer, and such assistants as the board deems necessary. On all projects for the construction or reconstruction of a bridge which will cost more than twenty-five thousand dollars (\$25,000.00), or for the construction or reconstruction of roads which will cost more than twenty-five thousand dollars (\$25,000.00) per mile, the employment of a qualified engineer is required, whether the work is done by contract or otherwise. Where an engineer is required, the employment may be for the particular work rather than for a term.

### Road Maintenance Facilities<sup>517</sup>

The board of supervisors shall establish and maintain one (1) central road repair and maintenance facility for the county. Additional road repair and maintenance facilities may be established if the board of supervisors, by resolution duly adopted and entered on its minutes, determines the establishment of any such facilities to be *essential* for the effective and efficient management of the county road and bridge programs. The board of supervisors may buy or lease real property for the establishment of these facilities; however, any lease must be for a term of not less than twenty-five (25) years.

The Attorney General has ruled that individual supervisors in a unit county have no authority over the everyday working of the roads, and have no authority to maintain an office in any maintenance facility. All supervisors’ offices should be located in the courthouse or another appropriate facility located at the county seat.

### Four-Year Road Plan<sup>518</sup>

Each member of the board of supervisors must inspect every road and bridge in the county under the jurisdiction of the county at least once each year. Each member must file with the clerk of the board a report, under oath, of the condition of the roads and bridges inspected by him with recommendations by him for a four-year plan for construction and major maintenance of roads and bridges. Based on these reports, the board of supervisors must, on or before the first day of February each year, adopt and spread upon its minutes a four-year plan for the construction and maintenance of county roads and bridges. The plan may be amended at any time by a vote of the majority of the members of the board of supervisors.

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<sup>516</sup>Code, § 65-17-201.

<sup>517</sup>Code, § 65-7-91.

<sup>518</sup>Code, § 65-7-117.

### County Road System Map and Register<sup>519</sup>

On or before July 1, 2000, the board of supervisors of each county must prepare and adopt an official map designating all public roads on the county road system. In addition, the board of supervisors of each county shall prepare and adopt a county road system register in which shall be entered: (a) The number and name of each public road on the county road system. (b) A general reference to the terminal points and course of each such road. (c) A memorandum of every proceeding in reference to each such road, with the date of such proceeding, and the page and volume of the minute book of the board of supervisors where it is recorded; however, reference to proceedings before July 1, 2000, shall not be required. A public hearing is required before adoption of the map and register. The initial official record of the county road system shall include all public roads that the board of supervisors determines, as of July 1, 2000, or such date the initial official record is adopted, are laid out and open according to law. From and after July 1, 2000, no road shall be added or deleted from the county road system or otherwise changed except by order or other appropriate action of the board of supervisors and such action shall be recorded in the minutes of the board. All additions, deletions or changes to the county road system shall be recorded in the official record of the county road system as provided. The proceedings and public hearing required for initial adoption of the official map and county road system register are not intended to lay out, open, designate or otherwise establish new public roads, but to document and record existing roads which are, at the time of the initial adoption of said map and register, adjudicated by the board to be public roads by dedication or by prescription and required by public convenience and necessity.

### County-wide Personnel System<sup>520</sup>

The board of supervisors must adopt and maintain a countywide system of personnel administration for all county employees. The personnel system is administered by the county administrator. The personnel system may include, but is not limited to policies which address hiring and terminating employees, appeal and grievance procedures, leave and holidays, compensation, job classification, training, performance evaluation, and maintenance of records. All employees of the county are employees of the county as a whole, and not of any particular supervisor district.

The elected officials of the county, other than members of the board of supervisors, must adopt and maintain a system of personnel administration for their respective employees or adopt the system of personnel administration adopted by the board of supervisors.

### Transportation for Board Members<sup>521</sup>

The board of supervisors must exercise jurisdiction over the public highways of the county. The board may by order duly adopted and entered on its minutes, provide for transportation of individual members of the board as is necessary and essential in the performance of their official duties.

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<sup>519</sup>Code, § 65-7-4, 65-7-4.1.

<sup>520</sup>Code, § 19-2-9

<sup>521</sup>Code, § 65-7-115.

## Enforcement<sup>522</sup>

Section 19-2-11 of the *Code* requires the State Auditor to determine if the county has actually adopted and put into operation the practice of constructing and maintaining all of the roads and bridges of the county as a unit, with all of the construction and maintenance machinery and other equipment, construction and maintenance funds and other construction and maintenance facilities available to the county for highway use placed under the administration of the county road manager for use in any part of the county regardless of beat lines and to the best interest of the county as a whole; if the county has established and implemented, and is maintaining a central purchasing system for all equipment, heavy equipment, machinery, supplies, commodities, materials and service as required by § 31-7-101; if the county has established and implemented, and is maintaining, the inventory control system required by § 31-7-107; and if the county has adopted and implemented a system of countywide personnel administration as required by § 19-2-9.

If the Auditor determines that a county is not in substantial compliance with any of these requirements, he must file a certified written notice with the clerk of the board of supervisors of his intention to issue a certificate of noncompliance. If after thirty (30) days from the giving of the notice the county has not substantially complied, the Auditor must issue a certificate of noncompliance. Thereafter, the State Tax Commission shall withhold all payments of state aid road construction funds, fuel tax reimbursements and motor vehicle license seawall taxes to the county. If the county comes into compliance within ninety (90) days those funds withheld will be subsequently paid to the county.

If the county does not come into compliance within ninety (90) days the funds withheld shall be forfeited and reallocated to the other counties in the state. Those funds will continue to be forfeited until the county comes into compliance.

Section 19-2-12 of the *Code* provides that if the State Auditor determines that an individual member of the board of supervisors is not in substantial compliance with the countywide system of road administration as described in § 19-2-3, the State Auditor shall give written notification to the supervisor of such noncompliance. If within thirty days after receipt of notice, the supervisor remains in noncompliance, the Auditor may institute civil proceedings in the chancery court of the county in which the supervisor serves. If the court determines the supervisor is not in substantial compliance, the court shall order the supervisor to immediately and thereafter comply. Violations of any order of the court shall be punishable as for contempt. In addition the court may impose a civil penalty not to exceed five thousand dollars upon the supervisor.

## THE BEAT SYSTEM

All those counties not required to operate as a countywide system of road administration under “The County Reorganization Act of 1988” may continue to operate as a beat system, the traditional system of road and bridge management used by county supervisors in Mississippi. Under the beat system, supervisors elected from their five (5) respective districts of each county, independently manage roads and bridges in their beats. County revenues for roads and bridges are usually divided equally (or as determined by the board) and distributed to each supervisor’s road and bridge funds. The supervisor then spends these funds as he sees fit, within the limitations of the Mississippi Code and with approval of the entire board. Each supervisor

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<sup>522</sup>*Code*, §§ 19-2-11 and 19-2-12.

usually maintains a barn or storage facility where his beat's road equipment can be stored. In addition, each supervisor maintains a road crew and may hire a foreman to oversee the work of the road crew.

#### County Administrator<sup>523</sup>

The board of supervisors is authorized, in its discretion, to employ a county administrator. The person employed as county administrator must hold at least a bachelor's degree from an accredited university and must have knowledgeable experience in any of the following fields: work projection, budget planning, accounting, purchasing, cost control, personnel management and road construction procedures. The administrator, under the policies determined by the board of supervisors and subject to the board's general supervision and control, administers county affairs falling under the control of the board and carries out the general policies of the board.

#### County Engineer<sup>524</sup>

The board of supervisors is authorized and empowered at their discretion to employ, as county engineer, a civil engineer or person qualified to perform the duties of a county engineer, and such assistant engineers as may be necessary. On all projects for the construction or reconstruction of a bridge which will cost more than five thousand dollars(\$5,000.00), or for the construction or reconstruction of roads which will cost more than five thousand dollars (\$5,000.00) per mile, the employment of an engineer is required, whether the work is being done by the county or by contract; however, in required cases the employment may be for the particular work, rather than for a term.

#### Road Maintenance Facilities<sup>525</sup>

The board of supervisors may buy or rent land upon which to establish stations for the working of the public roads, and may erect barns, sheds, and other necessary buildings thereon; but in no case shall said board buy over two (2) acres of land for any one station.

#### County Road System Map and Register<sup>526</sup>

On or before July 1, 2000, the board of supervisors of each county must prepare and adopt an official map designating all public roads on the county road system. In addition, the board of supervisors of each county shall prepare and adopt a county road system register in which shall be entered: (a) The number and name of each public road on the county road system. (b) A general reference to the terminal points and course of each such road. (c) A memorandum of every proceeding in reference to each such road, with the date of such proceeding, and the page and volume of the minute book of the board of supervisors where it is recorded; however, reference to proceedings before July 1, 2000, shall not be required. A public hearing is required before adoption of the map and register. The initial official record of the county road system shall include all public roads that the board of supervisors determines, as of July 1, 2000, or such

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<sup>523</sup> Code, § 19-4-1.

<sup>524</sup> Code, § 65-17-201.

<sup>525</sup> Code, § 65-7-91.

<sup>526</sup> Code, § 65-7-4, 65-7-4.1.

date the initial official record is adopted, are laid out and open according to law. From and after July 1, 2000, no road shall be added or deleted from the county road system or otherwise changed except by order or other appropriate action of the board of supervisors and such action shall be recorded in the minutes of the board. All additions, deletions or changes to the county road system shall be recorded in the official record of the county road system as provided. The proceedings and public hearing required for initial adoption of the official map and county road system register are not intended to lay out, open, designate or otherwise establish new public roads, but to document and record existing roads which are, at the time of the initial adoption of said map and register, adjudicated by the board to be public roads by dedication or by prescription and required by public convenience and necessity.

#### Road Inspection<sup>527</sup>

Each member of the board of supervisors must inspect every road, bridge and ferry in each district at least annually, at times to be fixed by the board, and must file with the clerk of the board a report, under oath, of the condition of the several roads, bridges and ferries inspected by him, with recommendations as are needful. Such reports must be presented to the board of supervisors and kept on file for three years.

#### Personnel System

The board of supervisors may adopt and maintain a system of personnel administration for county employees. The personnel system may include but is not limited to policies which address hiring and terminating employees, appeal and grievance procedures, leave and holidays, compensation, job classification, training, performance evaluation, and maintenance of records. Chapter XI of this book discusses personnel administration in a county.

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<sup>527</sup> Code, § 65-7-117.