



ATTORNEY GENERAL'S OPINION OUTLINE

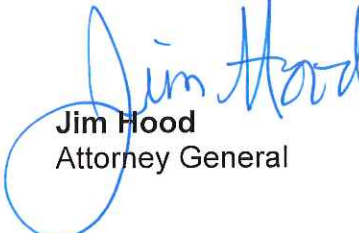
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The purpose of the Opinion Outline is to inform state, county and municipal officials and other interested persons of official opinions issued by the Attorney General's Office. This outline contains synopses of opinions issued from July 1, 2017 through July 31, 2017. When opinions are of state-wide application or interest, we will try to publish the entire opinion.

The following opinion outlines are based upon opinions that were issued by this office in response to specific facts and circumstances and therefore may not be applicable in all cases.

Complete opinions are also available on our internet website at: agjimhood.com

Very truly yours,


Jim Hood
Attorney General

COUNTIES-CLASSIFICATIONS

Miss. Code Ann. Section 27-19-11 requires Madison County to distribute the privilege tax proceeds in the same manner as ad valorem tax proceeds. (Vance, 7/7/2017)(#049)(OP-2017-00192)

We are of the opinion that the Oktibbeha County Board of Supervisors may not use public funds to advocate for or against the question of whether to sell or lease the Oktibbeha County Hospital with an option to sell. (Trainer, 7/28/2017)(#049)(OP-2017-00230)

CRIMINAL LAW

There is no provision in Mississippi law which would prohibit a person who is the subject of a domestic abuse protection order issued pursuant to MS Code Section 93-21-1 et seq. from purchasing or possessing a firearm. 18 U.S.C. 922(g)(8) of the United States Code does contain such a prohibition. There is no obligation to appoint an attorney for an indigent respondent in a domestic abuse protection order proceeding. (Shumake, 7/28/2017)(#057)(OP-2017-00216)

ECONOMIC DEVELOPMENT DISTRICTS

State law does not authorize an economic development district to donate real property to the State of Mississippi. (Webb, 7/7/2017)(#266C)(OP-2017-00187)

ELECTIONS-COMMISSIONERS

The cost of apportioning the municipal separate school district into five (5) special trustee election districts by the municipal governing authorities as mandated by Section 37-7-203, as amended by Senate Bill 2463, 2017 Regular Session, must be borne by the municipality.

The municipal separate school district is obligated to pay the county election commissioners and county registrar for the performance of their duties in preparing for and conducting the election of trustees as mandated by statute, including any necessary costs of inputting information into the Statewide Election Management System (SEMS) database. (Glaskox, 7/12/2017)(#064)(OP-2017-00188)

INTERLOCAL AGREEMENTS

The Interlocal Cooperation Agreement between the Town of Abbeville, Mississippi and Lafayette County, Mississippi which involves Lafayette County providing administration and inspection of the building codes of the Town of Abbeville is approved.
(O'Donnell,7/14/2017)(#277)(OP-2017-00209)

The Interlocal Cooperation Agreement between Hinds County, Mississippi and the City of Jackson, Mississippi involving the resurfacing of a parking lot at the Jackson Zoological Park is approved.
(Teeuwissen,7/14/2017)(#277)(OP-2017-00220)

The Interlocal Cooperation Agreement between Hinds County, Mississippi and the City of Jackson, Mississippi to resurface Highland Drive in the City of Jackson is approved.
(Teeuwissen,7/14/2017)(#277)(OP-2017-00221)

The Interlocal Cooperation Agreement between Hinds County, Mississippi and the City of Jackson, Mississippi for the milling and resurfacing of the intersection of California Avenue and Queensroad Avenue in the City of Jackson is approved.
(Teeuwissen,7/14/2017)(#277)(OP-2017-00222)

The Interlocal Cooperation Agreement between the City of Jackson and the City of Ridgeland involving a West County Line Road construction project is approved.
(Watkins,7/17/2017)(#277)(OP-2017-00211)

LIBRARIES

The number of trustees on a board of a joint city-county library system is governed by Miss. Code Ann. Section 39-3-15(5) and is an agreed upon number.
(Yarborough,7/28/2017)(#106)(OP-2017-00218)

MUNICIPALITIES

The Oxford Park Commission does not have statutory authority to make a payment or contribution to a nonprofit soccer academy. Park commission funds must be expended pursuant to Miss. Code Ann. Section 21-37-39.
(Watkins,7/7/2017)(#142)(OP-2017-00207)

An Urban Renewal Agency created by Section 43-35-33(a), which has been given urban renewal project powers by the municipal governing authorities as provided in Section 43-35-31, is a political subdivision of the State covered by the Mississippi Tort Claims Act.
(Murdock,7/14/2017)(#142)(OP-2017-00196)

A municipality may not adopt an ordinance that establishes different standards from those provided in Mississippi Code Annotated Section 21-19-11. The Legislature has clearly spoken, through its construction of Section 21-19-11, on the method to be used by a municipality when cleaning property that has become a menace to the public health and safety of the community.
(Sutton,7/14/2017)(#142)(OP-2017-00215)

NEPOTISM

The nepotism statute does not apply to an individual who was employed by a municipality prior to the election of her brother to the governing board.
(Turnage,7/21/2017)(#151)(OP-2017-00204)

SHERIFFS-AUTHORITY

Pursuant to the terms of Section 19-3-81 of the Mississippi Code, canteen funds may be used for education-related expenses for the benefit and welfare of the inmates.
(Shepard,7/7/2017)(#213)(OP-2017-00208)

SUPERVISORS-AUTHORITY

Art. 4, Section 96 of the Mississippi Constitution prohibits the payment of extra compensation to any public officer after a contract of employment is made. Further, it has long been the opinion of this office that Section 96 strictly forbids payment of "retroactive raises" to any public employee, unless such payment is clearly shown to be "back pay" previously due but unpaid because of administrative error.
(Brown,7/7/2017)(#220)(OP-2017-00184)

A county has the authority to enter into personal service contracts, which may include services provided by a public relations firm, pursuant to home rule.
(Baxter,7/14/2017)(#220)(OP-2017-00189)

TAXES-REFUND

The tax assessor may amend the homestead exemption application at any time when notified by the surviving spouse by simply removing the name of the deceased spouse and adding the surviving spouse's name and birth date. The County is authorized to refund ad valorem taxes paid as a result of the tax assessor erroneously taking the property off the homestead exemption roll.
(Nowak,7/28/2017)(#254)(OP-2017-00212)

TAXES-SALES (LAND)

Absent specific statutory authority, this office is of the opinion that potential bidders of a tax sale may not be limited or excluded, as this may potentially destroy the competitive nature of the bidding process of a tax sale.
(Sutton,7/21/2017)(#256)(OP-2017-00202)

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