

**ATTORNEY JOE MEADOWS  
ATTORNEY OF THE BOARD OF SUPERVISORS  
HARRISON COUNTY**

**Attorney Meadows:**

**I would like to know if you are in compliance with this article of the Mississippi Code of 1972 as written in 19-3-47.**

**Please reply**

**Sincerely,**

**Steven A. McCaleb**

**§ 19-3-47. Employment of counsel.**

(1) (a) The board of supervisors shall have the power, in its discretion, to employ counsel by the year at an annual salary at an amount that it deems proper, not to exceed the maximum annual amount authorized by law for payment to a member of the board.

(b) The board of supervisors shall have the power, in its discretion, to employ counsel in all civil cases in which the county is interested, including eminent domain proceedings, the examination and certification of title to property the county is acquiring and in criminal cases against a county officer for malfeasance or dereliction of duty in office, when by the criminal conduct of the officer the county may be liable to be affected pecuniarily, with the counsel to conduct the proceeding instead of the district attorney, or in conjunction with him, and to pay the counsel out of the county treasury or the road fund that may be involved reasonable compensation, or if counsel so employed is retained on an annual basis as provided in this subsection, reasonable additional compensation for his services.

(c) The board of supervisors shall have the power, in its discretion, to pay reasonable compensation to attorneys who may be employed by it in the matter of the issuance of bonds and the drafting of orders and resolutions in connection therewith. In no instance shall the attorney's fee for the services exceed the following amounts, to wit:

One percent (1%) of the first Five Hundred Thousand Dollars (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%) of the amount of the issue in excess of Five Hundred Thousand Dollars (\$500,000.00) but not more than One Million Dollars (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of the issue in excess of One Million Dollars (\$1,000,000.00). The limitations imposed in this paragraph shall not apply to any bond issue for

which a declaration to issue the bonds has heretofore been adopted by proper resolution.

(d) This subsection shall not in anyway amend or repeal or otherwise affect subsection (2) of this section, but this subsection shall remain in full force and effect.

(2) The board of supervisors of any county, in addition to the authority conferred upon it in subsection (1) of this section, may employ, in its discretion, a firm of attorneys to represent it as its regular attorneys on the same terms, conditions and compensation as provided for employment of an attorney as its regular attorney. However, there shall not be both an attorney and a firm of attorneys employed at the same time as the regular attorney for the board.

(3) In any county having a 1980 federal census population in excess of one hundred eighteen thousand (118,000), and in which is located a major refinery for the production of petroleum products and a facility for the construction of ships for the United States Navy; in any county which is traversed by an interstate highway and having a 1980 federal census population in excess of sixty-six thousand (66,000), and in which is located a comprehensive university operated by the Board of Trustees of State Institutions of Higher Learning and a National Guard training base; in any county in which is located the State Capitol and the state's largest municipality; in any county which is traversed by Interstate Highway 55, United States Highway 51 and United States Highway 98; in any county bordering the Gulf of Mexico, having a 1980 federal census population in excess of one hundred fifty-seven thousand (157,000), and in which is located a state-owned port; and in any county which is traversed by Interstate Highway 20, United States Highway 49 and United States Highway 80, and in which is located the State Hospital and an international airport; all of which foregoing criteria the Legislature finds to be conducive to industrial development requiring the issuance of industrial revenue bonds and which counties would gain benefits by employment of counsel in the manner authorized by this subsection, the board of supervisors, as an alternative to the authority conferred upon it in subsections (1) and (2) of this section, may employ annually, in its discretion, an attorney as a full-time employee of the county, subject to the following conditions:

(a) The attorney shall maintain an office in the county courthouse or other county-owned building and shall represent the board of supervisors and all county agencies responsible to the board;

(b) The attorney shall be employed by the board of supervisors in the matter of the issuance of all bonds of the county and the drafting of resolutions in connection therewith, and shall represent the board in all state and federal courts. Attorney's fees for the services which otherwise would have been paid to an attorney under paragraph (1)(c) of this section shall be paid into the county general fund and used to defray the salary of the attorney and his necessary office expenses;

(c) During his employment by the county, the attorney shall not engage otherwise in the practice of civil or criminal law and shall not be associated with any other attorney or firm of attorneys;

(d) The board of supervisors shall have the power, in its discretion, to pay the attorney an annual salary not to exceed the maximum annual salary authorized by law to be paid to the county judge of that county; and

(e) The board of supervisors may authorize, in its discretion, the employment of special counsel to assist the counsel employed pursuant to this subsection, provided that the board shall determine and spread on its minutes that the employment of the special counsel is necessary and in the best interest of the county and setting forth the duties or responsibilities assigned to the special counsel.

**Sources:** Codes, 1857, ch. 59, art 35; 1871, § 1385; 1880, § 2176; 1892, § 293; Laws, 1906, § 312; Hemingway's 1917, § 3685; Laws, 1930, § 272; Laws, 1942, §§ 2958, 3374-95.5; Laws, 1924, ch. 212; Laws, 1936, ch. 308; Laws, 1942, ch. 218; Laws, 1946, chs. 182, 424; Laws, 1948, ch. 263; Laws, 1952, ch. 222; Laws, 1956, ch. 189; Laws, 1958, ch. 220; Laws, 1960, chs. 190, 191; Laws, 1962, chs. 248, 249; Laws, 1964, ch. 275, § 1; Laws, 1962, 2d Ex Sess ch. 25, § 1; Laws, 1966, ch. 296, § 1; Laws, 1968, ch. 285, §§ 1, 2; Laws, 1971, ch. 429, § 1; Laws, 1972, ch. 393, § 1; Laws, 1973, ch. 336, § 1; Laws, 1984, ch. 491; Laws, 1989, ch. 424, § 1; Laws, 1990, ch. 508, § 1; Laws, 1995, ch. 341, § 1, eff from and after passage (approved March 14, 1995).