



Lynn Fitch
ATTORNEY GENERAL
OPINIONS

May 13, 2020

Lilli Evans Bass, Esq.
Attorney for the City of Yazoo City
Post Office Box 22969
Jackson, Mississippi 39216

Re: Use of Municipal Vehicles

Dear Ms. Bass:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

May a municipal employee be permitted to travel in a municipal vehicle to his/her residence outside the corporate limits or county boundaries if the municipal governing authorities have determined, consistent with the facts, that such travel is necessary to enable the employee to perform his/her duties and that such use is in the best interests of the City?

Brief Response

A municipal employee may use a municipally owned vehicle to travel to his/her residence outside the corporate limits or county boundaries if the municipal governing authorities have determined, consistent with the facts, that such travel is necessary to enable the employee to perform his/her duties and that such use is in the best interests of the City.

However, allowing municipal employees to use municipally owned vehicles for personal use would result in unlawful donations of municipal funds which is specifically prohibited by Miss. Code Ann. Section 21-17-5(g).

Applicable Law and Discussion

Section 21-17-5 of the Mississippi Code provides, in part:

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(1) The governing authorities of every municipality of this state shall have the care, management and control of the municipal affairs and its property and finances. In addition to those powers granted by specific provisions of general law, the governing authorities of municipalities shall have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi, ...

(2) Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize the governing authorities of municipalities to ... **(g) grant any donation**,

(Emphasis added).

We find no specific statute which either authorizes or prohibits the use of municipal motor vehicles outside municipal corporate limits or county boundaries. Therefore, pursuant to the above quoted statute, a municipality may authorize the use of municipally owned vehicles outside the corporate limits and county boundaries including allowing municipal employees to take such vehicles to their homes when such use is determined to be in furtherance of official city business.

However, allowing municipal employees to use municipally owned vehicles for personal use would result in unlawful donations of municipal funds which is specifically prohibited by Section 21-17-5(g). *See*, MS AG Op., *Walman* (July 25, 1985); MS AG Op., *Hood* (May 18, 1982).

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ *Phil Carter*

Phil Carter
Special Assistant Attorney General