



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

May 3, 2021

Tom T. Ross, Jr., Esq.  
Attorney for Coahoma County Board of Supervisors  
Post Office Box 579  
Clarksdale, Mississippi 38614

Re: Authority to pay for a feasibility study

Dear Mr. Ross:

The Office of the Attorney General has received your request for an official opinion.

### **Question Presented**

May the Coahoma County Board of Supervisors (“Board”) engage a firm to conduct a feasibility study to determine whether the redevelopment of a vacant school building for the purpose of attracting and housing resident artists thereby enhancing the County’s image as a tourist and vacation destination and pay for a portion of the feasibility study?

### **Brief Response**

Yes. Pursuant to the county “home rule” statute, the Board may engage a firm to conduct a feasibility study and pay for a portion of the study, provided it finds that the expenditure will benefit the county.

### **Applicable Law and Discussion**

We have previously opined that municipalities are authorized to expend funds for the purpose of conducting a feasibility study to determine whether a motel/restaurant would be prosperous within the municipality, in accordance with its authority under the “home rule” statute applicable to municipalities—Mississippi Code Annotated Section 21-17-5—provided that the municipality finds that the expenditure will benefit the municipality. MS AG Op., *Barton* at \*1–2 (July 24, 2015). Other opinions issued by this office have authorized a public body to commission a feasibility study under various circumstances. *See, e.g.*, MS AG Op., *Pigott* at \*2 (Jan. 27, 1994) (authorizing Pearl River Development District to conduct a feasibility study related to flood control); MS AG Op., *Sherard* at \*1 (June 1, 2001).

Section 19-3-40 is the county “home rule” statute and contains similar language to the “home rule” statute applicable to municipalities. It provides, in part:

(1) The board of supervisors of any county shall have the power to adopt any orders, resolutions or ordinances with respect to county affairs, property and finances, for which no specific provision has been made by general law and which are not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and any such board shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances. Except as otherwise provided in subsections (2) and (3) of this section, the powers granted to boards of supervisors in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi.

We find no provision of state law that would be inconsistent with a county board of supervisors, pursuant to Section 19-3-40, engaging a firm to conduct a feasibility study to determine whether the redevelopment of a vacant school building for the purpose of attracting and housing resident artists to further enhance the County’s image as a tourist and vacation destination and pay for a portion of the study, provided such board of supervisors finds that the expenditure will benefit the county.<sup>1</sup>

The application of this opinion is limited to the question presented and does not address whether the proposed use of the vacant school building—if that building remains public property—is a proper public use.

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

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<sup>1</sup> MS AG Op., *Mayo* at \*1 (July 31, 2020) (“Our office has consistently opined, that an expenditure for a public or authorized purpose, and not for the sole benefit of private individuals, is not an unlawful donation under Section 66 of the Mississippi Constitution, even if the expenditure results in incidental benefits to private individuals.”).