



SUBMISSION OF INTERLOCAL AGREEMENTS

Interlocal agreements permit local governmental units to make the most efficient use of their powers by enabling them to cooperate and to contract with other local governmental units on a basis of mutual advantage.

Every interlocal agreement must be submitted to the Office of the Attorney General to determine whether the agreement is in proper form and compatible with Mississippi law(s). Agreements which are found to be in proper form and compatible with Mississippi law(s) shall be approved by the Attorney General, while those which are not in proper form and/or compatible with Mississippi law(s) shall not be approved by the Attorney General. In the absence of a response within sixty (60) days after the date of the Attorney General's receipt of an interlocal agreement, approval is implied.

Complete interlocal agreement submissions include: 1) a cover letter, 2) a signed, complete interlocal agreement, and 3) the signed, official meeting minutes approving the agreement from all parties to the agreement. The Office of the Attorney General must receive a complete interlocal agreement submission in order to approve an agreement. Unless all required information and materials are received by this office within 45 days, the office will not have sufficient time to complete the review required by law and will return the agreement as disapproved.

A request for approval of an interlocal agreement shall be submitted electronically to interlocal@ago.ms.gov. Each submitted agreement shall be accompanied by a copy of each governing authority's official, signed meeting minutes by which each respective government authority approved the interlocal agreement and a cover letter from the requesting party on official letterhead. Receipt of an interlocal agreement submission will be acknowledged by electronic correspondence within three (3) business days.

For an interlocal agreement to be approved, the requesting party must consider the following in connection with his/her submission:

1. Is the Interlocal Agreement Between Proper Entities? The following may enter into interlocal agreements:
 - Any county
 - Any incorporated city, town, or village
 - Any school district
 - Any utility district
 - Any community college
 - Any institution of higher learning
 - Any municipal airport authority or regional airport authority in the state
 - Any local tourism commission in the state
 - Any public improvement district created under the Public Improvement District Act

2. Inclusion of Signed, Official Meeting Minutes: Miss. Code Ann. Section 17-13-7(3) prohibits any local governmental unit from entering into an interlocal agreement without the approval by resolution on the minutes of the governing authority of that local governmental unit. A submission will not be considered complete until the Office of the Attorney General receives the official, signed meeting minutes approving of the agreement from the respective, participating governing authorities who are parties to the agreement.

3. Amendment or Renewal of Previous Interlocal Agreement: If a submitted interlocal agreement is an amendment or renewal of a previously approved agreement, the original agreement(s) must be included with the submission. A submission will not be considered complete until the Office of the Attorney General receives the previous agreement(s).

4. Compliance with the Interlocal Cooperation Act: A submitted interlocal agreement must satisfy the statutory requirements of Miss. Code Ann. Section 17-13-9, which requires each agreement to specify the following:
 - a. Its duration;¹
 - b. Its purpose(s);
 - c. The precise organization, composition, nature, and powers of any separate legal or administrative entity created thereby, and the specific citation of statutory authority vested in each of the local governmental units which is to be a party to the agreement;
 - d. The manner of financing, staffing, and supplying the joint or cooperative undertaking and of establishing and maintaining a budget therefor, provided that the treasurer and/or disbursing officer of one (1) of the local governmental units shall be designated in the agreement to receive, disburse, and account for all funds of the joint undertaking as a part of the duties of the officer or officers;
 - e. The permissible method or methods to be employed in accomplishing the partial

¹ If the duration exceeds the terms of the boards of the participating governmental entities, without express statutory authority, the agreement is voidable at the discretion of the successor boards. *See Northeast Mental Health-Mental Retardation Commission v. V. M. Cleveland*, 187 So. 3d 601 (Miss. 2016).

- or complete termination or amendment of the agreement and for disposing of property upon such partial or complete termination or amendment;
- f. The provision for administration, through a joint board or other appropriate means, of the joint or cooperative undertaking in the event the agreement does not or may not establish a separate legal entity to conduct the joint or cooperative undertaking. In the case of a joint board, all local governmental units party to the agreement shall be represented; and
 - g. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking in the event that the agreement does not or may not establish a separate legal entity to conduct the joint or cooperative undertaking.
5. Compliance with Applicable State Law: The statutory authority pursuant to which the participating governmental units may exercise the power(s) necessary to perform the terms of the agreement must be cited within the interlocal agreement. **The statutory authority must be specific in nature and give each party to the agreement the power to perform the purposes set forth in each agreement.**
6. Approval by State Officer, Unit, or Agency: In the event that an interlocal agreement pertains to, in whole or in part, the provision of services or facilities to which an officer, unit, or agency of the state government has constitutional or statutory powers of control, the agreement must, as a condition precedent to its being in force, be submitted to the state officer, unit, or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing action of the Attorney General pursuant to Miss. Code Ann. Section 17-13-11(2).
7. Filing with the Chancery Clerk: After approval by the Office of the Attorney General, an agreement must be filed with the chancery clerk of each of the counties wherein a participating local governmental unit is located and with the Secretary of State.

If an interlocal agreement is disapproved, a subsequent interlocal agreement pertaining to the same subject matter between the same participating governmental units may be submitted in accordance with the same process.