



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 23, 2023

Catoria P. Martin, Esq.
Attorney, City of Jackson
Post Office Box 2779
Jackson, Mississippi 39207-2779

Re: Use of City Funds for Library System Repairs and Maintenance

Dear Ms. Martin:

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

Background

Pursuant to Mississippi Code Annotated Section 39-3-3, Hinds County (“County”) and the city of Jackson (“City”) joined together to establish and maintain the Jackson/Hinds Library System (the “System”). When the City’s governing authorities adopted its 2022-2023 budget, the System received an appropriation in the amount of \$1,947,008.00 from the City. Absent from the approved order authorizing the appropriation was any reference to set-aside money for a specific purpose.

Question Presented

May the Jackson/Hinds Library System utilize a general appropriation from the City to make necessary repairs and maintain the facilities of the library, or must the City’s governing authorities make a special appropriation in excess of the annual appropriation?

Brief Response

The System may utilize the general appropriation from the city of Jackson for repairs and maintenance of its library facility in accordance with Section 39-3-3.

Applicable Law and Discussion

Section 39-3-3 provides that where a public library system is created under Article 1 of Title 39 Chapter 3, the “cost of purchasing land, erecting buildings and equipping and *maintaining such* public library or *public library system shall be paid for in whole out of the general funds of the*

Catoria P, Martin, Esq.

June 23, 2023

Page 2

county or municipality.” (Emphasis added). The statute does not address a need for special or specific appropriations.

In the *Williams* opinion you reference in your request, we stated that Section 39-3-3 “requires the city or county in the library system to pay for capital improvements in the library which serves that city or county.” MS AG Op., *Williams* at *2 (Feb. 19, 1999). This remains the opinion of our office. Accordingly, the System may utilize the general appropriation from the city of Jackson to make necessary repairs and maintain the library’s facilities.

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/ Abigail C. Overby

Abigail C. Overby
Special Assistant Attorney General

OFFICIAL OPINION