



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 31, 2024

The Honorable Jimmy Hubbard
Mayor, City of Bruce
Post Office Box 1326
Bruce, Mississippi 38915

Re: Municipality's Ability to Provide Funds to Citizens to Purchase
Playground Equipment

Dear Mayor Hubbard:

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

Question Presented

May a municipality provide funds to citizens to purchase playground equipment for a park on city property?

Brief Response

The governing authorities may make the decision to purchase playground equipment for a park on city property pursuant to Mississippi Code Annotated Section 21-17-5(1). However, a municipality may not provide funding to a private citizen to purchase playground equipment for a park on city property.

Applicable Law and Discussion

Section 21-17-5(1) provides that “[t]he governing authorities of every municipality of this state shall have the care, management and control of the municipal affairs and its property and finances.” A public entity can only spend money for an appropriate public function, and providing money to a private citizen is not an appropriate expenditure. *See MS AG Op., Mallette* at *2 (Feb. 24, 2017) (opining that without specific statutory authority, a municipality cannot direct funds to individual citizens for housing transition expenses). Because state law provides no authority for a municipality to provide funds *to citizens* to purchase playground equipment, regardless if it is for a park on city property, a municipality may not take such action. However, a municipality may make the decision to purchase playground equipment itself for a park on city property. Bruce is a

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code charter municipality; therefore, such decision shall be made as set forth in Sections 21-3-1, *et seq.*

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/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General

OFFICIAL OPINION