



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

September 11, 2026

Honorable Marshall W. Coleman
Mayor, Calhoun City
Post Office Box E
Calhoun City, Mississippi 38916

Re: Mayoral Veto Power Over Procedural Actions

Dear Mayor Coleman:

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

Question Presented

May a mayor veto a procedural change voted on by the board of aldermen?

Brief Response

Yes. Mississippi Code Annotated Section 21-3-15(2)(b) provides that ordinances adopted by the board of alderman shall be submitted to the mayor for approval or veto. Subsection (3) clarifies that “the term ‘ordinance’ as used in this section shall be deemed to include ordinances, resolutions, and orders.” Miss. Code Ann. § 21-3-15(3).

Applicable Law and Discussion

We begin by noting that Section 7-5-25 allows this office to opine upon prospective questions of state law only. We may not validate or invalidate any past action.

Calhoun City is a code charter municipality. Section 21-3-15 governs the respective powers of the mayor and the board of alderman in municipalities operating under a code charter. Section 21-3-15(2)(b) provides that ordinances adopted by the board of alderman shall be submitted to the mayor for approval or veto. Subsection (3) clarifies that “the term ‘ordinance’ as used in this section shall be deemed to include ordinances, resolutions, and orders.” Miss. Code Ann. § 21-3-15(3).

This office has previously opined that “[a]ny official act of a board of aldermen must necessarily take the form of an ordinance, resolution or order and is, therefore, subject to the mayor’s veto.”

MS AG Op., *Alves* at *1 (Dec. 7, 1994). It thus follows that a procedural change voted upon by the board of alderman is an official act within the mayor's veto authority provided by Section 21-3-15(2)(b).¹ If the mayor exercises his or her veto authority, the board may override the mayor's veto by a two-thirds vote of its members. *Id.*

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

¹ In your request, you note that the subject procedural change relates to allowing board members to direct questions to municipal department heads directly rather than through a chain of command. For informational purposes, we highlight Section 21-3-15(1)-(2), which provides in part, "the mayor shall have the superintending control of all the officers and affairs of the municipality," and "[n]o member of the board of aldermen shall give orders to any employee or subordinate of a municipality other than the alderman's personal staff." *See also* MS AG Op., *Gerhart* at *2 (Mar. 26, 2010) (providing that "[t]he board of aldermen may not . . . interfere with the supervisory authority granted to the mayor" and "[t]o permit the board of aldermen to become involved in the daily operation of a municipal department would result in the legislative branch of the municipality exercising an executive function").