

# **Bond Case Briefs**

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## **MUNICIPAL GOVERNANCE - MISSISSIPPI**

### **McAdams v. Perkins**

**Supreme Court of Mississippi - December 8, 2016 - 204 So.3d 1257**

Unsuccessful candidate in city's mayoral election filed bill of exceptions challenging city council's resolution to employ counsel, which was the same law firm employed by the city's mayor, to represent the city's interest in upholding the validity of the election.

The Circuit Court reversed, finding that the resolution was beyond council's scope or power and in violation of the Mississippi Constitution. Mayor appealed.

The Supreme Court of Mississippi held that:

- Mayor was not estopped from raising issues on appeal by virtue of her certification of bill of exceptions;
- Resolution was permitted under statute allowing municipalities to employ legal counsel for defense of "any claim, demand, or action";
- Resolution was permitted under "home rule" statute;
- Resolution did not authorize an unconstitutional donation of public funds to a private individual; and
- Mayor had authority to pursue appeal without specific authorization from council.