



January 30, 2026

TO: Councilmember Wayne Gray Councilmember Paul Tisdale
Councilmember Anthony Marshall Councilmember Kenny Glavan
Councilmember Mike Nail Councilmember David Shoemaker
Councilmember Jamie Creel Clerk of Council Keri Campbell

FROM: Mayor Gilich

RE: Mayor's Veto of Resolution No. 55-26 (adopted January 27, 2026)

Pursuant to Miss. Code Ann. Section 21-8-17, I hereby veto Resolution No. 55-26, adopted by the City Council on January 27, 2026.

This veto is based on the Resolution's operative directives in Sections Two and Three, which:

- a) request that "the Administration create a project account for each of the seven wards to allow each Council Member to have funding for repairs," and
- b) direct that funds received from the Mississippi Department of Revenue under the Mississippi Infrastructure Modernization Act of 2018 be placed into those ward accounts for current and future distributions through June 30, 2029.

The Resolution is vetoed for the following legal and governance reasons:

1. Invasion of executive authority under the Mayor-Council form; Violation of the Separation of Powers.

Biloxi is organized under the Mayor-Council form of government: The City Council legislates and appropriates, and the Mayor executes and administers City programs and expenditures. The Resolution's ward accounts, designed to allow individual Council Members to "have funding for repairs", assign executive spending discretion to individual Council Members and conflict with the Mayor-Council allocation of powers.

2. Improper delegation of spending discretion to individual Council Members.

Council Members cannot control or dispose of public funds. Expenditures must be made pursuant to lawful appropriations and executed through the City's finance and procurement systems under the Mayor's administration. The ward-account mechanism described in the Resolution would operate as Council Member-directed discretionary funds, undermining accountability, transparency, and internal controls. A similar ward-account mechanism was proposed by the Biloxi City Council in 1994. The City requested an Attorney General opinion at that time (Cochran, March 9, 1994). The Attorney General opinion states, in part: "The council in a mayor/council municipality does not have the authority to direct the mayor to allocate \$100,000 to unspecified streets and capital projects in each ward or to direct the mayor to allocate \$200,000 for improvements to City buildings and recreational facilities."

3. Risk of noncompliance with statutory restrictions on Mississippi Infrastructure Modernization Act funds.

Infrastructure Modernization Act funds are restricted and may be spent only on eligible infrastructure purposes. Ward-based allocation is not an eligible purpose and does not substitute for project-level compliance review, procurement compliance, and proper accounting. Implementation of the Resolution would create a significant risk of audit findings, questioned costs, and potential state enforcement or recoupment.

4. Improper pre-commitment of future revenues through June 30, 2029.

Section Three attempts to direct the disposition of future state distributions through June 30, 2029. City budgets are adopted annually and must remain subject to later amendment and lawful appropriation decisions. The Council should not pre-commit future state revenues by blanket directive absent clear statutory authority and a project-specific appropriation process. Such action of restricting future funds could also affect the City's audit findings and bond rating based on unrestricted fund balances.

I remain willing to work with the Council on a lawful approach to infrastructure prioritization and equitable service delivery across all wards, including adoption of objective criteria, project lists, and reporting requirements that respect the Mayor-Council separation of powers and the statutory restrictions applicable to these funds.

I am sending a duplicate original of this veto message to Keri Campbell, Clerk of the City Council, for inclusion in the minutes.

Respectfully submitted,


A.M. Gilich, Jr., Mayor