

By: Representatives Denny, Robertson,
Mitchell

To: Municipalities; County
Affairs

HOUSE BILL NO. 804

1 AN ACT TO AUTHORIZE ANY COUNTY OF THE STATE AND THE
2 INCORPORATED MUNICIPALITIES LOCATED THEREIN, SUBJECT TO APPROVAL
3 BY REFERENDUM, TO MERGE AND CONSOLIDATE THE GOVERNMENTS THEREOF;
4 TO PRESCRIBE THE PROCEDURE FOR REFERENDUMS THAT MAY BE HELD
5 THEREON; TO PRESCRIBE THE ADMINISTRATIVE DEPARTMENTS AND THE
6 QUALIFICATIONS OF THE ADMINISTRATIVE OFFICERS OF CITY-COUNTY
7 CONSOLIDATED GOVERNMENTS; TO PROVIDE FOR CONSOLIDATION OF THE
8 TAXING POWERS OF THE MUNICIPALITY AND COUNTY; TO PRESCRIBE THE
9 METHOD OF COMPUTING STATE TAX DISTRIBUTIONS TO CITY-COUNTY
10 CONSOLIDATED GOVERNMENTS; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Any county of the state and the incorporated
13 municipalities located in the county, subject to approval by a
14 referendum as provided in Section 5 of this act, may merge and
15 form a consolidated city-county government. Any such consolidated
16 government may exercise all powers and duties now vested in or
17 assigned by law to both the cities and the county, in addition to
18 those set forth in this act. It is the intent of this act that
19 the consolidated government meet all requirements and enjoy the
20 same status of counties as established by the Mississippi
21 Constitution and by law.

22 **SECTION 2.** The legislative authority of a city-county
23 consolidated government is vested in the board of supervisors,
24 elected from the five (5) districts as provided by law.

25 **SECTION 3.** (1) The board of supervisors of any consolidated
26 government shall appoint a county administrator who shall be the
27 chief executive officer of the consolidated government and who
28 shall carry out the directives of the board.

29 (2) The county administrator must be a graduate of an
30 accredited college or university with a degree in business, public



31 or municipal administration, or a related field, supplemented by
32 eight (8) years of responsible administrative experience.

33 (3) The county administrator shall have such additional
34 qualifications and receive such compensation as the board of
35 supervisors prescribes.

36 **SECTION 4.** (1) All administrative functions of a
37 city-county consolidated government shall be divided into
38 departments as follows:

- 39 (a) Department of Finance and Administration;
- 40 (b) Department of Public Works and Transportation;
- 41 (c) Department of Public Safety;
- 42 (d) Department of Utilities;
- 43 (e) Department of Development;
- 44 (f) Department of Parks and Recreation; and
- 45 (g) Other departments as recommended by the county
46 administrator and approved by the board.

47 (2) The county administrator of a city-county consolidated
48 government, subject to approval of the board of supervisors, shall
49 appoint a department director for each of the departments who
50 shall receive compensation as determined by the county
51 administrator and approved by the board of supervisors.

52 (3) The qualifications for each of the department heads are
53 established as follows:

54 (a) The director of finance and administration must be
55 a graduate of an accredited college or university with a degree in
56 business, accounting, public administration, or a related field,
57 supplemented by a minimum of five (5) years of experience in
58 financial administration.

59 (b) The director of public works and transportation
60 must be a graduate of an accredited college or university with a
61 degree in civil engineering, supplemented by a minimum of five (5)
62 years' experience in engineering.



63 (c) The director of utilities must be a graduate of an
64 accredited college or university with a degree in civil
65 engineering, supplemented by a minimum of five (5) years of
66 experience in public utilities or a related business.

67 (d) The director of development must be a graduate of
68 an accredited college or university with a degree in civil
69 engineering, supplemented by a minimum of five (5) years'
70 experience in engineering or planning, and must be registered as a
71 professional engineer in the State of Mississippi.

72 (e) The director of public safety must be a graduate of
73 an accredited college or university with a degree in public
74 administration, law enforcement, or a related field, and must have
75 a minimum of five (5) years' experience in the field of public
76 safety.

77 (f) The director of parks and recreation must be a
78 graduate of an accredited college or university with a degree in
79 recreation, physical education, public administration, or a
80 related field, and must have a minimum of five (5) years of parks
81 and recreation experience.

82 In all of the above qualifications, three (3) years'
83 responsible experience in the required field may be substituted
84 for one (1) year of college. Twelve (12) years of experience in
85 the related field is the equivalent of a college degree. A
86 master's degree is the equivalent of two (2) years of experience.

87 **SECTION 5.** (1) A special election on the question of
88 establishing a city-county consolidated government shall be held
89 at the November general election in 2003 or at a regularly
90 scheduled November general election in any year thereafter, in any
91 county upon a petition filed with the board of supervisors and
92 signed by at least fifteen percent (15%) or one thousand five
93 hundred (1,500) of the qualified electors of that county,
94 whichever is the lesser, asking for an election to determine
95 whether to establish a city-county consolidated government. Upon



96 such petition being filed the board of supervisors shall order an
97 election to be held on the question at the next November general
98 election more than sixty (60) days from the filing of the
99 petition. Nothing in this section shall authorize or permit the
100 calling or holding of any such election in a county more often
101 than once every two (2) years. The ballot in such election shall
102 have printed thereon the question "Do you want to consolidate
103 city/county government in the county?" followed thereafter, on
104 separate lines, with the word "YES" and the word "NO" and with
105 appropriate boxes in which the voters may indicate their
106 preference.

107 (2) As soon as the returns of the election have been
108 certified, if a majority of the votes cast are in favor of
109 consolidation, the governing bodies of the cities and county shall
110 file a petition in the chancery court of the county reciting the
111 facts of the enactment of this legislation, the subsequent special
112 election and certifying the results of the election. The chancery
113 court shall proceed on such petition in the same manner as for the
114 creation, enlargement and contraction of boundaries of
115 municipalities. If the chancellor finds from the evidence that
116 the proposed consolidation is reasonable and will serve the public
117 convenience and necessity, he shall enter his decree declaring
118 such consolidation and establishing an effective date therefor,
119 and the decree shall become effective after the passage of ten
120 (10) days from the date thereof, except in cases of appeal, in
121 which case the decree shall become effective after the passage of
122 ten (10) days from the final determination on appeal.

123 Whenever the consolidation is so ordered, the chancery clerk,
124 after the expiration of ten (10) days from the date of such
125 decree, if no appeal is taken, shall forward to the Secretary of
126 State a certified copy of the decree, which shall be filed in the
127 office of the Secretary of State and remain a permanent record
128 thereof. The Secretary of State shall note on his official



129 records the fact of such consolidation. If an appeal is taken
130 from the decree and the decree is affirmed, then the certified
131 copy thereof shall be forwarded to the Secretary of State within
132 ten (10) days after the receipt of the mandate from the Supreme
133 Court notifying the clerk of such affirmance.

134 (3) If a majority of the votes cast in any such special
135 election are opposed to consolidation, the proposition may be
136 reconsidered at a special election held at any regular November
137 general election thereafter more than two (2) years from the date
138 of the last special election on the question.

139 **SECTION 6.** (1) All elected officials holding office at the
140 time a consolidated government is approved and adopted shall
141 continue in office until the first special election of county
142 officials for the consolidated government is held. Such elected
143 officials shall be eligible to run for any office for which they
144 may qualify in the election.

145 (2) Pending election of officials, appointment of a county
146 administrator and designation of department heads, all services
147 and functions of the cities and county shall continue in operation
148 in the same manner as on the effective date of the consolidation.
149 The governing body and the county administrator shall establish
150 procedures for subsequent reorganization, including adding new
151 services, discontinuing or transferring services, reassigning
152 responsibilities and designating authority.

153 (3) On the effective date of the consolidation, all
154 property, real and personal, all existing bonded indebtedness, and
155 all rights, claims, assets, obligations and franchises of the
156 cities and county shall become the property, rights and
157 obligations of the consolidated government.

158 (4) All city and county personnel shall automatically become
159 the personnel of the consolidated government, without interruption
160 of salary, benefits, pension rights and related matters.



161 (5) All tax levies for both the cities and county shall
162 continue in effect until adoption by the duly elected officials of
163 the consolidated government of a new tax levy for the consolidated
164 government.

165 (6) All records of the cities and the county shall be and
166 become the records of the consolidated government.

167 **SECTION 7.** A consolidated government shall not receive less
168 in state shared revenues or tax distributions than the total of
169 the amount that would have been received by the county and each
170 municipality thereof if consolidation had not taken place. In
171 addition, for five (5) years following consolidation, the amount
172 of any state tax distributions or other financial assistance for
173 the consolidated unit shall be computed in two (2) ways:

174 (a) By determining the amount the consolidated
175 government should receive; and

176 (b) By combining the amounts each previously
177 independent government would have received. The consolidated
178 government shall receive whichever amount is greater. After five
179 (5) years the consolidated government shall receive such amount of
180 tax distributions and financial assistance as may be authorized by
181 law under item (a) above.

182 **SECTION 8.** The Attorney General of the State of Mississippi
183 shall submit this act, immediately upon approval by the Governor,
184 or upon approval by the Legislature subsequent to a veto, to the
185 Attorney General of the United States or to the United States
186 District Court for the District of Columbia in accordance with the
187 provisions of the Voting Rights Act of 1965, as amended and
188 extended.

189 **SECTION 9.** This act shall take effect and be in force from
190 and after either the date it is effectuated under the Voting
191 Rights Act of 1965, as amended and extended, or the date that
192 House Concurrent Resolution ____, 2002 Regular Session, takes
193 effect, whichever is the later date; however, this act shall take



194 effect and be in force only if it is effectuated under the Voting
195 Rights Act of 1965, as amended and extended, and only if House
196 Concurrent Resolution ____, 2002 Regular Session, takes effect by
197 effectuation under the Voting Rights Act of 1965, as amended and
198 extended, and by ratification of the electorate at the November
199 2003 general election.

