ANE ACT TO AUTHORIZE ANY COUNTY OF THE STATE AND THE  
INCORPORATED MUNICIPALITIES LOCATED THEREIN, SUBJECT TO APPROVAL  
BY REFERENDUM, TO MERGE AND CONSOLIDATE THE GOVERNMENTS THEREOF;  
TO PRESCRIBE THE PROCEDURE FOR REFERENDUMS THAT MAY BE HELD  
THEREON; TO PRESCRIBE THE ADMINISTRATIVE DEPARTMENTS AND THE  
QUALIFICATIONS OF THE ADMINISTRATIVE OFFICERS OF CITY-COUNTY  
CONSOLIDATED GOVERNMENTS; TO PROVIDE FOR CONSOLIDATION OF THE  
taxing powers of the municipality and county; to prescribe the  
method of computing state tax distributions to city-county  
consolidated governments; and for related purposes.

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

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

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

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

(2) The county administrator must be a graduate of an  
accredited college or university with a degree in business, public
or municipal administration, or a related field, supplemented by eight (8) years of responsible administrative experience.

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

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

(a) Department of Finance and Administration;
(b) Department of Public Works and Transportation;
(c) Department of Public Safety;
(d) Department of Utilities;
(e) Department of Development;
(f) Department of Parks and Recreation; and
(g) Other departments as recommended by the county administrator and approved by the board.

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

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

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

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

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

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

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

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

SECTION 5. (1) A special election on the question of establishing a city-county consolidated government shall be held at the November general election in 2003 or at a regularly scheduled November general election in any year thereafter, in any county upon a petition filed with the board of supervisors and signed by at least fifteen percent (15%) or one thousand five hundred (1,500) of the qualified electors of that county, whichever is the lesser, asking for an election to determine whether to establish a city-county consolidated government. Upon
such petition being filed the board of supervisors shall order an
election to be held on the question at the next November general
election more than sixty (60) days from the filing of the
petition. Nothing in this section shall authorize or permit the
calling or holding of any such election in a county more often
than once every two (2) years. The ballot in such election shall
have printed thereon the question "Do you want to consolidate
city/county government in the county?" followed thereafter, on
separate lines, with the word "YES" and the word "NO" and with
appropriate boxes in which the voters may indicate their
preference.

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

Whenever the consolidation is so ordered, the chancery clerk,
after the expiration of ten (10) days from the date of such
decree, if no appeal is taken, shall forward to the Secretary of
State a certified copy of the decree, which shall be filed in the
office of the Secretary of State and remain a permanent record
thereof. The Secretary of State shall note on his official
records the fact of such consolidation. If an appeal is taken
from the decree and the decree is affirmed, then the certified
copy thereof shall be forwarded to the Secretary of State within
ten (10) days after the receipt of the mandate from the Supreme
Court notifying the clerk of such affirmance.

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

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

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

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

(4) All city and county personnel shall automatically become
the personnel of the consolidated government, without interruption
of salary, benefits, pension rights and related matters.
(5) All tax levies for both the cities and county shall continue in effect until adoption by the duly elected officials of the consolidated government of a new tax levy for the consolidated government.

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

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

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

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

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

**SECTION 9.** This act shall take effect and be in force from and after either the date it is effectuated under the Voting Rights Act of 1965, as amended and extended, or the date that House Concurrent Resolution ____, 2002 Regular Session, takes effect, whichever is the later date; however, this act shall take
effect and be in force only if it is effectuated under the Voting Rights Act of 1965, as amended and extended, and only if House Concurrent Resolution ___, 2002 Regular Session, takes effect by effectuation under the Voting Rights Act of 1965, as amended and extended, and by ratification of the electorate at the November 2003 general election.