

By: Senator(s) Morgan

To: Municipalities

SENATE BILL NO. 2720

1 AN ACT TO AMEND SECTION 21-8-23, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THAT AN INCUMBENT MAYOR WHO SUCCEEDS HIMSELF MUST  
3 REAPPOINT AND SUBMIT FOR COUNCIL APPROVAL ANY DEPARTMENT HEAD THE  
4 MAYOR DESIRES TO CONTINUE TO SERVE IN THAT CAPACITY; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 21-8-23, Mississippi Code of 1972, is  
8 amended as follows:

9 21-8-23. (1) The municipality may have a department of  
10 administration and such other departments as the council may  
11 establish by ordinance. All of the administrative functions,  
12 powers and duties of the municipality shall be allocated and  
13 assigned among and within such departments.

14 (2) Each department shall be headed by a director, who shall  
15 be appointed by the mayor and confirmed by an affirmative vote of  
16 a majority of the council present and voting at the meeting. Each  
17 director shall serve during the term of office of the mayor  
18 appointing him, and until the appointment and qualification of his  
19 successor. There shall be no restriction upon a department  
20 director's eligibility to succeed himself, except that the  
21 director shall be reappointed by the mayor for a new term and  
22 reconfirmed by an affirmative vote of a majority of the council  
23 present and voting at the meeting.

24 (3) The mayor may, in his discretion, remove the director of  
25 any department. Directors of departments shall be excluded from  
26 the coverage of any ordinance or general law providing for a civil  
27 service system in the municipality; provided, however, all  
28 individuals serving as heads of departments at the time of the

29 municipality's adoption of the mayor-council form as described in  
30 this chapter shall continue to be covered by the provisions of the  
31 civil service system in effect at the time the mayor-council form  
32 is adopted.

33 (4) Directors of departments shall appoint subordinate  
34 officers and employees within their respective departments and  
35 may, with approval of the mayor, remove the officers and employees  
36 subject to the provisions of any ordinance establishing a civil  
37 service system where that system is effective in the municipality,  
38 or other general law; provided, however, that the council may  
39 provide by ordinance for the appointment and removal of specific  
40 boards or commissions by the mayor.

41 (5) Whenever the city council is authorized by any provision  
42 of general law to appoint the members of any board, authority or  
43 commission, the power of appointment shall be deemed to vest in  
44 the mayor with the confirmation of an affirmative vote of a  
45 majority of the council present and voting at any meeting.

46 (6) The council shall also require all officers and  
47 employees handling or having the custody of any of the public  
48 funds of the municipality to give bond, with sufficient surety, to  
49 be payable, conditioned and approved as provided by law, in an  
50 amount to be determined by the council but which shall not be less  
51 than Ten Thousand Dollars (\$10,000.00), the premium on which bonds  
52 shall be paid by the city.

53 **SECTION 2.** This act shall take effect and be in force from  
54 and after July 1, 2006.