

By: Representatives Lott, Chism, Ellington,  
Howell, Staples, Palazzo

To: Municipalities

## HOUSE BILL NO. 969

1 AN ACT TO AMEND SECTION 21-8-23, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A MAYOR WITHIN THE MAYOR-COUNCIL FORM OF GOVERNMENT  
3 SHALL APPOINT, ANNOUNCE OR NAME MUNICIPAL DEPARTMENT HEADS WITHIN  
4 90 DAYS OF SUCH MAYOR'S BEING SWORN INTO OFFICE; AND FOR RELATED  
5 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, named or announced by the mayor within ninety (90)  
16 days from the time the mayor has been sworn into office, and such  
17 director shall be confirmed by an affirmative vote of a majority  
18 of the council present and voting at any such meeting. Each  
19 director shall serve during the term of office of the mayor  
20 appointing him or her, and until the appointment and qualification  
21 of his or her successor.

22 (3) The mayor may, in his or her discretion, remove the  
23 director of any department. Directors of departments shall be  
24 excluded from the coverage of any ordinance or general law  
25 providing for a civil service system in the municipality;  
26 provided, however, all individuals serving as heads of departments  
27 at the time of the municipality's adoption of the mayor-council  
28 form as described in this chapter shall continue to be covered by

29 the provisions of the civil service system in effect at the time  
30 the mayor-council form is adopted.

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

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

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

51 **SECTION 2.** This act shall take effect and be in force from  
52 and after July 1, 2007.