

**NOTICE OF A PUBLIC HEARING ON THE PROPOSED
BUDGET AND PROPOSED TAX LEVIES FOR THE
UPCOMING FISCAL YEAR FOR MADISON COUNTY, MISSISSIPPI**

The Madison County Board of Supervisors will hold a public hearing on its proposed budget and proposed tax levies for fiscal year 2020 on September 3, 2019, 9:00 a.m. in the Board Room of the Chancery/Administrative Office Complex, 125 West North Street, Canton, Mississippi.

The Madison County Board of Supervisors, exclusive of the Madison County School District, is now operating with projected total budget revenue of \$109,768,380.34. (48.42 percent) or \$53,153,711.34 of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of \$114,550,554.00. Of that amount, (47.63 percent) or \$54,562,295.16 is proposed to be financed through a total ad valorem tax levy.

The Madison County Board of Supervisors, inclusive of the Madison County School District, is now operating with projected total budget revenue of \$260,255,435.13. (48.42 percent) or \$126,037,493.25 of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of \$273,441,004.63. Of that amount, (47.34 percent) of \$129,469,951.16 is proposed to be financed through a total ad valorem tax levy.

A millage rate of 37.20 mills will produce the same amount of revenue from ad valorem taxes as was collected in the 2019 fiscal year. The millage rate for the 2019 fiscal year was 38.13.

The decision to not increase the ad valorem tax millage rate for fiscal year 2020 above the current fiscal year's ad valorem tax millage rate means you will not pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental property, unless the assessed value of your property has increased for fiscal year 2020.

Any citizen of Madison County, Mississippi is invited to attend this public hearing on the proposed budget and tax levies for fiscal year 2020 and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.

Witness the signature of said Board of Supervisors, this the 5th day of August 2019.

The Madison County Board of Supervisors
/s/Trey Baxter

Miss. Code Ann. § 27-39-203

Current through the 2019 Regular Session, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation. The final official version of the statutes affected by 2019 legislation will appear on Lexis Advance in September 2019.

Mississippi Code 1972 Annotated > Title 27. Taxation and Finance (Chs. 1 — 117) > Chapter 39. Ad Valorem Taxes—State and Local Levies (Arts. 1 — 3) > Article 2. Advertisement of Proposed Ad Valorem Tax Increases. (§§ 27-39-201 — 27-39-207)

§ 27-39-203. Public hearings to consider budget and tax levies; form and content of advertisement of hearings.

(1)The governing body of all taxing entities shall hold a public hearing at which time the budget and tax levies for the upcoming fiscal year will be considered.

(2)

(a)Except as otherwise provided in this subsection, the public hearing shall be advertised in accordance with the following procedures. The advertisement shall be no less than one-fourth (¼) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the intent of the Legislature that the advertisement appears in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. It is further the intent of the Legislature that the newspaper selected be one of general interest and readership in the community, and not one of limited subject matter. The advertisement shall be run once each week for the two (2) weeks preceding the adoption of the final budget. The advertisement shall state that the taxing entity will meet on a certain day, time and place fixed in the advertisement, which shall be not less than seven (7) days after the day the first advertisement is published, for the purpose of hearing comments regarding the proposed budget and proposed tax levies. Any increase in the projected budget revenues or any increase in the millage rate over the current fiscal year shall be explained by the governing body giving the reasons for the proposed increase. A taxing entity collecting taxes in more than one (1) county shall make the required advertisement by publication in each county where the taxing entity collects taxes.

(b)If the proposed tax levies of a municipality are not in excess of the current fiscal year's certified tax rate and the municipality has a population of less than two thousand (2,000) according to the latest federal decennial census, the municipality may advertise the public hearing by posting notice of the public hearing in three (3) public places in the municipality.

(3)All hearings shall be open to the public. The governing body of the taxing entity shall permit all interested parties desiring to be heard an opportunity to present oral testimony within reasonable time limits.

(4)Each taxing entity shall notify the county or municipal governing body of the date, time and place of its public hearing. No taxing entity may schedule its hearing at the same time as another overlapping taxing entity in the same county, but all taxing entities in which the power to set tax levies is vested in the same governing authority may consolidate the required hearings into one (1) hearing. The county or municipal governing body shall resolve any conflicts in hearing dates and times after consultation with each affected taxing entity.

(5)If the proposed tax levies are not in excess of the current fiscal year's certified tax rate, the advertisement shall be in the following form:

“NOTICE OF A PUBLIC HEARING ON THE PROPOSED BUDGET AND PROPOSED TAX LEVIES FOR THE UPCOMING FISCAL YEAR FOR – (Name of the taxing entity)”

The (name of the taxing entity) will hold a public hearing on its proposed budget and proposed tax levies for fiscal year (insert the year) on (date and time) at (meeting place).

The (name of the taxing entity) is now operating with projected total budget revenue of \$_____. (_____ percent) or \$_____ of such revenue is obtained through ad valorem taxes. For the next fiscal year, the proposed budget has total projected revenue of \$_____. Of that amount, (_____ percent) or \$_____ is proposed to be financed through a total ad valorem tax levy.

The decision to not increase the ad valorem tax millage rate for fiscal year (insert the year) above the current fiscal year's ad valorem tax millage rate means you will not pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property, unless the assessed value of your property has increased for fiscal year (insert the year).

Any citizen of (name of the taxing entity) is invited to attend this public hearing on the proposed budget and tax levies for fiscal year (insert the year) and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.”

(6)

(a) If the proposed tax levies for the upcoming fiscal year shall exceed the current fiscal year's certified tax rate, the advertisement shall be in the following form:

“NOTICE OF A TAX INCREASE AND A PUBLIC HEARING ON THE PROPOSED BUDGET AND PROPOSED TAX LEVIES FOR – (Name of the taxing entity)”

The (name of the taxing entity) will hold a public hearing on a proposed ad valorem tax revenue increase for fiscal year (insert the year) and on its proposed budget and proposed tax levies for fiscal year (insert the year) on (date and time) at (meeting place).

The (name of the taxing entity) is now operating with projected total budget revenue of \$_____. (_____ percent) or \$_____ of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of \$_____. Of that amount, (_____ percent) or \$_____ is proposed to be financed through a total ad valorem tax levy.

For next fiscal year, the (name of the taxing entity) plans to increase your ad valorem tax millage rate by _____ mills from _____ mills to _____ mills. This increase means that you will pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property.

Any citizen of (name of the taxing entity) is invited to attend this public hearing on the proposed ad valorem tax increase, and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.”

(b) If an increase in the tax levy is necessary only because of an increased funding request made by a county district or any other cost which by law the county must fund and may not decrease in amount, then the notice required by this subsection shall be used and the county shall explain, in clear language in the notice, that the increase in the tax levy is necessary only because of the increased funding request of the county district or other cost incurred.

(7) During the fiscal year in which a county has completed a countywide reappraisal of the valuation of the property in the county that has been approved by the Department of Revenue and results in an increase in the assessed valuation of the property, the governing board of each taxing unit in the county, as defined in Section 27-33-11, shall include in the notice required to be published under this section the lower millage rate that would produce the same amount of revenue from ad valorem taxation on property of the taxing unit that was produced in the fiscal year before the property of the taxing unit was reappraised.

Miss. Code Ann. § 27-39-203

(8)After the hearing has been held in accordance with the above procedures, the governing body of the taxing entity may adopt a resolution levying a tax rate on classes of property designated by Section 112, Mississippi Constitution of 1890, as specified in its advertisement. If the resolution adopting the tax rate is not adopted on the day of the public hearing, the scheduled date, time and place for consideration and adoption of the resolution shall be announced at the public hearing and the governing body shall advertise the date, time and place of the proposed adoption of the resolution in the same manner as provided under subsection (2).

(9)Any governing body of a tax entity shall be prohibited from expending any funds for the applicable fiscal year until it has strictly complied with the advertisement and public hearing requirements set forth in this section.

History

Laws, 1994, ch. 414, § 2; Laws, 1995, ch. 481 § 1; Laws, 1999, ch. 499, § 1; Laws, 2012, ch. 352, § 1; Laws, 2014, ch. 449, § 1; Laws, 2015, ch. 394, § 1; Laws, 2017, ch. 362, § 1, eff from and after July 1, 2017.

Annotations

Editor's Notes —

Laws of 1994, ch. 414, § 11, provides as follows:

"SECTION 11. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the ad valorem tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the ad valorem tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws."

Amendment Notes —

The 2012 amendment rewrote the section.

The 2014 amendment added (7) and redesignated the remaining subsections accordingly.

The 2015 amendment added the exception at the beginning of (2)(a); and added (2)(b).

The 2017 amendment substituted "less than two thousand (2,000)" for "less than one thousand five hundred (1,500)" in (2)(b).

JUDICIAL DECISIONS

1. Failure to comply with advertising requirements

Board of supervisors failed to comply with the advertising requirements of *Miss. Code Ann. § 27-39-203(2)* where *Miss. Code Ann. § 27-39-203(9)* required strict compliance, the board ordered the tax levies and increased the millage rates without holding a hearing, a hearing held thereafter did not cure the defect, and there was no evidence that an increase in mills was a new levy. *Tunica Cty. Bd. of Supervisors v. HWCC-Tunica, LLC, 237 So. 3d 115, 2017 Miss. LEXIS 458 (Miss. 2017)*.

OPINIONS OF THE ATTORNEY GENERAL

SHELTON VANCE

Miss. Code Ann. § 27-39-203

In the event a board of supervisors which operates under an October 1 through September 30 fiscal year does not propose to set its tax levy in excess of the certified tax rate as referred to in Section 27-39-205 [Repealed], and its only increase in revenue is due to an overall increased assessed valuation within the county, it must publish any type of notice of a tax increase, budget increase or budget hearing. Under Section 27-39-203 the exception of "revenue from new growth" does not include an increase in revenue due to overall increased assessed valuation. Webb, November 1, 1996, A.G. Op. #96-0626.

Section 27-39-203 requires counties to hold a public hearing at which the budget for the following fiscal year will be considered, regardless of whether or not the certified tax rate is being increased. Webb, November 1, 1996, A.G. Op. #96-0626.

Advertising of the initial tax levy of a municipality is not required pursuant to the statute since that section contemplates a tax increase, rather than a first tax levy. Meyer, June 19, 1998, A.G. Op. #98-0341.

Mississippi Code 1972 Annotated
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