

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI SUPPORTING LOCAL AND PRIVATE LEGISLATION TO ALLOW THE GOVERNING AUTHORITY TO ENACT A PARKS AND RECREATION SPECIAL PARCEL ASSESSMENT.

WHEREAS, the Mayor and Council for the City of Diamondhead are developing future plans for recreational and leisure activities within the City; and

WHEREAS, the Mayor and Council are working to implement the recommendations and strategies identified in its 25-year Comprehensive Plan as well as the recommendations reported in the 2017 Limited Scope Performance Audit conducted by Office of the State Auditor therein supporting the consolidation of public services for our residents; and

WHEREAS, the majority of the parks and recreational amenities are owned, funded and maintained by the Diamondhead Country Club & Property Owners Association with private funds generated in the form of a dues assessment pursuant to its covenants; and

WHEREAS, the Diamondhead Country Club & Property Owner Association covenants pursuant to it's terms begin to expire in 2020 therefore potentially resulting in a significant decrease in revenue or potentially becoming non-existent; and

WHEREAS, the City of Diamondhead believes that should the covenants expire and render the Diamondhead Property Owner's Association insolvent, the residents of Diamondhead would experience a tremendous loss with the demise of the parks and recreational amenities; and

WHEREAS, the Mayor and Council are in support of and seeking local and private legislation that would permit the governing body of the City of Diamondhead to enact a flat-fee special parcel assessment for the sole purpose of supporting a parks and recreation department within the City of Diamondhead, if necessary; and

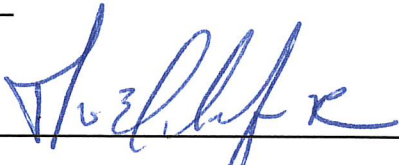
WHEREAS, the Mayor and Council further acknowledge that such parks and recreation parcel special assessment would be subject to the processes as outlined in the Statute for any other increase and additional tax levy.

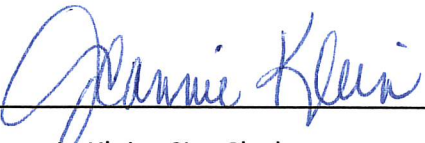
NOW, THEREFORE, be it resolved that the Mayor and Council of the City of

Diamondhead, Mississippi do hereby request local and private legislation that would allow for the enactment of a flat-fee special parks and recreation parcel assessment.

Motion was made by Councilmember L'Ecuyer, seconded by Councilmember Koenenn and the order resolution was so adopted by roll call vote as follows on 6th day of March, 2019.

| | Aye | Nay | Abstain |
|------------------------|-------------------------------------|--------------------------|--------------------------|
| Councilmember Depreo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Moran | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Morgan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilmember Koenenn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Councilmember L'Ecuyer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Schafer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

APPROVED 
Mayor Thomas E. Schafer, IV

ATTEST: 
Jeannie Klein, City Clerk



HOUSE BILL NO. _____

(As Passed the House)

AN ACT TO PROVIDE THAT THE GOVERNING AUTHORITIES OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, MAY IMPOSE A FLAT FEE PARCEL ASSESSMENT UPON THE PROPERTY OWNERS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE OPERATION OF PARKS AND RECREATION WITHIN THE CITY AND FOR RELATED PURPOSES.

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

SECTION 1. As used in this act, the following terms shall have the meanings ascribed to them in this section unless a different meaning is clearly indicated by the context in which they are used:

- (a) "Governing authority" means the mayor and city council of the City of Diamondhead, Mississippi.
- (b) "Diamondhead POA" is referring to Diamondhead Country Club and Property Owners Association, Inc.
- (c) "Parcel Assessment" means a flat assessment charged to an individual parcel in the City of Diamondhead.

SECTION 2. The purpose of the parks and recreation parcel assessment is for the following:

- (a) to provide funding for the operational costs of the parks and recreation department for the City of Diamondhead;
- (b) to provide funds for the maintenance, improvement and development of parks and recreation facilities for the City of Diamondhead;
- (c) to provide funding for the amortization or defraying of any indebtedness incurred by the City of Diamondhead in connection with the operation of various amenities of the parks and recreation department;
- (d) to provide stability, sustainability and certainty for our current and future property owners with regard to their property values, access to amenities and costs.

Section 3. Before the initial assessment authorized under this act may be imposed, the governing authority shall adopt a resolution declaring its intention to levy the assessment, setting forth the amount of such assessment to be imposed, the date upon which such assessment shall become effective and calling for a referendum to be held on the question.

- (a) An election shall be held in accordance with State statute governing elections.
- (b) When the results of any such election shall have been canvassed by the election commission of the City and certified, the City of Diamondhead may levy the assessment on January 1st of the tax year, if a majority of the qualified electors who vote in the election vote in favor of the assessment.
- (c) For any subsequent increase of parks and recreation parcel assessment, a notice of intent and public hearing shall be performed pursuant to existing statutory requirements.

SECTION 4. After an election is held approving the parks and recreation parcel assessment, the governing authority of the City of Diamondhead is authorized, in its discretion, to levy and collect funds through a parks and recreation parcel assessment, which shall be in addition to all of the taxes and assessments imposed.

The parcel assessment shall be imposed on the following:

- (a) An assessment upon every parcel of property in the City of Diamondhead, at a flat fee rate.
- (b) Excluded from the parcel assessment are the following parcels: public entities, cemeteries, churches, and homeowner associations.
- (c) Such assessment shall be collected by and paid to the Hancock County Tax Collector on a form prescribed by the Hancock County Tax Collector in the manner that taxes are computed, collected and paid; and full enforcement provisions and all other provisions of Chapter 65, Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.
- (d) The proceeds of such assessment, less three percent (3%) thereof which shall be retained by the Hancock County Tax Collector to defray the cost of

collection, shall be paid to the governing authority of the City of Diamondhead under the terms and conditions of the existing Interlocal Agreement Related to The Collection of Taxes.

(e) The proceeds of such assessment shall not be considered by the City of Diamondhead as general fund revenues but shall be dedicated to and expended solely for the purposes specified in Section 2.

- a. Accounting for receipts and expenditures of the funds described in this act must be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Diamondhead.
- b. Financial reporting and accounting shall be conducted in accordance with Mississippi Code Section 21-35-31, and requirements prescribed by the Office of the State Auditor.

SECTION 5. This act shall take effect and be in force from and after its passage.

MS Law HB _____ City of Diamondhead; revise purpose of flat fee parcel assessment for parks and recreation after direct vote by electorates.