

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 _____, seconded by Councilmember _____ and the order resolution was so adopted by roll call vote as follows on _____ day of _____, 2020.

	Aye	Nay	Abstain
Councilmember Depreo	_____	_____	_____
Councilmember Moran	_____	_____	_____
Councilmember Morgan	_____	_____	_____
Councilmember Clark	_____	_____	_____
Councilmember L'Ecuyer	_____	_____	_____
Mayor Schafer	_____	_____	_____

APPROVED _____

Mayor Thomas E. Schafer, IV

ATTEST: _____

Jeannie Klein, City Clerk

SEAL

By: Representative Willis

To: Local and Private
Legislation

HOUSE BILL NO. 1744

1 AN ACT TO PROVIDE THAT IF THE DIAMONDHEAD COUNTRY CLUB AND
2 PROPERTY OWNERS ASSOCIATION, INC., AUTHORIZES THE TRANSFER OF ALL
3 OR A PORTION OF ITS ASSETS AND AMENITIES TO THE CITY OF
4 DIAMONDHEAD, MISSISSIPPI, FOR OPERATION, MAINTENANCE AND
5 IMPROVEMENT, THE CITY OF DIAMONDHEAD IS AUTHORIZED TO ACCEPT SUCH
6 ASSETS AND AMENITIES; TO PROVIDE THAT UPON ACCEPTANCE OF SUCH
7 ASSETS AND AMENITIES AND AFTER AN ELECTION AT WHICH A MAJORITY
8 VOTES IN FAVOR OF THE ASSESSMENT, THE CITY IS AUTHORIZED AND
9 EMPOWERED, IN ITS DISCRETION, TO LEVY AN ANNUAL ASSESSMENT IN THE
10 FORM OF A FLAT RATE FEE ON EVERY PARCEL OF PROPERTY IN THE CITY IN
11 AN AMOUNT REASONABLY DETERMINED BY THE GOVERNING AUTHORITIES OF
12 THE CITY TO BE NECESSARY TO OPERATE, MAINTAIN AND IMPROVE THE
13 RECREATION ASSETS AND AMENITIES OF THE CITY; TO EXEMPT CERTAIN
14 PROPERTY FROM THE ASSESSMENT; TO PROVIDE THAT THE ASSESSMENT SHALL
15 BE COLLECTED BY THE HANCOCK COUNTY TAX COLLECTOR IN THE SAME
16 MANNER THAT AD VALOREM TAXES ARE COLLECTED AND PAID; AND FOR
17 RELATED PURPOSES.

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

19 **SECTION 1.** As used in this act:

20 (a) "City" means the City of Diamondhead, Mississippi.

21 (b) "Governing authorities" means the Mayor and City
22 Council of the City of Diamondhead, Mississippi.

23 **SECTION 2.** If the Diamondhead Country Club and Property
24 Owners Association, Inc., authorizes the transfer of all or a
25 portion of its assets and amenities to the city for operation,



26 maintenance and improvement, the city is authorized and empowered,
27 in its discretion, to accept such assets and amenities. Upon
28 acceptance of the assets and amenities, the city is authorized and
29 empowered, in its discretion, to levy an annual assessment in the
30 form of a flat rate fee on every parcel of property in the city in
31 an amount reasonably determined by the governing authorities to be
32 necessary to operate, maintain and improve the parks and
33 recreation assets and amenities of the city. The assessment
34 authorized by this section shall be in addition to all other taxes
35 and assessments imposed on property in the city. The assessment
36 shall not be imposed on public entities, cemeteries and churches.

37 **SECTION 3.** (1) Before the assessment authorized under this
38 act may be imposed, the governing authorities shall adopt a
39 resolution declaring their intention to levy the assessment,
40 setting forth the amount of the assessment to be imposed, the date
41 upon which the assessment shall become effective and calling for
42 an election to be held on the question. The date of the election
43 shall be fixed in the resolution. Notice of the intention and the
44 election shall be published once each week for at least three (3)
45 consecutive weeks in a newspaper published or having a general
46 circulation in the city, with the first publication of the notice
47 to be made not less than twenty-one (21) days before the date
48 fixed in the resolution for the election and the last publication
49 to be made not more than seven (7) days before the election. At
50 the election, all qualified electors of the city may vote, and the



51 ballots used in the election shall have printed thereon a brief
52 statement of the amount and purposes of the proposed assessment
53 and the words "FOR IMPOSING THE ASSESSMENT" and, on a separate
54 line, "AGAINST IMPOSING THE ASSESSMENT" and the voters shall vote
55 by placing a cross (X) or check (✓) opposite their choice on the
56 proposition. When the results of the election shall have been
57 canvassed and certified, the city may impose the assessment if a
58 majority of the qualified electors who vote in the election vote
59 in favor of the assessment.

60 (2) Subsequent increases in the amount of the assessment
61 shall be made after a notice of intent to increase the assessment
62 and a public hearing by the city pursuant to existing statutory
63 requirements.

64 **SECTION 4.** (1) The Hancock County Tax Collector shall
65 identify every parcel of property in the city that is subject to
66 the assessment. Each parcel shall have an identifying number.

67 (2) The assessment shall be paid to the Hancock County Tax
68 Collector and shall be due, payable and collectible in the same
69 manner in which the payment of ad valorem taxes in the city are
70 due, payable and collectable, and all statutes regulating the
71 enforcement and collection of ad valorem taxes in the city shall
72 apply to the enforcement and collection of the assessments levied
73 under the provisions of this act.

74 (3) The proceeds of the assessment, less three percent (3%)
75 thereof which shall be retained by the Hancock County Tax



76 Collector to defray the cost of collection, shall be paid to the
77 city.

78 **SECTION 5.** (1) The proceeds of the assessment shall not be
79 considered by the city as general fund revenues but shall be
80 expended solely for the purposes specified in Section 2 of this
81 act.

82 (2) Accounting for receipts and expenditures of the revenue
83 from the assessment shall be made separately from the accounting
84 of receipts and expenditures of the general fund and any other
85 funds of the city.

86 (3) Financial reporting and accounting shall be conducted in
87 accordance with Section 21-35-31, Mississippi Code of 1972, and
88 requirements prescribed by the State Auditor.

89 **SECTION 6.** This act shall take effect and be in force from
90 and after its passage.

