City of Gulfport, Mississippi

Agenda

City Council

2309 15th Street
Gulfport, MS 39501

Wednesday, March 13, 2019 | **4:00 PM** | ***Gulfport City Hall Council Chambers***

4:00 P.M.

Declaration of Special Call Meeting

Policy Issues

1 Resolution - memorializing the Mississippi Legislature to enact Local and Private Legislation pertaining to a Local Option Tax for the City of Gulfport, and for related purposes.

Setting of Next Meeting and Adjournment

Memorandum

To: Mayor Billy Hewes and
Gulfport City Council

From: Brittany Rodgers, Clerk of Council
Administration

Date: 3/12/2019

Subject: Resolution - memorializing the Mississippi Legislature to enact Local and Private Legislation pertaining to a Local Option Tax for the City of Gulfport, and for related purposes.

Recommendation:

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the _____ day of ____________, 2019, the following Resolution:

A RESOLUTION BY THE GULFPORT CITY COUNCIL TO MEMORIALIZE THE LEGISLATURE OF THE STATE OF MISSISSIPPI TO ADOPT LEGISLATION TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF GULFPORT, MISSISSPPI, TO LEVY A TAX UPON THE GROSS SALES OF HOTELS AND MOTELS DERIVED FROM HOTEL AND MOTEL ROOM AND SPACE RENTALS AND/OR UPON THE GROSS PROCEEDS OF SALES OF RESTAURANTS FOR THE PURPOSE OF GENERATING REVENUE TO ENHANCE TOURISM, ECONOMIC DEVELOPMENT, INFRASTRUCTURE, PARKS AND RECREATION; AND FOR RELATED PURPOSES

WHEREAS, the governing authorities of the City of Gulfport, Mississippi, in order to generate additional revenue to be dedicated to the enhancement of tourism, economic development, infrastructure, and parks and recreation within the City of Gulfport, desire to levy a tax upon certain and various room and space rentals at hotels and motels and/or upon the sale of prepared foods at restaurants all within the City of Gulfport; and

WHEREAS, accordingly, in order to levy such a tax, the governing authorities of the City of Gulfport require that the Mississippi Legislature adopt “local and private” legislation authorizing the City to levy such a tax, pending approval of a majority of those voting in an election called for such purposes, and setting forth the procedures associated with the adoption of the same by the City and with the election at which the voting residents of the City of Gulfport may note in favor of or against the tax; and

WHEREAS, the governing authorities of the City of Gulfport desire to defer the decision as to whether the tax will be imposed upon hotels/motels or restaurants or both until the time arises to declare its intent to levy the tax; and

WHEREAS, the City of Gulfport has on its horizon the completion of multiple major development projects that will require expenditure of municipal resources to ensure the well-ordered and successful entry by those projects into Gulfport’s and Mississippi’s economic bases and to ensure that municipal services to and for the citizens, both private and corporate, of the City of Gulfport continue to be delivered at a level acceptable to those citizens; and

WHEREAS, in order to ensure that the City of Gulfport can accommodate said anticipated expenses, the governing authorities of the City desire, at their discretion, to impose a tax on the rental of space and rooms at hotels and motels (as defined in legislation attached hereto as Exhibit "A") and/or on restaurant sales at a rate not to exceed two percent (2%); and

WHEREAS, the governing authorities of the City of Gulfport, Mississippi, finds that it is in the best interest of the City of Gulfport to request and memorialize the Mississippi Legislature to adopt "Local and Private" legislation authorizing it to levy the taxes contemplated herein and to hold an election concerning the same in accord with the procedures set forth in the enabling legislation.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS, TO WIT:

Section 1. That the matters, facts and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

Section 2. That the Mayor and the City Council hereby memorialize and request the Mississippi Legislature to adopt legislation, in substantially the form found in Exhibit "A" hereto, to authorize the Governing Authorities of the City of Gulfport, Mississippi, to levy a tax upon the gross sales of hotels and motels derived from hotel and motel room and space rentals and/or upon the gross proceeds of sales of restaurants for the purpose of generating revenue to enhance tourism, economic development, infrastructure, parks and recreation, as more fully set forth therein.

Section 3. That this Resolution be, and it is hereby ordered to be spread on the minutes of the governing Authority, and to be in full force and effect immediately upon its passage and enactment according to law and that a copy hereof be submitted to the Mississippi Gulf Legislative delegation for their consideration and action.

The above and foregoing Resolution, after having been first reduced to writing and ready by the Clerk, was introduced by ________________, seconded by ____________________, and was adopted by the following roll call vote:

AYES	**NAYS**	**ABSENT**

WHEREUPON, the President declared the motion carried and the Resolution adopted this the __________ day of _____________________, 2019.

(SEAL)

ATTEST: **ADOPTED:**

_________________________________ _________________________________

CLERK OF THE COUNCIL **PRESIDENT**

The above and foregoing Ordinance was submitted to and approved by the Mayor, this the ______ day of ________, 2019.

APPROVED:

____

MAYOR

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF GULFPORT, MISSISSPPI, TO LEVY A TAX UPON THE GROSS SALES OF HOTELS AND MOTELS DERIVED FROM HOTEL AND MOTEL ROOM AND SPACE RENTALS AND/OR UPON THE GROSS PROCEEDS OF SALES OF RESTAURANTS FOR THE PURPOSE OF GENERATING REVENUE TO ENHANCE TOURISM, ECONOMIC DEVELOPMENT, INFRASTRUCTURE, PARKS AND RECREATION; AND FOR RELATED PURPOSES

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

SECTION 1. As used in this act

(a) "City" means the City of Gulfport, Mississippi.

(b) "Governing authorities" means the governing authorities of the City of Gulfport, Mississippi.

(c) "Hotel" or "motel" means any establishment engaged in the business of furnishing or providing rooms or spaces intended or designed for use, dwelling, lodging or sleeping purposes and that at any one time will accommodate transient guests on a daily or weekly basis and other places where sleeping accommodations are furnished or offered and are known to the trade as such, including hotels, motels, bed and breakfast inns, time-share condominiums, tourist courts, rooming houses, short-terms rentals by owner or owner's lessee, camper and recreational vehicle parks and for pay if one or more rooms or spaces are available for transient guests. The term "hotel" or "motel" does not include any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families or institutions for the aged or infirm as defined in Section 43-11-1 and personal care homes.

(d) "Restaurant" means all places where prepared food and beverages are sold for consumption, whether such food is sold for consumption on the premises or not. The term “restaurant” does not include any school, hospital, convalescent or nursing home, or any restaurant-like facility operated by or in connection with a school, hospital, medical clinic, convalescent or nursing home providing food for students, patients, visitors or their families.

SECTION 2. (1) For the purpose of providing funds to promote tourism, economic development, infrastructure, parks and recreation and related purposes, the governing authorities are authorized, in their discretion, to levy and collect from the following persons a tax, which shall be in addition to all of the taxes and assessments imposed. The tax shall be imposed on the following persons:

(a) A tax upon every person, firm or corporation operating a hotel or motel in the city, at a rate not to exceed two percent (2%) of the gross proceeds of room and space rentals for each such hotel or motel; and/or

(b) A tax upon every person, firm or corporation operating a restaurant in the city, at a rate not to exceed two percent (2%) of the gross proceeds of the sales of the restaurant.

(2) Persons, firms or corporations liable for the levy imposed under subsection (1) of this section shall add the amount of the levy to the sales price of the rooms and products set out in subsection (1) of this section and shall collect, insofar as is practicable, the amount of the tax due by them from the person receiving the services or product at the time of payment therefor.

(3) The tax shall be collected by and paid to the Department of Revenue on a form prescribed by the Department of Revenue in the manner that state sales 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.

(4) The proceeds of the tax, less three percent (3%) thereof which shall be retained by the Department of Revenue to defray the cost of collection, shall be paid to the governing authorities on or before the fifteenth day of the month following the month in which collected.

(5) The proceeds of the tax shall not be considered by the city as general fund revenues but shall be dedicated to and expended solely for the purposes specified in this section.

SECTION 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring their intention to levy the tax and declaring that they intend to levy the tax on hotels and motels or on restaurants or on both, setting forth the amount of the tax to be imposed, the date upon which the tax shall become effective and calling for an election to be held on the question. The date of the election shall be the first Tuesday after the first Monday in November. Notice of such intention and the election shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the city, with the first publication of the notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the election. At the election, all qualified electors of the city may vote, and the ballots used in the election shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words "FOR THE TAX" and, on a separate line, "AGAINST THE TAX" and the voters shall vote by placing a cross (X) or a check (✓) opposite their choice on the proposition. When the results of the election have been canvassed and certified, the city may levy the tax if sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. At least thirty (30) days before the effective date of the tax provided in this section, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing the tax.

SECTION 4. Accounting for receipts and expenditures of the funds herein described shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the city. The records reflecting the receipts and expenditures of the funds described in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of the audit shall be paid from the funds derived in accordance with this act.

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