

**PASCAGOULA CITY COUNCIL**  
**Recessed Regular Meeting –Tuesday, January 14, 2014, 5:00 P.M.**

**WELCOME AND CALL TO ORDER:**

**INVOCATION:** Councilman Hill

**PLEDGE OF ALLEGIANCE:** Councilman Tipton

**ADDRESS THE COUNCIL – WORK SESSION WITH RECREATION COMMISSION –**

**MODERATOR – AL BRIMM**

1. Introductions
2. Purpose: To discuss the priorities for funding of the Parks and Recreation Master Plan
3. Discussion about options
  - a. Sports Complex w/Soccer Lighting
  - b. Performing Arts
  - c. Community Center
  - d. Natatorium
4. Market Feasibility Studies for Performing Arts, Community Center, and Natatorium
5. Recommendations from the Commission
6. Final decisions

**Consent Agenda:**

7. Resolution requesting Legislature to eliminate the repealer clause in House Bill 1549, 2011 Regular Session, which authorizes the establishment of the LaPointe-Krebs Foundation  
*Recommended Action: adopt Resolution*
8. Resolution requesting Legislature to eliminate or extend the repealer clause in Senate Bill 3022, 2011 Regular Session, which authorizes implementation of the 3% tax on hotels, motels and bed and breakfast establishments  
*Recommended Action: adopt Resolution*

**RECESS TO TUESDAY, JANUARY 21, 2014, 6:00 P.M.**





### AGENDA ITEM REQUEST FORM

Meeting Date: January 14, 2014

Submitting Department or Individual: City Attorney

Contact Name: Eddie Williams

Phone: 938-6605

**Agenda Topic: Resolution requesting Legislature to eliminate the repealer clause in House Bill 1549, 2011 Regular Session, which authorizes the establishment of the LaPointe-Krebs Foundation.**

*Attach additional information as necessary*

**Action Requested:**

Approve resolution

Budgeted Item	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Source of Funding	<input type="checkbox"/>	General Fund
Contract Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		<input type="checkbox"/>	Utility Fund
Mayor or Manager's Signature Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		<input type="checkbox"/>	Grant
				<input type="checkbox"/>	Other

*For grants and contracts, attach two (2) originals for Mayor or Manager's signature  
For ordinances, resolutions, or other correspondence, attach one (1) original for Mayor or Manager's signature*

**NOTE: ALL AGENDA REQUESTS MUST BE TURNED INTO THE CITY CLERK'S OFFICE WITH ALL ATTACHMENTS NO LATER THAN 2PM ON THE WEDNESDAY PRECEDING THE CITY COUNCIL MEETING**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, REQUESTING THAT THE LEGISLATURE AMEND HOUSE BILL 1549, 2011 REGULAR SESSION, TO REMOVE SECTION 3 THEREOF REQUIRING THE REPEAL OF THE ACT ON JULY 1, 2014; AND FOR RELATED PURPOSES**

**WHEREAS**, pursuant to the joint request of the City of Pascagoula and Jackson County, the House of Representatives enacted House Bill 1549, during the 2011 Regular Session of the Legislature, to authorize the creation of the LaPointe-Krebs Foundation; and

**WHEREAS**, subsequent to the passage of the aforesaid legislation, the City of Pascagoula and Jackson County entered into a Memorandum of Understanding for the establishment of the LaPointe-Krebs Foundation; and

**WHEREAS**, the LaPointe-Krebs Foundation has been formally established, is incorporated as a non-profit corporation pursuant to the laws of the State of Mississippi and is presently seeking a Section 501(c)(3) status with the Internal Revenue Service; and

**WHEREAS**, House Bill 1549, 2011 Regular Session, a copy of which is attached hereto, contains a provision for the repeal of the Act on July 1, 2014; and

**WHEREAS**, the LaPointe-Krebs Foundation, Inc. now exists as an independent entity and is actively engaged in the management, maintenance and preservation of the LaPointe-Krebs house and grounds, and is fully prepared to continue with these efforts into indefinite future; and

**WHEREAS**, the existence of the “repealer” in the aforesaid legislation is not desired, nor is it necessary, under the circumstances:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI**, that the Legislature is urged to amend House Bill 1549,

2011 Regular Session, to delete Section 3 thereof requiring the repeal of the legislation on July 1, 2014.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to send certified copies of this resolution to the Speaker of the House of Representatives, the Lieutenant Governor, all members of the House of Representatives and Senate who represent the citizens of this City, and the President of the Jackson County Board of Supervisors.

By: Representatives Jones (111th),  
Broomfield, Guice, Hamilton (109th), Parker,  
Read, Zuber

To: Local and Private  
Legislation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1549

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF JACKSON  
2 COUNTY, MISSISSIPPI, TO JOIN WITH THE GOVERNING AUTHORITIES OF THE  
3 CITY OF PASCAGOULA, MISSISSIPPI, TO CREATE THE LAPOINTE-KREBS  
4 FOUNDATION, INC., FOR THE PRESERVATION, MAINTENANCE, UPKEEP AND  
5 OPERATION OF THE LAPOINTE-KREBS HOUSE; TO AUTHORIZE THE BOARD OF  
6 SUPERVISORS TO CONTRIBUTE TO THE LAPOINTE-KREBS FOUNDATION FOR  
7 CERTAIN PURPOSES; AND FOR RELATED PURPOSES.

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

9 SECTION 1. (1) In addition to any other authority which may  
10 exist under general law, the Board of Supervisors of Jackson  
11 County, Mississippi, and the governing authorities of the City of  
12 Pascagoula, Mississippi, are authorized and empowered, in their  
13 discretion, to join together to create the LaPointe-Krebs  
14 Foundation, Inc., which shall be organized under the laws of this  
15 state as a nonprofit, tax exempt corporation, created for the  
16 purpose of promotion, maintenance, upkeep and operation of the  
17 LaPointe-Krebs House (locally known as the "Old Spanish Fort") in  
18 order to preserve this historic property for future generations,  
19 and other related purposes.

20 (2) The relationship of Jackson County and the City of  
21 Pascagoula with respect to the operation, maintenance, housing,  
22 funding, staffing, membership and organization of the  
23 LaPointe-Krebs Foundation, Inc., shall be established in a  
24 memorandum of agreement executed by the entities which charter the  
25 foundation.

26 (3) The Board of Supervisors of Jackson County, in its  
27 discretion, may contribute an annual amount not to exceed Fifty  
28 Thousand Dollars (\$50,000.00) to the LaPointe-Krebs Foundation,



29 Inc., for the preservation, maintenance, upkeep and operation of  
30 the LaPointe-Krebs House.

31 **SECTION 2.** Upon the incorporation of the LaPointe-Krebs  
32 Foundation, Inc., Jackson County and the City of Pascagoula are  
33 authorized, in their discretion, to provide assistance and  
34 support, to assist the foundation in carrying out its purposes.  
35 The parties shall establish the duties, membership, assistance,  
36 support and all other matters necessary to the operation of the  
37 foundation through the memorandum of agreement.

38 **SECTION 3.** The provisions of this act shall be repealed on  
39 July 1, 2014.

40 **SECTION 4.** This act shall take effect and be in force from  
41 and after its passage.







### AGENDA ITEM REQUEST FORM

Meeting Date: January 14, 2014

Submitting Department or Individual: City Attorney

Contact Name: Eddie Williams

Phone: 938-6605

**Agenda Topic: Resolution requesting Legislature to eliminate or extend the repealer clause in Senate Bill 3022, 2011 Regular Session, which authorizes implementation of the 3% tax on hotels, motels and bed and breakfast establishments.**

*Attach additional information as necessary*

**Action Requested:**

Approve resolution

Budgeted Item	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Source of Funding	<input type="checkbox"/> General Fund
Contract Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		<input type="checkbox"/> Utility Fund
Mayor or Manager's Signature Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		<input type="checkbox"/> Grant
				<input type="checkbox"/> Other

*For grants and contracts, attach two (2) originals for Mayor or Manager's signature  
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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, REQUESTING THAT THE LEGISLATURE AMEND SENATE BILL 3022, 2011 REGULAR SESSION, TO EITHER ELIMINATE OR EXTEND THE PROVISION IN THAT BILL REQUIRING THAT THE SAME BE REPEALED FROM AND AFTER JULY 1, 2014; AND FOR RELATED PURPOSES**

**WHEREAS**, pursuant to Senate Bill 3212, 2004 Regular Session, the Legislature authorized the City Council of the City of Pascagoula, Mississippi (“City”), to levy a tax not to exceed three percent (3%) upon the gross proceeds derived from hotel, motel and bed and breakfast room rentals, the proceeds of which tax are to be used for the purpose of promoting tourism, economic development and recreation; and

**WHEREAS**, Senate Bill 3212, 2004 Regular Session, contained a provision that required the repeal of the Act from and after July 1, 2008; and

**WHEREAS**, House Bill 1546, 2008 Regular Session, extended the “repealer” provision contained in Senate Bill 3212, 2004 Regular Session, and provided that the Act should thereafter be repealed from and after July 1, 2011; and

**WHEREAS**, pursuant to Senate Bill 3022, 2011 Regular Session, a copy of which is attached hereto, the repealer was further extended to July 1, 2014; and

**WHEREAS**, the tax authorized by the aforesaid legislation has been levied within the City since August 1, 2005, and has provided a significant sum which the City has dedicated to improvements in its Parks & Recreation Department; and

**WHEREAS**, the City’s recreation program will be benefited considerably if the repealer contained in Senate Bill 3022, 2011 Regular Session, is either eliminated in its entirety, or further extended as the Legislature shall see fit:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI**, that the Legislature is urged to amend Senate Bill 3022, 2011 Regular Session, to delete the provision that it will stand repealed as of July 1, 2014, or, amend the aforesaid Senate Bill 3022 to extend the repealer contained therein.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to send certified copies of this resolution to the Speaker of the House of Representatives, the Lieutenant Governor, and all members of the House of Representatives and Senate who represent the citizens of the City of Pascagoula.

MISSISSIPPI LEGISLATURE  
2011 Regular Session  
To: Local and Private; Finance  
By: Senator(s) Watson, Moffatt

## Senate Bill 3022

### *(As Sent to Governor)*

AN ACT TO AMEND CHAPTER 1005, LOCAL AND PRIVATE LAWS OF 2004, AS AMENDED BY CHAPTER 923, LOCAL AND PRIVATE LAWS OF 2008, TO EXTEND THE REPEAL DATE ON THE PROVISION OF LAW AUTHORIZING THE GOVERNING AUTHORITIES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM HOTEL, MOTEL AND BED-AND-BREAKFAST ROOM RENTALS IN THE CITY; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Chapter 1005, Local and Private Laws of 2004, as amended by Chapter 923, Local and Private Laws of 2008, is amended as follows:

Section 1. As used in this act, the following terms shall have meanings ascribed in this section unless otherwise clearly indicated by the context in which they are used:

(a) "Governing authorities" means the governing authorities of the City of Pascagoula, Mississippi.

(b) "Hotel," "motel" or "bed-and-breakfast" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "hotel," "motel" and "bed-and-breakfast" do 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.

Section 2. (1) For the purpose of providing funds to promote tourism, economic development and recreation, the governing authorities, in their discretion, are authorized to levy and collect from every person, firm or corporation operating a hotel, motel or

bed-and-breakfast in the city, a tax which shall be in addition to all other taxes and assessments imposed, which shall not exceed three percent (3%) of the gross proceeds derived from room rentals of all such hotels, motels or bed-and-breakfasts in the city.

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

(3) Such tax shall be collected by and paid to the Department of Revenue on a form prescribed by the Department of Revenue in the same manner that state sales taxes are computed, collected and paid; and the 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 such tax shall be paid to the governing authorities on or before the fifteenth day of the month in which collected.

(5) The proceeds of such tax shall not be considered by the City of Pascagoula 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 taxes, setting forth the amount of such tax to be imposed, the date upon which such taxes shall become effective and calling for a referendum to be held on the question. The date of the referendum shall be the date of the next municipal general election. Notice of such intention shall be published once

each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the county, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the referendum and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the city may vote, and the ballots used in such referendum 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 check (✓) opposite their choice on the proposition. When the results of any such referendum shall have been canvassed by the election commission and certified, the city may levy the taxes beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no city employee may promote the referendum during business hours. At least thirty (30) days before the effective date of the taxes, the governing authorities shall furnish to the Department of Revenue a certified copy of the resolution evidencing the taxes.

Section 4. Accounting for receipts and expenditures of the funds described in this act shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Pascagoula. The records reflecting the receipts and expenditures of the funds prescribed 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 such audit shall be paid from the funds derived pursuant to this act.

Section 5. The provisions of this act shall be repealed from and after July 1, 2014.

Section 6. The governing authorities shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

Section 7. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**SECTION 2.** This act shall take effect and be in force from and after its passage.