

MUSKEGON COUNTY BOARD OF COMMISSIONERS
MUSKEGON COUNTY, MICHIGAN

AGENDA

Community Development/Strategic Planning

Montague Township Hall
8915 Whitbeck Road, Montague, MI 49437
October 17, 2013 - 4:00 PM

Robert Scolnik, Chair
Benjamin Cross, Vice-Chair

-
- 1) Call to Order
 - 2) Roll Call
 - 3) Approval of Minutes of September 19, 2013
 - 4) Public Comment (on an agenda item)
 - 5) Items for Consideration

CD/SP13/10 – 13 (Community Development/CVB) Adopt Proposed Amendments to Accommodations Tax Ordinance

- 6) Old Business
- 7) New Business
- 8) Public Comment
- 9) Adjournment

Public Comment

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to two (2) minutes for each participant, unless time is extended prior to the public comment by a vote of a majority of the commission.

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520.

**Muskegon County
Community Development/Strategic Planning Committee
September 19, 2013
4:00 p.m.
Hall of Justice, 4th Floor
990 Terrace Street
Muskegon, MI**

Robert Scolnik, Chair

Benjamin Cross, Vice-Chair

MINUTES

CALL TO ORDER

The meeting was called to order by Commissioner Scolnik at 4:29 p.m.

ROLL CALL

Present: Benjamin Cross, Marvin Engle, Susie Hughes, Charles Nash, Kenneth Mahoney, Terry Sabo, Robert Scolnik, Rillastine Wilkins

Excused: James Derezinski

APPROVAL OF MINUTES

It was moved by Cross, supported by Nash, to approve the minutes of the August 15, 2013, meeting as written. Motion carried.

PUBLIC COMMENT (On an agenda item)

None.

PRESENTATION

Chad Lawie, LongerDays.com President

Mr. Chad Lawie, addressed the Board and presented information on his newly formed company, LongerDays.com. He noted it is a virtual staffing agency which supports companies all over the world by providing administrative assistants, receptionist services, website assistance, creative writing and graphic design.

Mr. Lawie began the company consisting of only himself in 2010. In 2011, he hired his first full time employee and moved into a new office. By year end, he had 10 employees and a 330 percent increase in sales. In 2012, Mr. Lawie developed a formal business plan, relocated to the MAREC building, ended the year with 15 employees and an

increase in sales of 133 percent. The company now employs 25 employees. Mr. Lawie's plans for 2014 include initiating a marketing plan for the first time and to continue to grow, adapt and repeat for future years.

Mr. Lawie was thanked for his informative presentation and Commissioners noted his positivity, excitement and energy.

Howard Hardesty, West Michigan Growth Chair

Mr. Hardesty addressed the Board and discussed the need for economic development in Muskegon County. He discussed the West Michigan Growth organization and noted it is an organization that is a 501c3 non-profit and is largely comprised of local professionals working to bring development to West Michigan. Mr. Hardesty requested the County analyze and consider contracting for economic development for Muskegon County.

Mr. Mark Fazakerly, Eagle Alloy, addressed the Board in support of the West Michigan Growth organization.

Mr. Rob Gustafson, Hooker DeJong, and Mr. Terry Winter, also addressed the Board in support of the organization.

Mr. Hardesty was thanked for his presentation and was advised the Board would take his request under advisement. Commissioner Scolnik noted he will follow-up with Mr. Hardesty within the next two weeks.

ITEMS FOR CONSIDERATION

There were no items submitted for consideration.

OLD BUSINESS

Mr. Bob Lukens, Community Development Director, noted the Bass Masters Elite Series Championship is well underway with set up to begin on Monday, September 23rd. He noted the family friendly event will begin on Friday, September 27th and will go through Sunday, September 29th with the live weigh-in on Sunday at noon at Heritage Landing.

NEW BUSINESS

None.

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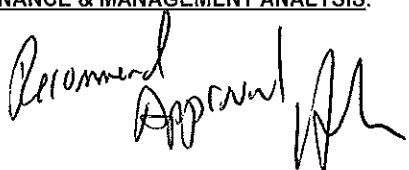
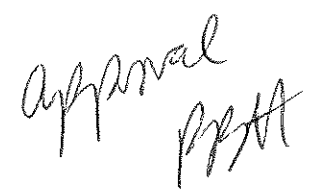
PUBLIC COMMENT (On a new topic)

None.

ADJOURNMENT

There being no further business to come before the Community Development/Strategic Planning Committee, the meeting adjourned at 5:16 p.m.

REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE WAYS & MEANS	BUDGETED NON-BUDGETED PARTIALLY BUDGETED	
REQUESTING DEPARTMENT COMMUNITY DEVELOPMENT/CVB	COMMITTEE DATE 10/15/13	REQUESTOR SIGNATURE ROBERT M. LUKENS
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES) This request is to amend the County's Accommodations Tax Ordinance to more clearly define for County lodging properties the accommodations tax remittance requirements, and to allow for external parties to audit the lodging properties within the County for compliance with the ordinance. The proposed amended ordinance is based on County Board Motion 2013-252, June 25, 2013, whereby the County Board moved to accept a proposal by Vredeveld Haefner, LLC to provide agreed upon procedures in the evaluation of accommodations taxes collected and auditing of Muskegon County lodging.		
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES) Move to adopt the proposed amendments to the County of Muskegon's Accommodations Tax Ordinance.		
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)		
<u>HUMAN RESOURCES ANALYSIS:</u>	<u>FINANCE & MANAGEMENT ANALYSIS:</u> 	
<u>CORPORATE COUNSEL ANALYSIS:</u>	<u>ADMINISTRATOR RECOMMENDATION:</u> 	
If motion originates from a Statutory Board, Authority or Advisory Committee, please provide the date the motion was approved by that Board/Authority/Committee:		
<div style="border: 1px solid black; display: inline-block; padding: 5px 20px;"> ATAC - 9/24/13 </div>		
AGENDA DATE: 10/17/13	AGENDA NO.: CDSP13/10-13	BOARD DATE: 10/22/13
PAGE NO.		

MUSKEGON COUNTY BOARD OF COMMISSIONERS

**AMENDED ORDINANCE NO. 20072013-243
(Formerly Ordinance No. 10)**

TITLE: An ordinance to provide for the assessment and collection of an excise tax on person engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the powers and duties of the Administrator; to provide for the power to contract for fund administration; to provide penalties; and to provide for the disposition of revenues. This ordinance shall be known and cited as the Accommodations Ordinance.

APPROVAL DATE: ~~May 22, 2007~~

PUBLISH DATE: ~~June 11, 2007~~

Section 1: Authority.

This ordinance is adopted under the authority of the following statutory sections: MCL 141.861 *et seq.* (1974 P.A. 263).

Section 2: Amendment.

The County of Muskegon Accommodations Ordinance of 1981, the December 21, 1990 Amendment to the County of Muskegon Accommodations Ordinance, the May 22, 2007 Amendment to the County of Muskegon Accommodations Ordinance and the County of Muskegon Accommodation Ordinance Rules and Regulations, are hereby amended.

Section 3: Purpose.

The purpose of this ordinance is to raise money to promote and encourage tourist and convention business in Muskegon County.

Section 4: Definitions.

- A. "Accommodations" means the room or other space provided for sleeping, including furnishing and other accessories therein. Accommodations do not include food and beverages.
- B. "Administrator" means the county administrator or his/her duly authorized representative.
- C. "Convention and entertainment facilities" means all or any part, or any combination of convention halls, auditoriums, stadiums, music

halls, arenas, meeting rooms, exhibit areas, and related public areas.

- D. "Person" means a natural person, partnership, fiduciary, association, corporation or other entity.
- E. "Revenues" means the income derived from the tax levied under this ordinance, plus interest and penalties imposed by this ordinance.
- F. "Transient guest" means a natural person staying less than thirty (30) consecutive days.

Section 5: Levy of Tax; Rate; Exceptions; Stipulation on Use of Partial Funds.

- A. A tax of five percent (5%) of the total charge for accommodations is levied upon, and shall be collected from, all persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests, whether or not membership is required for the use of the accommodations.
- B. No tax shall be levied hereunder upon hospitals or nursing homes.
- C. A portion of such tax, consisting of one-fifth (1/5) of revenues generated hereunder, shall be appropriated to the use of the convention and visitors bureau for use consistent with this ordinance, under terms and conditions as may be determined by the County Board of Commissioners.

Section 6: Collection.

All persons who are engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests shall pay the tax imposed in Section 6-5 of this ordinance for the County of Muskegon.

Section 7: Reports; Remittances.

- A. On or before the fifteenth (15th) of each month, quarter or end of season, every person required in Section 6 of this ordinance to collect the tax that provides or expects to provide accommodations for 12 months of the year shall file a report for the preceding month with the Administrator.
- B. On or before the fifteenth (15th) of each month following March, June, September or December every person required in Section 6 of this ordinance to collect the tax that provides or expects to

provide accommodations for less than 12 months of the year shall file a report for the preceding quarter with the Administrator.

A-C. The report must show the total amount of consideration paid for all accommodations in the preceding period, the amount of the tax due on such accommodations, and any other information that the Administrator may reasonably require.

B-D. Every person shall pay the tax due at the time the report is filed. All tax payments shall be made to the County Treasurer by bank draft, check, cashier's check, money order, certificate of deposit or cash. All monies received shall be deposited in a special fund of the County, to be established by the County Treasurer. No remittance other than cash shall be a final discharge of liability for the tax levied until it has been paid in cash.

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Section 8: Powers and Duties of Administrator; Rules and Regulations; Collection Expenses.

- A. The Administrator shall collect the tax imposed in Section 5 of this ordinance and shall administer and enforce this ordinance.
- B. The Administrator shall have the power to make such rules and regulations, subject to the approval of the County Board of Commissioners, as are necessary to effectively collect the tax, including tax liens for enforcement.
- C. The Administrator shall, upon reasonable notice, have access to books and records of a taxpayer to determine the correctness of any report filed and/or to determine the amount of taxes due.
- D. The Administrator shall furnish, to taxpayers, forms, instructions, manuals and other materials necessary for endorsement of the tax and the auditing of tax returns.
- E. The County shall receive from all proceeds collected under this ordinance, such amount as shall be determined from time to time by the County Board of Commissioners for collection expenses incurred, plus all interest and penalty fees.

Section 9: Power to Contract for Fund Administration.

The County may enter into a contract with an entity non-profit agency independent of the county government to carry out the purposes of this ordinance.

Section 10: Penalties.

- A. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00) and/or imprisoned in the County Jail for a period not to exceed ninety (90) days.
- B. In addition, any person who fails to remit the tax when due or who otherwise violates this ordinance shall be charged an additional five percent (5%) of the amount of the unpaid tax per month or fraction thereof after the due date thereof until paid. However, said penalty shall not exceed twenty-five percent (25%) of the unpaid tax.
- G-B. In addition, delinquent taxes shall draw interest at the rate of one percent (1%) per month or fraction thereof of the unpaid tax after the due date thereof until paid.
- D-C. Any penalty and/or interest shall be collected as part of the tax. Any amounts received shall be credited first to penalty and/or interest.

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Section 11: Abatements and Refunds.

- A. If a report or remittance is filed after the due date set forth in Section 78, and it is shown that the failure to file was due to reasonable cause and not due to willful neglect, as determined by the Administrator, the penalty and interest prescribed in Section 10 shall not apply.
- B. The Administrator has the authority to abate any part of the tax imposed under this ordinance as an economic incentive for new construction, subject to the approval of the County Board of Commissioners. Such abatement shall be for a limited period of time, and for a limited amount. The Administrator shall place his/her reasons for any abatement in a written recommendation and specify the length of the abatement and the amount. In order to receive the abatement, the tax must first be paid and then rebated according to the recommendation of the Administrator.

Section 12: Taxes Cumulative.

The taxes levied under this ordinance shall be in addition to any other taxes, charges, or fees.

Section 13: Revenues.

The revenues derived from the taxes imposed pursuant to this ordinance may be used ~~by the~~ County or by an authority organized pursuant to state law only for the following purposes:

- A. The cost of administration and enforcement of this ordinance; and
- B. The promotion and encouragement of tourist and convention business in the County.

Section 14: Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 15: Effective Date.

This ordinance shall become effective immediately upon publication.

Motion by ~~Robert Scolnik~~, second by ~~Lewis Collins~~, carried, to adopt the foregoing resolution at a regular meeting of the Muskegon County Board of Commissioners held on ~~May 22, 2007~~ at 3:30 PM.

I, ~~Karen Buie~~ Nancy A. Water, Clerk of Muskegon County, State of Michigan, do hereby certify that the above is a true and correct copy of an ordinance adopted by the Muskegon County Board of Commissioners, Muskegon County, Michigan, at a regular meeting held on ~~May 22, 2007~~, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 257 of the Public Acts of Michigan of 1976, as amended. In testimony whereof, I have hereunto set my hand affixed the seal of my office, this _____ day of _____.

Karen D. Buie Nancy A. Waters
Muskegon County Clerk