

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

June 28, 2019

Danielle Morgan, Executive Director
Greenwood Tourism Commission
Post Office Drawer 739
Greenwood, Mississippi 38935-0739

Re: Greenwood Tourism Commission

Dear Ms. Morgan:

Attorney General Jim Hood has received your opinion request and has assigned it to me for research and reply.

Issues Presented

According to your request, the Greenwood Tourism Commission ("Commission") is a city entity created by local and private legislation and funded by a one percent hotel and restaurant special tax. Citing the language of the local and private legislation creating the Commission¹ ("S.B. 3016"), you ask whether the Commission's authority to "contract for the furnishing, equipping and operation of facilities necessary or useful in promoting tourism and conventions" is limited to the buildings operated by the Commission or whether it would extend to separate tourism related businesses. This question stems from the Leflore County Civic Center's ("Civic Center") request to the Commission to provide financial assistance in purchasing LED lighting for the Civic Center parking lot. In your request, you also state that the Civic Center is outside of the Greenwood city limits but is represented on the Commission board.

Applicable Law and Response

The relevant portion of S.B. 3016 provides:

Section 4. (1) The commission shall have jurisdiction and authority over all matters relating to establishing, promoting and developing conventions and

¹S.B. 3016 (2017 Regular Session) amending Chapter 813, Local and Private Laws of 1989.

tourism in the city and shall be authorized:

- (a) To sue and be sued in its own name;
- (b) To own, rent or lease real or personal property;
- (c) To contract for the furnishing, equipping and operation of facilities necessary or useful in promoting tourism and conventions;
- (d) To receive and expend, subject to the provisions of this act, revenues from any source;
- (e) To sell, convey or otherwise dispose of all or any part of its property and assets in accordance with the general laws of the State of Mississippi providing for the sale, conveyance and disposal of property by municipalities;
- (f) To appoint and employ individuals and to contract with and enter agreements with agencies to act for and on its behalf in performing the commission's duties, powers and responsibilities; and
- (g) To adopt and promulgate such rules and regulations as may be necessary or advantageous to carry out the powers and duties of the commission.

S.B. 3016(4)(c) is not specifically limited to buildings operated by the Commission. It is the opinion of this office that if the Commission determines that purchasing LED lighting for the Civic Center parking lot constitutes furnishing, equipping and/or operation of facilities necessary or useful in promoting tourism and conventions in the City of Greenwood, the Commission can purchase the requested materials. We note, however, that although the Commission may be authorized to provide the requested materials, it certainly is not obligated to do so. You might also wish to contact the Mississippi Ethics Commission regarding any possible conflict of interest.

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard
Special Assistant Attorney General