

RESOLUTION 2021 – 6

A RESOLUTION ESTABLISHING A POLICY RELATED TO NON-PROFIT CORPORATIONS ENGAGED IN POLITICAL ACTIVITY

WHEREAS, government entities may not make expenditures of public monies unless they are for a valid public purpose; and

WHEREAS, in order to demonstrate that an expenditure is for a valid public purpose, it must be required for the general good of the inhabitants of the community, and the primary objective of the expenditure must be to further a public purpose even if an incidental private end is advanced; and

WHEREAS, the City of Mason has in the past made certain proper public expenditures in order to support or participate in activities with non-profit corporations; and

WHEREAS, some non-profit groups are legally permitted to engage in certain levels of political activity, such as lobbying, and endorsing candidates and issues; and

WHEREAS, the Council for the City of Mason desires to establish a policy with respect to making public expenditures related to non-profit corporations engaged in political activity.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, Ohio, four members elected thereto concurring:

Section 1. That this Council hereby establishes the policy that expenditures of public funds directed to non-profit corporations engaged in political activity (defined as endorsing, ranking, rating, promoting, supporting, contributing of or to, including bestowing upon candidates or elected officials awards or positions by the non-profit for municipal office, school board, or municipal court) shall be deemed not to be for a proper public purpose and shall be prohibited.

Section 2. That when the City Manager is presented with a request to expend public funds directed to a non-profit corporation, Council shall determine in a public meeting whether the expenditure is for a proper public purpose and require said non-profit to certify in writing that it does not and will not engage in direct and indirect political activity as described in Section 1 for the duration of the then current election cycle which is two years from the date of entering its contract with the City (in making this determination the City shall also take into consideration the non-profit's level of cooperation in providing information about its political activity to the City). If certification is untrue or if the non-profit violates the terms of the certification, any sums given by the City to the non-profit are subject to disgorgement.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of April, 2021.

Mayor

Attest:

Clerk of Council