

Village of Mantua, Ohio

RESOLUTION 2021-46

(amended)

A RESOLUTION AUTHORIZING THE ALLOCATION AND EXPENDITURE OF PUBLIC FUNDS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FOR THE PURCHASE OF BEVERAGES FOR THE BENEFIT OF VILLAGE EMPLOYEES.

WHEREAS, Coffee, meals, refreshments and other amenities are fringe benefits which may properly be provided by units of local government to their employees as a form of compensation, if authorized by the officer or body having the power to fix the compensation of such employees; and

WHEREAS, Municipal funds may be expended to purchase beverages, meals, refreshments or other amenities for municipal officers, employees or other persons, if the legislative body of the municipality has determined that such expenditures are necessary to further a public purpose and if its determination is not manifestly arbitrary or unreasonable; and

WHEREAS, Since the decision to expend public funds to purchase coffee, meals, refreshments or other amenities is a legislative decision, it must be memorialized by a duly enacted ordinance or resolution and may have prospective effect only; and

WHEREAS, Auditor of State Bulletin 2003-005 states that “the Auditor of State's Office will require that expenditures of public funds for coffee, meals, refreshments, or other amenities have prior authorization by the appropriate legislative authority” but that the expenditure of public funds for alcoholic beverages is manifestly arbitrary and incorrect and is never a valid public purpose; and

WHEREAS, the term “other amenities” may be construed as non-food items such as flowers for sick employees or relatives of employees, token retirement gifts, or meritorious service awards; and

WHEREAS, Ohio Attorney General Opinion 82-006 provides further guidance as to the determination of whether a particular expenditure constitutes a valid public purpose, to wit: (1) it has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants; (2) if the primary objective is to further a public purpose, it is immaterial that private ends may incidentally be advanced; (3) the determination of what constitutes a public purpose is primarily a legislative function, and a legislative determination of a public purpose will not be disturbed except where such determination is manifestly arbitrary and incorrect.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring, that:

SECTION 1. This Council hereby finds and determines that the allocation and expenditure of not more than two hundred fifty dollars (\$250.00) for the purchase of coffee, bottled water and other beverages to be kept at the Village Hall for consumption by Village employees and officers will advance the good of all inhabitants and therefore constitutes a valid public purpose, despite the fact that private ends may incidentally be advanced.

Village of Mantua, Ohio
RESOLUTION 2021-46
(amended)

SECTION 2. The Village Administrator is hereby authorized to expend public funds in an amount not to exceed two hundred fifty dollars (\$250.00) to purchase coffee, bottled water and other beverages to be kept in the kitchenette of Village Hall and the Service Garage for consumption by Village employees and officers.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution shall be in full force and effect after proper passage by the Mantua Village Council at the earliest period allowed by law.

PASSED IN COUNCIL this 16th day of November, 2021.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I hereby certify that the above Resolution was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of _____, 2021.

Jenny August, Clerk-Treasurer

Approved as to Legal Form

Michele Stuck, Solicitor