

Resolution

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LYONS, STATE OF GEORGIA, TO PROVIDE POLICIES AND PROCEDURES RELATING TO FINANCIAL ASSISTANCE TO CIVIC ORGANIZATIONS, CHARITIES, NON-PROFIT GROUPS, AND OTHER SIMILAR ENTITIES TO ENSURE THAT ANY SUCH ASSISTANCE COMPORTS WITH APPLICABLE LAW AND IS FEASIBLE GIVEN BUDGETARY AND OTHER CONSIDERATIONS

City of Lyons, Georgia

WHEREAS, civic organizations, charities, non-profit groups, and other similar entities often approach the City of LYONS, Georgia ("City") about assisting them financially; and

WHEREAS, such entities often provide invaluable services to the City and its residents;

WHEREAS, the Mayor and City Council of LYONS find it in the public interest to support such entities within the constraints provided by law and as budgetary and other considerations allow; and

WHEREAS, the "Gratuities Clause" of the Georgia Constitution provides one such constraint, in that it provides "the General Assembly shall not have the power to grant any donation or gratuity . . . ;"

WHEREAS, the Georgia Supreme Court has determined the Gratuities Clause applies to municipalities; and

WHEREAS, the Georgia Supreme Court has also determined that the Gratuities Clause of the Georgia Constitution does not prohibit municipalities from providing financial assistance to civic organizations, charities, non-profit groups, and other similar entities when either (i) there is bargained for consideration for the financial assistance given, or (ii) the municipality is receiving a substantial benefit in return for the financial assistance; and

WHEREAS, the Mayor and City Council of LYONS wish to adopt policies and procedures for providing financial assistance to civic organizations, charities, non-profit groups, and other similar entities to ensure that any such assistance comports with applicable law and is feasible given budgetary and other considerations.

NOW, THEREFORE BE IT RESOLVED, as follows:

Consistent with Georgia law, the City of LYONS shall not make any purely charitable donation, contribution, or gratuity.

Civic organizations, charities, non-profit groups, and other similar entities seeking financial assistance from the City shall make application therefor to the City on such forms to be prepared by the City Manager or his designee and shall provide such information as requested by the City Manager or his designee.

Any such applications must be submitted on an annual basis and no later than June 30th in the year preceding the year for which assistance is requested.

In order to receive funding, the applicants must specifically identify (i) the bargained for consideration for the financial assistance given, or (ii) the substantial benefit received by the City in return for the financial assistance.

The Mayor and City Council, at their discretion, may appoint a committee consisting of no less than three and no more than five residents of the City of LYONS to review and make a recommendation to the Mayor and City Council as to any such requests for financial assistance.

As part of its regular budgetary process, the City will make decisions on an annual basis as to who receives financial assistance from the City and in what amount.

this 1st day of November, 2016

Willis D. NeSmith, Jr., Mayor
The City of Lyons, Georgia

ATTEST:

Clerk, the City of Lyons, Georgia