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# Client Bulletin



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## VOTE MAY 8—DELAWARE COUNTY SENIOR SERVICES LEVY

The following is reproduced from *My Communicator* (SourcePoint’s bi-monthly newspaper/newsletter):

The Delaware County Senior Services Levy is on the ballot May 8.

The current levy expires this year. In order for local in-home and community services to continue through 2023, voters must approve the levy in 2018.

If approved, the senior services levy allows SourcePoint to:

Provide in-home care services that **help local seniors remain living safely at home, where they want to be.**

Keep pace with the rapid growth of our older population and **ensure that there is no waiting list for in-home services.**

Provide community programs that promote **healthy-aging and prevention-related services** to older adults.

The senior services levy requests a renewal of 1.2 mills, which is the same amount voters approved in 2013, and an addition of 0.1 mill.

The additional cost to the taxpayer is \$3.50 each year per \$100,000 of property valuation – less than a penny a day.

In the interest of full disclosure, Manos, Martin & Pergram for a number of years has been the major sponsor of the annual fundraiser of the Committee to Save Senior Services, the political action committee which supports this levy, which is on the ballot every five years to provide operating funds for SourcePoint (formerly Council for Older Adults). The law firm has, for most of its existence, provided legal services to SourcePoint and over the years has served as a sponsor for numerous SourcePoint events and functions, including sponsoring SourcePoint’s Donor Appreciation Dinner in June this year.

Under Ohio law, a senior service levy cannot have a term of greater than five years. The current senior services levy, approved by the voters in 2013, expires at the end of 2018. For SourcePoint’s in-home and community services to continue in 2019, the senior services levy must be on the ballot (as it is on May 8) and approved by the voters in 2018.

Approximately 80 percent of SourcePoint’s service funding comes from the senior services levy. The remaining 20 percent comes from grants, donations, service fees, sales and sponsorships. The majority of the funding from the senior services levy is used to provide in-home services designed to enable older residents to remain living at home for as long as possible. SourcePoint, an I.R.C. 501(c)(3) charitable organization, is responsible for managing all of the funds from the Delaware County Senior Services Levy.

## “Notable Women from Delaware County”

In honor of Women’s History Month, the Delaware County Historical Society is presenting an exhibit and a program highlighting the accomplishments of six women who advanced Delaware County by their deeds. The exhibit, sponsored by the Women’s Leadership Network of the United Way of Delaware County, is on exhibit through May 20 on Sundays from 2-5 p.m.

The program will be presented at 7 p.m. on Wednesday, May 16 at The Barn at Stratford, 2690 Stratford Road at U.S Route 23, Delaware. The program, free to the public, is sponsored by the law firm.

## General Assembly Considering a New Type of Corporation

House Bill 545 is presently proceeding through the legislative process in the Ohio General Assembly and appears to have something unusual for the General Assembly – bipartisan support. Under current Ohio law there are basically two types of corporations, for-profit and not-for-profit. Under Ohio Revised Code Chapter 1701 and case law, if an Ohio for-profit corporation to the economic detriment of its shareholders focuses on making a positive impact for the public/the community, members of the board of directors of the corporation can face potential liability to the shareholders or to one or more disgruntled shareholders in a derivative lawsuit against the corporation. H.B. 545 would create a new type of corporation, a public benefit corporation, defined in H.B. 545 as “corporations created with a purpose of creating a general public benefit.” A public benefit corporation, which has been termed in other states “B Corps,” under H.B. 545 would have to expressly set forth in its articles of incorporation filed with the Ohio Secretary of State its beneficial purpose, which beneficial purpose can include, among other things, art, music, education, medicine and religion. The proposed new law would not impose any liability on B Corps or their directors to the intended beneficiaries, nor make the public benefit corporation or its directors liable for damages “for any failure to seek, achieve, or comply with any beneficial purpose of the benefit corporation.” However, arguably, a public benefit corporation or its directors could be subject to equitable remedies such as injunction or specific performance ordering B Corps and/or its directors to fulfill the beneficial purpose set forth in the B Corps’ articles of incorporation. As a form of a for-profit corporation, B Corps would not be eligible to apply for tax exemption under the Internal Revenue Code.

## Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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