



King County

**Metropolitan King County Council
General Government and Labor Relations Committee**

Staff Report

Agenda item No: 4
Ordinance No: **2008-0069**

Date: **March 11, 2008**
Prepared by: **Mike Alvine**

SUBJECT:

AN ORDINANCE relating to the employee giving program.

SUMMARY:

Proposed Ordinance 2008-0069 would change the name of the Employee Charitable Giving Campaign to the Employee Giving Campaign, consolidates the campaign law under a single area of code (it is currently found in two sections), maintains and emphasizes that the campaign supports both federations and individual organizations, clarifies eligibility provisions and notice procedures, continues to ensure that no organization can discriminate, and adds a section to ensure no conflicts of interest by members of the Employee Giving Committee.

BACKGROUND:

The first Charitable Campaign ordinance was created in 1988 as Ordinance 8575 (codified as K.C.C. chapter 3.36) and last changed significantly in 1993 as Ordinance 10923. King County's extensive employee giving campaign is run by 15 volunteer employees who are appointed by the Executive and confirmed by the Council. For the past two years the campaign has had one paid 0.8 FTE employee which has proven to be more cost effective than hiring an outside agency to run the campaign.

ANALYSIS:

Purpose of Campaign – As stated in the proposed ordinance, the purpose of the employee giving program is to:

1. Lessen the burden of county government and of local communities in the meeting of charitable needs;
2. Provide a convenient channel through which county employees may contribute to the efforts of qualifying agencies providing services in the county, state, nation or overseas;
3. Minimize both the disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives have caused; and
4. Ensure that recipient agencies are fiscally responsible in the uses of the moneys raised.

Clarifies Eligibility and Notice Procedures – The ordinance clarified the standards needed to participate in the employee giving campaign and the notices for charitable organizations. This will help eliminate confusion for agencies and employees.

Clarifies Standards for Denying Access or Removing Agencies – The ordinance outlines reasons why agencies may be denied access or removed for the employee giving campaign:

- Fraud;
- Failure of an applicant to inform the committee of any fact that would affect the committee's determination about the applicant's eligibility; or
- A participant is ineligible under the code.

Preventing Conflicts of Interest – The ordinance seeks to actively prevent conflicts of interest by adding a new provision: “A member of the committee shall not vote on a federation or charitable organization's eligibility if the member has a board membership, directorship or other decision-making capacity in the federation or charitable organization.”

Non-discrimination – Unless they have a legal exemption, participating organizations cannot discriminate for or against any individual or group on account of race, color, creed, religion, sex, age, nationality, marital status, sexual orientation, or the presence of any sensory, mental or physical disability in all aspects of the management and the execution of the charitable campaign

Efficient Use of Funds – In order to protect the appropriate and efficient use of employee funds, organizations must not exceed 25 percent fundraising, administrative and overhead costs. If they do, organizations are given one year to comply and thereafter may be excluded from the campaign until documentation is provided that shows a minimum of 75 percent of the moneys received have been used for the charitable purposes for which it was solicited.

Summary – The changes in the proposed ordinance appear reasonable, protect the generosity of County employees, are fair to the charitable organizations and help the Employee Giving Program to run efficiently.

Invited:

1. Cynthia Hernandez, Chair, King County Employee Giving Program Committee
2. Bruce Ritzen, Member and former Chair, King County Employee Giving Program Committee

Attachments:

1. Proposed Ordinance 2008-0069
2. Transmittal Letter dated January 30, 2008



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 10, 2008

Ordinance

Proposed No. 2008-0069.1

Sponsors Gossett

1 AN ORDINANCE relating to the employee giving
 2 program; amending Ordinance 8575, Section 1, and K.C.C.
 3 3.36.010, Ordinance 8575, Section 2, as amended, and
 4 K.C.C. 3.36.020, Ordinance 8575, Section 3, as amended,
 5 and K.C.C. 3.36.030 and Ordinance 8575, Section 4, and
 6 K.C.C. 3.36.040, adding new sections to K.C.C. chapter
 7 3.36, decodifying K.C.C. 3.36.050 and 3.36.060 and
 8 repealing Ordinance 9090, Sections 1-3, as amended, and
 9 K.C.C. 3.36.080.

10

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. Ordinance 8575, Section 1, and K.C.C. 3.36.010 are each hereby
 13 amended to read as follows:

14 **Intent and purpose.**

15 A. This chapter is intended to establish a means consistent with state law
 16 governing salary and wage deductions for charitable agencies, whereby uniform
 17 procedures (~~(will be)~~) are established for the efficient administration of one annual

18 campaign for charitable contributions from county employees, which may be made
19 through payroll deductions. This chapter shall be liberally construed to accomplish this
20 purpose.

21 B. The purpose of this chapter is to:

22 1. Lessen the burden of county government and of local communities in the
23 meeting of charitable needs;

24 2. Provide a convenient channel through which county employees may
25 contribute to the efforts of qualifying agencies providing services in the ~~((community))~~
26 county, state, nation or overseas;

27 3. Minimize both the disruption to the county workplace and the costs to the
28 taxpayer that multiple charitable fund drives have caused; and

29 4. Ensure that recipient agencies are fiscally responsible in the uses of the
30 ~~((monies))~~ moneys raised.

31 SECTION 2. Ordinance 8575, Section 2, as amended, and K.C.C. 3.36.020 are
32 each hereby amended to read as follows:

33 **Definitions.** The definitions in this section apply throughout this chapter unless
34 the context clearly requires otherwise.

35 A. "Campaign" means the annual solicitation of contributions from county
36 employees by representatives of federations ~~((of))~~ and charitable organizations through
37 oral presentations, printed materials, audio/video media or other similar means ~~((which))~~
38 that occurs on county property during normal county business hours.

39 B. "Charitable organization" means an organization ~~((which))~~ that:

40 1. ~~((h))~~Has been in active existence at least the previous three years ~~((and~~
41 ~~which))~~;

42 2. ~~((i))~~Is formally recognized by the United States Internal Revenue Service as
43 complying with Section 501(c)(3) of the Internal Revenue Code or is a governmental unit
44 of the ~~((S))~~state of Washington, and for which all contributions to the organization ~~((must~~
45 ~~be))~~ are eligible to be deductible for federal income tax purposes under Section 170 of the
46 Internal Revenue Service Code of ~~((1954))~~ 1986 as demonstrated by receipt of an internal
47 revenue service letter of determination granting tax deductible status to the charitable
48 organization.

49 C. "Federation ~~((of charitable organizations))~~" means a group, representing at
50 least five charitable organizations ~~((which))~~, that is organized to solicit and distribute
51 contributions on behalf of its member charitable organizations.

52 D. "Participating organization" means a federation or charitable organization that
53 is participating in the campaign.

54 SECTION 3. Ordinance 8575, Section 3, as amended, and K.C.C. 3.36.030 are
55 each hereby amended to read as follows:

56 A. ~~((Composition.))~~ A county employee ~~((charitable campaign))~~ giving program
57 committee is established consisting of ~~((15))~~ fifteen members nominated by the
58 ~~((campaign))~~ committee, appointed by the executive and confirmed by the council.
59 ~~((Nominations by))~~ Members of the committee ~~((shall))~~ should be ~~((made from a list of~~
60 ~~candidates))~~ assembled from all of the bargaining units and from unrepresented
61 employees. The ~~((number of candidates solicited))~~ members from each bargaining unit
62 should be approximately proportional to the number of employees represented by the

63 bargaining unit. The committee shall strive to include members representing the
64 diversity of the county work force including at least two union members. The term of
65 committee members shall be two years (~~((with eight members being appointed in odd-~~
66 ~~numbered years and seven members being appointed in even numbered years))~~). To
67 ensure continuity of the membership for each year's campaign, terms shall begin on
68 January 1 and expire March 1 two years later. The committee shall annually elect a chair
69 (~~((annually))~~) and such other officers as (~~((may be))~~) are needed.

70 B. (~~((Functions.))~~) 1. The committee shall (~~((recommend))~~) adopt such rules and
71 bylaws consistent with this chapter (~~((to the council))~~) as are necessary to the conduct of
72 the (~~((charitable))~~) campaign(~~((s))~~). (~~((The rules shall be approved by the council prior to~~
73 ~~becoming effective.))~~) The committee shall also coordinate the (~~((charitable))~~)
74 campaign(~~((s))~~). (~~((Such))~~) The coordination may include, but need not be limited to,
75 determining which federations ((ef)) and charitable organizations may, consistent with
76 this chapter and any rules adopted ((pursuant to it)) in accordance this chapter, participate
77 in the ((county's charitable)) campaign and the dates by which applications must be filed
78 for the ((annual drive)) campaign. If the committee determines that a federation or
79 charitable organization is not eligible, the federation or charitable organization may
80 appeal the decision to the committee.

81 2. The committee shall revoke a determination of eligibility if one or more of
82 the following occurs:

83 a. fraud;

84 b. failure of an applicant to inform the committee of any fact that would affect
85 the committee's determination about the applicant's eligibility; or

86 c. a participant is ineligible under this chapter.

87 C. The committee shall assist the executive or designee in the selection of a
88 campaign administrator who shall be responsible for the details of the campaign
89 operation under the general oversight of the committee. Cost of the campaign
90 administrator shall be included as part of the administrative cost of conducting the
91 campaign.

92 ~~((C. Compensation.))~~ D. Members of the committee shall serve voluntarily
93 without additional salary but shall be reimbursed by their employing departments for
94 travel, lodging and meals in accordance with county laws and regulations. Committee
95 members shall be given release time from regular work hours to serve on the committee.
96 ~~((Employee m))~~ Members of the committee shall be paid no additional compensation for
97 working beyond normal working hours. Employees covered by the overtime
98 requirements of the Fair Labor Standards Act who are serving as committee members
99 should ensure that their working hours, including hours worked for the committee, do not
100 exceed approved hours.

101 ~~((D. Transition. Members serving on the committee as of November 30, 1995~~
102 ~~shall serve out their appointed term or until successors are appointed consistent with this~~
103 ~~section.))~~ E. A member of the committee shall not vote on a federation or charitable
104 organization's eligibility if the member has a board membership, directorship or other
105 decision-making capacity in the federation or charitable organization.

106 SECTION 4. Ordinance 8575, Section 4, and K.C.C. 3.36.040 are each hereby
107 amended to read as follows:

108 ~~((A. Frequency.))~~ There shall be one annual campaign ~~((by))~~ for federations
109 ~~((of))~~ and charitable organizations as provided by this chapter and in accordance with
110 rules adopted ~~((pursuant to))~~ under this chapter. The ~~((executive))~~ committee shall
111 designate the ~~((month))~~ time in which the ~~((combined drive))~~ campaign will be held.

112 ~~((B. Eligibility for participation. A federation of charitable organizations shall be
113 eligible to participate in the annual campaign if:~~

114 1. ~~The federation submits a timely application for participation to the committee
115 to include as a minimum, a certification signed by an authorized officer or employee of
116 the federation which shall contain statements to the effect that:~~

117 a. ~~The charitable organization and the federation meet the standards
118 established respectively in Sections 3.36.020 B and C of this chapter.~~

119 b. ~~The federation has been in existence ((and has actively made grants)) for the
120 previous twelve months.~~

121 c. ~~The federation has express permission of the board of directors of each
122 organization represented by the federation for the use of its name and participation in the
123 fund drive.~~

124 d. ~~The federation and each organization represented by the federation is
125 registered with the Secretary of State of Washington as provided by RCW 19.09.065 and
126 is in compliance with Washington laws governing charities to the best of the knowledge
127 of the individual certifying the application.~~

128 e. ~~The federation and each organization represented by the federation except
129 government units are governed by a voluntary board of directors which serves without
130 compensation for serving on the board.~~

131 ~~2. The federation and each organization represented by the federation shall not~~
132 ~~discriminate with respect to those classes of people protected by law.~~

133 ~~3. The federation and each organization represented by the federation shall~~
134 ~~make available to the employee committee, the council, and the county executive copies~~
135 ~~of its annual report including its most recent financial statement, as well as a disclosure~~
136 ~~for that period of the total dollar value of support from all sources received on behalf of~~
137 ~~the charitable purposes of the organization and the total amount of money applied to~~
138 ~~charitable purposes, fund-raising costs and other expenses.~~

139 ~~4. Each federation and each organization represented by the federation shall~~
140 ~~expend a minimum of seventy five percent of the monies raised from the combined fund~~
141 ~~drive for those charitable purposes for which the money was solicited within twelve~~
142 ~~months of receipt of the monies.~~

143 ~~C. Payroll deductions authorized. Organizations conducting campaigns pursuant~~
144 ~~to this chapter and to the rules authorized by this chapter may solicit donations from~~
145 ~~county employees to be made by payroll deductions. The county shall make deductions~~
146 ~~from county employees' salary warrants and pay the monies so collected to the~~
147 ~~federations of charitable organizations designated by county employees when such~~
148 ~~deductions and payments are authorized by county employees pursuant to this chapter~~
149 ~~and rules herein authorized.~~

150 ~~D. Use of county resources prohibition. As provided in RCW 41.06.250(1) and~~
151 ~~42.17.130, county property, equipment, or county employees' working time may not be~~
152 ~~used during a campaign for partisan political purposes, to assist in an individual's election~~
153 ~~to political office or for the promotion of or opposition to any ballot proposition.~~

154 ~~E. Responsibility for promotional costs. All promotional costs associated with~~
155 ~~the campaign related to county employees shall be the responsibility of those~~
156 ~~organizations designated to participate in the distribution of the funds collected.~~

157 ~~F. Voluntary participation. County employees' participation in charitable~~
158 ~~campaigns shall be strictly voluntary. No county employee shall be coerced to participate~~
159 ~~in any campaign presentation or coerced to make any donation to a charitable~~
160 ~~organization. No county employee shall be penalized for failing to participate in a~~
161 ~~campaign or for failing to make a donation to a charitable organization.))~~

162 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 3.36 a
163 new section to read as follows:

164 A. A federation or charitable organizations may participate in the campaign if the
165 federation or charitable organization submits a timely application for participation to the
166 committee to include, at a minimum, a certification signed by an authorized officer or
167 employee of the federation or charitable organization, which shall contain statements to
168 the effect that:

169 1. The federation and each organization represented by the federation, or the
170 charitable organization, meets the standards established respectively in K.C.C. 3.36.020
171 B. and C;

172 2. For a federation, the federation has express permission of the board of
173 directors of each charitable organization represented by the federation for the use of the
174 organization's name and participation in the campaign;

175 3. The federation and each organization represented by the federation, or the
176 charitable organization, is registered with the Washington state Secretary of State as

177 provided by RCW 19.09.065 and is in compliance with Washington state laws governing
178 charities to the best of the knowledge of the individual certifying the application; and

179 4. The federation and each organization represented by the federation, or the
180 charitable organization, except government units, are governed by a voluntary board of
181 directors that serves without compensation for serving on the board;

182 5.a. The participating organization does not discriminate for or against any
183 individual or group on account of race, color, creed, religion, sex, age, nationality, marital
184 status, sexual orientation, or the presence of any sensory, mental or physical disability in
185 all aspects of the management and the execution of the charitable campaign. An
186 affirmation of a participating organization's adherence to this nondiscrimination policy,
187 or a statement of a legal exemption from the policy, must be included in the
188 organization's application. A federation must affirm in the federation's application the
189 adherence to this policy, or a legal exception from the policy, of each charitable
190 organization the federation represents in the application.

191 b. Nothing in this subsection A.5. denies eligibility to a federation or charitable
192 organization that is otherwise eligible to participate in the campaign merely because the
193 federation or charitable organization is organized by, on behalf of or to serve persons of a
194 particular race, color, religion, sex, national origin, age or handicap or to a federation or
195 organization exempt from this requirement by federal law. If a federation or charitable
196 organization claims an exemption under this subsection B.2, a statement to that effect
197 must be included with the federation or charitable organization's application and that
198 stated exemption may be noted in campaign materials; and

199 6. The participating organization expends the moneys received from King

200 County employees through the campaign within twelve months of receipt of the moneys.
201 If a participating organization exceeds the twenty-five percent fundraising and
202 administrative and overhead costs, the organization shall be given one year to comply and
203 thereafter may be excluded from the campaign until documentation is provided that
204 shows a minimum of seventy-five percent of the moneys received have been used for the
205 charitable purposes for which it was solicited. Where questions arise, the committee
206 shall use the most recent Internal Revenue Service Form 990 of the federation or
207 charitable organization for clarification. A federation and each organization represented
208 by the federation, or the charitable organization, shall make available to the employee
209 committee, the council and the county executive copies of its annual report including its
210 most recent financial statement, as well as a disclosure for that period of the total dollar
211 value of support from all sources received on behalf of the charitable purposes of the
212 organization and the total amount of money applied to charitable purposes, fundraising
213 costs and other expenses, upon request.

214 B. Participating organizations' responses provided under subsection A. of this
215 section may be noted in campaign materials.

216 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 3.36 a
217 new section to read as follows:

218 A. Organizations participating in campaigns may solicit donations from county
219 employees to be made by payroll deductions, in a manner approved by the committee in
220 accordance with this chapter.

221 B. As provided in RCW 41.06.250(1) and 42.17.130, county property or
222 equipment or county employees' working time may not be used during a campaign for

223 partisan political purposes, to assist in an individual's election to political office or for the
224 promotion of or opposition to any ballot proposition.

225 C. All promotional costs associated with the campaign related to county
226 employees shall be the responsibility of those organizations designated to participate in
227 the distribution of the funds collected.

228 D. County employees' participation in charitable campaigns shall be strictly
229 voluntary. No county employee shall be coerced to participate in any campaign
230 presentation or coerced to make any donation to a charitable organization. No county
231 employee shall be penalized for failing to participate in a campaign or for not making a
232 donation to a charitable organization. Department directors may authorize time for
233 department employees to attend presentations undertaken as part of the campaign in
234 accordance with county policy.

235 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 3.36 a
236 new section to read as follows:

237 A. The county shall make deductions from county employees' salary warrants
238 and pay the moneys collected to the organizations designated by county employees when
239 the deductions and payments are authorized by county employees in accordance with this
240 chapter.

241 B. An employee may also make a one-time contribution in the calendar year in
242 which the campaign is conducted, by one or more of the following methods:

243 1. Payroll deduction;

244 2. Submitting a check made out to a participating organization or the campaign
245 as a whole; and

246 3. Making a donation in accordance with K.C.C. 3.12.222.A.

247 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 3.36 a
248 new section to read as follows:

249 A.1. Quarterly, after campaign costs have been paid, all payroll deductions must
250 be fully disbursed to participating organizations in the proportion calculated on overall
251 contributions for the campaign year, excluding one-time contributions. Federations shall
252 make distributions to their member charitable organizations as designated by
253 contributors.

254 2. Donations made under section 7.B. of this ordinance must be fully disbursed
255 to participating organization by the end of the calendar year in which the campaign is
256 conducted.

257 B. Any undesignated contributions shall be distributed proportionately to the
258 participating organizations.

259 SECTION 9. K.C.C. 3.36.050 is hereby decodified.

260 SECTION 10. K.C.C. 3.36.060 is hereby decodified.

Ordinance

261 SECTION 11. Ordinance 9090, Sections 1-3, as amended, and K.C.C. 3.36.080
262 are each hereby repealed.
263

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None

January 30, 2008

The Honorable Julia Patterson
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Patterson:

The enclosed ordinance is submitted on behalf of the King County Employee Giving Program (Program). Its purpose is to clarify the rules that govern the Employee Charitable Campaign and update areas of the Program to better reflect current realities and expectations for charitable giving by county employees.

As a way of background, the first Charitable Campaign ordinance was created in 1988 as Ordinance 8575 (codified as K.C.C. chapter 3.36) and last changed significantly in 1993 as Ordinance 10923.

This proposed ordinance updates the general governing rules of the Charitable Giving Program as follows:

1. Formally changes the campaign's name to the Employee Giving Program, under which the Employee Charitable Campaign will be run.
2. Consolidates Program law into King County Code. Currently, the laws affecting the Program are detailed in two separate areas: 1) K.C.C. chapter 3.36 and 2) as an attachment to Ordinance 10923, which outlines the rules that govern the campaign.
3. Emphasizes that current governing practices embrace and support both federations and independent charitable organizations.
4. Clarifies eligibility review procedures and notice provisions. This will make the process and results clear to employees and participating charitable organizations. This includes ensuring nondiscrimination requirements of the Program are consistent with the nondiscrimination requirements elsewhere in the county law.
5. Provides that the Employee Giving Program Committee may adopt rules and bylaws, but only if consistent with the parameters of the county law.

The Honorable Julia Patterson

January 30, 2008

Page 2

6. Confirms that the scope of the Program supports a wide range of charitable organizations and the interests of county employees.
7. Makes technical edits to Program language to conform to current drafting guidelines.

One example of the type of changes being proposed are that current code provisions reflect the participation of a non-King County agency to administer the Program. In reality, as a cost savings measure, administration of the Program shifted from an external source to an internal administrator with the hiring, within the Department of Executive Services, of a full time employee to administer the Program. This has proven very successful over the past two years.

In summary, this ordinance continues and honors King County's widely respected commitment to charitable giving and has my full support. Please contact Mellicia Ferrier, Employee Charitable Campaign Administrator, at 206-296-0470, or Cynthia Hernandez, Chair, Employee Giving Program, at 206-263-6571, if you have any questions. Thank you for your attention to this most important matter.

Sincerely,

Ron Sims
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Ross Baker, Chief of Staff
Saroja Reddy, Policy Staff Director
Anne Noris, Clerk of the Council
Frank Abe, Communications Director
Bob Cowan, Director, Office of Management and Budget, EO
James J. Buck, County Administrative Officer, Department of Executive Services (DES)
Ken Guy, Director, Finance and Business Operations Division (FBOD), DES
Anita Whitfield, Director, Human Resources Division, DES
Cynthia Hernandez, Chair, King County Employee Giving Program Committee

January 30, 2008

The Honorable Julia Patterson
Chair, King County Council
Room 1200
COURTHOUSE

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The Honorable Julia Patterson

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Sincerely,

Ron Sims
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Ross Baker, Chief of Staff
Saroja Reddy, Policy Staff Director
Anne Noris, Clerk of the Council
Frank Abe, Communications Director
Bob Cowan, Director, Office of Management and Budget, EO
James J. Buck, County Administrative Officer, Department of Executive Services (DES)
Ken Guy, Director, Finance and Business Operations Division (FBOD), DES
Anita Whitfield, Director, Human Resources Division, DES
Cynthia Hernandez, Chair, King County Employee Giving Program Committee