



Legislation Text

File #: 2008-0069, Version: 1

Clerk 02/07/2008

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Intent and purpose.

A. This chapter is intended to establish a means consistent with state law governing salary and wage deductions for charitable agencies, whereby uniform procedures (~~((will be))~~) are established for the efficient administration of one annual campaign for charitable contributions from county employees, which may be made through payroll deductions. This chapter shall be liberally construed to accomplish this purpose.

B. The purpose of this chapter 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 (~~((community))~~) 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 ~~((monies))~~ moneys raised.

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

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

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

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

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

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

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

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

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

A. ~~((Composition.))~~ A county employee ~~((charitable campaign))~~ giving program committee is established consisting of ~~((15))~~ fifteen members nominated by the ~~((campaign))~~ committee, appointed by the executive and confirmed by the council. ~~((Nominations by))~~ Members of the committee ~~((shall))~~ should be ~~((made from a list of candidates))~~ assembled from all of the bargaining units and from unrepresented employees. The ~~((number of candidates solicited))~~ members from each bargaining unit should be approximately proportional to the number of employees represented by the bargaining unit. The committee shall strive to include members representing the diversity of the county work force including at least two union members. The term of committee members shall be two years ~~((with eight members being appointed in odd-numbered years and seven members being appointed in even-numbered years))~~. To ensure continuity of the membership for each year's campaign, terms shall begin on January 1 and expire March 1 two years later. The committee shall annually elect a chair ~~((annually))~~ and such other officers as ~~((may be))~~ are needed.

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

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

a. fraud;

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

c. a participant is ineligible under this chapter.

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

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

~~((D. Transition. Members serving on the committee as of November 30, 1995 shall serve out their appointed term or until successors are appointed consistent with this section.))~~ E. 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.

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

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

campaign will be held.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. A federation or charitable organizations may participate in the campaign if the federation or charitable organization submits a timely application for participation to the committee to include, at a minimum, a certification signed by an authorized officer or employee of the federation or charitable

organization, which shall contain statements to the effect that:

1. The federation and each organization represented by the federation, or the charitable organization, meets the standards established respectively in K.C.C. 3.36.020 B. and C;
2. For a federation, the federation has express permission of the board of directors of each charitable organization represented by the federation for the use of the organization's name and participation in the campaign;
3. The federation and each organization represented by the federation, or the charitable organization, is registered with the Washington state Secretary of State as provided by RCW 19.09.065 and is in compliance with Washington state laws governing charities to the best of the knowledge of the individual certifying the application; and
4. The federation and each organization represented by the federation, or the charitable organization, except government units, are governed by a voluntary board of directors that serves without compensation for serving on the board;
- 5.a. The participating organization does not 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. An affirmation of a participating organization's adherence to this nondiscrimination policy, or a statement of a legal exemption from the policy, must be included in the organization's application. A federation must affirm in the federation's application the adherence to this policy, or a legal exception from the policy, of each charitable organization the federation represents in the application.
- b. Nothing in this subsection A.5. denies eligibility to a federation or charitable organization that is otherwise eligible to participate in the campaign merely because the federation or charitable organization is organized by, on behalf of or to serve persons of a particular race, color, religion, sex, national origin, age or handicap or to a federation or organization exempt from this requirement by federal law. If a federation or

charitable organization claims an exemption under this subsection B.2, a statement to that effect must be included with the federation or charitable organization's application and that stated exemption may be noted in campaign materials; and

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

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

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

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

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

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

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

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

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

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

1. Payroll deduction;
2. Submitting a check made out to a participating organization or the campaign as a whole; and
3. Making a donation in accordance with K.C.C. 3.12.222.A.

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

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

2. Donations made under section 7.B. of this ordinance must be fully disbursed to participating

organization by the end of the calendar year in which the campaign is conducted.

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

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

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

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