

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 634

4
5 An ordinance establishing a Campaign Management Council,
6 standards and guidelines for conducting charitable fund raising
7 campaigns on County premises and authorizing the use of the
8 employee payroll deduction system for donations to charities.

9
10 Multnomah County ordains as follows:

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12 Section 1. Findings and Purpose

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14 A. Multnomah County has no formal policy regarding
15 employee contributions to fund or federation through payroll
16 deductions.

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18 B. The County Commission supports charitable giving by
19 County employees and believes providing employees meaningful
20 choices among charitable groups will increase overall giving
21 and employee satisfaction in the program.

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23 C. The County Commission finds that this ordinance is
24 necessary to (1) assure that funds are solicited from County
25 employees by qualified funds or federations, (2) minimize
26 workplace disruption and the administrative costs of charitable

1 solicitation in the workplace, and (3) expand the range of
2 choices for County employees who wish to contribute to
3 charities.

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5 Section 2. Definitions

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7 A. "Fund or federation" means an entity serving as the
8 agent of a group of member charitable organizations to which it
9 disburses funds or an entity that grants funds to charitable
10 organizations.

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12 B. "Charitable organization" means any entity described
13 in Internal Revenue Code Section 501(c)(3) (26 USC § 501(c)(3))
14 and exempt from federal income tax under Internal Revenue Code
15 Section 501(a) (26 USC § 501(a)).

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17 C. "Direct designation" means that the fund or federation
18 permits the donor to designate a specific program, agency or
19 other entity within the fund or federation to receive the
20 donation, rather than requiring that the donation be
21 distributed among programs, agencies or other entities
22 according to a schedule or formula determined by the fund or
23 federation.

24
25 D. "Donor option" means the fund or federation permits
26 the donor to designate a donation to a specific charitable

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1 organization not a fund or federation or any part of any fund
2 or federation in the campaign.

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4 Section 3. Compliance Required

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6 A. Charitable solicitations of County employees while on
7 the job during working hours shall be conducted only in
8 compliance with this ordinance. Only funds or federations
9 certified under this ordinance shall be allowed to solicit
10 contributions by County employees during the annual campaign.

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12 Section 4. Establishment of Campaign Management Council

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14 A. A Campaign Management Council (hereinafter "Council"
15 or "CMC") shall be established. Members of the Council shall
16 be appointed in accordance with the Home Rule Charter. The
17 Council shall consist of seven voting members:

18

19 1. One representative of the office of the County
20 Chair;

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22 2. One representative of the Board of County
23 Commissioners;

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25 3. One representative of each County department (a
26 total of four); and

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1 4. One union representative.

2
3 B. The Council shall select a Chairperson.

4
5 C. In addition to the voting members, each fund or
6 federation certified under this ordinance shall have a
7 non-voting representative on the Council.

8
9 Section 5. Responsibilities of Campaign Management Council

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11 The Council shall have the following responsibilities:

12
13 A. Approve the format and distribution of campaign
14 literature and communications. Each participating fund or
15 federation shall supply its campaign material to the Council as
16 required by Council rules;

17
18 B. Regulate the annual campaign so as to maximize
19 employee contributions in a voluntary atmosphere;

20
21 C. Establish written guidelines for the time, place, and
22 manner of the campaign, consistent with the purposes of this
23 ordinance. The Council may waive or adjust its guidelines in
24 particular cases where strict application of the guidelines
25 would be unjust, so long as the purposes of the ordinance are
26 not violated.

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1 Section 6. Certification Criteria

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3 A. The Campaign Management Council shall certify funds or
4 federations for the purpose of conducting a fund drive among
5 the employees of the County. The Council shall certify only
6 those funds or federations which meet all the following
7 criteria:

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9 (1) The fund or federation is qualified as exempt
10 under section 501(c)(3) of the Internal Revenue Code;

11

12 (2) The fund or federation disburses funds to at
13 least ten charitable organizations;

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15 (3) The fund or federation either provides services
16 to local residents or works to improve the quality of life
17 using an international, national, regional or local focus. A
18 fund or federation with an international, national, or
19 extra-regional focus must assign a representative to be
20 available as needed to meet the requirements of the ordinance
21 and the CMC's guidelines;

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23 (4) The fund or federation has a written policy of
24 non-discrimination regarding race, color, religion, national
25 origin, handicap, age, sex, and sexual orientation. This
26 policy shall be applicable to persons served by the fund or

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1 federation and the fund or federation's staff and Board of
2 Directors;

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4 (5) The fund or federation has made the filings
5 required by the Charitable Trust and Corporation Act and the
6 Oregon Charitable Solicitation Act (ORS Chapter 128) and has
7 not been found to be guilty of a violation of either Act by a
8 court of competent jurisdiction during the twelve months
9 preceding its application for certification;

10

11 (6) The fund or federation has an unpaid Board of
12 Directors;

13

14 (7) The fund or federation has been incorporated no
15 less than one year prior to the date of application for
16 certification as a fund or federation;

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18 (8) The fund or federation demonstrates that it has
19 filed IRS Form 990 or its most recent audit and CT12E return as
20 required by state law and provides copies of the same upon
21 request by the Campaign Management Council;

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23 (9) The fund or federation provides a "direct
24 designation" to County employees. This does not limit the
25 ability of a fund or federation to offer a "donor option"
26 program.

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1 (10) If certified by Multnomah County in a prior year,
2 the fund or federation has paid the required share of costs for
3 published materials as required under Section 9 of this
4 ordinance.

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6 B. Certification of a fund or federation by the CMC shall
7 be valid for a term of three years. During the term of
8 certification, the fund or federation shall respond to
9 reasonable requests by the CMC for assurance that all
10 requirements for certification have been and are being met.
11 Failure to respond may be grounds for decertification.

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13 Section 7. Decertification

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15 A. The CMC shall decertify any certified fund or
16 federation that:

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18 (1) Fails to substantially comply with the campaign
19 guidelines established by the CMC; or

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21 (2) Includes intentionally false or misleading
22 information on a certification application.

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24 B. A notice of decertification shall be in writing and
25 shall advise the recipient of the right of appeal under this
26 ordinance.

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1 C. An fund or federation that is decertified may not
2 participate in the charitable solicitation program for the two
3 campaign years following decertification. However, employee
4 donations shall continue to be distributed to the decertified
5 fund or federation until the end of the campaign year in which
6 the final order of decertification is issued.

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8 Section 8. Ineligibility

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10 A. Any certified fund or federation which does not
11 receive donations from at least 25 County employees during the
12 campaign in any year following its first year of certification,
13 shall be ineligible for the annual fund raising campaign for
14 the next year. Following the year of ineligibility, the fund
15 or federation may reapply for certification.

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17 Section 9. Procedure

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19 A. An application for certification shall be submitted as
20 required by CMC guidelines. The application shall be on forms
21 provided by the Council. The Council shall advise each
22 applicant in writing of whether the application is accepted or
23 denied.

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25 B. In the event an application is denied or a fund or
26 federation is decertified, the CMC shall state the reasons for

1 the action in writing and advise the applicant of the right of
2 appeal to the Board of Commissioners.

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4 C. An appeal shall be filed with the Clerk of the Board
5 of County Commissioners on or before the tenth day after notice
6 of the action is mailed by the CMC. If a timely appeal is
7 filed, the matter shall be promptly scheduled on the agenda of
8 the Board of County Commissioners. Notice of the hearing shall
9 be mailed to the appealing party no fewer than five days before
10 the hearing. At the hearing on the appeal, a representative of
11 the CMC shall advise the Board of the reasons for the action,
12 and the appellant shall be heard in response. The Board shall
13 render its decision at the conclusion of the hearing or at a
14 continuation of the hearing. The Board's order shall be in
15 writing and shall state the reasons for the action.

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17 Section 10. Costs Paid by Certified Organizations

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19 The CMC shall require that the total costs for the design
20 and printing of any combined brochure, payroll deduction form,
21 and related documents shall be paid by certified funds or
22 federations in proportion to the amount of funds they raise
23 during the campaign.

Section 11. Payroll Deduction System

A. The County's payroll deduction system shall be used to distribute charitable contributions only to funds or federations certified under this ordinance. Undesignated contributions shall not be accepted.

B. In the event the County payroll system must be expanded or modified to accommodate the funds or federations certified hereunder, the Board may impose a fee payable by all certified funds or federations to defray the costs of the expansion or modification. Any such fee requirement shall be adopted as an amendment to this ordinance.

Section 12. Codification

Sections one through ten of this ordinance shall be added to Multnomah County Code, Chapter 3.11.


Section 13. Adoption

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

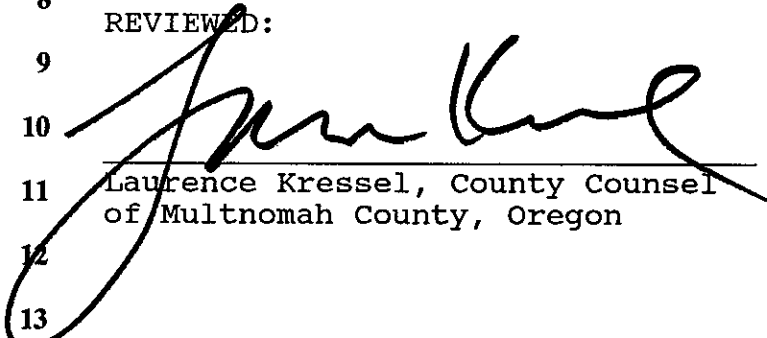
ADOPTED this 28th day of December, 1989,
being the date of its 2nd reading before the Board of
County Commissioners of Multnomah County.

(SEAL)

By


Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:


Laurence Kressel, County Counsel
of Multnomah County, Oregon

ATTY1.33/dc

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