

Exhibit A to Ordinance No. 05-1088

2.02.050 Charitable Solicitations

(a) Charitable solicitations of Metro employees while on the job during working hours shall be conducted in compliance with this section. No other solicitations of Metro employees while on the job during working hours by a charitable organization shall be permitted.

(b) The Chief Operating Officer with consultation of Metro employees shall by executive order establish rules and procedures to implement this section, including procedures for applications, time and length of solicitation campaigns and payroll deductions. The procedures shall specify that all solicitations shall be made during a single campaign period lasting no longer than 30 days and that employees may sign payroll deduction cards for charitable donations only during a two-week period following the end of the solicitation campaign period. The Chief Operating Officer once each year shall certify all charitable organizations recognized by Metro for the purpose of conducting a fund drive among the employees of Metro. The Chief Operating Officer's action shall be based on the criteria stated in subsection (3) of this section.

(c) Charitable organizations recognized to conduct a fund drive among Metro employees while on the job during working hours shall:

(1) Be a fund-raising organization which ~~raised~~ raises funds for 10 or more charitable agencies.

(2) ~~Disburse funds only to agencies whose charitable activities are primarily in the geographical areas of Metro and which have an office located within Metro.~~ Be a fund-raising organization with a local presence. "Local presence" means that the organization and a majority of the agencies to which it distributes funds have demonstrated a direct and substantial presence in the State of Oregon or one or more of its communities as evidenced by the provision of charitable services benefiting Oregonians in Oregon throughout the previous calendar year. Substantial presence is established by the maintenance of a permanent office, not a post office box, in the State of Oregon, and which is dedicated solely to the business of the agency.

(3) Be exempt from taxation under Internal Revenue Service Code Section 501(c)(3).

(4) Be in compliance with the Charitable Trust and Corporation Act and the Oregon Solicitation Act (ORS ~~128.618~~ 128.610 through 128.898). All charitable organizations who have made the required filings under such laws and have no enforcement action pending against them shall be presumed to be in compliance with such laws.

(5) Have a policy prohibiting discrimination in employment and fund distribution with regards to race, color, religion, national origin, handicap, age, sex and sexual preference in the charitable organization and all its grantee agencies.

(6) Provide an audited ~~annual~~ periodic financial report to Metro for distribution to its employees ~~60 days prior to the charitable campaign~~.

(d) Payroll deductions for employee charitable contributions shall be allowed only for charitable organizations in compliance with this section.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 05-1088, AMENDING METRO CODE 02.02.050 CHARITABLE SOLICITATIONS

Date: July 25, 2055

Prepared by: Vickie Schoen

BACKGROUND

1. Last spring when the charitable federations were notified of the annual application process, the representative of one of them approached Vickie Schoen, Metro agency coordinator of the campaign, and Michael Jordan, Chief Operating Officer, asking if the “local presence” condition of Metro Charitable Giving Campaign participation could be expanded to “statewide”. After discussion, the President of the Council directed staff bring it before the Council.

Expanding the definition to include the entire state as “local presence” would widen the opportunity for Metro employees to use the “Workplace Giving Campaign” to give to charitable activities outside the Metro region that may not exist within the Metro area currently covered by the campaign. The Metro Code currently defines it as “ Disburse funds only to agencies whose charitable activities are primarily in the geographical areas of Metro and which have an office located within Metro.”)

In the past, some employees indicated they chose not to participate because Metro’s ordinance does not cover charities they support in their home communities or elsewhere in Oregon, even those charities maintain a presence in Oregon. Because the Metro ordinance uses the term “...in the geographical areas of Metro”, those charities are not currently eligible.

2. The Council’s examination of this issue offers the opportunity to fix a timing issue that currently exists. The requirement of an annual financial report 60 days in advance of the Metro campaign is a continuing problem because the financial reporting cycles of some charitable federations is not the same as our current campaign-auditing requirement. As a result, we have technical non-compliance, as many non-profit organizations have to supply an audit older than one year, as the most recent is not yet completed. This would be correctly by simply deleting the language “60 days prior to the charitable campaign,” and retaining the rest of the clause.

OPTIONS AVAILABLE

Maintain the Code definitions as indicated in 2.02.050 (2) and (6).

IMPLICATIONS AND SUGGESTIONS

The change will give Metro employees the opportunity to contribute to both charitable activities within the Metro boundaries and those elsewhere in Oregon, such as those where they grew up, live or see potential benefit by their contributions.

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Metro Code 02.02.050
3. **Anticipated Effects** The change will give Metro employees the opportunity to contribute to both charitable activities within the Metro boundaries and those elsewhere in Oregon, such as those where they grew up, live or see potential benefit by their contributions.
4. **Budget Impacts** None

RECOMMENDED ACTION

Chief Operating Officer recommends passage of Ordinance 05-1088.