

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)
CODE 2.02.050 CHARITABLE SOLICITATIONS)
ORDINANCE NO. 11-1259
Introduced by Metro Councilor Carlotta Collette

WHEREAS, Metro Code Section 2.02.050 provides Metro employees the opportunity to make annual charitable donations through payroll deductions; and

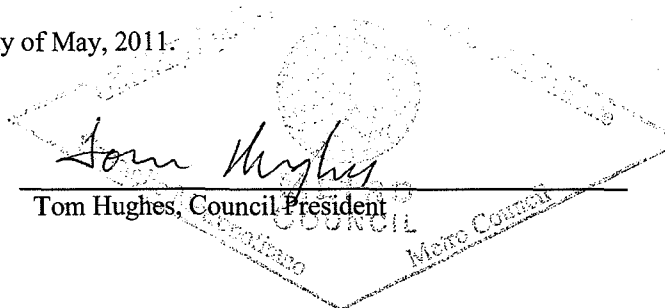
WHEREAS, the Metro Council wishes to open the annual charitable campaign to charitable organizations whose activities provide substantial benefits to Oregonians within the region, including all Metro-affiliated charities, and

WHEREAS, the Chief Operating Officer should be empowered to establish policy and procedures to administer the annual charitable campaign; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. The Metro Code Section 2.02.050 is amended as attached in Exhibit "A" to this ordinance.

ADOPTED by the Metro Council this 12 day of May, 2011.



Tom Hughes, Council President

Attest:

[Handwritten signature of Kelsey Newell]

Kelsey Newell, Recorder

Approved as to Form:

[Handwritten signature of Alison Kean Campbell]

Alison Kean Campbell, Metro Attorney

for

**Exhibit A to Ordinance No. 11-1259
Amending the Metro Code
Chapter 2.02.050 Charitable Solicitations**

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 and/or his/her designee(s) ~~with consultation of Metro employees~~ shall by executive order establish rules-policies and procedures to implement this section, including procedures for applications, time and length of solicitation campaigns, charities approved for the campaign, 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 raises funds for 10 or more charitable agencies.~~

~~———— (2) 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).~~

**Exhibit A to Ordinance No. 11-1259
Amending the Metro Code
Chapter 2.02.050 Charitable Solicitations**

~~(4) Be in compliance with the Charitable Trust and Corporation Act and the Oregon Solicitation Act (ORS 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 periodic financial report to Metro for distribution to its employees.~~

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

(Ordinance No. 05-1082, Sec. 1. Amended by Ordinance No. 05-1088, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 11-1259, FOR THE PURPOSE OF AMENDING METRO CODE 2.02.050 CHARITABLE SOLICITATIONS

April 15, 2011

Prepared by: Cary Stacey, Internal Communications
Manager, (503) 797-1619

BACKGROUND

The current Code provision was created in August 2005 to provide a framework for an annual charitable giving campaign. Recently the Oregon Zoo Foundation has requested permission to be listed as a charitable organization for the campaign. This request provided the opportunity for Metro personnel to request this Code amendment. If approved, Section 2.02.050 will focus on the purpose of the campaign and delegate administration of internal policy and procedure to the Chief Operating Officer and/or his designee(s).

ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Code Section 2.02.050.
3. **Anticipated Effects:** The Chief Operating Officer and/or his designee(s) shall create the internal personnel policy and procedures governing the annual charitable giving campaign, and then update and revise the documentation as appropriate. As a first step, the list of approved charitable organizations shall be expanded to include all Metro-affiliated charities, including OZF, Friends of the Lone Fir, and the Portland Center for the Performing Arts Foundation.
4. **Budget Impacts:** None.

RECOMMENDED ACTION

Approve an ordinance revising the Metro Code provision governing the annual charitable giving campaign. The abridged Code provision will appropriately remove from the Code various details regarding administration of the campaign and empower the Chief Operating Officer and/or his designee(s) to establish the necessary policy and procedures relating to the campaign.