



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 9/8/2015 **In control:** Health, Housing and Human Services Committee
On agenda: **Final action:** 3/7/2016
Enactment date: 3/17/2016 **Enactment #:** 18254

Title: AN ORDINANCE relating to soliciting and accepting gifts, bequests and donations for department of public health purposes; amending Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100, Ordinance 12075, Section 19, and K.C.C. 4A.200.300 and Ordinance 12525, Section 7, as amended, and K.C.C. 4A.200.520, adding a new section to K.C.C. chapter 2.35A, adding a new section to K.C.C. chapter 2.80, adding a new section to K.C.C. chapter 3.04 and repealing Ordinance 17226, Section 1, and K.C.C. 2.16.081, Ordinance 17226, Section 2, and K.C.C. 2.80.057 and Ordinance 17226, Section 3, and K.C.C. 3.04.200.

Sponsors: Pete von Reichbauer

Indexes: Donations, Gifts

Code sections: 2.16.081 - ., 2.35A - ., 2.80.010 -, 3.04 -, 3.04.200 - ., 4A.200.520 - .

Attachments: 1. Ordinance 18254.pdf, 2. 2015-0363 legislative review form.pdf, 3. 2015-0363 transmittal letter.docx, 4. 2015-0363 fiscal note.xls, 5. 2015-0363_SR_PH_gifts_Cortes_Celebrezze.docx, 6. 2015-0363_SR_Dated_02172016_PH_gifts_Cortes_Celebrezze.docx, 7. 2015-0363_ATT2_S1_020916.docx, 8. 2015-0363_ATT3_T1 Code consistency.docx, 9. 2015-0363_REVISSED_SR_PH_gifts_Cortes_Celebrezze.docx, 10. Amendment package 18254 3-7-16.pdf

Date	Ver.	Action By	Action	Result
3/7/2016	2	Metropolitan King County Council	Hearing Held	
3/7/2016	2	Metropolitan King County Council	Passed as Amended	Pass
2/29/2016	2	Metropolitan King County Council	Hearing Held	
2/29/2016	2	Metropolitan King County Council	Deferred	
2/17/2016	1	Health, Housing and Human Services Committee	Recommended Do Pass Substitute	Pass
2/2/2016	1	Health, Housing and Human Services Committee	Deferred	
1/19/2016	1	Metropolitan King County Council	Reintroduced	
9/8/2015	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to soliciting and accepting gifts, bequests and donations for department of public health purposes; amending Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100, Ordinance 12075, Section 19, and K.C.C. 4A.200.300 and Ordinance 12525, Section 7, as amended, and K.C.C. 4A.200.520, adding a new section to K.C.C. chapter 2.35A, adding a new

section to K.C.C. chapter 2.80, adding a new section to K.C.C. chapter 3.04 and repealing Ordinance 17226, Section 1, and K.C.C. 2.16.081, Ordinance 17226, Section 2, and K.C.C. 2.80.057 and Ordinance 17226, Section 3, and K.C.C. 3.04.200.

STATEMENT OF FACTS:

1. Historically, the department of public health has received unsolicited donations in support of specific services or programs such as the health care for the homeless respite program and the preparedness unit.
2. A program to actively solicit donations could result in an increased level of support and help address the department of public health's financial challenges. The program could include adding the department of public health to the King County employee giving program so that the department of public health could solicit and accept donations from employees during the annual giving drive.
3. Under existing King County Code provisions, the department of public health is not authorized to solicit donations. Additionally, with the exception of the emergency medical services division, donations of more than two thousand dollars must be accepted by motion of the county council.
4. The procedures that govern acceptance of donations by the emergency medical services division, which were adopted in 1986 in Motion 6605, are out of date.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.35A a new section to read as follows:

- A. The executive, the director of the department of executive services, the director of the department of public health, councilmembers and staff who report directly to those officers or officials and who do so at those

officers' or officials' direction, may solicit or accept from the general public and business communities and all other persons, gifts, bequests and donations in support of department of public health services.

B. All gifts, bequests or donations of money to the county for department of public health purposes shall be deposited and credited as follows:

1. For emergency medical services purposes, to the emergency medical services fund under K.C.C. 4A.200.268;
2. For environmental health purposes, to the environmental health fund under K.C.C. 4A.200.281;
3. For local hazardous waste management program purposes, to the local hazardous waste fund under K.C.C. 4A.200.400; and
4. For all other department of public health purposes, to a subfund of the public health fund under K.C.C. 4A.200.520.

C. Once the gift, bequest or donation is accepted, the director of the department of public health shall ensure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor.

D. The acceptance and use of a gift, bequest or donation to the county for department of public health purposes shall not create an ongoing obligation on the part of the county or the department to carry out any program or service funded with the gift, bequest or donation after the gift, bequest or donation has been spent.

E. The executive shall transmit as part of each quarterly financial report as required by K.C.C. 4A.100.100 a list of all new donations to the department of public health of two thousand dollars or more, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.80 a new section to read as follows:

This chapter does not apply to gifts, bequests or donations, totaling under fifty thousand dollars from any person in a one-year period, received for department of public health purposes.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 3.04 a new section to read as follows:

Neither the solicitation nor the acceptance of gifts, bequests or donations permitted under K.C.C. chapter 2.35A constitutes a violation of this chapter.

SECTION 4. Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100 are hereby amended to read as follows:

The following reports shall be prepared:

A. A comprehensive annual financial report. The ~~((county))~~ executive shall ~~((periodically))~~ annually prepare and publish a comprehensive financial report covering all funds and financial transactions of the county during the preceding fiscal period;

B. Internal county audit reports. The county auditor shall periodically prepare and publish the results of examinations performed by the county auditor's office of the effectiveness and efficiency of the operation of county agencies. The examination report and any departmental response to the audit shall be made available by the county auditor, either electronically or in print formats, and by posting on the Internet;

C. State audit report. The examination report of the county's financial affairs and transactions issued annually by the Office of the State Auditor and the county response to the audit shall be made available they the State Auditor annually, either electronically or in print formats, and by posting on the Internet~~((-))~~; and

D. Quarterly budget management reports.

1. The executive shall submit to the council a report detailing the results of actual revenue collections and expenditures for each fund. The report shall:

a. present significant executive revisions to the current fiscal period financial plans by providing updated operating and capital fund financial plans for each revision, including actual expenditures and revenues

from the prior fiscal period;

b. identify significant variances in revenue estimates;

c. list any transfer of emergent need contingency expenditure authority that would increase the total budget of a capital project by less than fifteen percent;

d. report scope, schedule and budget status for capital projects that has a baseline with total estimated cost greater than one million dollars;

e. summarize the risks included in the risk assessment register for mandatory phased appropriation projects in the construction phase, summarize change orders, explain change orders that have the cumulative potential to carry the project over project baseline and summarize the results of the latest earned value analysis;

((and))

f. list significant planned changes in the use of reserves when, in accordance with K.C.C.

4A.100.070, an appropriation requires the use of reserves that exceeds five percent of the total appropriation to avoid making expenditure reduction; and

g. list all new donations to the department of public health of two thousand dollars or more, as described in section 1 of this ordinance, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity.

2. The report shall be delivered to the clerk of the council in the form of a paper original and an electronic copy for distribution to all councilmembers and to the chair and lead staff of the budget and fiscal management committee, or its successor, no later than May 15 for the first quarterly report, August 15 for the second quarterly report, November 15 for the third quarterly report and February 15 for the fourth quarterly report. The director of performance, strategy and budget shall also be responsible for posting the report on the Internet.

SECTION 5. Ordinance 12075, Section 19, and K.C.C. 4A.200.300 are hereby amended to read as follows:

A. A financial gifts trust and contribution fund is hereby created.

B. The fund is a first tier fund. It is a special revenue fund.

C. The director of the department of executive services shall be the manager of the fund.

D. All gifts, bequests and donations of financial assets to the county for purposes specified by the grantor shall be deposited and credited to the fund, except as authorized in K.C.C. 2.80.053, 2.80.055, ((~~2.80.057,~~) 2.80.060, ((~~and~~)) 2.80.070, 2.80.080 and section 2 of this ordinance.

E. The moneys shall be used for the purposes specified in the gift, bequest or donation. Each gift, bequest or donation to the county for a specified purpose shall be accounted for individually within the fund until that gift, bequest or donation has been fully expended.

SECTION 6. Ordinance 12525, Section 7, as amended, and K.C.C. 4A.200.520 are hereby amended to read as follows:

A. There is hereby created the public health fund.

B. The fund shall be a second tier fund. It is a special revenue fund.

C. The director of the department of public health shall be the manager of the fund.

D. All receipts from federal, state and local sources, including license, ((~~and~~)) permit and other fees administered by the department of public health, shall be deposited in the fund, except that gifts, bequests or donations for department of public health purposes under section 1.B.4. of this ordinance shall be deposited in a subfund in the public health fund.

SECTION 7. The following are each hereby repealed:

A. Ordinance 17226, Section 1, and K.C.C. 2.16.081;

B. Ordinance 17226, Section 2, and K.C.C. 2.80.057; and

C. Ordinance 17226, Section 3, and K.C.C. 3.04.200.