

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Community Development
(agency name)

Administrative Order No. 85-15

(1) I, Chuck Clarke, deputy, director of the Department of Community Development

do promulgate and adopt at Ninth & Columbia Building, Olympia, Washington (place)

the annexed rules relating to:

the conditions and procedures under which state funds will be made available to assist local food banks and food distribution centers

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on These rules shall take effect:
[ ] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[ ] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, Chuck Clarke, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

The legislature has directed the department to implement a program of state funding assistance for local food banks and food distribution centers. (section 217, chapter 6, laws of 1985 1st. ex. sess.) The need for food by these programs is ever present. The implementation of this program will help food banks and food distribution centers provide critical assistance to individuals in need of food. These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- [ ] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[ ] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[x] (c) This rule is promulgated under the general rule-making authority of the Department of Community Development (agency)

as authorized in RCW 43.63 A. 060 and 34.04 RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 31

By Chuck Clarke

STATE OF WASHINGTON FILED

JAN 31 1986

CODE REVISER'S OFFICE WSR 86-04.047

STATEMENT OF PURPOSE

TITLE:

Chapter 365-130 WAC State Funding of Local Emergency  
Food Programs

STATUTORY AUTHORITY FOR ADOPTING THE RULE AND SPECIFIC STATUTE THE  
RULE IS INTENDED TO IMPLEMENT:

These rules are adopted under the authority of  
RCW 43.63A.060 and Chapter 34.04 RCW.

These rules are intended to implement Section 217,  
chapter 6, laws of 1985, 1st ex. sess.

SUMMARY OF RULE AND REASONS SUPPORTING PROPOSED ACTION:

This chapter sets forth the conditions and procedures  
under which state funding will be made available to  
assist local emergency food assistance programs.

AGENCY PERSONNEL RESPONSIBLE FOR DRAFTING, IMPLEMENTATION, AND  
ENFORCEMENT OF THE RULE:

Katherine Friedt, Assistant Director  
Division for Community Services  
Department of Community Development  
Ninth and Columbia Building, GH-51  
Olympia, Washington 98504-4151  
(206) 753-4979

ORGANIZATION PROPOSING THE RULE:

Department of Community Development

AGENCY COMMENTS OR RECOMMENDATIONS:

None

IS THIS RULE NECESSARY AS THE RESULT OF FEDERAL LAW OR FEDERAL OR  
STATE COURT ACTION?

No

SMALL BUSINESS ECONOMIC IMPACT STATEMENT:

Not applicable

Chapter 365-130

STATE FUNDING OF LOCAL EMERGENCY  
FOOD PROGRAMS

WAC	
365-130-010	Authority.
365-130-020	Purpose.
365-130-030	Definitions.
365-130-040	Grantee Funding Allocation.
365-130-050	Applicant Eligibility Criteria.
365-130-060	Financial Support Application Process.

NEW SECTION

WAC 365-130-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in section 217, chapter 6, laws of 1985, 1st ex. sess.

NEW SECTION

WAC 365-130-020 PURPOSE. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency food programs.

NEW SECTION

WAC 365-130-030 DEFINITIONS.

(1) "Department" means the Department of Community Development.

(2) "Director" means the Director of the Department of Community Development.

(3) "Food Bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food Distribution Center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity Program" means a program that primarily distributes USDA Surplus Commodities to clients.

(6) "Emergency Food Assistance Program" means the statewide administrative activities carried out within the Department of Community Development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a private nonprofit organization, which applies for state emergency food assistance.

(8) "Grantee" means an applicant which has been awarded state funds under the Emergency Food Assistance Program, and which has entered into a contract with the Department of Community Development to provide emergency food assistance to individuals.

(9) "Lead Organization Grantee" means a Grantee which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious Service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

#### NEW SECTION

WAC 365-130-040 GRANTEE FUNDING ALLOCATION AND AWARD OF CONTRACTS. \$475,000 for FY 1986 and \$475,000 for FY 1987 has been allocated to food banks and food distribution centers statewide by the legislature.

(1) 60 percent of total funds shall be provided to Food Banks by county according to the following formula:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) 40 percent of total funds shall be provided to Food Distribution Centers by county according to the following formulas:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Distribution Centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The Department may award the combined allocation for two or more counties to a single Applicant.

(4) The Department shall award a Food Bank contract to one Lead Organization Grantee in each county, with the exception of Pierce, Snohomish, and Spokane Counties where there may be two Lead Organization Grantees, and King County, where there may be three Lead Organization Grantees to administer subcontracts with one or more local providers of emergency Food Bank services.

(5) The Department shall award a contract to Food Distribution Centers which are designated by the Emergency Food Assistance Program and the Food Bank Lead Organization Grantees.

(6) The Department shall pay for services provided under the Emergency Food Assistance Program after the Grantee submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the Emergency Food Assistance Program Task Force will determine a method for reallocation of those funds at its April, 1986 meeting.

#### NEW SECTION

#### WAC 365-130-050 APPLICANT ELIGIBILITY CRITERIA.

(1) The Applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, or have a sponsor providing 501(c)3 status.

(2) The Applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The Applicant must provide food to individuals in an emergency, regardless of residency.

(4) The Applicant must practice non-discrimination in providing services and employment.

(5) The Applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants must have had a Food Bank program or Food Distribution Center in operation for one year, except in areas with unmet need.

#### NEW SECTION

#### WAC 365-130-060 FINANCIAL SUPPORT APPLICATION PROCESS.

(1) Potential Applicants will be notified by the Department that in order to be considered for state emergency food financial assistance, an application must be submitted to the Department.

(2) An Applicant must make formal application using forms issued and procedures established by the Department. Such application shall be for the period July 1 - June 30, except for the first year, which will be for January 1, 1986 - June 30, 1986, for Food Banks, and February 1, 1986 - June 30, 1986, for Food Distribution Centers. Failure of an Applicant to make application in a timely manner, as specified by the Department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a Grantee under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to five percent of the total award for providing direct emergency food assistance services. The administrative costs of a Lead Organization Grantee are limited to five percent of the organization's award for providing direct services plus five percent of the multi-agency service provider contract total.

(6) The department shall notify successful Applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the Applicant and must be returned to the Department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA Commodities under the Commodity Program.