



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/1/89)

Agency: Department of Community Development

- Permanent Rule
- Emergency Rule

(1) Date of adoption: October 23, 1989

(2) Purpose:

Amend WAC 365-140-040 - Contractor funding allocation and award of contracts.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 365-140-040

Suspended:

(4) Authority for adoption:

Statute: RCW 43.63A.060

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 89-18-052 on September 1, 1989 (date).

Describe any changes other than editing from proposed to adopted version:

NONE

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 30 days after filing
- Other (specify) _____*
- Immediately
- Later (specify) _____

*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Chuck Clarke

SIGNATURE

Chuck Clarke

TITLE
Director, Dept. of Community Development

DATE
10/23/89

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 27 1989

TIME: 8:41

WSR: 89-22-032

AMENDATORY SECTION (Amending Order 87-11, filed 9/18/87)

WAC 365-140-040 CONTRACTOR FUNDING ALLOCATION AND AWARD OF CONTRACTS. Each county of the state is allocated a portion of the total appropriation by the legislature.

(1) Sixty percent of total funds shall be provided ((to food banks)) by county ((according to the following formula:

{a} Three thousand dollars minimum allocation)) to a public or 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) Forty percent of total funds shall be provided ((to food distribution centers)) by county ((according to the following formulas:

{a} Three thousand dollars minimum allocation)) to a public or 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) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

(a) Poverty population in each county;

(b) Unemployed population in each county; and

(c) Unmet needs in each county.

(4) The department may award the combined allocation for two or more counties to a single applicant.

((4)) (5) The department shall award a food bank contract to one lead agency contractor in each county, with the exception of Pierce County, where there may be two lead agency contractors, and King County, where there may be five lead agency contractors to administer subcontracts with one or more local providers of emergency food bank services.

((5)) (6) The department shall award a contract to food distribution centers which are designated by the emergency food assistance program and the food bank lead agency contractors.

((6)) (7) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

((7)) (8) In the event that funds are not claimed by ((a)) an eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the ((county with the highest rate of unemployment which was allocated no more than three thousand dollars for the contract year will receive unspent funds not to exceed three thousand dollars. Unspent funds exceeding three thousand dollars will be reallocated to a county with the next highest rate of unemployment which was allocated no more than three thousand dollars for the contract year)) lead agency contractor may request permission from the department to reallocate funds to an area of unmet need.