

AMENDMENTS TO S1 (Technical Striker to Version 2)

#	Page/Line	Sponsor	Description
passed — S1	--	Upthegrove ✓	Technical changes
failed — 1	9/193	McDermott Kohl-Welles → Balducci	BOARD APPOINTMENT PROCESS <ul style="list-style-type: none"> Return to existing process in which 4Culture nominates, Executive appoints, and Council confirms Board members. Call for 9 District-specific Board members, who must "live or work" in the District. Return professional expertise requirements and apply to all 15 Board members. For positions 1-9, invite relevant CM to Nominating Committee meeting Competes with Board-1, Board-2
failed — 2	12/258	Kohl-Welles → McDermott Balducci	TASK FORCE SCHEDULE Change task force schedule to: (1) extend nominating period for task force members to 120 days; (2) delay task force report till April 2019; and (3) delay 4Culture budget requirement till 2020
passed — 3	14/312	Kohl-Welles → McDermott Balducci	BUDGET PROCESS: REQUIRE RATIONALE Require rationale from Council if Council rejects 4Culture budget Establish Council/4Culture process if budget is rejected
failed — 4	14/ after 312	McDermott Kohl-Welles → Balducci	BUDGET PROCESS: SIX VOTES Require vote of six Councilmembers for rejection of 4Culture budget
failed — 5 • KZ called for division	22/485	Kohl-Welles → McDermott Balducci	TASK FORCE MEMBERSHIP <ul style="list-style-type: none"> Increase task force membership to 2 Councilmembers (not staff) Increase task force membership to 2 4Culture Board Directors
failed — 6 6.2 to S1 → DU → passed	22/499	Kohl-Welles → Balducci	DELAY IMPLEMENTATION <ul style="list-style-type: none"> Would delay implementation of all provisions of the ordinance until 60 days after the Council has adopted the motion acknowledging receipt of the task force report. Would extend the appointment period for the task force to 120 days Would delay the task force report to April 1, 2019
Passed — T1		Balducci DU →	To reflect action taken at Committee of the Whole

18684

10

18684

as amended

S1

03-19-18

Technical striker to V2

Sponsor: Upthegrove

Proposed No.: 2018-0086

[mb/wsh]

DV → passed

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0086, VERSION

2 2

3 On page 2, beginning on line 21, strike everything through page 25, line 546, and insert:

4 "STATEMENT OF FACTS:

5 1. The King County council established the cultural development
6 authority of King County in 2002 by adopting Ordinance 14482 in order to
7 continue support for cultural resources, including arts, heritage, historic
8 preservation and public art.

9 2. The purpose of supporting cultural resources, according to Ordinance
10 14482, is to create a vibrant cultural community that enhances King
11 County's livability and reputation as a national and international cultural
12 center.

13 3. The cultural development authority of King County, known as
14 4Culture, makes the region vibrant by administering and supports
15 programs for King County's arts, heritage, preservation and public art.

16 4. 4Culture's work includes: funding individual artists, artist groups and
17 arts organizations that provide access to art experiences for all King
18 County residents and visitors; helping communities recognize, preserve

19 and explore our shared heritage; supporting the preservation of historic
20 places that give King County its character; and commissioning and
21 collecting for the King County Public Art Collection, bringing artists'
22 thinking to the shared spaces and offering consulting to the region.

23 5. 4Culture provides annual arts and heritage grants to over four hundred
24 individuals and organizations in King County, putting public resources to
25 use all over King County.

26 6. The 4Culture board, executive director, staff and advisory committees
27 have demonstrated a commitment to addressing racial, geographic and
28 income-related funding inequities and creating an environment in which
29 all King County residents participate actively in cultural opportunities.

30 7. In May 2011, the Washington state Legislature passed ESSB 5834,
31 which guaranteed that lodging taxes would fund King County cultural
32 programs for the long-term by allocating 37.5 percent of lodging taxes
33 beginning in 2021 for arts and culture.

34 8. The King County council has determined that public funding for
35 cultural programs necessitates greater oversight and accountability to the
36 public. To increase oversight and accountability, the council wishes to
37 have the opportunity to annually review and accept the cultural
38 development authority's budget while maintaining the authority's existing
39 ability to implement grant awards, projects and programs independently.

40 9. To inform the council in its oversight and accountability
41 responsibilities of public funding for cultural programs the council would

42 benefit from a community stakeholder process that would assess and
43 evaluate 4Culture's governance structure, processes and practices,
44 including but not limited to its grant award processes, through an equity
45 and social justice lens. The King County council has determined that a
46 task force should conduct the community stakeholder process and the task
47 force should use the results of the assessment and evaluation to make a
48 report of recommendations to 4Culture's practices, governance and
49 oversight structure to promote geographic, social and racial equity in the
50 allocation of funding and to promote development of cultural
51 infrastructure across King County to improve accessibility to both patrons
52 and practitioners of arts, cultural, heritage and historic preservation
53 programming countywide.

54 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

55 SECTION 1. Ordinance 14482, Section 34, and K.C.C. 2.46.180 are hereby
56 amended to read as follows:

57 The cultural development authority shall establish a public art advisory committee
58 to advise the authority's board regarding policies and public art, as set forth in K.C.C.
59 2.46.160. Committee members shall ~~((be conversant with))~~: have a demonstrated
60 commitment to and knowledge of public art((?)); be active and experienced with
61 community and civic issues and concerns((?)); and be sought from a range of
62 professionals including artists, architects, landscape architects, arts administrators, urban
63 planners and designers((?)) and community arts activists ~~((as well as business~~
64 ~~professionals and others))~~. The appointment process and terms of service shall be

65 established by the cultural development authority as set forth in the authority's charter.

66 SECTION 2. Ordinance 8300, Section 3, as amended, and K.C.C. 2.48.030 are
67 hereby amended to read as follows:

68 A. It is the policy of King County to foster the excellence, vitality and diversity
69 of cultural programs in the county and to make opportunities to experience cultural
70 programs available to all citizens of the county because:

71 1. King County recognizes that arts and heritage institutions and organizations
72 and professional artists, heritage specialists and historic preservationists, working in
73 partnership with the region's tourism industry, attract visitors and enhance the county's
74 national and international reputation as a cultural center.

75 2. King County recognizes that the transmission of historical and cultural values
76 and traditions from one generation to the next is essential to the sense of identity of
77 communities, ethnic and cultural groups, and of all citizens of King County.

78 3. King County recognizes that a healthy and well-balanced future citizenry is
79 dependent upon the promotion of comprehensive cultural education programs for today's
80 youth and that cultural education, in the classroom and in the community, is an integral
81 part of building audiences, appreciation and support for cultural programs.

82 4. King County recognizes that the loss or destruction of historic structures,
83 sites and artifacts constitutes an irreplaceable loss to the quality of life and character of
84 King County.

85 5. King County recognizes that its support for the cultural community should be
86 distributed to major regional, (~~mid-sized~~) midsized, emerging and community-based
87 organizations.

88 6. King County recognizes that support for the development of cultural
89 activities should be distributed throughout all parts of the county, including urban,
90 suburban, rural and incorporated and unincorporated areas; (~~and~~)

91 7. King County recognizes that meeting its goals for regional distribution of
92 cultural activities requires regional planning, outreach to cities and communities
93 throughout the county, and a regional investment strategy; and

94 8. King County recognizes that support for the work of individual artists and
95 heritage specialists is important to ensure the continuance of diverse creative expression.

96 B. To carry out this policy, the cultural development authority is hereby
97 authorized to develop and implement cultural programs in King County.

98 C. The county is committed to ensuring the success of cultural programs and
99 facilitating strong partnerships between the county, cultural development authority and
100 cultural community. The executive shall ensure county departments and agencies
101 perform their duties related to cultural programs and fully cooperate with the cultural
102 development authority in its performance of its responsibilities.

103 SECTION 3. Ordinance 14482, Section 38, and K.C.C. 2.48.065 are hereby
104 amended to read as follows:

105 The cultural development authority shall establish an arts advisory committee to
106 advise the authority's board regarding policies and cultural programs. Committee
107 members shall (~~be conversant with~~): have a demonstrated commitment to and
108 knowledge of arts practices and programs; be experienced with community and civic
109 issues and concerns(~~(7)~~); and be sought from a range of professionals including individual
110 artists, arts administrators, educators and community arts activists (~~as well as business~~

111 ~~professionals and others~~)). The appointment process and terms of service shall be
112 established by the cultural development authority as set forth in its charter.

113 SECTION 4. Ordinance 14482, Section 39, and K.C.C. 2.48.075 are hereby
114 amended to read as follows:

115 The cultural development authority shall establish a heritage advisory committee
116 to advise the authority's board regarding policies and cultural programs. Committee
117 members shall ~~((be conversant with))~~: have a demonstrated commitment to and
118 knowledge of heritage practices and programs; be experienced with community and civic
119 issues and concerns; and be sought from a range of professionals including educators,
120 heritage specialists, historians and community heritage activists ~~((as well as business~~
121 ~~professionals and others~~)). The appointment process and terms of service shall be
122 established by the cultural development authority as set forth in its charter.

123 SECTION 5. Ordinance 14482, Section 40, and K.C.C. 2.48.085 are hereby
124 amended to read as follows:

125 The cultural development authority shall establish a historic preservation advisory
126 committee to advise the authority's board regarding policies and cultural programs.
127 Committee members shall ~~((be conversant with))~~: have a demonstrated commitment to
128 and knowledge of historic preservation practices and programs; be experienced with
129 community and civic issues and concerns; and be sought from a range of professionals
130 including educators, historic preservationists, historians and community heritage activists
131 ~~((as well as business professionals and others~~)). The appointment process and terms of
132 service shall be established by the cultural development authority as set forth in its
133 charter.

134 SECTION 6. Ordinance 14482, Section 5, as amended, and K.C.C. 2.49.020 are
135 hereby amended to read as follows:

136 Words in this chapter have their ordinary and usual meanings except those
137 defined in this section, which have, in addition, the following meanings. If there is
138 conflict, the specific definitions in this section shall presumptively, but not conclusively,
139 prevail.

140 A. "Board of directors" or "board" means the governing body vested with the
141 management of the affairs of the cultural development authority.

142 B. "Director" means a member of the board of the cultural development
143 authority.

144 C. "Bylaws" means the rules adopted by the county for the regulation or
145 management of the affairs of the cultural development authority and includes all
146 amendments adopted by the board or the county council.

147 D. "Charter" means the articles of organization of the cultural development
148 authority adopted by the county and all amendments thereto.

149 E. "Cultural bonds" means bonds issued by the county before December 31,
150 2002, backed by hotel-motel tax revenues to support the construction of cultural facilities.

151 F. "Cultural development authority" or "authority" means the public authority
152 created under this chapter and doing business as 4Culture.

153 G. "Cultural resources" means community and regional programs and projects
154 relating to:

- 155 1. Performing, visual, literary and other arts;
156 2. Public and civic art;

- 157 3. Heritage;
- 158 4. Museum and archival collections;
- 159 5. Historic preservation;
- 160 6. Cultural education; and
- 161 7. Cultural organizations, institutions and attractions.

162 H. "Executive director" means the chief executive officer of the authority.

163 I. "Heritage" means King County's history, ethnic history, indigenous and
164 traditional culture, folklore and historic and archaeological resources and those projects
165 and programs initiated by the authority to preserve King County's heritage and to support
166 community and regional heritage organizations and public agencies in those efforts.

167 ~~((F))~~ J. "Historic preservation" means the preservation or conservation of the
168 county's historic and archaeological resources and those programs and projects initiated
169 by the authority to foster such preservation or conservation through nonregulatory
170 activities such as interpretation, community education and outreach, cultural tourism and
171 rehabilitation of historic resources.

172 ~~((F))~~ K. "Hotel-motel tax revenues" means funds designated for cultural purposes
173 as described in RCW 67.28.180 and deposited into the arts and cultural development fund
174 and used for the purposes described in K.C.C. chapters 2.48 and 4.42.

175 ~~((K))~~ L. "Resolution" means the form of action taken by the board ~~((of the~~
176 cultural development authority)).

177 SECTION 7. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060 are
178 hereby amended to read as follows:

179 The charter of the cultural development authority, as set forth in Attachment A to

180 ((Ordinance 18513)) this ordinance, is hereby approved. The clerk of the council shall,
181 within ten days of ((May 12, 2017)) the effective date of this ordinance, issue the charter
182 in duplicate originals, each bearing the county seal attested by the clerk of the council.
183 The clerk of the council shall file and record one original charter with the records and
184 licensing services division and provide one original charter to the county executive on
185 behalf of the cultural development authority. The county may amend the charter by
186 ordinance after providing notice to and an opportunity for the directors to be heard and
187 present testimony.

188 SECTION 8. K.C.C. 2.49.070 is hereby decodified.

189 SECTION 9. Ordinance 14482, Section 9, and K.C.C. 2.49.080 are hereby
190 amended to read as follows:

191 A board consisting of fifteen directors and five ex officio members, as provided in
192 the charter, is hereby established to govern the affairs of the cultural development
193 authority. ((The directors shall be appointed by the county executive and serve their
194 terms as provided in the charter.)) Appointments occurring as a result of a vacancy or
195 expired term shall be filled in accordance with the charter. Appointments shall be subject
196 to confirmation by the county council. All corporate powers of the authority shall be
197 exercised by or under the authority of the board of directors, except those reserved for the
198 county council under this chapter. The business, property and affairs of the authority
199 shall be managed under the direction of the board, except as may be otherwise provided
200 for by law or in the charter.

201 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 2.49 a
202 new section to read as follows:

203 An executive director shall be the chief executive officer of the cultural
204 development authority as provided in the bylaws. The executive director shall be
205 appointed by the executive, subject to confirmation by motion by the council. The
206 executive director shall be recruited and recommended for selection by the board of
207 directors through the process established in the authority's bylaws.

208 SECTION 11. Ordinance 14482, Section 10, and K.C.C. 2.49.090 are hereby
209 repealed.

210 SECTION 12. Ordinance 14482, Section 11, and K.C.C. 2.49.110 are hereby
211 amended to read as follows:

212 The ~~((initial))~~ bylaws of the authority, as set forth in Attachment B to ~~((Ordinance~~
213 ~~14482))~~ this ordinance, are hereby approved. The board may alter, amend or repeal the
214 bylaws or adopt new bylaws, except as otherwise provided in this chapter. The bylaws
215 shall be consistent with the charter. The county may amend the bylaws by ordinance to
216 conform the bylaws to amendments to the charter and only after the council has provided
217 notice to the board and an opportunity for any or all of the directors to present testimony.

218 SECTION 13. Ordinance 14482, Section 17, and K.C.C. 2.49.160 are hereby
219 amended to read as follows:

220 A. By April 15 of each year, the authority shall submit an annual report to the
221 county executive and the county council containing:

222 1. ~~((A statement of assets and liabilities, income and expenditures and changes~~
223 ~~in its financial position during the previous year;~~

224 2.) A summary of significant accomplishments;

225 ~~((3. A list of depositories used;~~

- 226 4. ~~A projected operating budget for the current fiscal year;~~
- 227 ~~5.))~~ 2. An updated estimate of expenditures for the current fiscal year;
- 228 3. A summary of cultural programs, public art projects and all other projects and
- 229 activities to be undertaken during the current year; and
- 230 ~~((6.))~~ 4. Other information as may be required in the charter of the authority.

231 B.1. The authority shall meet with the county council's committee of the whole
232 two times per year, once to discuss the authority's annual report and once to discuss the
233 authority's plans and proposed expenditures for the following year.

- 234 2. The authority shall meet:
 - 235 a. at least one time per year with the county executive; and
 - 236 b. at least one time per year with directors and administrators of county
- 237 departments and agencies that interface with the authority.

238 C. The authority shall respond to requests for additional information from the
239 executive or from the council. The council shall make its request by motion.

240 SECTION 14. Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170
241 are hereby amended to read as follows:

242 A. ~~((On January 1, 2003, King County shall transfer to the authority balances in~~
243 ~~the following funds, reserving only sufficient funds to meet current county obligations:~~

- 244 1. ~~All hotel-motel tax revenues designated by the state of Washington and~~
245 ~~appropriated by the county council for cultural purposes in King County, including, but~~
246 ~~not limited to, all encumbered and unencumbered hotel-motel tax revenues in the arts and~~
247 ~~cultural development fund;~~

- 248 2. ~~All current expense fund revenues designated or appropriated for cultural~~

249 purposes, including, but not limited to:

250 a. ~~fees for all government to government agreements for public art; and~~

251 b. ~~the fund balance in the arts and cultural education fund (116);~~

252 3. ~~All state and federal funds for cultural purposes, other than those listed in~~

253 ~~subsection A.1 of this section; and~~

254 4. ~~All other funds and fees designated or appropriated for cultural purposes;~~

255 ~~except for funds that contain bond revenues and excess interest earnings as of December~~

256 ~~31, 2002.~~

257 B. ~~In addition to the transfer of fund balances on January 1, 2003, described in~~

258 ~~subsection A of this section,)) Except as otherwise provided in section 19 of this~~

259 ordinance, until December 31, 2020, King County shall transfer future fund balances as

260 follows:

261 1. Hotel-motel tax revenues designated by the state of Washington for cultural

262 purposes in King County shall be transferred to the authority within ten business days of

263 receipt by King County from the state of Washington and appropriated by the county

264 council. ~~((By December 1, 2002, the King County office of budget and the office of~~

265 ~~cultural resources shall develop a schedule of the transfers.))~~ Twice each year while

266 cultural bonds remain outstanding, the authority shall transfer back to King County

267 sufficient hotel-motel tax revenues to allow the county to make required payments on the

268 bonds;

269 2. Current expense amounts appropriated to the arts and cultural development

270 fund, which shall be transferred to the authority not later than January 10 of the year for

271 which those amounts have been appropriated;

272 3. Public art revenues, which shall be transferred to the authority not later than
273 February 1 of the year for which those revenues have been appropriated;

274 4. Except for funds listed in subsection ~~((B.))~~ A.1. of this section, state and
275 federal funds for cultural purposes, which shall be transferred to the authority within ten
276 business days of receipt by King County of the funds from the federal or state
277 governments; and

278 5. All other funds and fees appropriated to the arts and cultural development
279 fund and for cultural purposes, which funds and fees shall be transferred to the authority
280 within ten business days of receipt by King County.

281 B.1. Except as otherwise provided in section 19 of this ordinance, beginning in
282 2020, at least one hundred-twenty-five days before the end of each fiscal year, the
283 cultural development authority shall transmit its budget for the following fiscal year to
284 the county executive. At least ninety-five days before the end of each fiscal year, the
285 county executive shall transmit the cultural development authority budget to the clerk of
286 council in both electronic and hard copy form. The clerk shall distribute the cultural
287 development authority budget to all councilmembers and the lead of the budget and fiscal
288 management committee or its successor committee. Beginning in 2020, the cultural
289 development authority shall transmit its budget for the following fiscal year together with
290 the other financial information required in subsection B.2. of this section to the county
291 executive after it has been approved by the cultural development authority board. The
292 cultural development authority budget shall identify the budgeted operating and capital
293 expenditures and full-time equivalent positions for the following fiscal year.

294 2. The cultural development authority shall also transmit supporting data,

295 including, but not limited to, a statement of assets and liabilities, a description of
296 significant changes in the budget for the following fiscal year compared to the current
297 fiscal year budget and a financial plan that includes actual expenditures, revenues and
298 reserves for the preceding fiscal year and estimates of all expenditures, revenues and
299 reserves for the current fiscal year and the following five years. For exemplary purposes
300 only, the financial plan transmitted with the cultural development authority budget for
301 fiscal year 2021 shall consist of the cultural development authority's actual expenditures,
302 revenues and reserves for 2019, estimates of all the cultural development authority's
303 expenditures, revenues and reserves for 2020 and years 2021 through 2025.

304 3. Unless the council passes a motion rejecting the cultural development
305 authority budget at least thirty days before the end of the current fiscal year, in the
306 following fiscal year, the county shall transfer to the authority balances in any of the
307 funds referenced in subsection A.1. through A.5. of this section.

308 4. If the council passes a motion rejecting the cultural development authority
309 budget for the following fiscal year at least thirty days before the end of the current fiscal
310 year, then, in the following fiscal year, the county shall not transfer to the authority any
311 balances in any of the funds referenced in subsection A.1. through A.5. of this section
312 until after the council accepts by motion a cultural development authority budget.

313 C. ~~((King))~~ The ~~((€))~~ county shall not transfer moneys and fees designated or
314 appropriated to the King County landmarks commission for land use regulation and
315 archaeological management purposes.

316 SECTION 15. Ordinance 14482, Section 19, and K.C.C. 2.49.180 are hereby
317 amended to read as follows:

318 ~~((A. On January 1, 2003, the county shall transfer without charge county personal~~
319 ~~property used by the office of cultural resources on December 31, 2002, to the cultural~~
320 ~~development authority. The property shall include, but not be limited to, computers and~~
321 ~~software, electronic equipment, telephones and office furnishings, equipment, materials~~
322 ~~and supplies. The office of cultural resources and the office of budget shall complete a~~
323 ~~property transfer inventory on or before December 1, 2002, and the inventory shall be~~
324 ~~used to effect the transfer.~~

325 B-)) The county shall allow access by the cultural development authority to the
326 county's information and telecommunications systems, including, but not limited to,
327 telephone service, voice mail, electronic mail and the ~~((county wide))~~ countywide area
328 network, including all databases required by the cultural development authority to
329 effectively carry out its work. The cultural development authority shall make payment
330 for telephone system services upon billing by the county. ~~((By December 1, 2002, the~~
331 ~~King County office of budget and office of cultural resources shall develop a schedule for~~
332 ~~the payments.))~~ King County shall allow the cultural development authority access to the
333 wide area network at no charge.

334 ~~((C. The county shall allow the cultural development authority to use the office~~
335 ~~space in the Smith Tower used by the office of cultural resources on December 31, 2002,~~
336 ~~for the remaining period under the county's lease for the space. The county shall~~
337 ~~determine through its annual budget process whether to pay the lease cost with current~~
338 ~~expense fund or other revenues. At the end of the lease period, the authority shall~~
339 ~~relocate to office space it acquires at its own expense or commence to pay for office~~
340 ~~space that, if available, may be provided by the county to the authority.))~~

341 SECTION 16. Ordinance 14440, Section 3, and K.C.C. 2.49.200 are hereby
342 amended to read as follows:

343 A. Hotel-motel revenues deposited in The King County arts and cultural
344 development fund, created under ~~((K.C.C. 4.08.190))~~ K.C.C. 4A.200.140, shall be
345 administered by the cultural development authority.

346 B. Hotel-motel revenues deposited in the King County arts and cultural
347 development fund shall be used to support the cultural programs described in K.C.C.
348 chapter 2.48: cultural facilities; cultural education; special projects; and sustained
349 support. The hotel-motel revenues in the fund shall also support related administration of
350 those programs by the cultural development authority.

351 C. ~~((Through December 31, 2012, at least forty percent of the hotel-motel
352 revenues appropriated to the arts and cultural development fund and transferred to the
353 cultural development authority shall be deposited in an account and used to establish
354 cultural endowment. Principle and interest shall be managed by the cultural development
355 authority in accordance with RCW 67.28.180(3)(a).~~

356 ~~D.))~~ After allocating the hotel-motel portion of the arts and cultural development
357 fund to administer cultural programs, the cultural development authority shall divide the
358 hotel-motel revenues in the arts and cultural development fund between arts programs
359 and heritage programs, but at least twenty percent of the revenue shall be allocated to
360 heritage programs.

361 ~~((E. Beginning January 1, 2002, using revenues generated in 2001, outstanding
362 debt service obligations shall be financed from hotel-motel revenues in the arts and
363 cultural development fund. The obligations incurred before December 31, 2002, shall be~~

364 ~~managed by the department of executive services and paid by the cultural development~~
365 ~~authority.~~

366 ~~F.))~~ D. After deducting the amount necessary to meet debt service obligations,
367 the cultural development authority shall allocate hotel-motel revenues intended to support
368 arts programs from the arts and cultural development fund as follows:

369 1. For cultural facilities and sustained support, eighty percent of remaining arts
370 program revenues, but sustained support shall receive at least thirty percent of the eighty
371 percent; and

372 2. For special projects and cultural education, twenty percent of remaining arts
373 program revenues, but special projects shall receive at least thirty-four percent of the
374 twenty percent.

375 ~~((G.))~~ E. After deducting the amount necessary to meet debt service allocations,
376 the cultural development authority shall allocate hotel-motel revenues intended to support
377 heritage programs from the arts and cultural development fund as follows:

378 1. For cultural facilities and sustained support, seventy percent of remaining
379 heritage program revenues, but sustained support shall receive at least twenty percent of
380 the seventy percent;

381 2. For special projects, thirty percent of remaining heritage program revenues,
382 and

383 ~~((H.))~~ F. Hotel-motel revenues from the arts and cultural development fund shall
384 not be used to support services and programs to be provided by the King County
385 landmarks commission for land use regulation and archaeological resource management
386 purposes as described in K.C.C. chapter 20.62.

387 SECTION 17. Ordinance 14482, Section 58, as amended, and K.C.C. 4.40.015
388 are hereby amended to read as follows:

389 A. All capital improvement projects that are publicly accessible and visible, or
390 for which there is a need for mitigation, shall contribute to the county's public art
391 program.

392 1. The amount of the annual appropriation for public art shall be equal to one
393 percent of the eligible project costs of those capital improvement projects that meet the
394 criteria of public visibility and accessibility or need for mitigation. For the purposes of
395 calculation, eligible project categories shall include capital improvement program
396 projects for new construction, reconstruction or remodeling of buildings, parks and trails,
397 commemorative structures, pedestrian and vehicular bridges, surface water management
398 projects, wastewater treatment projects, transit facility construction projects and solid
399 waste transfer stations.

400 2. The following project categories shall be considered ineligible and may be
401 excluded from the public art program calculation base: roads; airport runways; sewers;
402 and solid waste landfills. This ineligibility shall not preclude a client department, in
403 cooperation with the cultural development authority, from proposing a public art project
404 for a road, airport runway, sewer or solid waste landfill project that presents an
405 opportunity for the inclusion of public art.

406 3. At a minimum, the amount budgeted for public art in a capital improvement
407 project shall be equal to one percent of the following project elements: conceptual
408 design, design, contracted design, preliminary engineering, construction, contingency,
409 county force design and project administration and construction engineering. Costs

410 associated with the predesign phase of the county's capital planning projects meeting the
411 above criteria and anticipated to result in construction, shall be included in the calculation
412 for public art.

413 4. The following project elements may be excluded from the budget calculation
414 for public art: acquisition equipment and furnishings; and county force acquisition.
415 Asbestos abatement may also be excluded from the budget calculation for art when the
416 costs for asbestos abatement have been calculated and a line item budgeted for asbestos
417 abatement as been established within the project budget.

418 5. In all cases, where a capital improvement project has a scope of work that
419 includes both eligible and ineligible project elements and eligible and ineligible project
420 categories, the budget for public art shall be calculated, at a minimum, in the eligible
421 portions of the project.

422 B. At the time a capital improvement project is proposed, the client department
423 shall calculate and include a budgeted line item for public art in each eligible project
424 described in this section. The executive's budget representative shall confirm the
425 calculations with the cultural development authority and include the agreed-upon
426 appropriations for public art in the executive's proposed budget. The amounts budgeted
427 for public art in particular projects may be adjusted to reflect council changes to the
428 county capital improvement program budget or supplemental budgets. The appropriation
429 for public art shall be transferred to the arts and cultural development fund and from there
430 to the cultural development authority as soon as the appropriation is made for the capital
431 improvement project, and as soon as funds are available, except as otherwise provided in
432 K.C.C. 2.49.170.

433 C. The source of the funds shall not affect the calculation for public art for a
434 capital improvement project unless the conditions under which the revenue is made
435 available prevent its use for artistic purposes. In this case, the revenue shall be excluded
436 from the eligible project costs on which the one percent calculation for art is based.

437 D. A policy is hereby established to direct the pooling of all public art program
438 revenues on a departmental basis. Interest generated by public art revenues shall not be
439 pooled on a departmental basis. However, interest from all revenues shall be pooled
440 collectively and used for the purposes established in this section.

441 Pooling affords the opportunity to look at the needs of the county as a whole and
442 use the public art revenues only in those projects that may have the greatest impact on
443 communities or offer the best opportunities for artist involvement. Pooling on a
444 departmental basis affords the opportunity for the cultural development authority and
445 client departments to work collaboratively on projects that reflect the missions and goals
446 of individual departments and to ensure that public art projects are adequately funded.
447 The decision regarding capital improvement projects that will include a public art project
448 shall be determined jointly by the cultural development authority and the client
449 department according to the procedures and criteria in this section and K.C.C. 2.46.150.

450 E. Revenues shall support the following uses:

451 1. The selection, acquisition and display of works of art, that may be an integral
452 part of the project or placed in, on or about the project or other public space;

453 2. Artist fees, design, planning and predesign service contracts and
454 commissions;

455 3. Expenses for technical assistance provided by either architects or engineers,

456 or both, and to artists in order to design, document or certify the artwork;

457 4. Repair and maintenance of public artworks accessioned into the county's
458 public art collection to the extent permissible under generally accepted accounting
459 principles, grants, contracts and law;

460 5. Public art program administrative expenses relating to acquiring, developing
461 or maintaining public art to the extent permissible under generally accepted accounting
462 principles, grants, contracts and law;

463 6. Participation by citizens or costs of communicating with and receiving input
464 from citizens, working with professional artists, introduction of public art to children, and
465 education of the public about the county's rich cultural and artistic heritage;

466 7. Documentation and public education material for the public art program;

467 8. Liability insurance for artists; and

468 9. Pilot projects approved by the cultural development authority.

469 SECTION 18. Ordinance 17527, Section 57, as amended, and K.C.C. 4.40.110
470 are hereby amended to read as follows:

471 In the case of any county construction project that meets the eligibility criteria for
472 public art established in K.C.C. 4.40.015 that involves the use of general obligation bond
473 proceeds, the resolution, resolutions, ordinance or ordinances submitted to the voters or
474 the council shall include an allocation for public art equal to one percent of the eligible
475 project cost. Bond revenues for public art shall be transferred to the cultural development
476 authority as described in K.C.C. 4.40.015 to the extent consistent with arbitrage
477 requirements and other legal restrictions, except as otherwise provided in K.C.C.
478 2.49.170.

479 SECTION 19. A. A task force is hereby created, which shall be composed of at
480 least fourteen members appointed by the executive and confirmed by the council. The
481 executive shall solicit input on members of the task force from King County
482 councilmembers, the cultural development authority, other arts, culture and heritage
483 organizations and community leaders. The task force membership shall include, but not
484 be limited to:

- 485 1. One representative for the King County council;
- 486 2. One representative for the King County executive;
- 487 3. One representative for the cultural development authority;
- 488 4. One representative for Cultural Access Washington;
- 489 5. One representative for the Sound Cities Association; and
- 490 6. At least nine representatives of organizations supporting underrepresented
491 populations or smaller arts, culture, heritage or historic preservation organizations in
492 King County.

493 B. The representatives, described in subsection A.5. of this section, shall:

- 494 1. Represent organizations that are based in different parts of King County to
495 provide geographically diverse perspectives;
- 496 2. Reflect the diversity of the types of arts, culture, heritage and historic
497 preservation disciplines in King County; and
- 498 3. Reflect gender, cultural and ethnic diversity.

499 C. No later than ninety days after the adoption of this ordinance, the executive
500 shall both appoint the task force members by a letter of appointment and transmit to the
501 council for each task force member appointed and a copy of the letter of appointment,

502 together with a motion confirming the appointment. Confirmation or rejection of
503 appointments shall be by council motion.

504 D. The task force shall be staffed by an independent consultant with expertise in
505 social and racial equity and justice and who shall be selected by the task force and funded
506 by King County and the cultural development authority. The county's office of equity
507 and social justice and the King County council shall provide technical assistance to the
508 task force.

509 E. The task force's report shall include its assessment and evaluation of
510 4Culture's governance structure, processes and practices, including, but not limited to, its
511 grant award processes, through an equity and social justice lens. Using the community
512 stakeholder process in this section and the results of its assessment and evaluation to
513 make recommendations to 4Culture's practices, governance and oversight structure to
514 promote geographic, social and racial equity in the allocation of funding and to promote
515 development of cultural infrastructure across King County to improve accessibility to
516 both patrons and practitioners of arts, cultural, heritage and historic preservation
517 programming countywide.

518 F. The task force shall use processes and procedures recommended by the
519 independent consultant to ensure input is received from stakeholders and members of the
520 public from underrepresented populations.

521 G. The task force shall transmit a report on the results of its assessment,
522 evaluation and recommendations to the executive and council by February 1, 2019. The
523 report should be filed with the clerk of the council in the form of a paper and an

524 electronic copy. The clerk of the council shall retain the paper copy and forward an
525 electronic copy to all councilmembers.

526 H. If the council passes a motion no later than April 1, 2019, acknowledging
527 receipt of the report, then the year in which the cultural authority must begin transmitting
528 its budget as required by K.C.C. 2.49.0170 shall be 2019."

529

530 Delete Attachment A, Charter of the Cultural Development Authority of King County,
531 dated March 1, 2018, and insert Attachment A, Charter of the Cultural Development
532 Authority of King County, dated March 19, 2018.

533

534 In Attachment A, insert the ordinance enactment number in place of "Ordinance _____"
535 on lines 407 and 806.

536

537 Delete Attachment B, Bylaws of the Cultural Development Authority of King County,
538 dated March 2, 2018, and insert Attachment B, Bylaws of the Cultural Development
539 Authority of King County, dated March 19, 2018.

540

541 Delete the line numbers on the attachments.

542

543 **EFFECT: Makes technical corrections.**

1 CHARTER
2 of the
3 CULTURAL DEVELOPMENT AUTHORITY OF KING COUNTY
4
5

6 ARTICLE I
7 Establishment and Commencement
8

9 Section 1.1. Legal Authority. The Cultural Development Authority is a public authority
10 organized pursuant to RCW 35.21.730 through 35.21.759 and King County Ordinance 14482.
11

12 Section 1.2. Name. The name of this public authority shall be the Cultural Development
13 Authority of King County.
14

15 Section 1.3. Seal. The seal of the Cultural Development Authority shall be a circle with the name
16 "Cultural Development Authority of King County" inscribed therein. The seal shall be adopted by
17 the Board of Directors and a copy filed with the Clerk of the King County Council.
18

19 Section 1.4. Commencement. The Authority shall commence its existence upon the issuance of
20 this Charter by the Clerk of the King County Council and shall commence operations on January
21 1, 2003.
22

23 Section 1.5. Duration. The duration of the Authority shall be perpetual except as provided in
24 King County Ordinance 14482.
25

26 ARTICLE II
27 Purposes
28

29 Section 2.1. Purposes. Arts, heritage, historic preservation and public art enhance the quality of
30 life for the region's citizens, foster creativity and an ethic of stewardship and citizenship, stimulate
31 economic development, and attract visitors. A vibrant cultural community is an essential part of
32 building a regional sense of place and reputation as a national and international cultural center.
33 Therefore, the Cultural Development Authority of King County is established to support, advocate
34 for, and preserve the cultural resources of the region in a manner that fosters excellence, vitality,
35 and diversity.
36

37 A. The Authority shall operate in a manner that combines public sector resources and
38 accountability with private sector entrepreneurial responsiveness to ensure that King County
39 citizens and visitors have opportunities to experience high-quality cultural programs, projects and
40 activities.
41

42 B. The Authority's purposes shall include the following:
43

- 44 1. Develop partnerships with municipalities, government agencies and the private
45 sector throughout the region to expand the presence of cultural experiences and activities; enhance
46 the built environment and sense of place through the creation of public art and the preservation of
47 historic resources; and promote lifelong learning opportunities through cultural education;
48
- 49 2. Stimulate regional economic development through cultural tourism initiatives and
50 support for arts and heritage organizations, individuals, institutions, and cultural attractions;
51 historic preservation; and public art;
52
- 53 3. Advise the County Executive and Council regarding Cultural Resources policies
54 and issues;
55
- 56 4. Ensure that a commitment to Cultural Resources remains a high priority within
57 state, county and local governments;
58
- 59 5. Administer the Cultural Programs funded by Hotel/Motel tax revenues in
60 accordance with RCW 67.28.180(3)(a) and all other applicable laws; establish and implement
61 policies, guidelines and selection procedures; award and administer grant contracts;
62
- 63 6. Administer the Public Art Program funded by County capital funds or other
64 designated County revenues; establish and implement policies, guidelines and selection
65 procedures; award and administer contracts for artistic services and commissioned artwork;
66
- 67 7. Continue the cultural services, programs, and activities formerly provided by the
68 King County Office of Cultural Resources with the sole exception of those services and programs
69 that are provided by the King County Landmarks Commission for land use regulation and
70 archaeological management purposes;
71
- 72 8. Receive, manage and steward all Hotel/Motel tax revenues designated by the state
73 of Washington and appropriated by the County for cultural purposes in King County;
74
- 75 9. Receive, manage and steward all funds designated by County ordinance for public
76 art purposes;
77
- 78 10. Receive and manage other revenues designated or appropriated by King County
79 for cultural purposes related to the services, projects and programs of the Authority;
80
- 81 11. Further the goals and objectives of the King County Comprehensive Plan; and
82
- 83 12. If so designated by county ordinance, administer a cultural access program in
84 accordance with chapter 36.160 RCW.
85

86 C. The Authority shall receive and manage any other funds and fees necessarily or
87 reasonably related to the purposes of this Charter.

88
89 D. The Authority shall develop contracts for cultural resources services with King County
90 or other government agencies and municipalities.

91
92 E. The Authority shall not receive revenues designated or appropriated by King County
93 for the services and programs provided by the King County Landmarks Commission for land use
94 regulation and archaeological management purposes; nor shall the Authority have any
95 responsibility to administer or provide those services and programs.

96
97 ARTICLE III
98 Definitions
99

100 As used herein, the term:

101
102 "Arts and Cultural Development Fund" means the County fund defined in K.C.C. 4.08.190 and
103 used exclusively for the purposes established in K.C.C. chapters 4.40, 4.42, 2.46 and 2.48.

104
105 "Board of Directors" or "Board" means the governing body vested with the management of the
106 affairs of the Cultural Development Authority.

107
108 "Director" means a member of the Board of the Cultural Development Authority.

109
110 "Bylaws" means the rules initially adopted by the County under King County Ordinance 14482 for
111 the regulation or management of the affairs of the Cultural Development Authority and all
112 subsequent amendments adopted by either the Board or the County.

113
114 "Charter" means the articles of organization of the Cultural Development Authority adopted by the
115 County and all subsequent amendments to this Charter.

116
117 "County" means King County.

118
119 "County Council" or "council" means the body as established under Article 2 of the King County
120 Charter.

121
122 "County Executive" or "executive" means the County Executive of King County as established by
123 Article 3 of the King County Charter.

124
125 "Cultural Development Authority" or "Authority" means the Cultural Development Authority
126 created by Ordinance 14482.

128 "Cultural education" means the sequential and comprehensive study of the elements of the various
129 arts and heritage forms and how to use them creatively including instruction in skills, critical
130 assessment, the history of the arts and heritage forms and aesthetic judgment.

131

132 "Cultural Programs" means the grant funding programs described in K.C.C chapter 2.48 supported
133 by the Arts and Cultural Development Fund and Cultural Resources Endowment Fund that
134 includes Cultural Education Program, Cultural Facilities Program, Special Projects Program, and
135 Sustained Support Program for Arts and Heritage.

136

137 "Cultural Resources" means community and regional programs and projects relating to:
138 performing, visual, literary and other arts; public and civic art; heritage; museum and archival
139 collections; historic preservation; cultural education; and cultural organizations, institutions and
140 attractions.

141

142 "Executive Director" means the chief executive officer of the cultural development authority.

143

144 "Heritage" means King County's history, ethnic history, indigenous and traditional culture,
145 folklore and historic and archaeological resources and those programs and projects initiated by the
146 authority to preserve King County's heritage and to support community and regional heritage
147 organizations and public agencies in such efforts.

148

149 "Historic preservation" means the preservation or conservation of the County's historic and
150 archeological resources and those programs and projects initiated by the authority to foster such
151 preservation or conservation through non-regulatory activities such as interpretation, community
152 education and outreach, cultural tourism and rehabilitation of historic resources.

153

154 "Hotel/Motel tax revenues" means funds designated for cultural purposes as described in RCW
155 67.28.180 and deposited into the Arts and Cultural Development Fund and the Cultural Resources
156 Endowment Fund and used for the purposes described in K.C.C. chapters 2.48 and 4.42.

157

158 "Public Art Fund" means the fund established in K.C.C. chapter 4.08 to provide for the receipt of
159 revenues and the disbursement of expenditures for the selection, acquisition and display of public
160 art.

161

162 "Public Art Program" means the County program administered and implemented by the Cultural
163 Development Authority that includes the works and thinking of artists in the planning, design, and
164 construction of facilities, buildings, infrastructure and public spaces to enhance the physical
165 environment, mitigate the impacts of County construction projects, and enrich the lives of county
166 residents through increased opportunities to interact with art.

167

168 "Resolution" means an action taken by the board with the quorum established in Section 5.4.

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170 "State" (when used as a noun) means the state of Washington.

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ARTICLE IV
Powers

Section 4.1. Powers. Except as limited by the state constitution and state law, the King County Charter, King County Ordinances, or this Charter, the Authority may exercise all lawful powers necessary or convenient to effect the purposes for which the Cultural Development Authority is organized to perform authorized corporate functions, as provided in this Charter and the Bylaws, and as may be conferred by federal, state, and local law, and King County ordinance, including, without limitation, the power to make and manage policies, procedures, guidelines, initiatives, programs, projects, marketing or promotional campaigns, and other endeavors to foster and implement the purposes of the Authority. The Authority's powers shall include, but are not limited to, the following:

A. Receive and manage all Hotel/Motel tax revenues designated by the state of Washington for cultural purposes in King County, in accordance with RCW 67.28.180A(3)(a) and K.C.C. chapters 4.08, 4.42 or 2.48 or by similar statutory and ordinance authority.

B. Receive and manage all public art revenues designated by King County for public art purposes, in accordance with K.C.C. chapters 4.08, 4.40 and 2.46, or by similar statutory and ordinance authority.

C. Receive and manage general fund revenues designated or appropriated by King County for cultural purposes consistent with the purposes of the Authority.

D. Make and manage grants and contracts for King County Cultural Programs, and cultural purposes and activities consistent with the purposes of the Authority.

E. Make and manage contracts for the King County Public Art Program, and public and civic art projects and programs consistent with the purposes of the Authority.

F. By agreement with the County, provide collection management for the King County public art collection including annual maintenance survey, administration of maintenance and restoration of artworks owned by the County, and database record-keeping pursuant to the County's contractual obligations for commissioned artwork, payment for the services shall be determined in the appropriation in the annual county budget.

G. By agreement with the County, provide rotation of county-owned portable artwork among King County facilities, payment for the services shall be determined in the appropriation in the annual county budget.

H. Undertake any other activities necessarily or reasonably related to the Authority's purposes, including but not limited to:

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1. Own and sell real and personal property;
2. Contract for any corporate purpose with the United States, a state, and any political subdivision or agency of either, and with individuals, associations and corporations; provided, that each such contract or agreement that may or will obligate the County in the future shall be subject to prior written approval by the County;
3. Sue and be sued in its name;
4. Lend and borrow funds;
5. Do anything a natural person may do, except as limited by law or ordinance;
6. Transfer any funds, real or personal property, property interests, or services; provided, that each such transfer shall be subject to written approval by the County;
7. Solicit, receive and administer federal, state, local and or private funds, goods, or services for any purpose consistent with the purposes and powers of this Charter;
8. Purchase, lease, exchange, mortgage, encumber, improve, use, or otherwise transfer or grant security interests in real or personal property or any interests therein; grant or acquire options on real and personal property; and contract regarding the income or receipts from real and personal property; provided, that each such action that may or will obligate the County in the future shall be subject to prior written approval by the County;
9. Issue negotiable bonds and notes in conformity with applicable provisions of the Uniform Commercial Code and state law in such principal amounts as, in the discretion of the Authority, shall be necessary or appropriate to provide sufficient funds for achieving any corporate purposes; provided, however, that all bonds and notes or liabilities occurring thereunder shall be satisfied exclusively from the assets, properties or credit of such Authority, and no creditor or other person shall have any recourse to the assets, credit or services of the County thereby, unless the County shall by ordinance expressly guarantee such bonds or notes;
10. Contract for, lease, and accept transfers, gifts or loans of funds or property from the United States, a state, and any municipality or political subdivision or agency of either, including property acquired by any such governmental unit through the exercise of its power of eminent domain, and from corporations, associations, individuals or any other source, and to comply with the terms and conditions thereof;
11. Manage, on behalf of the United States, a state, and any municipality or political subdivision or agency of either, any property acquired by such entity through gift, purchase, construction, lease, assignment, default, or exercise of the power of eminent domain;

257
258 12. Recommend to appropriate governmental authorities public improvements and
259 expenditures in areas of the County in which the Authority by this Charter has a particular
260 responsibility;

261
262 13. Initiate, carry out, and complete such improvements of benefit to the public
263 consistent with this Charter as the United States, a state, and any municipality or political
264 subdivision or agency of either may request;

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266 14. Recommend to the United States, a state, and any municipality or political
267 subdivision or agency of either, consistent with all applicable laws, such tax, financing, and
268 security measures as the Authority may deem appropriate to maximize the public interest in
269 activities in which the Authority by this Charter has a particular responsibility;

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271 15. To the extent permitted under the Washington State Constitution, lend its funds,
272 property, credit or services for corporate purposes, or act as a surety or guarantor for corporate
273 purposes;

274
275 16. Provide and receive payment for advisory, consultative, training, technical
276 assistance, educational, and community services or advice to individuals, associations,
277 corporations, King County or other governmental agencies;

278
279 17. Control the use and disposition of corporate property, assets, and credit;

280
281 18. Invest and reinvest its funds;

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283 19. Fix and collect whatever charges it deems appropriate for services rendered or to
284 be rendered, and establish the consideration (if any) for property transferred, all in pursuit of
285 corporate purposes;

286
287 20. Maintain books and records as appropriate for the conduct of its affairs and as may
288 be required by law and regulations;

289
290 21. Conduct corporate affairs, carry on its operations, and use its property as allowed
291 by law and consistent with this Charter, and its the Bylaws; name corporate officials, designate
292 agents, and engage employees, prescribing their duties, qualifications, and compensation;
293 supervise and discharge employees; and secure the services of consultants for professional
294 services, technical assistance, or advice;

295
296 22. Identify and recommend to the United States, a state, and any municipality or
297 political subdivision or agency of either, the acquisition by the appropriate governmental entity for
298 transfer to or use by the Authority of property and property rights, which, if so acquired, whether

299 through purchase or the exercise of eminent domain, and so transferred or used, would materially
300 advance the purpose for which the Authority is chartered; and

301
302 23. Exercise and enjoy such other powers as may be authorized by law and ordinance.

303
304 I. The Authority shall undertake any other activities necessarily or reasonably related to
305 the purposes of this Charter.

306
307 Section 4.2. Limitation of Powers. The Authority organized under this Charter in all activities
308 and transactions shall be limited in the following respects:

309
310 A. The Authority shall have no power of eminent domain nor any power to levy taxes or
311 special assessments.

312
313 B. The Authority may not incur or create any liability that permits recourse by any party
314 or member of the public to any assets, services, resources, or credit of the County. All liabilities
315 incurred by the Authority shall be satisfied exclusively from the assets and credit of the Authority;
316 no creditor or other person shall have any recourse to the assets, credit, or services of the County
317 on account of any debts, obligations, liabilities, acts, or omissions of the Authority.

318
319 C. No funds, assets, or property of the Authority shall be used for any partisan political
320 activity or to further the election or defeat of any candidate for public office or ballot proposition;
321 nor shall any funds or a substantial part of the activities of the Authority be used for publicity or
322 educational purposes designed to support or defeat legislation pending before the Congress of the
323 United States, or the legislature of Washington State or the County Council; provided, however,
324 that funds may be used for representatives of the Authority to communicate with members of
325 Congress, state legislators, County Executive or County Council members concerning funding and
326 other matters directly affecting the Authority, so long as such activities do not constitute a
327 substantial part of the Authority's activities and unless such activities are specifically limited
328 elsewhere in this Charter or by County ordinance.

329
330 D. All funds, assets, or credit of the Authority shall be applied toward or expended upon
331 services, projects, and activities authorized by this Charter. No part of the net earnings of the
332 Authority shall inure to the benefit of, or be distributable as such to, the Directors, officers of the
333 Authority or other private persons, except that the Authority is authorized and empowered to:

334
335 1. Reasonably compensate those persons or entities performing services for the
336 Authority, including Authority employees, a reasonable amount for services rendered, and
337 reimburse Authority Directors, advisory committee members, and others for reasonable expenses
338 actually incurred in performing their duties;

339
340 2. Assist Authority officials as members of a general class of persons to be assisted by
341 an Authority-approved project or activity to the same extent as other members of the class as long

342 at no special privileges or treatment accrues to such corporate official by reason of the official's
343 status or position in the Authority;

344
345 3. Defend and indemnify any current or former Board member or employee and their
346 successors, spouses and marital communities against all costs, expenses, judgments, and liabilities,
347 including attorneys' fees, reasonably incurred by or imposed upon them in connection with or
348 resulting from any civil claim, action, or proceeding in which they are or may be made a party by
349 reason of the current or former Board member's position on the Board or the employee's
350 employment, or by reason of any action alleged to have been taken or omitted by them in their
351 respective capacities, provided that they were acting in good faith on behalf of the Authority and
352 within the scope of duties imposed or authorized by law. This power of indemnification shall not
353 be exclusive of other rights to which corporate officials may be entitled as a matter of law;

354
355 4. Purchase insurance to protect and hold personally harmless any of its officials, its
356 employees, and its agents from any civil action, claim, or proceeding instituted against the
357 foregoing individuals arising out of the performance, in good faith, of duties for, or employment
358 with, the Authority and to hold these individuals harmless from any expenses connected with the
359 defense, settlement, or monetary judgments from such actions, claims, or proceedings. The
360 purchase of such insurance and its policy limits shall be discretionary with the Board, and such
361 insurance shall not be considered to be compensation to the insured individuals. The powers
362 conferred by this subsection shall not be exclusive of any other powers conferred by law to
363 purchase liability insurance;

364
365 5. Sell assets for a consideration greater than their reasonable market value or
366 acquisition costs, charge more for services than the expense of providing them, or otherwise
367 secure an increment in a transaction, or carry out any other transaction or activity, as long as such
368 gain is not the principal object or purpose of the Authority's transactions or activities and is
369 applied to or expended upon services, projects, and activities otherwise authorized as corporate
370 purposes.

371
372 E. The Authority organized under this chapter shall not issue shares of stock, pay
373 dividends, make private distribution of assets, make loans to its Directors or employees or
374 otherwise engage in business for private gain.

375
376 ARTICLE V
377 Board Of Directors And Corporate Officers

378
379 Section 5.1. Powers. The affairs of the Authority shall be governed by the Board of Directors.
380 All corporate powers of the Authority shall be exercised by or under the authority of the Board of
381 Directors, except those reserved for the County Council. The business, property and affairs of the
382 Authority shall be managed under the direction of the Board except as may be otherwise provided
383 for by law or in this Charter.

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385 Section 5.2. Composition of the Board.

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A. The Board shall be composed of fifteen (15) Directors and five ex officio members as specified below. The Board Director positions shall be designated by position numbers 1 through 15.

B. Directors shall have a demonstrated commitment to and knowledge of cultural resources, shall be active and experienced in community and civic issues and concerns, and shall have the ability to evaluate the needs of cultural constituencies in the region as a whole. Directors shall represent a range of talents, experience, backgrounds, and viewpoints and shall be sought from a range of: professional artists; arts administrators; architects; landscape architects; administrators, professionals and specialists in heritage and historic preservation; administrators, professionals and specialists in cultural education; urban planners and designers; attorneys; community arts and heritage activists; business professionals; and the community at large. Directors shall be residents of King County and shall be chosen to reflect the geographic and cultural diversity of the County. No more than six Directors from any one municipality shall serve on the Board at the same time.

C. Directors shall be nominated as specified in the Bylaws and 7.3 of this Charter. In the event it has created a constituency or other membership organization, the Authority shall elicit and consider recommendations for Board membership from such organization.

D. Upon the effective date of Ordinance _____, the Board positions (“Board Positions”) shall be numbered. Board vacancies and expired terms shall be filled as follows:

1. Position 1 is to be appointed by the County Councilmember representing County Council District 5;
2. Position 2 is to be appointed by the County Councilmember representing County Council District 6;
3. Position 3 is to be appointed by the County Councilmember representing County Council District 7;
4. Position 4 is to be appointed by the County Councilmember representing County Council District 4;
5. Position 5 is to be appointed by the County Councilmember representing County Council District 8;
6. Position 6 is to be appointed by the County Councilmember representing County Council District 1;
7. Position 7 is to be appointed by the County Councilmember representing County Council District 2;
8. Position 8 is to be appointed by the County Councilmember representing County Council District 9;
9. Position 9 is to be appointed by the County Councilmember representing County Council District 3; and
10. Positions 10, 11, 12, 13, 14, and 15 are to be appointed by the County Executive.

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E. Appointments shall be subject to confirmation by motion by the County Council.

Section 5.3. Terms of Office.

A. Terms of office shall expire on the last day of December of the year in which the respective group is scheduled to terminate. Each Director shall continue to serve until the Director's successor has been appointed and confirmed.

B. Each Director shall be appointed to serve for a three-year term, commencing on January 1st. Each Director may serve up to two full consecutive terms.

C. A Director shall be deemed to have served one full term if such Director serves two years or more of an unexpired term.

D. If, after a full public hearing, the County for any reason determines that any or all of the Directors should be removed from office, the County may by ordinance remove such Director or Directors. The term of any Director removed pursuant to this section shall expire when the removal ordinance takes effect. Vacancies created under this section shall be filled in the manner provided in the Charter and Bylaws.

E. Vacancies occurring during the course of a term shall be processed in the manner provided in the Bylaws to complete the unexpired term to which appointed.

Section 5.4. Quorum and Manner of Action. At all meetings of the Board of Directors, a majority of the Board of Directors who are appointed and confirmed shall constitute a quorum. Except as otherwise provided in this Charter, all official actions of the Board require a simple majority vote of the quorum.

Section 5.5. Officers and Division of Duties.

A. The initial officers of the Authority shall be the President, Vice President, Secretary and Treasurer of the Board. In no event shall there be less than two officers designated, nor shall the same person occupy the office of President and that of Treasurer, or any office responsible for custody of funds and maintenance of accounts and finances. Additional officers may be provided for in the Bylaws.

B. The President shall be the agent of the Authority for service of process. The Bylaws may designate additional corporate officials as agents to receive or initiate process. The corporate officers, who shall be selected from among the Directors as provided in the Bylaws, shall ensure the affairs and operations of the Authority are conducted in an appropriate manner.

470 C. The Board shall oversee the activities of the corporate officers, establish policy,
471 participate in corporate activity in matters prescribed by County ordinance, and shall have
472 stewardship for management and determination of all corporate affairs.
473

474 Section 5.6. Bonding of Corporate Officers. Each corporate official responsible for handling
475 accounts and finances shall file as soon as practicable with the Authority a fidelity bond in an
476 amount determined by the Board to be adequate and appropriate, and may hold the corporate
477 office only as long as such a bond continues in effect.
478

479 Section 5.7. Confirmation of Executive Director. The Executive Director shall be appointed by
480 the Executive after being recruited and recommended for selection by the Board through the
481 process established in the Bylaws. The Executive Director shall be confirmed by motion by the
482 County Council.
483

484 Section 5.8. Ex officio Members of the Board.
485

486 A. Ex officio members may attend Board meetings and participate in the discussion of
487 Board business, but shall not have a vote on matters directly before the Board.
488

489 B. The County Executive shall designate one member of the County Executive's staff to
490 serve as liaison to the Authority and ex officio member of the Board. The designee shall be a
491 member of the Governance/Nominating Committee and shall have the power to vote on
492 recommendations for nominations to the Board as prescribed in this Charter.
493

494 C. The County Council shall designate three of its members to serve as ex officio
495 members of the Board. Each County Council member so designated shall serve for one year and
496 may be reappointed for a total of three (3) years. Each designee shall be a member of the
497 Governance/ Nominating Committee and shall have the power to vote on recommendations for
498 nominations to the Board as prescribed in this Charter.
499

500 D. The Executive Director shall be an ex officio member of the Board.
501

502
503 ARTICLE VI
504 Meetings
505

506 Section 6.1. Meetings of the Board.
507

508 A. The Board shall meet in regular meetings at least four (4) times each year. The Board
509 may conduct special meetings as provided by this Charter, the Bylaws or in accordance with
510 chapter 42.30 RCW.
511

512 B. The Board shall be the governing body of a public agency as defined in chapter 42.30
513 RCW, and all meetings of the Board shall be held and conducted in accordance with chapter 42.30
514 RCW. Notice of meetings shall be given in a manner consistent with chapter 42.30 RCW. In
515 addition, the Authority shall routinely provide reasonable notice of meetings to any individual
516 specifically requesting it in writing.

517
518 C. All Board meetings, including Executive Committee and all other permanent and ad
519 hoc committee meetings, shall be open to the public to the extent required by chapter 42.30 RCW.
520 The Board and committees may hold executive sessions to consider matters as authorized under
521 chapter 42.30 RCW., or privileged matters recognized by law, and shall enter the cause therefor
522 upon its official journal. At all public meetings, any citizen shall have a reasonable opportunity to
523 address the Board either orally or by written petition.

524
525 Section 6.2. Parliamentary Authority. The rules in Robert's Rules of Order (revised) shall govern
526 the Authority in all cases to which they are applicable, where they are not inconsistent with this
527 Charter or with the special rules of order of the Authority set forth in the Bylaws.

528
529 Section 6.3. Record Keeping.

530
531 A. Copies of the minutes of all regular or special meetings of the Board shall be available
532 to any person or organization that requests them. The minutes of all Board meetings shall include
533 a record of individual votes on all matters requiring Board concurrence.

534
535 B. Each regular quarterly meeting of the Board shall be recorded by a recording device
536 selected by the Board. Such proceedings may also be recorded by a court reporter provided by
537 and at the expense of any person wishing such a record. If subject to disclosure, a copy of the
538 recording of any meeting or any part thereof shall be furnished to any person upon written request
539 and payment of the reasonable expense thereof.

540
541 ARTICLE VII

542 Committees, Advisory Committees, Juries, and Selection Panels

543
544 Section 7.1. Committees of the Board.

545
546 A. The Board shall, by vote of the majority of the quorum, establish an Executive
547 Committee as prescribed in Section 7.2 and a Governance/Nominating Committee as prescribed in
548 Section 7.3.

549
550 B. The Board may, by vote of the majority of the quorum, establish additional committees
551 of the Board and shall define the purposes, powers, date of expiration, and reporting requirements
552 of each committee and shall appoint a chairperson and members to serve.

553

554 C. Committees of the Board shall consist of between three and five Directors. Directors
555 may serve up to four consecutive years on any one committee, including up to two years as
556 chairperson of a particular committee.

557
558 D. A simple majority of a particular committee's membership shall constitute a quorum,
559 and a majority of committee members present and voting at a meeting at which a quorum is
560 present is necessary for committee action.

561
562 E. The Executive Director shall be an ex officio member of all committees of the Board.

563
564 Section 7.2. Executive Committee.

565
566 A. The Executive Committee of the Board shall consist of the President, the Vice
567 President, the Secretary, the Treasurer of the Board, and one member-at-large elected by a simple
568 majority vote of the quorum.

569
570 B. The Executive Committee shall represent the Board and, except as prohibited by this
571 Charter, the Bylaws or King County ordinances, act for and on behalf of the Board.

572
573 C. Regular meetings of the Executive Committee shall be held at least once every month.
574 The Executive Committee shall establish regular meeting times and places by resolution. The
575 President may call additional meetings, with notice provided as established by this Charter. The
576 President shall preside over meetings of the Executive Committee. A simple majority of the total
577 number of Executive Committee members shall constitute a quorum for the transaction of
578 committee business. All official actions of the committee require a simple majority vote of the
579 quorum.

580
581 Section 7.3. Governance/Nominating Committee.

582
583 A. There shall be a Governance/Nominating Committee of the Board composed of: the
584 Vice President; three additional Directors, each of whom shall be elected by the Board; the ex
585 officio member of the Board designated by the County Executive as prescribed in this Charter; and
586 the ex officio members of the Board designated by the County Council as prescribed in this
587 Charter. The Vice President shall serve as the chairperson of the committee.

588
589 B. The Governance/Nominating Committee shall nominate Directors to be officers of the
590 Authority; shall nominate members of Ad Hoc Advisory Committees; and, may recommend to the
591 Board persons for appointment as Directors and for reappointment of existing Directors. When a
592 vacancy among the officers is deemed to exist, the Governance/Nominating Committee shall
593 nominate a replacement for consideration at the next meeting of the Board.

594
595 C. If, in accordance with Section 7.3.D, the Board is requested to forward a nominee to fill
596 a Board Position, the Governance/Nominating Committee shall ensure that the community is

604 consulted to obtain recommendations for candidates for the Board, including (1) eliciting and
605 considering recommendations for Board membership from arts, heritage, historic preservation, and
606 cultural education agencies and commissions, cultural, professional, and civic organizations,
607 Authority staff, Board members, County Councilmembers, the County Executive, and others as
608 determined appropriate by the Governance/Nominating Committee; (2) meeting with candidates;
609 and (3) establishing a pool of qualified candidates and nominate one candidate from that pool for
610 each open position so as to meet requirements for Board composition established by this Charter.
611

612 D. Prior to the vacancy of a Board position that is to be appointed by a County
613 Councilmember, the Board shall notify the relevant Councilmember about when the vacancy is
614 slated to occur, shall provide information about the current composition of the Board, and shall
615 provide recommendations about the attributes that would be most helpful in filling the position.
616 The Board shall notify in writing the relevant Councilmember of the date once a vacancy actually
617 exists. For either appointments to Board Positions 10 through 15, if requested by the County
618 Executive, or for appointments to the Board Positions 1 through 9, if requested by the relevant
619 Councilmember making an appointment in accordance with Section 5.2, the Board will nominate a
620 candidate using the processes set out in this Section 7.3.
621

622 E. If the Board is requested to nominate a candidate for a Board Position by either the
623 County Executive or by the relevant County Councilmember, the Governance/Nominating
624 Committee shall report its recommendations for either new appointees or reappointment, or both,
625 to the Board. The Board will consider those recommendations and may nominate a candidate by a
626 simple majority vote of the quorum or request the Governance/Nominating Committee to
627 reconvene and nominate additional candidates. The Board shall transmit the name of each
628 nominee, along with a summary of qualifications for each, to the appointing authority, either the
629 County Executive or the relevant County Councilmember.. The County Executive and County
630 Councilmembers may appoint Directors from among those forwarded by the Board or other
631 qualified candidates.
632

633 F. The Governance/Nominating Committee shall ensure that the community is consulted
634 to obtain recommendations for candidates to the Ad Hoc Advisory Committees including eliciting
635 and considering recommendations for Ad Hoc committee appointments from arts, heritage,
636 historic preservation, and cultural education agencies and commissions, cultural, professional, and
637 civic organizations, Authority staff, and other Directors. The Governance/Nominating Committee
638 shall meet with candidates, establish a pool of qualified candidates and nominate one candidate
639 from that pool for each open position so as to meet requirements for Ad Hoc Committee
640 composition established by this Charter. Nominations for Ad Hoc Advisory Committees shall be
641 made to the Board and the Board may approve those candidates by a simple majority vote of the
642 quorum.
643

644 G. The Governance/Nominating Committee shall ensure that all new Directors receive an
645 orientation manual and that all Directors receive appropriate Board training.
646

640 H. Meetings of the Governance/Nominating Committee shall be called by the committee
641 chairperson with notice as established by this Charter, and shall be presided over by the
642 chairperson. A simple majority of the total number of Committee members shall constitute a
643 quorum for the transaction of committee business. All official actions of the committee require a
644 simple majority vote of the quorum.

645
646 Section 7.4. Cultural Advisory Committees.
647

648 A. It is the policy and intention of the Board to ensure that citizen oversight, commitment
649 to excellence and innovation, and the highest professional standards of the field are maintained in
650 all programs, projects and activities undertaken by the Authority by establishing standing Cultural
651 Advisory Committees.

652
653 B. There shall be an Arts Advisory Committee, Heritage Advisory Committee, Historic
654 Preservation Advisory Committee, and Public Art Advisory Committee composed of experts from
655 the Board and the public who shall be chosen to reflect the geographic and cultural diversity of the
656 County.

657
658 1. The Board shall appoint one Director to serve on each of the four Cultural Advisory
659 Committees.

660
661 2. The public members of the Cultural Advisory Committees shall be nominated by
662 the Executive Director following consultation with Authority staff, arts, heritage, historic
663 preservation, and cultural education agencies and commissions, cultural, professional and civic
664 organizations and the Authority Board, and shall be approved by the Authority Board.

665
666 3. Each Cultural Advisory Committee shall consist of between five and seven
667 members.

668
669 4. Terms of members shall not exceed two three-year terms including up to two years
670 as chairperson of that particular committee.

671
672 5. The chairperson of each Cultural Advisory Committee shall be a member of the
673 public and shall be elected by a vote of the simple majority of the quorum of the committee. The
674 chairperson may serve for two one-year terms as chair.

675
676 6. Each Cultural Advisory Committee shall advise the Board concerning the needs and
677 interests of its constituency; recommend policy, program initiatives and priorities; perform other
678 specific duties related to the Cultural Programs and the Public Art Program as described by King
679 County code and ordinance; and shall review and approve recommendations for Cultural
680 Programs funding made by juries and selection panels prescribed in Section 7.6 and transmit them
681 to the Board for final approval.

682

683 7. Cultural Advisory Committees may not act on behalf of the Authority nor bind it to
684 any action but may make recommendations to the Executive Director or the Board.

685
686 8. By giving notice as provided in the Bylaws, the chairperson of a Cultural Advisory
687 Committee may call a meeting of the committee. A simple majority of a committee's membership
688 shall constitute a quorum, and a majority of committee members present and voting at a meeting at
689 which a quorum is present is necessary for committee action.

690
691 9. The Executive Director or designee shall be an ex officio member of each
692 committee.

693
694 Section 7.5. Ad Hoc Advisory Committees to the Board.

695
696 A. The Board may establish Ad Hoc Advisory Committees as it deems necessary by a
697 simple majority vote of the quorum and shall define the purposes, powers, date of expiration, and
698 reporting requirements of each committee.

699
700 1. Ad Hoc Advisory Committees may not act on behalf of the Authority nor bind it to
701 any action but may make recommendations to the Board.

702
703 2. Committees shall generally consist of between three and five members, unless the
704 Board deems it necessary to increase the size of a committee to achieve broader public
705 representation or expertise, in which case the Board may establish a committee with up to seven
706 members.

707
708 3. The Board may appoint not more than two Directors to serve on each committee.

709
710 4. The public members of an Ad Hoc Advisory Committee shall be appointed by the
711 Board from nominations made by the Governance/Nominating Committee in accordance with the
712 provisions of Section 7.3.

713
714 5. Terms of members shall be defined by the Board according to the purposes of the
715 committee but may not exceed six consecutive years on any one committee including up to two
716 years as chairperson of that particular committee.

717
718 6. Unless otherwise prescribed in the Bylaws, committee members shall elect a
719 chairperson for a one-year term by a vote of a simple majority of the quorum of the committee.

720
721 D. By giving notice as provided in the Bylaws, the chairperson of an Ad Hoc Advisory
722 Committee may call a meeting of the committee. A simple majority of a committee's membership
723 shall constitute a quorum, and a majority of committee members present and voting at a meeting at
724 which a quorum is present is necessary for committee action.

725

726 E. The Executive Director or designee shall be an ex officio member of each committee.
727

728 Section 7.6. Juries and Selection Panels. The Authority shall utilize peer review juries and
729 selection panels comprised of independent professionals and citizen representatives, not including
730 Directors, corporate officers or Authority staff, to review and evaluate applications for Cultural
731 Programs funding, within guidelines established by the Board or required by law, and recommend
732 funding awards. Juries and selection panels may be empanelled in accordance with guidelines
733 established by the Board.
734

735 ARTICLE VIII
736 General Requirements
737

738 Section 8.1. Board Review and Concurrence.
739

740 A. At least quarterly, the Board shall review monthly statements of income and expenses
741 which compare budgeted expenditures to actual expenditures. The Board shall review all such
742 information at regular meetings, the minutes of which shall specifically note such reviews and
743 include such information.
744

745 B. The Board shall review cultural programs funding recommendations and procedures
746 and give final approval of funding awards.
747

748 C. In addition to approval that may be required by King County, general or particular
749 authorization or review and concurrence of the Board by resolution shall be necessary for any of
750 the following transactions:
751

752 1. Transfer or conveyance of an interest in real estate other than release of a lien or
753 satisfaction of a mortgage after payment has been received or the execution of a lease for a current
754 term less than one year;
755

756 2. The contracting of debts, issuances of notes, debentures, or bonds, and the
757 mortgaging or pledging of Authority assets or credit to secure the same;
758

759 3. The donation of money, property or other assets belonging to the Authority to
760 public agencies or to non-profit associations. Donations are to be conducted in accordance with
761 the state constitutional provisions governing such gifts;
762

763 4. An action by the Authority as a surety or guarantor;
764

765 5. Adoption of an annual budget and a separate capital budget;
766

767 6. All capital expenditures in excess of twenty-five thousand dollars (\$25,000);
768

769 7. Certification of annual reports and statements to be filed with the County Council
770 Clerk as true and correct in the opinion of the Board and of its Directors except as noted;

771
772 8. Proposed amendments to this Charter or the Bylaws; and

773
774 9. Such other transactions, duties, and responsibilities as this Charter shall repose in
775 the Board or that the Board may reserve.

776
777 Section 8.2. Deposit of Public Funds. All moneys belonging to or collected for the use of the
778 Authority, coming into the hands of any corporate official or officer thereof, shall be deposited in
779 a qualified public depository as determined by the Washington Public Deposit Protection
780 Commission. Such monies may be invested at the direction of the Board, by resolution, in
781 investments which would be lawful for the investments of County funds.

782
783 Section 8.3. Establishment and Maintenance of Office and Records.

784
785 A. The Authority shall maintain a principal office at a location within the boundaries of
786 King County.

787
788 B. The Authority shall file and maintain with the County Council Clerk a current listing of
789 all Authority officials, their positions and their home addresses, their business and home phone
790 numbers, the address of its principal office and of all other offices used by it, and a current set of
791 the Bylaws.

792
793 C. The Authority shall maintain its records in a manner consistent with the Preservation
794 and Destruction of Public Records Act, chapter 40.14 RCW.

795
796 Section 8.4. Public Access to Records.

797
798 A. The Authority shall keep an official journal containing the minutes of proceedings at
799 all meetings of the Board and the resolutions of the Board.

800
801 B. Any person shall have access to public records and information of the Authority to the
802 extent required by State law.

803
804 Section 8.5. Budget Approval, Reports and Information Sharing.

805
806 A. Except as provided in section 19 of Ordinance _____, beginning in 2020, at
807 least one hundred-twenty-five days before the end of each fiscal year, the Authority shall transmit
808 its budget for the following fiscal year to the County Executive. At least ninety-five days prior to
809 the end of each fiscal year, the County Executive shall transmit the Authority budget to the
810 County Council Clerk, in both electronic and hard copy form, along with a motion accepting the
811 Authority budget. The Authority shall transmit its budget to the County Executive after it has

812 been approved by the Board. The budget shall identify the budgeted operating and capital
813 expenditures and full-time equivalent positions for the following fiscal year. The Authority shall
814 also transmit supporting data, including but not limited to a statement of assets and liabilities, a
815 financial plan that includes actual expenditures, revenues and reserves for the preceding fiscal year
816 and estimates of all expenditures, revenues and reserves for the current fiscal year and the
817 following five years.

818 B. The Authority shall by April 15 each year file an annual report with the County
819 Executive and the County Council containing a summary of significant accomplishments; an
820 updated estimate of expenditures for the current fiscal year; a summary of projects and activities to
821 be undertaken during the current year; a list of Authority officials and a list of officials bonded
822 pursuant to this Charter.
823

824 C. The Authority shall meet with the County Council two times per year, once to discuss
825 the Authority's annual report and once to discuss the Authority's plans and proposed expenditures
826 for the following year. The Authority shall meet at least one time per year with the County
827 Executive; and at least one time per year with Directors and administrators of County departments
828 and agencies that interface with the Authority.
829

830 Section 8.6. Audits and Inspections. The Authority shall, at any time during normal business
831 hours and as often as the County Executive, the County Council or the State Auditor deem
832 necessary, make available to the County Executive, the County Council and the State Auditor for
833 examination all of its financial records, and shall permit the County Executive, County Council
834 and State Auditor to audit, examine and make excerpts or transcripts from such records, and to
835 make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of
836 employment and other data relating to all the aforesaid matters. The County shall control and
837 oversee the Authority as required by State law. In exercising such control, the County Executive,
838 County Council, and State Auditor shall have no right, power or duty to supervise the daily
839 operations of the Authority, but shall oversee such operations through their powers to audit,
840 modify this Charter and the Bylaws, to confirm and remove Directors and the Executive Director,
841 and accept the annual operating and capital budgets, all as set forth in this Charter, all for the
842 purpose of safeguarding public funds and correcting any deficiency and assuring that the purposes
843 of the Authority are reasonably accomplished.
844

845 Section 8.7. Insurance. The Authority shall maintain in full force and effect public liability
846 insurance in an amount sufficient to cover potential claims for bodily injury, death or disability
847 and for property damage, which may arise from or be related to projects and activities of the
848 Authority, naming the County as an additional insured, if such insurance shall be available at a
849 reasonable price as determined by the Board.
850

851 Section 8.8. Conflict of Interest.
852

853 A. Except as provided in this section, no Director, corporate officer or employee of the
854 Authority may participate in Board decisions if that person or a member of that person's

855 immediate family has a financial interest in the issue being decided unless the financial interest is
856 a remote financial interest and participation is approved under subsection B of this section.
857

858 B. A Director, corporate officer or employee may participate in a decision if that person or
859 a member of that person's immediate family has only a remote financial interest, the fact and
860 extent of the interest is disclosed to the Board in a public meeting and is noted in the minutes of
861 the Board before any participation by the Director, corporate officer or employee in the decision,
862 and thereafter in a public meeting the Board by vote authorizes or approves the participation. If
863 the person whose participation is under consideration is a Director, that person may not vote under
864 this subsection. For purposes of this subsection, "remote financial interest" means:
865

- 866 1. That of a non-salaried officer or Director of a nonprofit corporation;
- 867
- 868 2. That of an employee or agent of a contracting party where the compensation of the
869 employee or agent consists entirely of fixed wages or salary and the contract is awarded by bid or
870 by other competitive process;
- 871
- 872 3. That of a landlord or tenant of a contracting party, except in cases where the
873 property subject to the lease or sublease is owned or managed by the Authority;
- 874
- 875 4. That of a holder of less than one percent of the shares of the corporation or
876 cooperative that is the contracting party; or
- 877
- 878 5. That of an owner of a savings and loan or bank savings or share account or credit
879 union deposit account if the interest represented by the account is less than two percent of the total
880 deposits held by the institution.

881
882 C. A Director, corporate officer or employee is not considered to be financially interested
883 in a decision when the decision could not affect the Director, corporate officer or employee, or
884 member of that person's immediate family, in a manner different from its effect on the public.
885

886 D. No Director, corporate officer or employee of the Authority shall accept, directly or
887 indirectly, any gift, favor, loan, retainer, entertainment or other thing of monetary value from any
888 person, firm or corporation having dealings with the Authority when such acceptance would
889 conflict with the performance of a Director, corporate officer or employee's official duties. A
890 conflict, or possibility of conflict, shall be deemed to exist where a reasonable and prudent person
891 would believe that it was given for the purpose of obtaining special considerations or influence;
892 provided that application of this provision shall take into consideration the established customs
893 and practices of the Authority as adopted or approved by the Board.
894

895 E. The Board may adopt additional conflict of interest and ethical rules it considers
896 appropriate.
897

898 F. For purposes of this section, "participate in a decision" includes all discussions,
899 deliberations, preliminary negotiations, and votes.

900
901 G. For purposes of this section, "immediate family" means:

902
903 1. A spouse or domestic partner;

904
905 2. Any parent, parent-in-law, parent of domestic partner, child, son-in-law, daughter-
906 in-law, son or daughter of domestic partner, who is dependent on the Director, corporate officer or
907 employee; and

908
909 3. Any parent, parent-in-law, parent of domestic partner, child, son-in-law, daughter-
910 in-law, child of domestic partner, sibling, sibling of domestic partner, uncle, aunt, cousin, niece or
911 nephew, or any uncle, aunt, cousin, niece or nephew of domestic partner, residing in the household
912 of the Director, corporate officer or employee.

913
914 H. Directors and corporate officers shall comply with the disclosure requirements of King
915 County Code chapter 3.04.

916
917 I. For violation of these ethics requirements, a Director, corporate officer or employee
918 may be subject to disciplinary action, including termination of position or employment.

919
920 J. The Board shall consider and make final decisions on all questions, issues and
921 complaints concerning compliance with these ethics requirements.

922
923 Section 8.9. Discrimination.

924
925 A. Board membership may not directly or indirectly be based upon or limited by creed,
926 age, race, color, religion, sex, sexual orientation, national origin, marital status or the presence of
927 any sensory, mental or physical handicap, unless such limitations are necessary for the
928 performance of the role and no less discriminatory alternatives are available.

929
930 B. To ensure equality of employment opportunity, the Authority shall not discriminate in
931 any matter related to employment based on creed, age, race, color, religion, sex, sexual
932 orientation, national origin, marital status or the presence of any sensory, mental or physical
933 handicap, unless such limitations are necessary for the performance of the role and no less
934 discriminatory alternatives are available. The Authority shall, in all solicitations or advertisements
935 for employees placed by or on behalf of the Authority state that all qualified applicants will
936 receive consideration for employment without regard to creed, age, race, color, religion, sex,
937 sexual orientation, national origin, marital status or the presence of any sensory, mental or
938 physical handicap, unless such limitations are necessary for the performance of the role and no
939 less discriminatory alternatives are available.

940

941 C. The Authority shall not discriminate in contracting based on creed, age, race, color,
942 religion, sex, sexual orientation, national origin, marital status or the presence of any sensory,
943 mental or physical handicap, unless such limitations are necessary for the performance of the role
944 and no less discriminatory alternatives are available.

945
946 Section 8.10. Bylaws.

947
948 A. The properly adopted Bylaws of the Authority shall be the official rules for the
949 governing of meetings and the affairs of the Authority.

950
951 B. The Bylaws may be amended as provided in this Charter in order to provide additional
952 or different rules for governing the Authority and its activities that are not inconsistent with this
953 Charter.

954 C. In the event of any conflict between this Charter and the Bylaws, this Charter shall
955 control.

956
957 Section 8.11. Limit on Liability. All liabilities incurred by the Authority shall be satisfied
958 exclusively from the assets and credit of the Authority. No creditor or other person shall have any
959 recourse to the assets, credit, or services of King County on account of any debts, obligations,
960 liabilities, acts or omissions of the Authority.

961
962 Section 8.12. Mandatory Disclaimer. The following disclaimer shall be posted in a prominent
963 place where the public may readily see it in the Authority's principal and other offices. It shall
964 also be printed or stamped on all contracts, bonds, and other documents that may entail any debt or
965 liability by the Authority.

966
967 The Cultural Development Authority of King County is organized pursuant to King
968 County Ordinance 14482 and RCW 35.21730 through 35.21.755, RCW 35.21.757 and
969 RCW 35.21.750. RCW 35.21.750 provides as follows: "[All] liabilities incurred by such
970 public corporation, commission, or authority shall be satisfied exclusively from the assets
971 and properties of such public corporation, commission or authority and no creditor or
972 other person shall have any right of action against the city, town, or county creating such
973 corporation, commission, or authority on account of any debts, obligations, or liabilities
974 of such public corporation, commission, or authority."

975
976 Section 8.13. Initial Transfer of Funds and Property to the Authority. Pursuant to King County
977 Ordinance 14482, on January 1, 2003 the Authority shall receive and be responsible for the funds
978 and property.

979
980 Section 8.14. Contracts. The Authority shall accept assignment of and complete contracts made
981 by the Office of Cultural Resources on behalf of King County, with the sole exception of contracts
982 for services and programs that were provided by the Office of Cultural Resources to facilitate the
983 regulatory function of the King County Landmarks Commission.

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ARTICLE IX
Amendments to Charter and Bylaws

Section 9.1. Proposals to Amend Charter.

A. The Board may propose to King County that this Charter be amended. Such proposal shall be by resolution passed by a procedure outlined in the Bylaws at a regular or special meeting of the Board for which thirty days' advance written notice was given to Directors and the public.

B. When required by law, the Board shall propose to King County an amendment to this Charter that will conform to and be consistent with said law. Such proposal shall be by resolution passed by a procedure outlined in the Bylaws at a regular or special meeting of the Board for which thirty days' advance written notice was given to Directors and the public.

C. As it deems necessary and appropriate, King County may propose to amend this Charter on its own initiative.

Section 9.2. Amendments to Charter. This Charter may be amended only by King County ordinance, whether in response to a resolution passed by the Authority's Board or on its own initiative, as provided in King County ordinances. After adoption of a Charter amendment, the revised Charter shall be issued and filed in the same manner as the original Charter.

Section 9.3. Amendments to Bylaws.

A. The Bylaws may be amended by a resolution passed by a majority of the Directors who are appointed and confirmed at the time, or by the County by ordinance to conform the Bylaws to amendments to this Charter. Bylaws shall be reviewed annually by the Executive Committee which shall make recommendations, if any, for amending the Bylaws. At any other time, amendments to the Bylaws may be introduced by any Director for consideration by the Board.

B. Amendments to the Bylaws shall be effective ten (10) days after filing of same with the County Council Clerk, unless such amendment(s) shall have been passed by unanimous vote of the Board and an earlier effective date set.

ARTICLE X
Dissolution

Section 10.1. Insolvency.

A. If the Board determines the Authority is or may become insolvent, the Board shall adopt a resolution notifying the County of the determination, the reasons for the determination and

1027 the actions, if any, to be taken by the Authority or the County to regain solvency or avoid
1028 insolvency. The Secretary of the Board shall promptly provide a copy of the resolution to the
1029 County Executive and to each member of the County Council.

1030
1031 B. Following adoption of the resolution and until notified otherwise by the County, the
1032 Board shall take actions as necessary to meet legal and contractual obligations of the Authority
1033 and preserve and maintain the assets and properties of the Authority.

1034
1035 C. The Board shall provide information requested by the County and comply with
1036 instructions and directions provided by the County.

1037
1038 D. If the County determines the Authority is or may become insolvent, the County shall
1039 notify the superior court of King County, which shall proceed under RCW 35.21.750.

1040
1041 E. Upon the determination of insolvency, the officers of the Authority shall preserve and
1042 maintain the assets and properties of the Authority until otherwise directed by order of the court.

1043
1044 Section 10.2. Dissolution.

1045
1046 A. If the Board determines for any reason the purposes of the Authority are not being or
1047 may not be fulfilled, the Board shall adopt a resolution recommending that the County dissolve the
1048 Authority.

1049
1050 B. Following adoption of the resolution and until notified otherwise by the County, the
1051 Board shall take actions as necessary to meet legal and contractual obligations of the Authority
1052 and preserve and maintain the assets and properties of the Authority.

1053
1054 C. The Board shall provide information requested by the County and comply with
1055 instructions and directions provided by the County.

1056
1057 D. If the County dissolves the Authority, the County shall notify the superior court of
1058 King County which shall proceed under RCW 35.21.750.

1059
1060 E. Upon the determination of dissolution, the officers of the Authority shall preserve and
1061 maintain the assets and properties of the Authority until otherwise directed by order of the court.

1062
1063 ARTICLE XI
1064 Approval of Charter

18684 (OK BAR 3/20/18)

1065
1066 This Charter was approved by King County Ordinance 18684, is effective on _____
1067 and supersedes all previous Charters.

1 BYLAWS
2 of the
3 CULTURAL DEVELOPMENT AUTHORITY OF KING COUNTY
4

5 ARTICLE I
6 Board of Directors
7

8 Section 1.1. Nominations – Initial Terms.
9

10 A. Initial Directors shall be appointed based on recommendations of a community-based
11 nominating committee (“Initial Board Nominating Committee”) consisting of eleven (11)
12 members. The County Executive shall designate one member of the Executive staff to represent
13 the Office of the County Executive; the County Council shall designate two of its members to
14 represent the County Council; the King County Arts Commission shall designate one member
15 from the arts; the King County Landmarks Commission shall designate one member from
16 heritage and one member from historic preservation; the King County Public Art Commission
17 shall designate one member from public art; staff of the King County Office of Cultural
18 Resources shall consult with the cultural community to designate four additional public members
19 with a range of talents, experience, backgrounds, and viewpoints. Staff of the Office of Cultural
20 Resources or its designated representative shall facilitate the formation and operations of the
21 nominating committee.
22

23 B. The Initial Board Nominating Committee shall recommend to the County Executive a
24 slate of candidates and the length of the initial term of office for each candidate.
25

26 C. The Committee shall elect a chairperson and establish a meeting schedule at its initial
27 meeting. The Committee shall elicit and consider recommendations for Board membership from
28 arts, heritage, historic preservation, and cultural education agencies and commissions; cultural,
29 professional, and civic organizations; staff of the Office of Cultural Resources; and others.
30

31 D. The Initial Board Nominating Committee or a sub-committee formed by the
32 nominating committee shall meet with individual candidates to determine which ones best meet
33 requirements for the overall mix of talents, experience, backgrounds, viewpoints, expertise, and
34 geographic and cultural diversity established by the Charter. The Committee shall establish a
35 pool of qualified candidates and shall nominate from that pool one candidate for each of the
36 fifteen (15) positions on the Board, and shall designate the length of the initial term for each
37 nominee according to the Charter.
38

39 E. The Committee shall transmit its recommendations, along with a summary of
40 qualifications, to the County Executive in a timely manner. The County Executive shall consider
41 the recommendations and, based on the recommendations and other nominations, if any, appoint

42 Directors to the Board. The appointments of the County Executive shall be subject to
43 confirmation by the County Council.
44

45 F. If requested by the County Executive, the nominating committee shall reconvene and
46 nominate additional candidates.
47

48 Section 1.2. Nominations - Expired Terms. The Board may make nominations for candidates
49 for appointment or reappointment to fill expired terms on the Board. If the Board makes such a
50 nomination, it shall be submitted, along with a summary of qualifications, to the County
51 Executive or County Councilmember making the appointment according to Section 5.2 of the
52 Charter. Nominations shall be made by the Board as set forth in the Charter.
53

54 Section 1.3. Vacancies. Vacancies on the Board shall be filled in the same manner as expired
55 terms. A vacancy or vacancies on the Board shall be deemed to exist in the case of death or
56 disability, upon receipt of a letter of resignation, or upon removal from office of any Director as
57 provided herein. Upon such an occurrence, the Board may nominate a replacement for such a
58 member as prescribed in the Charter. Directors are subject to appointment and confirmation as
59 prescribed in the Charter.
60

61 Section 1.4. Status of Appointed Directors. Appointed Directors shall serve in an acting
62 capacity until confirmed by the County Council. Acting Directors may attend meetings and
63 participate in the discussions of the Board's business, but shall not have a vote on matters before
64 the Board nor shall they be considered for purposes of determining a quorum. Once confirmed,
65 appointees shall have the full power and responsibility of a Director provided by the Charter and
66 these Bylaws.
67

68 Section 1.5. Hold Over. In the event that a Director's term expires and a successor has not been
69 confirmed, the Director whose term has expired shall continue to serve until the Director's
70 successor has been duly appointed and confirmed.
71

72 Section 1.6. Attendance at Meetings. If any Director has an unexcused absence for more than
73 three consecutive regular or special meetings of the Board, such Director may be recommended
74 for removal from the Board by majority vote of the Board. The Board's recommendation for
75 removal of a Director for unexcused absences shall be sent to the County Executive with a
76 recommendation for a replacement for the vacancy as described in Section 1.3. A Director is
77 also expected to attend at least one half of all meetings of any committee of the Board or
78 advisory committee to the Board on which the Director serves. Directors may not appoint
79 representatives or designees to attend meetings on their behalf.
80

81 ARTICLE II
82 Officers

Striker S1 to V2

#10
Attachment B

124
125
126
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1. Certify and keep at the office of the Authority, or at such other place as the Board of Directors may order, the original or a copy of the Bylaws, as they may have been amended;

2. Keep at the office of the Authority, or at such other place as the Board of Directors may order, a book of minutes of all meetings of the directors, recording therein the time and place of holding, whether regular or special, and, if special, how authorized, the notice thereof given, and the proceedings thereat;

173 Section 3.2. Responsibilities. The Executive Director shall be the chief executive officer of the
174 Authority and shall have the following responsibilities: (i) develop and implement services,
175 programs and projects that support the Authority's mission and purposes; (ii) develop and
176 propose an annual operating budget for Board approval; (iii) recruit, hire and manage
177 professional and clerical staff; (iv) establish operational procedures (v) manage operations
178 within the limits of budgets and guidelines established by the Board; (vi) authorize payments for
179 contracts, grants and expenditures; (vii) select office space; (viii) establish a chart of accounts;
180 (ix) perform or manage operational duties required to implement Board policy and ensure the
181 efficient operations of the Authority; (x) approve members of the Cultural Advisory Committees
182 as provided in the Charter; and (xi) serve as an ex officio member on all standing or ad hoc
183 committees of the Board or Authority.
184

185 Section 3.3. Performance Review. The Executive Committee shall evaluate the Executive
186 Director's performance on an annual basis and shall provide a confidential, written review to the
187 Executive Director. If a majority of the Executive Committee determines the performance of the
188 Executive Director to be unsatisfactory, the Executive Committee shall recommend appropriate
189 action to the Board.
190

191 Section 3.4. Acting Executive Director. The person serving as manager of the King County
192 Office of Cultural Resources on December 31, 2002 shall become acting Executive Director of
193 the Authority effective on January 1, 2003 and shall serve until the Board approves a permanent
194 Executive Director, which shall be completed no later than six months from the date the
195 Authority commences operations.
196

197 ARTICLE IV 198 Meetings of the Board 199

200 Section 4.1. Regular Board Meetings. Regular meetings of the Board shall be held at least four
201 (4) times each year; provided, however, that the Board may alter such regular meeting time and
202 place by resolution. Board meetings will occur on the second Tuesday of January, April, July
203 and October. Board meetings will be held at the offices of the Authority, 506 Second Avenue,
204 Room 200, Seattle, WA, 98104, at a regularly scheduled time, to be determined by the Board.
205

206 Section 4.2. Special Board Meetings. Subject to requirements of the Charter, special meetings
207 of the Board may be held at any place at any time whenever called by the President or a majority
208 of the Directors.
209

210 Section 4.3. Notice of Regular Board Meetings. No notice of the regular meeting shall be
211 required, except of the first regular meeting after any change in the time or place of such meeting
212 adopted by resolution of the Board as above provided. Notice of such changed regular meeting
213 shall be given by the Secretary or by the person or persons calling the meeting by personal

214 communication over the telephone to each Board member at least twenty-four (24) hours prior to
215 the time of the meeting or by at least three (3) days' notice by mail, telegram or written
216 communication. If mailed, notice shall be mailed by United States mail, postage prepaid, to the
217 last known address of each Board member. In addition, the Authority shall routinely provide
218 reasonable notice of meetings to any individual specifically requesting it in writing. At any
219 regular meeting of the Board, any business may be transacted and the Board may exercise all of
220 its powers.

221
222 Section 4.4. Notice of Special Board Meetings. Notice of all special meetings of the Board shall
223 be given by the Secretary or by the person or persons calling the special meeting by delivering
224 personally or by mail written notice at least twenty-four (24) hours prior to the time of the
225 meeting to each Board member and to each local newspaper of general circulation and to each
226 radio or television station that has requested notice as provided in RCW 42.30.080. In addition,
227 the Authority shall provide notice of special meetings to any individual specifically requesting it
228 in writing. The time and place of the special meeting and the business to be transacted must be
229 specified in the notice.

230
231 Section 4.5. Waiver of Notice. Notice as provided in these Bylaws may be dispensed with as to
232 any member of the Board who at or prior to the time the meeting convenes files with the Board a
233 written waiver of notice or who is actually present at the meeting at the time it convenes. Such
234 notice may also be dispensed with as to special meetings called to deal with an emergency
235 involving injury or damage to persons or property or the likelihood of such injury or damage,
236 where time requirements of such notice would make notice impractical and increase the
237 likelihood of such injury or damage. Notice, as provided in the Charter concerning proposed
238 amendments to the Charter or Bylaws and votes on such amendments, may not be waived.

239
240 Section 4.6. Notice to King County Council. Notice of all meetings and minutes of all meetings
241 of the Board shall be given to the Clerk of the King County Council and the County Executive.

242
243 ARTICLE V
244 General Requirements

245
246 Section 5.1. Books and Records. The Authority shall keep current and complete books and
247 records of account.

248
249 Section 5.2. Minutes. The Authority shall keep minutes of the proceedings of its Board and its
250 committees having any of the authority of the Board.

251
252 Section 5.3. Indemnification of Directors. The Authority elects to defend and indemnify its
253 present and former Directors and officers and their successors, spouses and marital communities
254 to the full extent authorized by law and the Charter. In addition, the right of indemnification

255 shall inure to each Board member or officer and the member's or officer's spouses and marital
256 communities upon the member's or officer's appointment to the Board and in the event of the
257 member's or officer's death shall extend to the member's or officer's heirs, legal representatives
258 and estate. Each person who shall act as Board member or officer of the Authority shall be
259 deemed to do so in reliance upon such indemnification and such rights shall not be exclusive of
260 any other right which the person may have.

261
262 Section 5.4. Fiscal Year. The Fiscal Year of the Authority shall commence January 1 and end
263 December 31 of each year, except the first fiscal year, which shall run from October 1, 2002 to
264 December 31, 2002.

265
266 Section 5.5. Principal Office. The principal office of the Authority shall be in King County.

267
268 ARTICLE VI
269 Amendments to Charter and Bylaws

270
271 Section 6.1. Proposals to Amend Charter and Bylaws.

272
273 A. Proposals to amend the Charter or Bylaws shall be presented in a format which strikes
274 over material to be deleted and underlines new material.

275
276 B. Any Board member may introduce a proposed amendment to the Charter or to the
277 Bylaws (which may consist of new Bylaws) at any regular meeting or at any special meeting of
278 which thirty (30) days' advance notice has been given.

279
280 Section 6.2. Board Consideration of Proposed Amendments. If notice of a proposed amendment
281 to the Charter or to the Bylaws, and information including the text of the proposed amendment
282 and a statement of its purpose and effect, is provided to members of the Board fifteen (15) days
283 prior to any regular Board meeting or any special meeting of which thirty (30) days' advance
284 notice has been given, then the Board may vote on the proposed amendment at the same meeting
285 as the one at which the amendment is introduced. If such notice and information is not so
286 provided, the Board may not vote on the proposed amendment until the next regular Board
287 meeting or special meeting of which thirty (30) days advance notice has been given and at least
288 fifteen (15) days prior to which meeting such notice and information is provided to Directors.
289 Germane amendments to the proposed amendment within the scope of the original amendment
290 will be permitted at the meeting at which the vote is taken.

291
292 Section 6.3. Vote Required for Amendments to Charter or Bylaws. Resolutions of the Board
293 approving proposed amendments to the Charter or amendments to the Bylaws require an
294 affirmative vote of a majority of the Directors who are appointed and confirmed as provided in
295 the Charter.

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Section 6.4. County Approval of Proposed Charter Amendments. Proposed Charter amendments adopted by the Board shall be submitted to King County. The Charter may be amended only by ordinance as provided in the Charter.

Section 6.5. Approval of Proposed Bylaws Amendments. Proposed Bylaws amendments that obtain an affirmative vote of a majority of the Directors who are appointed and confirmed shall be effective as provided in the Charter. The County may propose and enact amendments to the Bylaws by ordinance as necessary to conform the Bylaws to amendments to the Charter, as provided in the Charter.

ARTICLE VII
Approval of Bylaws

These Bylaws were approved by King County Ordinance _____, are effective on _____ and supersede all previous Bylaws.

18684
OK
BAR 3/20/18

18684

1
to S1

3/19/18

McD-1 to S1 to V2
Changes to Board appointment
process, including return to existing
process

Sponsor: McDermott, Kohl-Welles, Balducci

Proposed No.: 2018-0086

TKW [mb] → failed

1 AMENDMENT TO STRIKING AMENDMENT TO PROPOSED ORDINANCE

2 2018-0086, VERSION 2

3 On page 9, beginning on line 193, delete "~~((The directors shall be appointed by the~~
4 ~~county executive and serve their terms as provided in the charter.))~~" and insert "The
5 directors shall be appointed by the county executive and serve their terms as provided in
6 the charter."

7

8 On Attachment A, Charter of the Cultural Development Authority of King County, dated
9 March 19, 2018, on page 10, line 400, after "cultural diversity of the County." insert "At
10 least one Director shall have expertise in arts, at least one Director shall have expertise in
11 public art, at least one Director shall have expertise in heritage, at least one Director shall
12 have expertise in historic preservation, and at least one Director shall be from the
13 business community."

14

15 On Attachment A, on page 10, line 401, after "on the Board at the same time." insert "For
16 Board Positions 1 through 9, the Director must live or work in the County Council district
17 designated for that position. If the Director no longer lives or works in the designated

18 district, the Board Position will be considered vacant; and the nominating process as
19 specified in the Bylaws and 7.3 of this Charter will begin. In such a case, the vacating
20 Director may remain as a Director until a replacement Director has been confirmed."

21

22 In Attachment A, on page 10, delete lines 407 through 429, and insert:

23 "D. Upon the effective date of Ordinance _____, the Board positions
24 ("Board Positions") shall be numbered. Board vacancies and expired terms shall be filled
25 as follows:

26 1. Position 1 is to be filled by a Director who lives or works in County Council
27 District 5;

28 2. Position 2 is to be filled by a Director who lives or works in County Council
29 District 6;

30 3. Position 3 is to be filled by a Director who lives or works in County Council
31 District 7;

32 4. Position 4 is to be filled by a Director who lives or works in County Council
33 District 4;

34 5. Position 5 is to be filled by a Director who lives or works in County Council
35 District 8;

36 6. Position 6 is to be filled by a Director who lives or works in County Council
37 District 1;

38 7. Position 7 is to be filled by a Director who lives or works in County Council
39 District 2;

40 8. Position 8 is to be filled by a Director who lives or works in County Council
41 District 9;

42 9. Position 9 is to be filled by a Director who lives or works in County Council
43 District 3; and

44 10. Positions 10, 11, 12, 13, 14, and 15 are to be at-large positions.

45

46 E. All positions are to be appointed by the County Executive and shall be subject
47 to confirmation by motion by the County Council."

48

49 In Attachment A, on page 14, beginning on line 590, after "Ad Hoc Advisory Committee;

50 and" delete ", may recommend to the Board" and insert "shall nominate"

51

52 In Attachment A, beginning on page 14, delete lines 595 through 624, and insert:

53 "C. The Governance/Nominating Committee shall ensure that the community is
54 consulted to obtain recommendations for candidates for the Board, including:

55
56 1. Eliciting and considering recommendations for Board membership from arts,
57 heritage, historic preservation, and cultural education agencies and commissions, cultural,
58 professional, and civic organizations, Authority staff, Board members, County
59 Councilmembers, the County Executive, and others as determined appropriate by the
60 Governance/Nominating Committee;

61
62 2. Meeting with candidates; and

63
64 3. Establishing a pool of qualified candidates and nominate one candidate from
65 that pool for each open position so as to meet requirements for Board composition
66 established by this Charter.

67
68 D. For appointments to Board Positions 1 through 9, the Board shall notify the
69 relevant Councilmember in writing about when the vacancy is slated to occur, shall
70 provide information about the current composition of the Board, shall provide
71 recommendations about the attributes that would be most helpful in filling the position,
72 and shall invite the relevant Councilmember to attend the Governance/Nominating
73 Committee meeting or meetings at which candidates are interviewed or discussed.

74
75 E. For appointments or reappointments to the Board, the Governance/Nominating
76 Committee shall report its recommendations for either new appointees or reappointments,
77 or both, to the Board. The Board shall consider those recommendations and may
78 nominate those candidates by a simple majority vote of the quorum. Following such
79 nominations, the Board shall transmit the name of each nominee, along with a summary
80 of qualifications for each, to the County Executive for appointment or reappointment. If
81 requested by the Board or the County Executive, the Governance/Nominating Committee
82 shall reconvene and nominate additional candidates."

83

84 In Attachment B, on page 2, delete lines 48 through 52, and insert:

85 "Section 1.2. Nominations – Expired Terms. Nominations for appointment or
86 reappointment to fill expired terms on the Board shall be submitted, along with a
87 summary of qualifications, to the County Executive not later than three months before the
88 date the term is due to expire. Nominations shall be made by the Board of Directors as set
89 forth in the Charter."

90

91 **EFFECT: *Would make changes to the 4Culture Board composition and appointment***

92 ***process:***

- 93 • *Would return to the existing process, in which Directors are nominated by the*
94 *4Culture Board, appointed by the County Executive, and confirmed by the*
95 *County Council.*
- 96 • *Would require that among all members of the Board, at least one Director has*
97 *expertise in each of the following areas: public art, the arts, heritage, historic*
98 *preservation, and business.*
- 99 • *Board positions 1-9 would be District-specific and would require each Director*
100 *to live or work in the relevant district.*
- 101 • *Nominating Committee would be required to invite the relevant Councilmember*
102 *to their meeting(s) to consider positions 1-9.*

18684

#10

2
to S1

3/19/2018

Task Force timelines

Sponsor: Kohl-Welles/McDermott/Balducci

Proposed No.: 2018-0086

[wsh]
JKW → *filed*

1 AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2 2018-0086, VERSION 2

3 On page 12, beginning on line 258, after "~~section;))~~" strike "Except as otherwise provided
4 in section 19 of this ordinance, until December 31, 2020" and insert "Until December 31,
5 2020"

6
7 On page 13, line 281, after "B.1." strike "Except as otherwise provided in section 19 of
8 this ordinance, beginning" and insert "Beginning"

9
10 On page 22, line 499, after "C. No later than" strike "ninety days" and insert "one
11 hundred twenty days"

12
13 On page 23, line 522, after "council by" strike "February 1, 2019" and insert "April 1,
14 2019"

15
16 On page 24, beginning on line 525, after "councilmembers." strike everything through
17 "2019." on line 528

18

19 On Attachment A, Charter of the Cultural Development Authority of King County, dated
20 March 19, 2018, page 19, beginning on line 806, after "A." strike "Except as provided in
21 section 19 of Ordinance _____, beginning in 2020, at" and insert "After the County
22 Council passes a motion acknowledging receipt of the report required in section 19 of
23 Ordinance _____,"

24 **EFFECT:**

25 **Would delay budget review requirements until 2020.**

26 **Would give the Executive 120 days (rather than 90) to appoint task force members.**

27 **Would change the date of the task force report from February 1, 2019 to April 1,**

28 **2019.**

18604

#10

3
to S1

3/19/2018

Rationale, Process if reject budget

Sponsor: Kohl-Welles, McDermott, Balducci

[wsh]

JKW → passed

Proposed No.: 2018-0086

1 AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2 2018-0086, VERSION 2

3 On page 14, at the beginning of line 312, strike "until after the council accepts by motion
4 a cultural development authority budget." and insert "except as otherwise provided in
5 subsection B.6. of this section.

6 5. If the council passes a motion rejecting the cultural development authority
7 budget, the council shall specify the reason or reasons for the rejection in the body of the
8 motion.

9 6. If the council passes a motion rejecting the cultural development authority
10 budget or if the council passes a motion rejecting a revised cultural development
11 authority budget under this subsection, then representatives of the cultural development
12 authority and representatives of the council shall meet to discuss revisions to the cultural
13 development authority budget within fifteen calendar days of the passage of the motion
14 rejecting the cultural development authority budget or revised cultural development
15 authority budget. The representatives of the cultural development authority shall include,
16 but not be limited to the cultural development authority board chair, the ex officio
17 member designated by the executive and the authority's executive director. The
18 representatives of the council shall include, but not be limited to the council chair, the

19 chair of the budget and fiscal management committee or its successor committee or the
20 chair of the committee of the whole or its successor committee, or all three. For the
21 purposes of complying with the fifteen-calendar-day requirement, a councilmember may
22 select a designee and shall notify the cultural development authority of the
23 councilmember's delegation. Within fifteen calendar days of the meeting, the cultural
24 development authority board shall consider and adopt a revised budget and transmit the
25 revised budget to the council clerk in the form of a paper and an electronic paper copy.
26 The council clerk shall retain the paper copy and forward an electronic copy to all
27 councilmembers. Unless the council passes a motion rejecting a revised budget within
28 fifteen days of the board's transmittal of the revised budget, the county shall transfer to
29 the authority balances in any of the funds referenced in subsection A.1. through A.5. of
30 this section."

31 **EFFECT: *Would require the council to specify the reason for rejecting the 4Culture***
32 ***budget in the body of the motion and would set forth a process for representatives of***
33 ***the Council and 4Culture to meet in the event the budget was rejected:***

- 34 • *Within 15 days of passage of a motion rejecting the budget, representatives of*
35 *the Council (to include, but not be limited to the Chair, BFM Chair and COW*
36 *Chair) and 4Culture (to include, but not be limited to the Executive Director,*
37 *Board Chair, and the Executive's ex-officio member) would meet to discuss*
38 *revisions to the budget;*
- 39 • *Within 15 days of the meeting, the Board would approve and transmit a revised*
40 *budget to council;*

- 41 • *Council would have 15 days to reject the budget by motion – if no action within*
- 42 *15 days, transfers of funds to 4Culture would resume. If Council rejected the*
- 43 *budget again, the process would repeat.*

18004

4
to S1

3/19/2018

6 votes to reject budget

Sponsor: McDermott/Kohl-Welles/Balducci

[wsh]
JKW → failed

Proposed No.: 2018-0086

1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**

2 **2018-0086, VERSION 2**

3 On page 14, after line 312, insert:

4 "5. Passage of a motion rejecting the cultural development authority budget shall
5 require six affirmative votes."

6
7 **EFFECT: *Would require 6 affirmative votes to reject the 4Culture budget.***

18684

#10

3/19/2018

KL called for
Division

5
to S1

Task Force representatives

Sponsor: Kohl-Welles/McDermott/Balducci

[wsh]

JKW → failed

Proposed No.: 2018-0086

1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**

2 **2018-0086, VERSION 2**

3 On page 22, line 480, after "least" strike "fourteen" and insert "sixteen"

4

5 On page 22, line 485, after "1." strike "One representative for the King County council;"
6 and insert "Two King County councilmembers;"

7

8 On page 22, line 487, after "3." strike "One representative for the cultural development
9 authority;" and insert "Two cultural development authority board directors;"

10

11 **EFFECT:**

12 **Would increase number of council representatives on the task force from one to two**
13 **and specify that they be Councilmembers.**

14 **Would increase number of 4Culture representatives from one to two and specify**
15 **that they be board directors.**

18004

#10

6
to S1

3/19/2018

JKW-1 to S1 to V2
Delay implementation, TF
timelines and effective date

Sponsor: Kohl-Welles, Balducci

[wsh, mb]
JKW → failed

Proposed No.: 2018-0086

1 **AMENDMENT TO STRIKING AMENDMENT TO PROPOSED ORDINANCE**

2 **2018-0086, VERSION 2**

3 On page 22, line 499, after "C. No later than" strike "ninety days" and insert "one
4 hundred twenty days"

5

6 On page 23, line 522, after "council by" strike "February 1, 2019" and insert "April 1,
7 2019"

8

9 On page 24, delete lines 526 through "2019." on line 528 and insert:

10 "H. The effective date of Sections 1 through 18 of this ordinance shall be sixty
11 calendar days after the date the council passes a motion acknowledging receipt of the
12 report required in this section."

13

14 ***EFFECT: Would delay implementation of the provisions of the ordinance related to***
15 ***4Culture governance and oversight until 60 days after the Council adopts the motion***
16 ***acknowledging receipt of the report from the task force called for in Section 19 of the***
17 ***ordinance.***

18 *Would also increase nomination/appointment period to 120 days and require the report*

19 *April 1, 2018.*

3/19/2018

Board-1 to S1 to V2
Board expertise requirements

18684

6.2
to S1

Sponsor: Upthegrove

Proposed No.: 2018-0086

DV^[mb] → passed

1 AMENDMENT TO STRIKING AMENDMENT TO PROPOSED ORDINANCE

2 2018-0086, VERSION 2

3 On Attachment A, Charter of the Cultural Development Authority of King County, dated
4 March 19, 2018, on page 10, line 400, after "cultural diversity of the County." insert "Of
5 the Board Positions appointed by the Executive, at least one Director shall have expertise
6 in arts, at least one Director shall have expertise in public art, at least one Director shall
7 have expertise in heritage, at least one Director shall have expertise in historic
8 preservation, and at least one Director shall be from the business community."

9 **EFFECT: *Would require that among the six Executive appointments to the 4Culture***
10 ***Board at least one Director has expertise in each of the following areas: public art, the***
11 ***arts, heritage, historic preservation, and business.***

18684

T1

3/19/2018

Title amendment needed to conform with action taken in COW on 3/7

Sponsor: Balducci

[mb]

DV → passed

Proposed No.: 2018-0086

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2018-0086, VERSION 2**

2 On page 1, beginning on line 1, strike lines 2 through 20, and insert:

3 "AN ORDINANCE related to the cultural development

4 authority; identifying responsibilities of the county council;

5 amending Ordinance 14482, Section 34, and K.C.C.

6 2.46.180, Ordinance 8300, Section 3 as amended, and

7 K.C.C. 2.48.030, Ordinance 14482, Section 38, and K.C.C.

8 2.48.065, Ordinance 14482, Section 39, and K.C.C.

9 2.48.075, Ordinance 14482, Section 40, and K.C.C.

10 2.48.085, Ordinance 14482, Section 5, as amended, and

11 K.C.C. 2.49.020, Ordinance 14482, Section 7, as amended,

12 and K.C.C. 2.49.060, Ordinance 14482, Section 9, and

13 K.C.C. 2.49.080, Ordinance 14482, Section 11, and K.C.C.

14 2.49.110, Ordinance 14482, Section 17, and K.C.C.

15 2.49.160, Ordinance 14482, Section 18, as amended, and

16 K.C.C. 2.49.170, Ordinance 14482, Section 19, and K.C.C.:

17 2.49.180, Ordinance 14440, Section 3, and K.C.C.

18 2.49.200, Ordinance 14482, Section 58, as amended, and

19 K.C.C. 4.40.015 and Ordinance 17527, Section 57, as
20 amended, and K.C.C. 4.40.110, adding a new section to
21 K.C.C. chapter 2.49, decodifying K.C.C. 2.49.070 and
22 repealing Ordinance 14482, Section 10, and K.C.C.
23 2.49.090."

24 **EFFECT: *Provides a title to correspond with action taken by the Committee of the***
25 ***Whole on March 7, 2018.***