



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 2, 2017

Ordinance 18513

Proposed No. 2017-0178.2

Sponsors Kohl-Welles, McDermott and
Balducci

1 AN ORDINANCE creating the King County Access for All
2 program to support cultural organizations, imposing a one-
3 tenth of one percent sales and use tax to finance the King
4 County Access for All program conditioned on voter
5 approval, and providing for the submission to the qualified
6 electors of King County at a special election to be held in
7 King County on August 1, 2017, of a proposition
8 authorizing the sales and use tax imposed by this
9 ordinance; and amending Ordinance 14482, Section 7, as
10 amended, and K.C.C. 2.49.060.

11 STATEMENT OF FACTS:

- 12 1. The Washington state Legislature declared in Chapter 24, Laws of
13 Washington 2015 that there is a need to provide public and educational
14 benefits and economic support for arts, science and heritage organizations.
- 15 2. The King County council, through Motion 14082 and Motion 14299,
16 unanimously endorsed the need to provide public and educational benefits
17 and economic support for arts, science and heritage organizations.
- 18 3. King County residents would greatly benefit from improved public
19 access to programs produced by nonprofit arts, science and heritage

20 organizations that would be enabled by an increase in public funding for
21 those organizations.

22 4. Providing increased financial support for arts, science and heritage
23 organizations in King County is in the public interest and will serve
24 multiple public purposes such as:

25 a. Enhancing and extending the educational reach and offerings of arts,
26 science and heritage organizations will provide all King County residents
27 with meaningful opportunities to explore personal creativity, learn about
28 local history and understand the natural environment, leading to greater
29 civic engagement;

30 b. Ensuring K-12 public school students in all nineteen King County
31 school districts will benefit from greater access to arts, science and
32 heritage organizations, both through in-depth programs in their own
33 classrooms and opportunities for free visits to cultural attractions, leading
34 to better engagement in the classroom and higher graduation rates; and

35 c. Ensuring continued and expanded access to the facilities and programs
36 of arts, science and heritage organizations by economically and
37 geographically underserved populations will benefit all the residents of
38 King County, leading to healthier and more inclusive communities.

39 5. Access for All funding would ensure that arts, science and heritage
40 organizations are financially healthy and able to continue to provide public
41 benefits.

42 6. An Access for All program as defined in this ordinance would help to

43 achieve these public purposes and benefits by supporting hundreds of arts,
44 science and heritage organizations providing activities and operating
45 facilities open to the general public throughout King County and by
46 creating new opportunities for students and adults, as well as economically
47 and geographically underserved populations.

48 7. In 2016, 4Culture convened a series of community study group
49 meetings including organizations of all sizes, disciplines and geographic
50 locations, as well as individuals representing numerous points of view, to
51 develop recommendations regarding the principles for implementation and
52 operation of an Access for All program.

53 8. A central theme from the study group input was that equity, inclusion
54 and access should be guiding principles of Access for All.

55 Recommendations from the community to advance these principles
56 include:

57 a. Past and existing inequities in access to arts, science and heritage
58 organizations should be deliberately and intentionally addressed by
59 providing higher levels of funding for community-based cultural
60 organizations based in, representative of and serving audiences of
61 communities that experience barriers to access;

62 b. Organizations supported by Access for All should be a vital part of
63 the day-to-day life in their communities;

64 c. Nontraditional and social service organizations that provide cultural
65 programming in their communities should be eligible to receive project-

66 specific funding to serve their constituents, even if the primary purpose of
67 such an organization is not exclusively arts, science or heritage;

68 d. Field trips and cultural education should be augmented by programs
69 provided by arts, science and heritage organizations in classrooms and in
70 other community venues to expand the reach of participation;

71 e. Organizations receiving support from Access for All should reflect the
72 demographics of the communities they serve in their staffs, board,
73 memberships, audiences and programs; and

74 f. Access for All should be administered with transparency and
75 accountability to the public.

76 9. Access for All funding would allow arts, science and heritage
77 organizations to expand open-to-the-public hours, offer discounted and
78 free admission, award scholarships, participate in public school access
79 programs and build and expand facilities in communities that do not have
80 current facilities for cultural activities.

81 10. Access for All funding would advance fair and equitable access to
82 arts, science and heritage organizations throughout King County and
83 would remove barriers to access faced by many segments of the county
84 population.

85 11. Access for All funding would foster the creation and development of
86 new cultural organizations throughout King County, reduce geographic
87 barriers and ensure that all residents have easy access to arts, science and
88 heritage resources.

89 12. Access for All funding would support the growth and development of
90 arts, science and heritage centers throughout King County to promote
91 healthy and vibrant communities.

92 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

93 SECTION 1. Findings. The council finds and declares that awarding program
94 proceeds to arts, science and heritage organizations as provided in this ordinance is a
95 public purpose within the meaning of Article VII, Section 1 of the Washington State
96 Constitution because such expenditure of public moneys will confer a benefit of
97 reasonably general character to a significant part of the public and primarily serves the
98 public interest.

99 SECTION 2. Definitions. The definitions in this section apply throughout this
100 ordinance unless the context clearly require otherwise.

101 A. "Access for All" means the program created by this ordinance for the purpose
102 of enhancing and extending the educational reach and offerings of cultural organizations;
103 ensuring continued and expanded access to the facilities and programs of cultural
104 organizations by underserved populations; and providing financial support for cultural
105 organizations to continue and extend the numerous public benefits they provide.

106 B. "Access for All fund" means the county fund that would be established and
107 used exclusively for the purposes established by this ordinance.

108 C. "Administrative costs" means all operating, administrative, and maintenance
109 expenses of the county and 4Culture related to the Access for All program.

110 D. "Community-based cultural organization" means a cultural organization that
111 can further be characterized as not being a regional cultural organization.

112 E. "Community heritage organization" means a community-based cultural
113 organization whose primary purpose is the advancement and preservation of
114 anthropology, heritage or natural history and that either:

115 1. Primarily serves communities in a council district in which no regional
116 cultural organization has its principal location; or

117 2. Has its principal location in King County and whose primary purpose is the
118 preservation of barns, outbuildings and agriculture-related community spaces.

119 F. "Cultural center" means a geographic area in which cultural organizations and
120 facilities are concentrated, are providing cultural activities that draw attendance and
121 participation from surrounding communities and beyond, and is identified as a target for
122 investment in the subarea plans required in section 9.B. in this ordinance.

123 G. "Cultural organization" means a nonprofit corporation in good standing and
124 incorporated under the laws of the state of Washington and recognized by the Internal
125 Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986,
126 as amended, with its principal location or locations and conducting a majority of its
127 activities within the county, not including: any agency of the state or any of its political
128 subdivisions; any municipal corporation; any organization that raises moneys for
129 redistribution to multiple cultural organizations; or any radio or television broadcasting
130 network or station, cable communications system, internet-based communications
131 venture or service, newspaper, or magazine. The primary purpose of the organization
132 must be the advancement and preservation of science or technology, the visual or
133 performing arts, zoology, botany, anthropology, heritage or natural history and any
134 organization must directly provide programming or experiences available to the general

135 public. Any organization with the primary purpose of advancing and preserving zoology
136 such as a zoo or an aquarium, must be or support a facility that is accredited by the
137 Association of Zoos and Aquariums or its functional successor.

138 H. "Equity inclusion public benefits" means the equity inclusion public benefits
139 defined in section 4.A.2. of this ordinance.

140 I. "Fiscal sponsor" means a community-based cultural organization that receives
141 program moneys and contracts with a sponsored community-based cultural entity
142 pursuant to the terms and conditions of this ordinance and guidelines developed by the
143 program.

144 J. "4Culture" means the Cultural Development Authority of King County, a
145 public corporation, established by the county under K.C.C. chapter 2.49.

146 K. "General public benefits" means the general public benefits defined in section
147 4.A.1. of this ordinance.

148 L. "Geographic inclusion public benefit" means the public benefit defined in
149 section 4.A.3. of this ordinance.

150 M. "Non-tax exempt community-based cultural entity" means an organization
151 that would qualify as a community-based cultural organization but for the fact that it is
152 not recognized by the Internal Revenue Service as described in section 501(c)(3) of the
153 Internal Revenue Code of 1986, as amended.

154 N. "Proceeds" means the revenue raised by the additional sales and use tax
155 authorized by this ordinance and any interest thereon.

156 O. "Program" or "the program" means the Access for All program.

157 P. "Public benefits" means those discernable public benefits, comprised of equity

158 and geographic inclusion public benefits and general public benefits, identified in section
159 4 of this ordinance.

160 Q. "Regional cultural organization" means a cultural organization that:

161 1. Owns, operates or supports cultural facilities or provides performances,
162 exhibits, educational programs, experiences or entertainment, that widely benefit and are
163 broadly attended by the public;

164 2. Is in good standing as a nonprofit corporation under the laws of the state of
165 Washington, and has been for at least the three years preceding the year in which an
166 allocation of program moneys is to be made to the organization;

167 3. Has its principal location or locations and conducts the majority of its
168 activities within the county primarily for the benefit of county residents;

169 4. Has not declared bankruptcy or suspended or substantially curtailed
170 operations for a period longer than six months during the preceding two years;

171 5. Over the three years preceding the year in which an allocation of program
172 moneys is to be made to the organization, either:

173 a. has minimum average annual revenues, annually adjusted for inflation
174 consistent with chapter 36.160 RCW, of at least three million dollars; or

175 b. has both average annual revenues, annually adjusted for inflation consistent
176 with chapter 36.160 RCW, of at least one million two hundred fifty thousand dollars and
177 a minimum of fifty thousand annual attendees; and

178 6. Is financially stable, provides substantial public benefits and has the capacity
179 to demonstrate its status by providing an annual audit of finances and certification of
180 attendance.

181 R. "Qualified nontraditional/social service and cultural agency" means a nonprofit
182 corporation incorporated under the laws of the state of Washington with its principal
183 location or locations and conducting a majority of its activities within the county that,
184 while not necessarily its primary purpose, devotes a significant portion of its resources to
185 the advancement and preservation of science or technology, the visual or performing arts,
186 zoology, botany, anthropology, heritage or natural history and directly provides
187 programming or experiences available to the general public, but not including: any
188 agency of the state or any of its political subdivisions; any municipal corporation; any
189 organization that raises moneys for redistribution to multiple cultural organizations; or
190 any radio or television broadcasting network or station, cable communications system,
191 internet-based communications venture or service, newspaper or magazine.

192 S. "Science" includes science or technology.

193 T. "Sponsored community-based cultural entity" means a non-tax exempt
194 community-based cultural entity or a qualified nontraditional/social service and cultural
195 agency that contracts with a fiscal sponsor for a specific cultural project that provides a
196 public benefit pursuant to the terms and conditions of this ordinance and guidelines
197 developed by the program.

198 U. "Start-up funding" means administrative costs, including, but not limited to,
199 legal costs, overhead costs and election costs, advanced by the county to the program
200 after the effective date of this ordinance and before tax collections begin with the
201 expectation that the funding will be repaid.

202 **SECTION 3. Access for All program.**

203 A. The county hereby creates the Access for All program. The Access for All

204 program shall contain the following elements:

205 1. Public school access program, designed to increase public school student
206 access to cultural education opportunities by extending the offerings of cultural
207 organizations both through programs provided at schools and at the facilities and venues
208 of the cultural organizations, including the provision of transportation to facilities and
209 venues;

210 2. Regional cultural organization access program, which shall annually provide
211 proceeds to regional cultural organizations that:

212 a. provide discernible public benefits, and specifically from the range of public
213 benefits in section 4 of this ordinance;

214 b. annually provide one or more equity inclusion public benefits and one or
215 more geographic inclusion public benefits;

216 c. satisfy the requirements in chapter 36.160 RCW; and

217 d. serve a regional audience; and

218 3. Community-based cultural organization access program, which shall
219 annually, through a competitive process, provide proceeds for community-based cultural
220 organizations that provide one or more discernable public benefits, and are not eligible
221 for proceeds under the regional cultural organization access program.

222 B.1. The county, through K.C.C. chapters 2.48 and 2.49, has authorized 4Culture
223 to develop, implement and administer cultural programs in the county. Accordingly, and
224 as authorized under RCW 36.160.070, the county elects to consolidate the administration
225 of the program with that of 4Culture to perform the functions required under RCW
226 36.160.110 consistent with this ordinance and the implementation plan required in

227 section 9 of this ordinance.

228 2. The county designates 4Culture as the designated public agency for the
229 Access for All program consistent with chapter 36.160 RCW, this ordinance and the
230 implementation plan required in section 9 of this ordinance. If the county dissolves
231 4Culture in accordance with K.C.C. 2.49.140, the county shall become the designated
232 public agency and shall otherwise perform all of the duties of 4Culture under this
233 ordinance.

234 3. 4Culture shall develop and maintain guidelines and eligibility and reporting
235 requirements for all organizations that are provided proceeds through the program
236 consistent with chapter 36.160 RCW and this ordinance. The guidelines shall ensure that
237 the cultural organizations receiving proceeds provide or continue to provide discernible
238 public benefits. Program grant agreements shall require, among other things, that no
239 person in the county shall, on the basis of sex, race, color, national origin, religious
240 affiliation, disability, sexual orientation, gender identity or expression or age, be denied
241 the benefits of, or be subjected to discrimination under any program or activity receiving
242 Access for All financial support. The guidelines and program grant agreements
243 developed and administered by 4Culture shall be consistent with the equity and subarea
244 plans described in section 9.B. of this ordinance. 4Culture shall use the equity and
245 subarea plans in the manner described in section 9.B.4. of this ordinance.

246 4. As will be more fully described in the implementation plan, 4Culture shall,
247 on request, provide expertise and administrative assistance to community-based cultural
248 organizations that have limited organizational capacity to apply for competitive funding.

249 5.a. 4Culture shall report on the status of the program to the county executive

250 and county committee of the whole annually. By March 31, 2019, and for each
251 subsequent year that the program is funded, the executive must file the report in the form
252 of a paper original and an electronic copy with the clerk of the council, who shall retain
253 the original and provide an electronic copy to all councilmembers, the council chief of
254 staff and the lead staff to the committee of the whole or its successor.

255 b. The report shall, for each program element included in subsection A. of this
256 section, include, but not be limited to:

257 (1) a fiscal report of the distribution of tax proceeds, including totals by
258 county council district;

259 (2) a report on the number of people served in each county council district by
260 Access for All funded programs;

261 (3) a performance report on each funded regional cultural organization's
262 success in providing discernable public benefits as anticipated in the prior annual report
263 required by subsection B.5.a. of this section;

264 (4) a report on the preview of the public benefits each funded regional
265 cultural organization plans to provide in the coming year;

266 (5) a performance report of each funded regional cultural organization's
267 participation in the public school cultural access program, success in meeting the
268 participation goals anticipated in prior annual report required by subsection B.5.a. of this
269 section and a preview of each funded regional cultural organization's planned
270 participation in the public school cultural access program in the coming year; and

271 (6) a performance report on each funded community-based cultural
272 organization's discernable public benefits, a report on the actual and planned use of

273 community-based cultural organization access program proceeds and regional cultural
274 organization contributions to foster community-based cultural organizations and the
275 creation and development of cultural centers identified in the subarea plans required by
276 section 9.B. of this ordinance, and a management report identifying any proposed
277 changes to the program panel process, eligibility guidelines, or reporting requirements
278 since the last report.

279 6. The 4Culture board of directors shall serve as the initial Access for All
280 program advisory board. The council shall establish the size and operation of the
281 permanent advisory board in the adopted implementation plan. Members of the
282 permanent advisory board shall be appointed consistent with the adopted implementation
283 plan.

284 **SECTION 4. Access for All program Public Benefits.**

285 A. All cultural organizations must provide discernible public benefits to receive
286 funding from the program. To be eligible to receive funding regional cultural
287 organizations must provide one or more equity inclusion public benefits, and provide one
288 or more geographic inclusion public benefits. To be eligible to receive funding
289 community-based cultural organizations must provide one or more general public
290 benefits or one or more equity inclusion public benefits. The following are the program's
291 discernible public benefits:

292 1. General public benefits. The following public benefits are "general public
293 benefits":

294 a. providing free and low-barrier opportunities for anyone in the county to take
295 part in the region's cultural life and participate in arts, science and heritage programs;

296 b. providing performances and programs throughout the county, directly in and
297 for local communities, or through partnerships between and among regional and
298 community-based cultural organizations, or through partnerships between or among
299 regional and community-based nonprofit corporations or other nonprofit entities;

300 c. providing, through technological and other means, services or programs in
301 locations other than where an organization's own facilities are located;

302 d. providing cultural educational programs and experiences both at an
303 organization's own facilities and in schools and other venues;

304 e. broadening cultural programs, performances and exhibitions for the
305 enlightenment and entertainment of the public;

306 f. supporting collaborative relationships among cultural organizations in order
307 to extend the reach and impact of cultural organizations for the benefit of the public;

308 g. bringing community-based cultural organizations' facilities and community-
309 based and regional cultural organizations' programming into compliance with access
310 requirements of the Americans with Disabilities Act;

311 h. supporting organizations that strive to engage traditional cultures and crafts;

312 i. building and expanding cultural facilities for community-based cultural
313 organizations at a scale and size consistent with the county's and other jurisdictions'
314 applicable land use policies and development regulations;

315 j. presenting free cultural festivals countywide;

316 k. providing free events, programing and educational materials that enhance a
317 cultural experience either before or after, or both, attending an exhibit, performance or
318 event;

319 l. providing arts, science and heritage career building opportunities for youth
320 through internships and apprenticeships or other means;

321 m. establishing partnerships between cultural organizations or other cultural
322 institutions to present new multidisciplinary cultural experiences;

323 n. implementing organizational capacity-building projects or activities that a
324 cultural organization can demonstrate, to the reasonable satisfaction of the program, will
325 enhance the ability of the organization to execute community outreach, communications
326 and marketing strategies to attract and engage county residents with opportunities of
327 access to cultural experiences and with emphasis on underserved communities; and

328 o. in the case of community-based cultural organizations, implementing
329 organizational capacity-building projects or activities that a cultural organization can
330 demonstrate, to the reasonable satisfaction of the program, will enhance the ability of the
331 organization to continue to provide meaningful public benefits not otherwise achievable;

332 2. Equity inclusion public benefits. The following public benefits are "equity
333 inclusion public benefits":

334 a. providing free and low-cost attendance to arts, science and heritage
335 organizations and facilities for county residents who have economic and other barriers to
336 access;

337 b. providing free access to curriculum-related arts, science and heritage
338 programs for public school students throughout the county at schools and at cultural sites
339 with emphasis on underserved students;

340 c. increasing the diversity of staff and governing boards of cultural
341 organizations to increase opportunities for access to facilities, programs and services for

342 diverse and underserved populations and communities, broaden cultural programs, and
343 provide programming that appeals to diverse populations within the county;

344 d. increasing investment in programs and organizations that represent and
345 reflect the diversity of the county; and

346 e. planning and implementing cultural programs and activities, or collaborating
347 with cultural organizations in order to extend the reach and impact of cultural programs,
348 in communities and census tracts that are underserved, as shall be further defined in the
349 implementation plan required in section 9 of this ordinance; and

350 3. Geographic inclusion public benefits. The following public benefits are
351 "geographic inclusion public benefits":

352 a. planning and implementing cultural programs and activities in cultural centers;

353 b. partnering with community-based cultural organizations, through direct
354 investment or in-kind support, on priority projects and initiatives identified in the subarea
355 plans required by section 9.B. of this ordinance;

356 c. providing to communities outside cities in which regional cultural
357 organizations are primarily located cultural programming either directly, in partnership
358 with community-based cultural organizations or public schools, or through means
359 identified in their annual reports required by section 3.B.5.b. of this ordinance; and

360 d. providing proceeds to 4Culture to distribute to community-based cultural
361 organizations for noncapital projects or initiatives under section 7.F. of this ordinance.

362 B. Providing equity and geographic inclusion public benefits is intended to result
363 in meaningful progress toward achievement of the following equity and inclusion
364 outcomes:

365 1. Overcoming economic and geographic inequities that limit access to the arts,
366 science, and heritage experiences by expanding access to programs and activities at arts,
367 science and heritage organizations in the county, such that visitors and audiences
368 represent the diversity of the county;

369 2. Partnering with local communities by developing and nurturing relationships
370 with local organizations to create programs and activities in and for the community;

371 3. Making the boards, staff, programming, memberships and audiences of
372 regional cultural organizations more representative of the diversity existing within the
373 county;

374 4. Ensuring that the program distributes a total of at least one million dollars to
375 community-based cultural organizations in each county council district in each year; and

376 5. Fostering the emergence and growth of cultural centers throughout King
377 County.

378 **SECTION 5. Tax imposed, conditioned on voter approval.**

379 A. To provide necessary moneys for the Access for All program identified in
380 section 3 of this ordinance and conditioned on the specific authorization of a majority of
381 the voters voting on the proposition authorized in section 8 of this ordinance, an
382 additional one-tenth of one percent sales and use tax is hereby levied, fixed and imposed
383 on all taxable events within the county as defined in chapter 82.08, 82.12 or 82.14 RCW
384 for seven years. The tax shall be imposed upon and collected from those persons from
385 whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW,
386 and shall be collected at the rate of one-tenth of one percent of the selling price, in the
387 case of a sales tax, or value of the article used, in the case of a use tax. The additional

388 sales and use tax shall be in addition to all other existing sales and use taxes currently
389 imposed by the county under chapter 82.14 RCW.

390 B. If, as a result of the imposition of the additional sales and use tax authorized in
391 subsection A. of this section, the county imposes an additional sales and use tax upon
392 sales of lodging in excess of the limits contained in RCW 82.14.410, the sales shall be
393 exempted from the imposition of that additional sales and use tax.

394 **SECTION 6. Deposit of tax proceeds.**

395 A. The proceeds of the sales and use tax imposed under section 5 of this
396 ordinance shall be deposited in the Access for All fund and used solely for the purposes
397 consistent with chapter 36.160 RCW and according to the implementation plan required
398 in section 9 of this ordinance.

399 B. The county affirms that any funding similar to the funding available under this
400 ordinance that the county usually and customarily provides to cultural organizations shall
401 not be replaced or materially diminished as a result of funding becoming available under
402 this ordinance.

403 C. Proceeds from the tax imposed under section 5 of this ordinance, excepting
404 start-up funding to 4Culture or the county, may not be distributed until the council by
405 ordinance has approved the implementation plan required by section 9 of this ordinance.

406 **SECTION 7. Use of tax proceeds -- allocations.**

407 A. From the annual tax proceeds, an amount shall first be reserved for repayment
408 of start-up funding.

409 B. From the remaining tax proceeds after reserving the amount required in
410 subsection A. of this section, up to one and one-quarter percent of total tax proceeds

411 available annually may be used for program administrative costs incurred by the county
412 and 4Culture.

413 C.1. From the remaining tax proceeds after reserving the amounts required in
414 subsections A. and B. of this section, ten percent of remaining proceeds annually will be
415 used for the public school access program subject to RCW 36.160.100(2). If funding
416 available under this program for student transportation is inadequate in any one year due
417 to more demand for student transportation than available proceeds, then the annual
418 percentage allocation to the public school cultural access program may be increased up to
419 twelve percent to provide additional proceeds to ensure adequate funding of student
420 transportation.

421 2. The public school access program shall be used to increase public school
422 student access to the programming offered and facilities operated by regional and
423 community-based cultural organizations.

424 3. Funding for public school access activities shall be prioritized consistent with
425 RCW 36.160.100. To the extent practicable and consistent with available resources,
426 benefits shall be offered to every public school in the county. Benefits and opportunities
427 of participation provided to public schools must be scaled to coincide with the relative
428 percentage of students who participate in the national free or reduced-price school meals
429 program.

430 4. Regional cultural organizations must spend at least twenty percent of the
431 proceeds received under subsection D. of this section on the public school access
432 program, including, but not limited to, admissions for students to cultural facilities and
433 programs and the costs of bringing curriculum-based art, science and cultural education

434 programs to schools to deepen the experience for students.

435 5. The public school access program shall provide proceeds for transportation
436 for public school students to attend and participate in age-appropriate programs and
437 activities offered by cultural organizations. After funding transportation and consistent
438 with RCW 36.160.100, the public school access program may provide proceeds for
439 district-wide cultural education plans and district cultural education coordinators and
440 provide for the development of tools, materials and media by cultural organizations to
441 ensure that school access programs and activities correlate with school curricula. Subject
442 to available proceeds, the public school access program also may provide training for
443 teachers and providers of cultural education resources, including artists, historians, and
444 scientists, as part of the development of such tools, materials and media to help ensure
445 that such programs and activities correlate with school curricula.

446 D.1. From the remaining tax proceeds after reserving the amounts required in
447 subsections A., B. and C. of this section, the program will annually distribute seventy
448 percent of the proceeds to eligible regional cultural organizations through an annual
449 ranking by the combined size of their average annual revenues and their average annual
450 attendance, both over the three preceding years, in which attendance has twice the weight
451 of revenues.

452 2. Proceeds must be distributed among eligible organizations in ranked order
453 such that an organization with a higher ranking receives higher funding provided,
454 however, that no organization may receive proceeds in excess of fifteen percent of its
455 average annual revenues over the three preceding years. Proceeds must be used to
456 support cultural and educational activities, programs and initiatives, public benefits and

457 communications and basic operations of cultural organizations under the regional cultural
458 organization access program consistent with RCW 36.160.110(2), including the
459 requirement that at least twenty percent of each regional cultural organization award be
460 dedicated to participation in the public school access program as described in subsection
461 C. of this section. Proceeds distributed to regional cultural organizations under this
462 subsection may not be used for capital expenditures or acquisitions including, but not
463 limited to, the acquisition of or the construction of improvements to real property.

464 3. Regional cultural organizations shall expend at least fifteen percent of their
465 awards towards equity inclusion public benefits and at least fifteen percent of their
466 awards towards geographic inclusion public benefits. In lieu of funding some or all
467 geographic inclusion public benefits directly, regional cultural organizations also shall be
468 allowed to provide 4Culture with any amount of their award, with a target of at least 7.5
469 percent, to support the community-based cultural organization programs or projects
470 funded under subsection F. of this section. The implementation plan required in section 9
471 of this ordinance shall provide guidelines for how regional cultural organizations will
472 satisfy their equity and geographic inclusion public benefit requirements and make
473 meaningful progress towards equity and inclusion outcomes, specifically including
474 encouraging organizations to expand their geographic reach countywide by making at
475 least half of their geographic inclusion public benefit investments collectively with other
476 regional cultural organizations through a process established therefor and administered by
477 4Culture. Such proceeds may not be used for capital purposes.

478 E. From the remaining tax proceeds after reserving the amount required in
479 subsections A., B., C. and D. of this section, including, but not limited to, proceeds not

480 distributed to regional cultural organizations because of the fifteen percent of annual
481 revenue limit or the ranking requirement or otherwise, not more than eight percent shall
482 be distributed annually to 4Culture for administrative costs of the Access for All
483 program.

484 F.1. From the remaining tax proceeds after reserving the amount required in
485 subsections A., B., C., D. and E. of this section, including, but not limited to, proceeds
486 not distributed to regional cultural organizations because of the fifteen percent of annual
487 revenue limit or the ranking requirement or otherwise and proceeds contributed to
488 4Culture for distribution to community-based cultural organizations and development of
489 cultural centers under subsection D.3. of this section, all remaining proceeds will be
490 distributed annually to community-based cultural organizations through a competitive
491 process to be used to support: cultural and educational activities, programs and
492 initiatives; public benefits and communications; basic operations; capital expenditures or
493 acquisitions; and technology, equipment and supplies reasonably related to or necessary
494 for a project funded under the community-based cultural organization program and
495 consistent with RCW 36.160.110(2), including, but not limited to, seed money for a
496 community-based cultural organization to fund start-up expenses of new cultural
497 organizations.

498 2. The proceeds for the uses in subsection F.1. of this section shall be distributed
499 annually through competitive processes as follows:

500 a. at least ten percent shall be distributed as seed money to foster the creation
501 of new cultural organizations and development of cultural centers;

502 b. make distributions to community heritage organizations such that proceeds

503 to these organizations total at least four million five hundred thousand dollars annually,
504 or a lesser amount after subtracting the value of programs and partnerships to such
505 organizations provided by regional cultural organizations. If proceeds remain after
506 distribution to eligible community heritage organizations for eligible programs and
507 projects, these funds must be distributed to community-based cultural organizations in
508 communities in a council district in which no regional cultural organization has its
509 principal location;

510 c. remaining proceeds shall be distributed for operations, capital expenditures,
511 projects and capacity building for all other eligible community-based cultural
512 organizations; and

513 d. no proceeds received from regional cultural organizations shall be expended
514 for capital expenditures.

515 3. The program shall make distributions under this subsection F. such that
516 program proceeds for community-based cultural organizations in each council district
517 totals at least one million dollars in each year.

518 G. The program may grant proceeds to a fiscal sponsor for the purpose of
519 contracting with a sponsored community-based cultural entity for specific activities or
520 uses approved by the program, but only if the fiscal sponsor: retains control and
521 discretion as to the use of the proceeds; maintains records establishing that the proceeds
522 were used for purposes authorized under section 501(c)(3) of the Internal Revenue Code
523 of 1986, as amended; and limits distributions to specific projects of sponsored
524 community-based cultural entities that are in furtherance of the fiscal sponsor's own
525 exempt purposes. Such a fiscal sponsor may provide program moneys to a sponsored

526 community-based cultural entity only if the specific projects of the sponsored
527 community-based cultural entity provide or continue to provide public benefits identified
528 in section 3 of this ordinance. A fiscal sponsor shall be fully responsible and liable for
529 the completion of the specific projects of the sponsored community-based cultural entity
530 provided program moneys under this ordinance and the provision of public benefits by
531 such a specific project.

532 H. 4Culture shall develop guidelines to be approved by the King County council
533 for eligible expenditures for each program component identified in section 3 of this
534 ordinance. The guidelines must be consistent with chapter 36.160 RCW and this
535 ordinance.

536 **SECTION 8. Call for special election.** In accordance with RCW 29A.04.321,
537 the King County council hereby calls for a special election on August 1, 2017, to
538 consider a proposition approving the imposition for seven years, an additional sales and
539 use tax of one-tenth of one percent for the purposes described in this ordinance. The
540 King County director of elections shall cause notice to be given of this ordinance in
541 accordance with the state constitution and general law and to submit to the qualified
542 electors of the county, at the said special county election, the proposition hereinafter set
543 forth. The clerk of the council shall certify that proposition to the King County director
544 of elections in substantially the following form:

545 PROPOSITION___; The County Council adopted ordinance XXXXX to
546 establish and fund a cultural access program. If approved, this proposition
547 would fund public school and cultural organization access programs. The
548 programs would increase free or discounted tickets for students and low-

549 income persons to arts, science, and heritage programs and advance
550 equitable access across King County. It would also have dedicated
551 transportation funds for public school students and cultural education in
552 public schools. The program would be funded by an increase in the
553 county sales tax 1/10th of 1 percent for 7 years beginning January 1, 2018.

554 Should this proposition be:

555 Approved

556 Rejected

557 **SECTION 9. Implementation plan.**

558 If the sales and use tax is approved by the voters, then the program will develop
559 and provide to the county executive a King County Access for All program
560 implementation plan. The county executive, in consultation with 4Culture, shall transmit
561 the implementation plan and an ordinance to approve the plan to the council within ninety
562 days of the certification of the election approving the sales and use tax. The
563 implementation plan shall be effective upon approval by ordinance. The executive, in
564 consultation with 4Culture, may propose amendments to the implementation plan,
565 including but not limited to program descriptions or guidelines. The council also may
566 initiate amendment of the implementation plan. Any amendments shall be effective upon
567 approval by ordinance. The initial implementation plan shall include the following:

568 A.1. Itemization of any startup costs incurred or to be incurred by 4Culture or the
569 county.

570 2. Detailed program descriptions of the major elements of the Access for All
571 program, which are the public school access program, the regional cultural organization

572 access program, the community-based cultural organization access program and a
573 framework for 4Culture administration of all programs.

574 3. The public school access program description shall include:

575 a. an overall summary of the public school access program and fund allocation
576 within this portion of the Access for All program;

577 b. a description of district and school teacher training components of the public
578 school access program including timeline and expected costs and outcomes;

579 c. a description of the goals, priorities and process for the public school
580 transportation program that includes start-up timeline, communications strategy and
581 respective roles that school districts, school teachers, cultural organizations' education
582 programs and 4Culture will play in planning and delivery of the public school access
583 program; and

584 d. a description of goals, priorities, and strategies for delivering the cultural
585 organization's in-school and in-community education programs.

586 4. The regional cultural organization access program description shall include:

587 a. an overall summary of the regional organization access program and fund
588 allocation within this portion of the Access for All program;

589 b. guidelines for regional cultural organizations to expend at least fifteen
590 percent of their awards towards equity inclusion public benefits and at least fifteen
591 percent of their awards towards geographic inclusion public benefits, and a plan to assist
592 regional cultural organizations in using their awards to make meaningful progress
593 towards the equity and inclusion outcomes;

594 c. an explanation of attendance and revenue requirements and resources for

595 regional organizations to use in reporting eligible revenue and attendance, including, but
596 not limited to, guidelines for establishing attendance and revenue for the initial three
597 transition years of the program;

598 d. a description of the process and reports for determining the baseline
599 standard of continuous performance of public benefits provided, a description of
600 guidelines for providing the equity and geographic inclusion public benefits a regional
601 cultural organization must provide to be eligible for funding under the program and
602 descriptions of the discernible equity and geographic inclusion public benefits and
603 general public benefits consistent with RCW 36.160.090 and this ordinance;

604 e. a public benefit reporting framework for regional cultural organizations that
605 includes standards for reports describing the organization's success in providing:

606 (1) general public benefits as anticipated in the organization's prior report;
607 (2) equity and geographic inclusion public benefits that resulted in progress
608 towards achievement of equity and inclusion outcomes as anticipated in the
609 organization's prior report; and

610 (3) a preview of the general public benefits, equity and geographic inclusion
611 public benefits and equity and inclusion outcomes that the organization plans to provide
612 in the coming year;

613 f. a public school access reporting framework for regional cultural
614 organizations to use in describing their participation in the public school educational
615 activities as anticipated in the organization's prior report and a preview of the public
616 school educational programs they intend to provide in the coming year;

617 g. a description of initial application procedures, including review by an

618 eligibility panel made up of at least nine members recommended one each by each county
619 councilmember, that will be used for the regional cultural organization access program to
620 verify whether an organization is eligible for the program; and

621 h. a description of procedures to distribute awards annually and contracting
622 and payment process and procedures for assuring transparency, accountability and
623 compliance in administering the awards, all consistent with chapter 36.160 RCW and this
624 ordinance.

625 5. The community-based organization access program description shall include:

626 a. an overall summary of the community-based organization access program
627 and fund allocation within this portion of the Access for All program for operating,
628 project, capital, initiative and other funding pools, including the development of cultural
629 centers, and seed money to foster the creation of new cultural organizations;

630 b. criteria for awarding funds to either eligible community-based
631 organizations, including provisions allowing fiscal sponsorship of non-tax exempt
632 community-based cultural entities, or qualified nontraditional/social service and cultural
633 agencies, or both, for defined cultural project funding such that the program achieves
634 funding for cultural programs and organizations in each council district totaling at least
635 one million dollars in each year, a description of criteria for awards to community
636 heritage organizations and description of criteria for increasing awards for community-
637 based cultural organizations that either are organized of, by and for communities and
638 census tracts that are underserved or provide significant equity inclusion public benefits,
639 or both;

640 c. procedures for conducting competitive processes for supporting community-

641 based organizations' operations, projects, capital and equipment programs and initiatives,
642 and procedures for ensuring transparency, accountability and compliance, all consistent
643 with chapter 36.160 RCW;

644 d. a description of the community-based organization access program's
645 countywide technical assistance and communications plan to promote broad participation
646 by community-based cultural organizations;

647 e. descriptions of the community-based organization annual application, panel
648 and approval process for awarding grants; the program will design the process to
649 minimize the burden it places on applicant community-based organizations and will work
650 to improve that process continuously from year to year; and

651 f. description of contract and payment process for community-based cultural
652 organization grants;

653 B.1. A countywide cultural equity plan and four subarea plans as described in this
654 subsection. The plans are intended to articulate a vision, establish goals, identify priority
655 projects and initiatives and provide recommendations for achieving the intended cultural
656 access improvements over time.

657 2. The countywide cultural equity plan shall be developed with input from
658 regional cultural organizations, community-based cultural organizations, school districts,
659 and the 4Culture advisory committee whose purpose is to advise, monitor and provide
660 oversight for achieving the equity outcomes associated with the program. The plan must
661 include:

662 a. recommendations for how public school access proceeds can be scaled to
663 coincide with the relative percentage of students who participate in the national free or

664 reduced-price school meals program;

665 b. recommendations for how regional cultural organizations can provide equity
666 inclusion public benefits in a manner that contributes to the equity and inclusion
667 outcomes described in section 4.B. of this ordinance;

668 c. a description of criteria for making awards of up to thirty percent of an
669 community-based cultural organization's budget for community-based cultural
670 organizations that either are organized of, by and for communities and census tracts that
671 face cultural and economic barriers to access; that provide significant equity inclusion
672 public benefits or both.

673 3. Cultural opportunity and access expansion plans for four county subareas, the
674 north, suburban east, rural east (east of the contiguous urban growth boundary) and south
675 as shall be further defined in the implementation plan, shall be developed with input from
676 cultural organizations , cities, public schools, and the county councilmembers
677 representing the subareas. Each such a subarea plan must include strategies to:

678 a. develop multiple cultural centers within each subarea, including within the
679 unincorporated area;

680 b. use seed money to establish new cultural organizations; and

681 c. accomplish the plans' visions and goals by leveraging Access for All
682 funding with other funding sources, such as private donations, grants and future hotel-
683 motel tax proceeds that will be available in 2021, recognizing that the hotel-motel tax
684 proceeds will continue to be used by some grantees and for some purposes not served by
685 the Access for All program.

686 4. 4Culture shall use the plans to:

687 a. guide its work with regional cultural organizations in developing contractual
688 obligations for the use of proceeds spent on equity and geographic inclusion public
689 benefits;

690 b. identify opportunities to foster growth of cultural centers outside the city of
691 Seattle, including ways for regional cultural organizations to participate in fostering such
692 growth through partnerships, direct contributions administered through 4Culture and
693 contribution of in-kind support and technical expertise; and

694 c. guide the establishment of criteria and guidelines for the competitive
695 processes for distribution of community-based cultural organization access program
696 proceeds.

697 5. The plans in subsections B.2. and B.3. of this section along with motions to
698 approve them must be transmitted by the executive in consultation with 4Culture to the
699 council by the completion date identified in the implementation plan and shall be
700 effective upon approval by motion;

701 C. Description of any additional guidelines, consistent with chapter 36.160 RCW
702 as the program deems necessary or appropriate for determining the eligibility of
703 prospective regional cultural organizations or of prospective community-based cultural
704 organizations to receive funding and for establishing the amount of funding any
705 organization may receive;

706 D. Proposed policies that outline how fluctuations in revenue collections will
707 impact the allocation process, cultural organization eligibility and reporting requirements;

708 E. The establishment of a 4Culture advisory committee whose purpose is to
709 advise, monitor and provide oversights for achieving the equity and inclusion outcomes

710 associated with the program. The size and operation of the advisory council shall be
711 defined, and at least nine members of this committee must be recommended one each by
712 each of the nine county councilmembers and confirmed by the King County council; and

713 F. A proposed annual reporting framework between 4Culture and the county that
714 includes:

715 1. A fiscal report of the distribution of proceeds, including a breakdown by
716 council district;

717 2. A report on the number of people served by Access for All funded programs,
718 including a breakdown by county council district;

719 3. A performance report on each funded regional cultural organization's success
720 in providing discernable public benefits as anticipated in the organization's prior annual
721 report;

722 4. A report on the preview of the public benefits each funded regional cultural
723 organization's plan to provide in the coming year;

724 5. A performance report of each funded regional cultural organization's
725 participation in the public school cultural access program as anticipated in the
726 organization's prior annual report and a preview of each funded regional cultural
727 organization's planned participation in the public school cultural access program in the
728 coming year;

729 6. A performance report on each funded community-based cultural
730 organization's discernable public benefits; and

731 7. A management report identifying any proposed changes to the program panel
732 process, eligibility guidelines, or reporting requirements.

733 SECTION 10. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060

734 are each amended to read as follows:

735 The charter of the cultural development authority, as set forth in Attachment A to
736 ~~((Ordinance 14482))~~ this ordinance, is hereby approved. The clerk of the council shall,
737 within ten days of ~~((October 11, 2002))~~ the effective date of this ordinance, issue the
738 charter in duplicate originals, each bearing the county seal attested by the clerk of the
739 council. The clerk of the council shall file and record one original charter with the
740 records and licensing services division and provide one original charter to the county
741 executive on behalf of the cultural development authority. The county may amend the
742 charter by ordinance after providing notice to and an opportunity for the directors to be
743 heard and present testimony.

744 SECTION 11. Ratification. Certification of the proposition by the clerk of the
745 county council to the director of elections in accordance with law before the election on
746 August 1, 2017, and any other act consistent with the authority and before the effective
747 date of this ordinance are hereby ratified and confirmed.

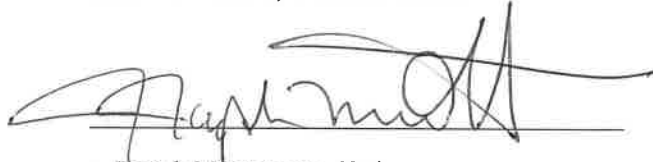
748 SECTION 12. Severability. If any provision of this ordinance or its application

749 to any person or circumstance is held invalid, the remainder of the ordinance or the
750 application of the provision to other persons or circumstances is not affected.
751

Ordinance 18513 was introduced on 4/17/2017 and passed as amended by the Metropolitan King County Council on 5/1/2017, by the following vote:

Yes: 7 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Ms. Kohl-Welles and Ms. Balducci
No: 2 - Mr. Gossett and Mr. Upthegrove
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

APPROVED this 2 day of MAY, 2017.



Dow Constantine, County Executive

Attachments: A. Charter of the Cultural Development Authority of King County

**CHARTER
of the
CULTURAL DEVELOPMENT AUTHORITY OF KING COUNTY**

**ARTICLE I
Establishment and Commencement**

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

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

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

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

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

**ARTICLE II
Purposes**

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

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

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

1. Develop partnerships with municipalities, government agencies and the private sector throughout the region to expand the presence of cultural experiences and activities; enhance the built environment and sense of place through the creation of public art and the preservation of historic resources; and promote lifelong learning opportunities through cultural education;
2. Stimulate regional economic development through cultural tourism initiatives and support for arts and heritage organizations, individuals, institutions, and cultural attractions; historic preservation; and public art;
3. Advise the County Executive and Council regarding Cultural Resources policies and issues;
4. Ensure that a commitment to Cultural Resources remains a high priority within state, county and local governments;
5. Administer the Cultural Programs funded by Hotel/Motel tax revenues in accordance with RCW 67.28.180(3)a) and all other applicable laws; establish and implement policies, guidelines and selection procedures; award and administer grant contracts;
6. Administer the Public Art Program funded by County capital funds or other designated County revenues; establish and implement policies, guidelines and selection procedures; award and administer contracts for artistic services and commissioned artwork;
7. Continue the cultural services, programs, and activities formerly provided by the King County Office of Cultural Resources with the sole exception of those services and programs that are provided by the King County Landmarks Commission for land use regulation and archaeological management purposes;
8. Receive, manage and steward all Hotel/Motel tax revenues designated by the state of Washington and appropriated by the County for cultural purposes in King County;
9. Receive, manage and steward all funds designated by County ordinance for public art purposes;
10. Receive and manage other revenues designated or appropriated by King County for cultural purposes related to the services, projects and programs of the Authority;
11. Further the goals and objectives of the King County Comprehensive Plan; and
12. If so designated by county ordinance, administer a cultural access program in accordance with chapter 36.160 RCW.

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

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

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

**ARTICLE III
Definitions**

As used herein, the term:

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

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

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

"Bylaws" means the rules adopted by the County for the regulation or management of the affairs of the Cultural Development Authority and all subsequent amendments adopted by the Board.

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

"County" means King County.

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

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

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

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

"Cultural Programs" means the grant funding programs described in K.C.C chapter 2.48 supported by the Arts and Cultural Development Fund and Cultural Resources Endowment Fund that

includes Cultural Education Program, Cultural Facilities Program, Special Projects Program, and Sustained Support Program for Arts and Heritage.

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

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

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

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

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

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

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

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

ARTICLE IV Powers

Section 4.1. Powers. Except as limited by the state constitution and state law, the King County Charter, King County Ordinance 14482, 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:

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;
12. Recommend to appropriate governmental authorities public improvements and expenditures in areas of the County in which the Authority by this Charter has a particular responsibility;
13. Initiate, carry out, and complete such improvements of benefit to the public consistent with this Charter as the United States, a state, and any municipality or political subdivision or agency of either may request;
14. Recommend to the United States, a state, and any municipality or political subdivision or agency of either, consistent with all applicable laws, such tax, financing, and security measures as the Authority may deem appropriate to maximize the public interest in activities in which the Authority by this Charter has a particular responsibility;

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

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

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

18. Invest and reinvest its funds;

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

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

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

22. Identify and recommend to the United States, a state, and any municipality or political subdivision or agency of either, the acquisition by the appropriate governmental entity for transfer to or use by the Authority of property and property rights, which, if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used, would materially advance the purpose for which the Authority is chartered; and

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

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

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

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

B. The Authority may not incur or create any liability that permits recourse by any party or member of the public to any assets, services, resources, or credit of the County. All liabilities

incurred by the Authority shall be satisfied exclusively from the assets and credit of the Authority; no creditor or other person shall have any recourse to the assets, credit, or services of the County on account of any debts, obligations, liabilities, acts, or omissions of the Authority.

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

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

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

2. Assist Authority officials as members of a general class of persons to be assisted by an Authority-approved project or activity to the same extent as other members of the class as long as no special privileges or treatment accrues to such corporate official by reason of his or her status or position in the Authority;

3. Defend and indemnify any current or former Board member or employee and their successors, spouses and marital communities against all costs, expenses, judgments, and liabilities, including attorneys' fees, reasonably incurred by or imposed upon him or her in connection with or resulting from any civil claim, action, or proceeding in which he or she is or may be made a party by reason of being or having been a corporate official, or by reason of any action alleged to have been taken or omitted by him or her as such official, provided that he or she was acting in good faith on behalf of the Authority and within the scope of duties imposed or authorized by law. This power of indemnification shall not be exclusive of other rights to which corporate officials may be entitled as a matter of law;

4. Purchase insurance to protect and hold personally harmless any of its officials, its employees, and its agents from any civil action, claim, or proceeding instituted against the foregoing individuals arising out of the performance, in good faith, of duties for, or employment with, the Authority and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings. The

purchase of such insurance and its policy limits shall be discretionary with the Board, and such insurance shall not be considered to be compensation to the insured individuals. The powers conferred by this subsection shall not be exclusive of any other powers conferred by law to purchase liability insurance;

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

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

ARTICLE V
Board Of Directors And Corporate Officers

Section 5.1. Powers. The affairs of the Authority shall be governed by the Board of Directors. All corporate powers of the Authority shall be exercised by or under the authority of the Board of Directors. The business, property and affairs of the Authority shall be managed under the direction of the Board except as may be otherwise provided for by law or in this Charter.

Section 5.2. Composition of the Board.

A. The Board shall be composed of fifteen (15) Directors and five ex officio members as specified below. The Directors shall be appointed by the County Executive and serve their terms as provided in this Charter. Appointments shall be subject to confirmation by the County Council. Directors shall be nominated as specified in Sections 5.3 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.

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; and attorneys; and from community arts and heritage activists; and from sectors of the business community; and from the community at large. At least one Director shall have expertise in arts; at least one Director shall have expertise in public art; at least one Director shall have expertise in heritage; at least one Director shall have expertise in historic preservation; and at least one Director shall be from the business community. 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.

Section 5.3. Terms of Office.

A. The terms of office of the initially appointed Directors shall commence October 1, 2002 or upon issuance of this Charter, whichever comes later. Initial terms shall be staggered as follows:

Group I. Five Directors for one-year terms, to terminate on December 31, 2003

Group II. Five Directors for two-year terms, to terminate on December 31, 2004

Group III. Five Directors for three-year terms, to terminate on December 31, 2005

B. Nominations of the initial Directors shall be made to the County Executive by a community-based Initial Board Nominating Committee established as specified in the Bylaws. In making the nominations of the initial Directors, the Initial Board Nominating Committee shall designate which nominees should be assigned to the three groups identified in subsection 5.3.A above for purposes of determining the length of terms of such initial Directors.

C. 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 his or her successor has been appointed and confirmed.

D. Except for the initial Directors identified in Groups I and II above, 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.

E. Initial terms for Groups I, II and III in subsection 5.3.A above shall be considered a full term.

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

G. Nominations for new appointees or for reappointment of existing Directors shall be processed in the manner provided in the Bylaws.

H. 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.

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

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

Section 5.7. Removal of Directors. 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.

Section 5.8. Ex officio Members of the Board.

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

B. The County Executive shall designate one member of his or her staff to serve as liaison to the Authority and ex officio member of the Board. The designee shall be a member of the Governance/Nominating Committee and shall have the power to vote on recommendations for nominations to the Board as prescribed in this Charter.

C. The County Council shall designate three of its members to serve as ex officio members of the Board. Each County Council member so designated shall serve for one year and

may be reappointed for a total of three (3) years. Each designee shall be a member of the Governance/ Nominating Committee and shall have the power to vote on recommendations for nominations to the Board as prescribed in this Charter.

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

ARTICLE VI Meetings

Section 6.1. Meetings of the Board.

A. The Board shall meet in regular meetings at least four (4) times each year. The Board may conduct special meetings as provided by this Charter, the Bylaws or RCW 42.30.010, et seq.

B. The Board shall be the governing body of a public agency as defined in RCW 42.30.020, and all meetings of the Board shall be held and conducted in accordance with RCW 42.30.010, et seq. Notice of meetings shall be given in a manner consistent with RCW 42.30.010, et seq. In addition, the Authority shall routinely provide reasonable notice of meetings to any individual specifically requesting it in writing.

C. All Board meetings, including Executive Committee and all other permanent and ad hoc committee meetings, shall be open to the public to the extent required by RCW 42.30.010, et seq. The Board and committees may hold executive sessions to consider matters enumerated in RCW 42.30.010, et seq., or privileged matters recognized by law, and shall enter the cause therefor upon its official journal. At all public meetings, any citizen shall have a reasonable opportunity to address the Board either orally or by written petition.

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

Section 6.3. Record Keeping.

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

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

ARTICLE VII

Committees, Advisory Committees, Juries, and Selection Panels

Section 7.1. Committees of the Board.

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

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

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

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

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

Section 7.2. Executive Committee.

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

B. The Executive Committee shall represent the Board and, except as prohibited by this Charter, the Bylaws or King County Ordinance 14482, act for and on behalf of the Board.

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

Section 7.3. Governance/Nominating Committee.

A. There shall be a Governance/Nominating Committee of the Board composed of: the Vice President; three additional Directors, each of whom shall be elected by the Board; the ex officio member of the Board designated by the County Executive as prescribed in this Charter; and

the ex officio members of the Board designated by the County Council as prescribed in this Charter. The Vice President shall serve as the chairperson of the committee.

B. The committee shall nominate Directors to be officers of the Authority; shall nominate members of Ad Hoc Advisory Committees; and shall nominate persons for appointment as Directors to the Board and for reappointment of existing Directors. When a vacancy on the Board or among the officers is deemed to exist, the Governance/Nominating Committee shall nominate a replacement for consideration at the next meeting of the Board.

C. The Governance/Nominating Committee shall ensure that the community is consulted to obtain recommendations for candidates for the Board and advisory committees, and that candidates meet the qualifications established by this Charter. The committee shall elicit and consider recommendations for Board membership from arts, heritage, historic preservation, and cultural education agencies and commissions, cultural, professional, and civic organizations, Authority staff, Board members and others as determined appropriate by the committee. The committee shall meet with candidates, establish a pool of qualified candidates and nominate one candidate from that pool for each open position so as to meet requirements for Board and Committee composition established by this Charter.

D. For appointments or re-appointments to the Board, the Governance/Nominating Committee shall report its recommendations for new appointees and/or reappointment to the Board. The Board shall consider those recommendations and may nominate those candidates by a simple majority vote of the quorum. Following such nomination, the Board shall transmit the name of each nominee, along with a summary of qualifications for each, to the County Executive for appointment. If requested by the Board or the County Executive, the Governance/Nominating Committee shall reconvene and nominate additional candidates.

E. Nominations for Ad Hoc Advisory Committees shall be made to the Board and the Board may approve those candidates by a simple majority vote of the quorum.

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

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

Section 7.4. Cultural Advisory Committees.

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

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

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

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

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

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

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

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

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

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

9. The Executive Director of the Authority, or his or her designee, shall be an ex officio member of each committee.

Section 7.5. Ad Hoc Advisory Committees to the Board.

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

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

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

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

4. The public members of an Ad Hoc Advisory Committee shall be appointed by the Board from nominations made by the Governance/Nominating Committee following consultation with arts, heritage, historic preservation, and cultural education agencies and commissions, cultural, professional, and civic organizations, Authority staff, and other Directors.

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

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

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

E. The Executive Director of the Authority, or his or her designee, shall be an ex officio member of each committee.

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

ARTICLE VIII General Requirements

Section 8.1. Board Review and Concurrence.

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

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

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

1. Transfer or conveyance of an interest in real estate other than release of a lien or satisfaction of a mortgage after payment has been received or the execution of a lease for a current term less than one year;
2. The contracting of debts, issuances of notes, debentures, or bonds, and the mortgaging or pledging of Authority assets or credit to secure the same;
3. The donation of money, property or other assets belonging to the Authority to public agencies or to non-profit associations. Donations are to be conducted in accordance with the state constitutional provisions governing such gifts;
4. An action by the Authority as a surety or guarantor;
5. Adoption of an annual budget and a separate capital budget;
6. All capital expenditures in excess of twenty-five thousand dollars (\$25,000);
7. Certification of annual reports and statements to be filed with the County Council Clerk as true and correct in the opinion of the Board and of its Directors except as noted;
8. Proposed amendments to this Charter or the Bylaws; and
9. Such other transactions, duties, and responsibilities as this Charter shall repose in the Board or that the Board may reserve.

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

Section 8.3. Establishment and Maintenance of Office and Records.

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

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

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

Section 8.4. Public Access to Records.

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

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

Section 8.5. Reports and Information Sharing.

A. The Authority shall by April 15 each year file an annual report with the County Executive and the County Council containing a statement of assets and liabilities, income and expenditures and changes in its financial position during the previous year; a summary of significant accomplishments; a list of depositories used; a projected operating budget for the current fiscal year; a summary of projects and activities to be undertaken during the current year; a list of Authority officials and a list of officials bonded pursuant to this Charter.

B. The Authority shall meet with the County Council two times per year, once in the first half of the calendar year to discuss the Authority's annual report and once in the second half of the calendar year to discuss the Authority's plans for the following year. The Authority shall meet at least one time per year with the County Executive; and at least one time per year with Directors and administrators of County departments and agencies that interface with the Authority.

Section 8.6. Audits and Inspections. The Authority shall, at any time during normal business hours and as often as the County Executive, the County Council or the State Auditor deem necessary, make available to the County Executive, the County Council and the State Auditor for examination all of its financial records, and shall permit the County Executive, County Council and State Auditor to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all the aforesaid matters. The County shall control and oversee the Authority as required by State law. In exercising such control, the County Executive, County Council, and State Auditor shall have no right, power or duty to supervise the daily operations of the Authority, but shall oversee such operations through their powers to audit,

modify this Charter and the Bylaws and to remove Directors, all as set forth in this Charter, all for the purpose of correcting any deficiency and assuring that the purposes of the Authority are reasonably accomplished.

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

Section 8.8. Conflict of Interest.

A. Except as provided in this section, no Director, corporate officer or employee of the Authority may participate in Board decisions if that person or a member of that person's immediate family has a financial interest in the issue being decided unless the financial interest is a remote financial interest and participation is approved under subsection B of this section.

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

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

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

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

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

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

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

1. A spouse or domestic partner;
2. Any parent, parent-in-law, parent of domestic partner, child, son-in-law, daughter-in-law, son or daughter of domestic partner, who is dependent on the Director, corporate officer or employee; and
3. Any parent, parent-in-law, parent of domestic partner, child, son-in-law, daughter-in-law, child of domestic partner, sibling, sibling of domestic partner, uncle, aunt, cousin, niece or nephew, or any uncle, aunt, cousin, niece or nephew of domestic partner, residing in the household of the Director, corporate officer or employee.

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

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

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

Section 8.9. Discrimination.

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

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

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

Section 8.10. Bylaws.

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

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

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

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

The Cultural Development Authority of King County is organized pursuant to King County Ordinance 14482 and RCW 35.21.730, et seq. RCW 35.21.750 provides as follows: "[All] liabilities incurred by such public corporation, commission, or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town, or county creating such corporation, commission, or authority on account of any debts, obligations, or liabilities of such public corporation, commission, or authority."

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

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

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 Ordinance 14482. 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. 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 the actions, if any, to be taken by the Authority or the County to regain solvency or avoid insolvency. The Secretary of the Board shall promptly provide a copy of the resolution to the County Executive and to each member of the County Council.

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

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

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

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

Section 10.2. Dissolution.

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

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

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

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

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

ARTICLE XI
Approval of Charter

**Ordinance 18513
Attachment A**

This Charter was approved by King County Ordinance 14482 effective on October 11, 2002.

ATTEST

Anne Noris, Clerk of the County Council
King County, Washington