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S1

May 1, 2017
SB1

Sponsor: Kohl-Welles, McDermott, Balducci

[LKZ]

JKW → Passed

Proposed No.: 2017-0178

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2017-0178, VERSION

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3 On page 1, beginning on line 11, strike everything through page 30, line 663, and insert:

4 "STATEMENT OF FACTS:

5 1. The Washington state Legislature declared in Chapter 24, Laws of
6 Washington 2015 that there is a need to provide public and educational
7 benefits and economic support for arts, science and heritage organizations.

8 2. The King County council, through Motion 14082 and Motion 14299,
9 unanimously endorsed the need to provide public and educational benefits
10 and economic support for arts, science and heritage organizations.

11 3. King County residents would greatly benefit from improved public
12 access to programs produced by nonprofit arts, science and heritage
13 organizations that would be enabled by an increase in public funding for
14 those organizations.

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

18 a. Enhancing and extending the educational reach and offerings of arts,

19 science and heritage organizations will provide all King County residents
20 with meaningful opportunities to explore personal creativity, learn about
21 local history and understand the natural environment, leading to greater
22 civic engagement;

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

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

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

35 6. An Access for All program as defined in this ordinance would help to
36 achieve these public purposes and benefits by supporting hundreds of arts,
37 science and heritage organizations providing activities and operating
38 facilities open to the general public throughout King County and by
39 creating new opportunities for students and adults, as well as economically
40 and geographically underserved populations.

41 7. In 2016, 4Culture convened a series of community study group

42 meetings including organizations of all sizes, disciplines and geographic
43 locations, as well as individuals representing numerous points of view, to
44 develop recommendations regarding the principles for implementation and
45 operation of an Access for All program.

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

48 Recommendations from the community to advance these principles
49 include:

50 a. Past and existing inequities in access to arts, science and heritage
51 organizations should be deliberately and intentionally addressed by
52 providing higher levels of funding for community-based cultural
53 organizations based in, representative of and serving audiences of
54 communities that experience barriers to access;

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

57 c. Nontraditional and social service organizations that provide cultural
58 programming in their communities should be eligible to receive project-
59 specific funding to serve their constituents, even if the primary purpose of
60 such an organization is not exclusively arts, science or heritage;

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

64 e. Organizations receiving support from Access for All should reflect the

65 demographics of the communities they serve in their staffs, board,
66 memberships, audiences and programs; and

67 f. Access for All should be administered with transparency and
68 accountability to the public.

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

74 10. Access for All funding would advance fair and equitable access to
75 arts, science and heritage organizations throughout King County and
76 would remove barriers to access faced by many segments of the county
77 population.

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

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

85 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

86 SECTION 1. Findings. The council finds and declares that awarding program
87 proceeds to arts, science and heritage organizations as provided in this ordinance is a

88 public purpose within the meaning of Article VII, Section 1 of the Washington State
89 Constitution because such expenditure of public moneys will confer a benefit of
90 reasonably general character to a significant part of the public and primarily serves the
91 public interest.

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

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

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

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

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

105 E. "Community heritage organizations" means community-based cultural
106 organizations whose primary purpose is the advancement and preservation of
107 anthropology, heritage or natural history, including those whose primary purpose is the
108 preservation of barns, outbuildings and agriculture-related community spaces.

109 F. "Cultural center" means a geographic area in which cultural organizations and
110 facilities are concentrated, are providing cultural activities that draw attendance and

111 participation from surrounding communities and beyond, and is identified as a target for
112 investment in the subarea plans required in section 9.B. in this ordinance.

113 G. "Cultural organization" means a nonprofit corporation in good standing and
114 incorporated under the laws of the state of Washington and recognized by the Internal
115 Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986,
116 as amended, with its principal location or locations and conducting a majority of its
117 activities within the county, not including: any agency of the state or any of its political
118 subdivisions; any municipal corporation; any organization that raises moneys for
119 redistribution to multiple cultural organizations; or any radio or television broadcasting
120 network or station, cable communications system, internet-based communications
121 venture or service, newspaper, or magazine. The primary purpose of the organization
122 must be the advancement and preservation of science or technology, the visual or
123 performing arts, zoology, botany, anthropology, heritage or natural history and any
124 organization must directly provide programming or experiences available to the general
125 public. Any organization with the primary purpose of advancing and preserving zoology
126 such as a zoo or an aquarium, must be or support a facility that is accredited by the
127 Association of Zoos and Aquariums or its functional successor.

128 H. "Equity public benefits" means the equity public benefits defined in section
129 4.A.2. of this ordinance.

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

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

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

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

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

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

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

147 P. "Public benefits" means those discernable public benefits, comprised of equity
148 and geographic inclusion public benefits and general public benefits, identified in section
149 4 of this ordinance.

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

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

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

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

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

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

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

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

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

171 R. "Qualified nontraditional/social service and cultural agency" means a nonprofit
172 corporation incorporated under the laws of the state of Washington with its principal
173 location or locations and conducting a majority of its activities within the county that,
174 while not necessarily its primary purpose, devotes a significant portion of its resources to
175 the advancement and preservation of science or technology, the visual or performing arts,
176 zoology, botany, anthropology, heritage or natural history and directly provides
177 programming or experiences available to the general public, but not including: any
178 agency of the state or any of its political subdivisions; any municipal corporation; any
179 organization that raises moneys for redistribution to multiple cultural organizations; or

180 any radio or television broadcasting network or station, cable communications system,
181 internet-based communications venture or service, newspaper or magazine.

182 S. "Science" includes science or technology.

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

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

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

193 A. The county hereby creates the Access for All program. The Access for All
194 program shall contain the following elements:

195 1. Public school access program, designed to increase public school student
196 access to cultural education opportunities by extending the offerings of cultural
197 organizations both through programs provided at schools and at the facilities and venues
198 of the cultural organizations, including the provision of transportation to facilities and
199 venues;

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

202 a. provide discernible public benefits, and specifically from the range of public

203 benefits in section 4 of this ordinance;

204 b. annually provide one or more equity public benefits and one or more
205 geographic inclusion public benefits;

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

207 d. serve a regional audience; and

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

212 B.1. The county, through K.C.C. chapters 2.48 and 2.49, has authorized 4Culture
213 to develop, implement and administer cultural programs in the county. Accordingly, and
214 as authorized under RCW 36.160.070, the county elects to consolidate the administration
215 of the program with that of 4Culture to perform the functions required under RCW
216 36.160.110 consistent with this ordinance and the implementation plan required in
217 section 9 of this ordinance.

218 2. The county designates 4Culture as the designated public agency for the
219 Access for All program consistent with chapter 36.160 RCW, this ordinance and the
220 implementation plan required in section 9 of this ordinance. If the county dissolves
221 4Culture in accordance with K.C.C. 2.49.140, the county shall become the designated
222 public agency and shall otherwise perform all of the duties of 4Culture under this
223 ordinance.

224 3. 4Culture shall develop and maintain guidelines and eligibility and reporting
225 requirements for all organizations that are provided proceeds through the program

226 consistent with chapter 36.160 RCW and this ordinance. The guidelines shall ensure that
227 the cultural organizations receiving proceeds provide or continue to provide discernible
228 public benefits. Program grant agreements shall require, among other things, that no
229 person in the county shall, on the basis of sex, race, color, national origin, religious
230 affiliation, disability, sexual orientation, gender identity or expression or age, be denied
231 the benefits of, or be subjected to discrimination under any program or activity receiving
232 Access for All financial support. The guidelines and program grant agreements
233 developed and administered by 4Culture shall be consistent with the equity and subarea
234 plans described in section 9.B. of this ordinance. 4Culture shall use the equity and
235 subarea plans in the manner described in section 9.B.4. of this ordinance.

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

239 5.a. 4Culture shall report on the status of the program to the county executive
240 and county committee of the whole annually. By March 31, 2019, and for each
241 subsequent year that the program is funded, the executive must file the report in the form
242 of a paper original and an electronic copy with the clerk of the council, who shall retain
243 the original and provide an electronic copy to all councilmembers, the council chief of
244 staff and the lead staff to the committee of the whole or its successor.

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

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

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

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

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

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

261 (6) a performance report on each funded community-based cultural
262 organization's discernable public benefits, a report on the actual and planned use of
263 community-based cultural organization access program proceeds and regional cultural
264 organization contributions to foster community-based cultural organizations and the
265 creation and development of cultural centers identified in the subarea plans required by
266 section 9.B. of this ordinance, and a management report identifying any proposed
267 changes to the program panel process, eligibility guidelines, or reporting requirements
268 since the last report.

269 6. The 4Culture board of directors shall serve as the initial Access for All
270 program advisory board. The council shall establish the size and operation of the
271 permanent advisory board in the adopted implementation plan. Members of the

272 permanent advisory board shall be appointed consistent with the adopted implementation
273 plan.

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

275 A. All cultural organizations must provide discernible public benefits to receive
276 funding from the program. To be eligible to receive funding regional cultural
277 organizations must provide one or more equity public benefits, and provide one or more
278 geographic inclusion public benefits. To be eligible to receive funding community-based
279 cultural organizations must provide one or more general public benefits or one or more
280 equity public benefits. The following are the program's discernible public benefits:

281 1. General public benefits. The following public benefits are "general public
282 benefits":

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

285 b. providing performances and programs throughout the county, directly in and
286 for local communities, or through partnerships between and among regional and
287 community-based cultural organizations, or through partnerships between or among
288 regional and community-based nonprofit corporations or other nonprofit entities;

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

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

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

- 295 f. supporting collaborative relationships among cultural organizations in order
296 to extend the reach and impact of cultural organizations for the benefit of the public;
- 297 g. bringing community-based cultural organizations' facilities and community-
298 based and regional cultural organizations' programming into compliance with access
299 requirements of the Americans with Disabilities Act;
- 300 h. supporting organizations that strive to engage traditional cultures and crafts;
- 301 i. building and expanding cultural facilities for community-based cultural
302 organizations at a scale and size consistent with the county's and other jurisdictions'
303 applicable land use policies and development regulations;
- 304 j. presenting free cultural festivals countywide;
- 305 k. providing free events, programing and educational materials that enhance a
306 cultural experience either before or after, or both, attending an exhibit, performance or
307 event;
- 308 l. providing arts, science and heritage career building opportunities for youth
309 through internships and apprenticeships or other means;
- 310 m. establishing partnerships between cultural organizations or other cultural
311 institutions to present new multidisciplinary cultural experiences;
- 312 n. implementing organizational capacity-building projects or activities that a
313 cultural organization can demonstrate, to the reasonable satisfaction of the program, will
314 enhance the ability of the organization to execute community outreach, communications
315 and marketing strategies to attract and engage county residents with opportunities of
316 access to cultural experiences and with emphasis on underserved communities; and
- 317 o. in the case of community-based cultural organizations, implementing

318 organizational capacity-building projects or activities that a cultural organization can
319 demonstrate, to the reasonable satisfaction of the program, will enhance the ability of the
320 organization to continue to provide meaningful public benefits not otherwise achievable;

321 2. Equity public benefits. The following public benefits are "equity public
322 benefits":

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

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

329 c. increasing the diversity of staff and governing boards of cultural
330 organizations to increase opportunities for access to facilities, programs and services for
331 diverse and underserved populations and communities, broaden cultural programs, and
332 provide programming that appeals to diverse populations within the county;

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

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

339 3. Geographic inclusion public benefits. The following public benefits are
340 "geographic inclusion public benefits":

- 341 a. planning and implementing cultural programs and activities in cultural centers;
- 342 b. partnering with community-based cultural organizations, through direct
- 343 investment or in-kind support, on priority projects and initiatives identified in the subarea
- 344 plans required by section 9.B. of this ordinance;
- 345 c. providing to communities outside cities in which regional cultural
- 346 organizations are primarily located cultural programming either directly, in partnership
- 347 with community-based cultural organizations or public schools, or through means
- 348 identified in their annual reports required by section 3.B.5.b. of this ordinance; and
- 349 d. providing proceeds to 4Culture to distribute to community-based cultural
- 350 organizations for noncapital projects or initiatives under section 7.F. of this ordinance.

351 B. Providing equity and geographic inclusion public benefits is intended to result

352 in meaningful progress toward achievement of the following equity and inclusion

353 outcomes:

- 354 1. Overcoming economic and geographic inequities that limit access to the arts,
- 355 science, and heritage experiences by expanding access to programs and activities at arts,
- 356 science and heritage organizations in the county, such that visitors and audiences
- 357 represent the diversity of the county;
- 358 2. Partnering with local communities by developing and nurturing relationships
- 359 with local organizations to create programs and activities in and for the community;
- 360 3. Making the boards, staff, programming, memberships and audiences of
- 361 regional cultural organizations more representative of the diversity existing within the
- 362 county;
- 363 4. Ensuring that the program distributes a total of at least one million dollars to

364 community-based cultural organizations in each county council district in each year; and

365 5. Fostering the emergence and growth of cultural centers throughout King
366 County.

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

368 A. To provide necessary moneys for the Access for All program identified in
369 section 3 of this ordinance and conditioned on the specific authorization of a majority of
370 the voters voting on the proposition authorized in section 8 of this ordinance, an
371 additional one-tenth of one percent sales and use tax is hereby levied, fixed and imposed
372 on all taxable events within the county as defined in chapter 82.08, 82.12 or 82.14 RCW
373 for seven years. The tax shall be imposed upon and collected from those persons from
374 whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW,
375 and shall be collected at the rate of one-tenth of one percent of the selling price, in the
376 case of a sales tax, or value of the article used, in the case of a use tax. The additional
377 sales and use tax shall be in addition to all other existing sales and use taxes currently
378 imposed by the county under chapter 82.14 RCW.

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

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

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

387 in section 9 of this ordinance.

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

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

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

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

398 B. From the remaining tax proceeds after reserving the amount required in
399 subsection A. of this section, up to one and one-quarter percent of total tax proceeds
400 available annually may be used for program administrative costs incurred by the county
401 and 4Culture.

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

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

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

419 4. Regional cultural organizations must spend at least twenty percent of the
420 proceeds received under subsection D. of this section on the public school access
421 program, including, but not limited to, admissions for students to cultural facilities and
422 programs and the costs of bringing curriculum-based art, science and cultural education
423 programs to schools to deepen the experience for students.

424 5. The public school access program shall provide proceeds for transportation
425 for public school students to attend and participate in age-appropriate programs and
426 activities offered by cultural organizations. After funding transportation and consistent
427 with RCW 36.160.100, the public school access program may provide proceeds for
428 district-wide cultural education plans and district cultural education coordinators and
429 provide for the development of tools, materials and media by cultural organizations to
430 ensure that school access programs and activities correlate with school curricula. Subject
431 to available proceeds, the public school access program also may provide training for
432 teachers and providers of cultural education resources, including artists, historians, and

433 scientists, as part of the development of such tools, materials and media to help ensure
434 that such programs and activities correlate with school curricula.

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

441 2. Proceeds must be distributed among eligible organizations in ranked order
442 such that an organization with a higher ranking receives higher funding provided,
443 however, that no organization may receive proceeds in excess of fifteen percent of its
444 average annual revenues over the three preceding years. Proceeds must be used to
445 support cultural and educational activities, programs and initiatives, public benefits and
446 communications and basic operations of cultural organizations under the regional cultural
447 organization access program consistent with RCW 36.160.110(2), including the
448 requirement that at least twenty percent of each regional cultural organization award be
449 dedicated to participation in the public school access program as described in subsection
450 C. of this section. Proceeds distributed to regional cultural organizations under this
451 subsection may not be used for capital expenditures or acquisitions including, but not
452 limited to, the acquisition of or the construction of improvements to real property.

453 3. Regional cultural organizations shall expend at least fifteen percent of their
454 awards towards equity public benefits and at least fifteen percent of their awards towards
455 geographic inclusion public benefits. In lieu of funding some or all geographic inclusion

456 public benefits directly, regional cultural organizations also shall be allowed to provide
457 4Culture with any amount of their award, with a target of at least 7.5 percent, to support
458 the community-based cultural organization programs or projects funded under subsection
459 F. of this section. The implementation plan required in section 9 of this ordinance shall
460 provide guidelines for how regional cultural organizations will satisfy their equity and
461 geographic inclusion public benefit requirements and make meaningful progress towards
462 equity and inclusion outcomes, specifically including encouraging organizations to
463 expand their geographic reach countywide by making at least half of their geographic
464 inclusion public benefit investments collectively with other regional cultural
465 organizations through a process established therefor and administered by 4Culture. Such
466 proceeds may not be used for capital purposes.

467 E. From the remaining tax proceeds after reserving the amount required in
468 subsections A., B., C. and D. of this section, including, but not limited to, proceeds not
469 distributed to regional cultural organizations because of the fifteen percent of annual
470 revenue limit or the ranking requirement or otherwise, not more than eight percent shall
471 be distributed annually to 4Culture for administrative costs of the Access for All
472 program.

473 F.1. From the remaining tax proceeds after reserving the amount required in
474 subsections A., B., C., D. and E. of this section, including, but not limited to, proceeds
475 not distributed to regional cultural organizations because of the fifteen percent of annual
476 revenue limit or the ranking requirement or otherwise and proceeds contributed to
477 4Culture for distribution to community-based cultural organizations and development of
478 cultural centers under subsection D.3. of this section, all remaining proceeds will be

479 distributed annually to community-based cultural organizations through a competitive
480 process to be used to support: cultural and educational activities, programs and
481 initiatives; public benefits and communications; basic operations; capital expenditures or
482 acquisitions; and technology, equipment and supplies reasonably related to or necessary
483 for a project funded under the community-based cultural organization program and
484 consistent with RCW 36.160.110(2), including, but not limited to, seed money for a
485 community-based cultural organization to fund start-up expenses of new cultural
486 organizations.

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

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

491 b. at least twenty-five percent shall be distributed to community heritage
492 organizations;

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

496 d. no proceeds received from regional cultural organizations shall be expended
497 for capital expenditures.

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

501 G. The program may grant proceeds to a fiscal sponsor for the purpose of

502 contracting with a sponsored community-based cultural entity for specific activities or
503 uses approved by the program, but only if the fiscal sponsor: retains control and
504 discretion as to the use of the proceeds; maintains records establishing that the proceeds
505 were used for purposes authorized under section 501(c)(3) of the Internal Revenue Code
506 of 1986, as amended; and limits distributions to specific projects of sponsored
507 community-based cultural entities that are in furtherance of the fiscal sponsor's own
508 exempt purposes. Such a fiscal sponsor may provide program moneys to a sponsored
509 community-based cultural entity only if the specific projects of the sponsored
510 community-based cultural entity provide or continue to provide public benefits identified
511 in section 3 of this ordinance. A fiscal sponsor shall be fully responsible and liable for
512 the completion of the specific projects of the sponsored community-based cultural entity
513 provided program moneys under this ordinance and the provision of public benefits by
514 such a specific project.

*BAK
5/2/17*

515 H. 4Culture shall develop guidelines to be approved by the King County Council
516 for eligible expenditures for each program component identified in section 3 of this
517 ordinance. The guidelines must be consistent with chapter 36.160 RCW and this
518 ordinance.

519 **SECTION 8. Call for special election.** In accordance with RCW 29A.04.321,
520 the King County council hereby calls for a special election on August 1, 2017, to
521 consider a proposition approving the imposition for seven years, an additional sales and
522 use tax of one-tenth of one percent for the purposes described in this ordinance. The
523 King County director of elections shall cause notice to be given of this ordinance in
524 accordance with the state constitution and general law and to submit to the qualified

525 electors of the county, at the said special county election, the proposition hereinafter set
526 forth. The clerk of the council shall certify that proposition to the King County director
527 of elections in substantially the following form:

528 PROPOSITION___; The County Council adopted ordinance XXXXX to
529 establish and fund a cultural access program. If approved, this proposition
530 would fund public school and cultural organization access programs. The
531 programs would increase free or discounted tickets for students and low-
532 income persons to arts, science, and heritage programs and advance
533 equitable access across King County. It would also have dedicated
534 transportation funds for public school students and cultural education in
535 public schools. The program would be funded by an increase in the
536 county sales tax 1/10th of 1 percent for 7 years beginning January 1, 2018.

537 Should this proposition be:

538 ___ Approved

539 ___ Rejected

540 **SECTION 9. Implementation plan.**

541 If the sales and use tax is approved by the voters, then the program will develop
542 and provide to the county executive a King County Access for All program
543 implementation plan. The county executive, in consultation with 4Culture, shall transmit
544 the implementation plan and an ordinance to approve the plan to the council within ninety
545 days of the certification of the election approving the sales and use tax. The
546 implementation plan shall be effective upon approval by ordinance. The executive, in
547 consultation with 4Culture, may propose amendments to the implementation plan,

548 including but not limited to program descriptions or guidelines. The council also may
549 initiate amendment of the implementation plan. Any amendments shall be effective upon
550 approval by ordinance. The initial implementation plan shall include the following:

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

553 2. Detailed program descriptions of the major elements of the Access for All
554 program, which are the public school access program, the regional cultural organization
555 access program, the community-based cultural organization access program and a
556 framework for 4Culture administration of all programs.

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

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

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

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

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

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

570 a. an overall summary of the regional organization access program and fund

571 allocation within this portion of the Access for All program;

572 b. guidelines for regional cultural organizations to expend at least fifteen
573 percent of their awards towards equity public benefits and at least fifteen percent of their
574 awards towards geographic inclusion public benefits, and a plan to assist regional cultural
575 organizations in using their awards to make meaningful progress towards the equity and
576 inclusion outcomes;

577 c. an explanation of attendance and revenue requirements and resources for
578 regional organizations to use in reporting eligible revenue and attendance, including, but
579 not limited to, guidelines for establishing attendance and revenue for the initial three
580 transition years of the program;

581 d. a description of the process and reports for determining the baseline
582 standard of continuous performance of public benefits provided, a description of
583 guidelines for providing the equity and geographic inclusion public benefits a regional
584 cultural organization must provide to be eligible for funding under the program and
585 descriptions of the discernible equity and geographic inclusion public benefits and
586 general public benefits consistent with RCW 36.160.090 and this ordinance;

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

589 (1) general public benefits as anticipated in the organization's prior report;

590 (2) equity and geographic inclusion public benefits that resulted in progress
591 towards achievement of equity and inclusion outcomes as anticipated in the
592 organization's prior report; and

593 (3) a preview of the general public benefits, equity and geographic inclusion

594 public benefits and equity and inclusion outcomes that the organization plans to provide
595 in the coming year;

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

600 g. a description of initial application procedures, including review by an
601 eligibility panel made up of at least nine members recommended one each by each county
602 councilmember, that will be used for the regional cultural organization access program to
603 verify whether an organization is eligible for the program; and

604 h. a description of procedures to distribute awards annually and contracting
605 and payment process and procedures for assuring transparency, accountability and
606 compliance in administering the awards, all consistent with chapter 36.160 RCW and this
607 ordinance.

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

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

613 b. criteria for awarding funds to either eligible community-based
614 organizations, including provisions allowing fiscal sponsorship of non-tax exempt
615 community-based cultural entities, or qualified nontraditional/social service and cultural
616 agencies, or both, for defined cultural project funding such that the program achieves

617 funding for cultural programs and organizations in each council district totaling at least
618 one million dollars in each year, and description of criteria for increasing awards for
619 community-based cultural organizations that either are organized of, by and for
620 communities and census tracts that are underserved or provide significant equity public
621 benefits, or both;

622 c. procedures for conducting competitive processes for supporting community-
623 based organizations' operations, projects, capital and equipment programs and initiatives,
624 and procedures for ensuring transparency, accountability and compliance, all consistent
625 with chapter 36.160 RCW;

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

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

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

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

639 2. The countywide cultural equity plan shall be developed with input from

640 regional cultural organizations, community-based cultural organizations, school districts,
641 and the 4Culture advisory committee whose purpose is to advise, monitor and provide
642 oversight for achieving the equity outcomes associated with the program. The plan must
643 include:

644 a. recommendations for how public school access proceeds can be scaled to
645 coincide with the relative percentage of students who participate in the national free or
646 reduced-price school meals program;

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

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

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

660 a. develop multiple cultural centers within each subarea, including within the
661 unincorporated area;

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

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

668 4. 4Culture shall use the plans to:

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

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

676 c. guide the establishment of criteria and guidelines for the competitive
677 processes for distribution of community-based cultural organization access program
678 proceeds.

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

683 C. Description of any additional guidelines, consistent with chapter 36.160 RCW
684 as the program deems necessary or appropriate for determining the eligibility of
685 prospective regional cultural organizations or of prospective community-based cultural

686 organizations to receive funding and for establishing the amount of funding any
687 organization may receive;

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

690 E. The establishment of a 4Culture advisory committee whose purpose is to
691 advise, monitor and provide oversights for achieving the equity and inclusion outcomes
692 associated with the program. The size and operation of the advisory council shall be
693 defined, and at least nine members of this committee must be recommended one each by
694 each of the nine county councilmembers and confirmed by the King County council; and

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

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

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

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

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

706 5. A performance report of each funded regional cultural organization's
707 participation in the public school cultural access program as anticipated in the
708 organization's prior annual report and a preview of each funded regional cultural

709 organization's planned participation in the public school cultural access program in the
710 coming year;

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

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

715 SECTION 10. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060
716 are each amended to read as follows:

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

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

730 SECTION 12. Severability. If any provision of this ordinance or its application
731 to any person or circumstance is held invalid, the remainder of the ordinance or the

732 application of the provision to other persons or circumstances is not affected."

733 **EFFECT:**

- 734 • **Defines community heritage centers and requires 25% of the community-**
735 **based cultural organization access program proceeds (about \$5 million annually) be**
736 **distributed to community heritage organizations**
- 737 • **Defines cultural centers and establishes that the subarea plans will identify**
738 **strategies for developing cultural centers within each subarea**
- 739 • **Describes what the equity and subarea plans must include and requires**
740 **4Culture to develop program guidelines and grant agreements consistent with the**
741 **equity and subarea plans. Establishes that there will be 4 subarea plans including**
742 **north, suburban east, rural east, and south.**
- 743 • **Requires that 4Culture's annual reports on the program go to Committee-of-**
744 **the-Whole**
- 745 • **Requires that the permanent Access for All advisory council will be**
746 **established through the implementation plan (with the 4Culture Board of Directors**
747 **servicing that role until then)**
- 748 • **Separates the concepts of "equity public benefits" and "geographic inclusion**
749 **public benefits" and requires regional cultural organizations to use 15% of their**
750 **award towards each (for a total of 30%). Provides that regional cultural**
751 **organizations can satisfy the geographic inclusion public benefit either by providing**
752 **cultural programming in geographic centers or in communities in cities that don't**
753 **have regional cultural organizations, by partnering with community-based cultural**
754 **organizations on projects or initiatives identified in the subarea plans, or by making**

- 755 a direct contribution to 4Culture for distribution to community-based cultural
756 organizations. Encourages regional cultural organizations to contribute 7.5% of
757 their awards to 4Culture to be used to foster development of cultural centers.
- 758 • Requires 4Culture to distribute 10% (about \$2 million annually) of the
759 community-based cultural organization access program to new cultural
760 organizations and the development of cultural centers.
 - 761 • Requires that program guidelines developed by 4Culture be approved by the
762 Council
 - 763 • Requires that the implementation plan include itemization of startup costs
 - 764 • Requires that the Council recommends members for the panel that
765 determines regional cultural organizations' program eligibility
 - 766 • Makes technical changes based on legal and staff recommendations

18513

1

May 1, 2017
SU7

Passed

Sponsor: _____

[AK/LKZ]

DU → JMCB, CB NO Proposed No.: 2017-0178

1 AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2 2017-0178, VERSION 1

3 On page 5, strike lines 105 through 108 and insert:

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

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

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

11

12 On page 22, strike lines 491 through 492 and insert:

13 "b. make distributions to community heritage organizations such that proceeds
14 to these organizations total at least four million five hundred thousand dollars annually,
15 or a lesser amount after subtracting the value of programs and partnerships to such
16 organizations provided by regional cultural organizations. If proceeds remain after
17 distribution to eligible community heritage organizations for eligible programs and
18 projects, these funds must be distributed to community-based cultural organizations in

BAR 5/2/17

81281

19 communities in a council district in which no regional cultural organization has its
20 principal location;"

21

22 On page 28, line 618, after "in each year," insert "a description of criteria for awards to
23 community heritage organizations"

24 **EFFECT:**

- 25 • *Changes the definition of "Community heritage organization" to mean heritage*
26 *organizations located in a council district in which no regional cultural*
27 *organization has its principal location; or whose primary purpose is the*
28 *preservation of barns, outbuildings, and agriculture-related community spaces*
29 *and that has its principal location in King County.*
- 30 • *Allocates of \$4.5 million, inclusive of programs and partnerships with regional*
31 *cultural organizations, of the community-based cultural organization funds to*
32 *community heritage organizations, subject to the revised definition.*
- 33 • *Allows that if community heritage organization funds remain after distribution*
34 *to eligible organizations, those funds would be distributed to community-based*
35 *cultural organizations in communities in a council district in which no regional*
36 *cultural organization has its principal location.*

37

18513

2.1

May 1, 2017
Equity Inclusion

Sponsor: Gossett

wsh

Proposed No.: 2017-0178

LG → Passed
unanimously

1 AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE

2 2017-0178, VERSION 1

3 On page 6, strike lines 128 and 129 and insert:

4 "H. "Equity inclusion public benefits" means the equity inclusion public benefits
5 defined in section 4.A.2. of this ordinance."
6

7 On page 10, line 204, after "one or more equity" insert "inclusion" ✓

9 On page 13, line 277, after "one or more equity" insert "inclusion" ✓

11 On page 13, line 280, after "one or more equity" insert "inclusion" ✓

13 On page 15, strike lines 321 and 322 and insert:

14 "2. Equity inclusion public benefits. The following public benefits are "equity
15 inclusion public benefits":"

17 On page 20, line 454, after "awards towards equity" insert "inclusion" ✓

18

19 On page 26, line 573, after "awards towards equity" insert "inclusion" ✓

20

21 On page 28, line 620, after "provide significant equity" insert "inclusion" ✓

22

23 On page 29, line 647, after "can provide equity" insert "inclusion" ✓

24

25 On page 29, line 653, after "provide significant equity" insert "inclusion" ✓

26

27 **EFFECT:** *Replaces the term "equity public benefits" with the term "equity inclusion*

28 *public benefits" throughout the striking amendment, SI.*