

S1.2

Updated
3/1/18
DU-2
Council not remove ED
Budget to Exec first
Transfers continue if no action

Sponsor: Upthegrove

[mb/wsh]

Proposed No.: 2018-0086

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0086, VERSION**

2 **1**

3 On page 2, beginning on line 22, strike everything through page 21, line 440, and insert:

4 "STATEMENT OF FACTS:

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

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

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

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

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

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

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

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

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

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41 SECTION 1. Ordinance 14482, Section 34, and K.C.C. 2.46.180 are hereby

42 amended to read as follows:

43 The cultural development authority shall establish a public art advisory committee
44 to advise the authority's board regarding policies and public art, as set forth in K.C.C.

45 2.46.160. Committee members shall ~~((be conversant with))~~; have a demonstrated
46 commitment to and knowledge of public art((;)); be active and experienced with
47 community and civic issues and concerns((;)); and be sought from a range of
48 professionals including artists, architects, landscape architects, arts administrators, urban
49 planners and designers((;)) and community arts activists ~~((as well as business~~
50 ~~professionals and others))~~. The appointment process and terms of service shall be
51 established by the cultural development authority as set forth in the authority's charter.

52 SECTION 2. Ordinance 14482, Section 38, and K.C.C. 2.48.065 are hereby
53 amended to read as follows:

54 The cultural development authority shall establish an arts advisory committee to
55 advise the authority's board regarding policies and cultural programs. Committee
56 members shall ~~((be conversant with))~~; have a demonstrated commitment to and
57 knowledge of arts practices and programs; be experienced with community ~~issues and~~
58 ~~civic issues~~ and concerns((;)); and be sought from a range of professionals including
59 individual artists, arts administrators, educators and community arts activists ~~((as well as~~
60 ~~business professionals and others))~~. The appointment process and terms of service shall
61 be established by the cultural development authority as set forth in its charter.

62 SECTION 3. Ordinance 14482, Section 39, and K.C.C. 2.48.075 are hereby
63 amended to read as follows:

64 The cultural development authority shall establish a heritage advisory committee

65 to advise the authority's board regarding policies and cultural programs. Committee
66 members shall ~~((be conversant with))~~: have a demonstrated commitment to and
67 knowledge of heritage practices and programs; be experienced with community and civic
68 issues and concerns; and be sought from a range of professionals including educators,
69 heritage specialists, historians and community heritage activists ~~((as well as business~~
70 ~~professionals and others))~~. The appointment process and terms of service shall be
71 established by the cultural development authority as set forth in its charter.

72 SECTION 4. Ordinance 14482, Section 40, and K.C.C. 2.48.085 are hereby
73 amended to read as follows:

74 The cultural development authority shall establish a historic preservation advisory
75 committee to advise the authority's board regarding policies and cultural programs.
76 Committee members shall ~~((be conversant with))~~: have a demonstrated commitment to
77 and knowledge of historic preservation practices and programs; be experienced with
78 community and civic issues and concerns; and be sought from a range of professionals
79 including educators, historic preservationists, historians and community heritage activists
80 ~~((as well as business professionals and others))~~. The appointment process and terms of
81 service shall be established by the cultural development authority as set forth in its
82 charter.

83 SECTION 5. Ordinance 14482, Section 5, as amended, and K.C.C. 2.49.020 are
84 hereby amended to read as follows:

85 Words in this chapter have their ordinary and usual meanings except those
86 defined in this section, which have, in addition, the following meanings. If there is
87 conflict, the specific definitions in this section shall presumptively, but not conclusively,

88 prevail.

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

91 B. "Director" means a member of the board of the cultural development
92 authority.

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

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

98 E. "Cultural bonds" means bonds issued by the county before December 31,
99 2002, backed by hotel-motel tax revenues to support the construction of cultural facilities.

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

102 G. "Cultural resources" means community and regional programs and projects
103 relating to:

- 104 1. Performing, visual, literary and other arts;
- 105 2. Public and civic art;
- 106 3. Heritage;
- 107 4. Museum and archival collections;
- 108 5. Historic preservation;
- 109 6. Cultural education; and
- 110 7. Cultural organizations, institutions and attractions.

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

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

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

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

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

126 SECTION 6. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060 are
127 hereby amended to read as follows:

128 The charter of the cultural development authority, as set forth in Attachment A to
129 ~~((Ordinance 18513))~~ this ordinance, is hereby approved. The clerk of the council shall,
130 within ten days of ~~((May 12, 2017))~~ the effective date of this ordinance, issue the charter
131 in duplicate originals, each bearing the county seal attested by the clerk of the council.
132 The clerk of the council shall file and record one original charter with the records and
133 licensing services division and provide one original charter to the county executive on

134 behalf of the cultural development authority. The county may amend the charter by
135 ordinance after providing notice to and an opportunity for the directors to be heard and
136 present testimony.

137 SECTION 7. K.C.C. 2.49.070 is hereby decodified.

138 SECTION 8. Ordinance 14482, Section 9, and K.C.C. 2.49.080 are hereby
139 amended to read as follows:

140 A board consisting of fifteen directors and five ex officio members, as provided in
141 the charter, is hereby established to govern the affairs of the cultural development
142 authority. (~~The directors shall be appointed by the county executive and serve their~~
143 ~~terms as provided in the charter.~~) Appointments occurring as a result of a vacancy or
144 expired term shall be filled in accordance with the charter. Appointments shall be subject
145 to confirmation by the county council. All corporate powers of the authority shall be
146 exercised by or under the authority of the board of directors, except those reserved for the
147 county council under this chapter. The business, property and affairs of the authority
148 shall be managed under the direction of the board, except as may be otherwise provided
149 for by law or in the charter.

150 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 2.49 a
151 new section to read as follows:

152 An executive director shall be the chief executive officer of the cultural
153 development authority as provided in the bylaws. The executive director shall be
154 appointed by the executive, subject to confirmation by motion by the council. The
155 executive director shall be recruited and recommended for selection by the board of
156 directors through the process established in the authority's bylaws.

157 SECTION 10. Ordinance 14482, Section 10, and K.C.C. 2.49.090 are hereby
158 repealed.

159 SECTION 11. Ordinance 14482, Section ~~1511~~, and K.C.C. 2.49.~~100110~~ are
160 hereby amended to read as follows:

161 ~~—— If, after a full public hearing, the council for any reason determines that any or all~~
162 ~~of the directors or executive director should be removed from office, the council may by~~
163 ~~ordinance remove the director, directors or executive director((s)). The term of any~~
164 ~~director removed under this section expires when the removal ordinance takes effect.~~
165 ~~Vacancies created under this section shall be filled in the manner provided in the charter.~~

166 ~~—— SECTION 12. Ordinance 14482, Section 11, and K.C.C. 2.49.110 are hereby~~
167 ~~amended to read as follows:~~

168 The ((initial)) bylaws of the authority, as set forth in Attachment B to ((Ordinance
169 14482)) this ordinance, are hereby approved. The board may alter, amend or repeal the
170 bylaws or adopt new bylaws, except as otherwise provided in this chapter. The bylaws
171 shall be consistent with the charter. The county may amend the bylaws by ordinance to
172 conform the bylaws to amendments to the charter and only after the council has provided
173 notice to the board and an opportunity for any or all of the directors to present testimony.

174 SECTION 1312. Ordinance 14482, Section 17, and K.C.C. 2.49.160 are hereby
175 amended to read as follows:

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

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

- 180 2.)) A summary of significant accomplishments;
- 181 (~~3. A list of depositories used;~~
- 182 4. ~~A projected operating budget for the current fiscal year;~~
- 183 5.)) 2. An updated estimate of expenditures for the current fiscal year;
- 184 3. A summary of cultural programs, public art projects and all other projects and
- 185 activities to be undertaken during the current year; and
- 186 (~~6.))~~ 4. Other information as may be required in the charter of the authority.

187 B.1. The authority shall meet with the county council's committee of the whole

188 two times per year, once to discuss the authority's annual report and once to discuss the

189 authority's plans and proposed expenditures for the following year.

- 190 2. The authority shall meet:
- 191 a. at least one time per year with the county executive; and
- 192 b. at least one time per year with directors and administrators of county
- 193 departments and agencies that interface with the authority.

194 C. The authority shall respond to requests for additional information from the

195 executive or from the council. The council shall make its request by motion.

196 SECTION 1413. Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170

197 are hereby amended to read as follows:

198 A. ~~((On January 1, 2003, King County shall transfer to the authority balances in~~

199 ~~the following funds, reserving only sufficient funds to meet current county obligations:~~

- 200 1. ~~All hotel motel tax revenues designated by the state of Washington and~~
- 201 ~~appropriated by the county council for cultural purposes in King County, including, but~~
- 202 ~~not limited to, all encumbered and unencumbered hotel motel tax revenues in the arts and~~

203 ~~cultural development fund;~~

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

205 ~~purposes, including, but not limited to:~~

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

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

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

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

210 ~~4. All other funds and fees designated or appropriated for cultural purposes,~~

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

212 ~~31, 2002.~~

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

214 ~~subsection A of this section, King County shall transfer future fund balances as follows:))~~

215 ~~A. At least ninety five days before the end of each fiscal year, the cultural development~~

216 ~~authority shall transmit its budget for the following fiscal year to the clerk of council in~~

217 ~~both electronic and hard copy form. The clerk shall distribute the budget to all~~

218 ~~councilmembers and the lead of the budget and fiscal management committee or its~~

219 ~~successor committee. The cultural development authority shall transmit its budget to the~~

220 ~~county council after it has been approved by the cultural development authority board.))~~

221 ~~Until December 31, 2020, King County shall transfer future fund balances as follows:~~

222 ~~—— B. The cultural development authority budget shall identify the budgeted~~

223 ~~operating expenditures and full time equivalent positions for the following fiscal year and~~

224 ~~the budgeted capital expenditures for the next six fiscal years. The cultural development~~

225 ~~authority shall also transmit supporting data, including but not limited to a statement of~~

226 assets and liabilities, a description of significant changes from the previous fiscal year
227 budget and a financial plan that includes actual expenditures, revenues and reserves for
228 the preceding fiscal year and estimates of all expenditures, revenues and reserves for the
229 current fiscal year and the following five years.

230 ~~— C. If the council accepts the cultural development authority budget by motion~~
231 ~~before the end of the fiscal year, in the following fiscal year, the county shall transfer to~~
232 ~~the authority balances in the following moneys:~~

233 1. Hotel-motel tax revenues designated by the state of Washington for cultural
234 purposes in King County shall be transferred to the authority within ten business days of
235 receipt by King County from the state of Washington and appropriated by the county
236 council. (~~By December 1, 2002, the King County office of budget and the office of~~
237 ~~cultural resources shall develop a schedule of the transfers.)) Twice each year while
238 cultural bonds remain outstanding, the authority shall transfer back to King County
239 sufficient hotel-motel tax revenues to allow the county to make required payments on the
240 bonds;~~

241 2. Current expense amounts appropriated to the arts and cultural development
242 fund, which shall be transferred to the authority not later than January 10 of the year for
243 which those amounts have been appropriated;

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

246 4. Except for funds listed in subsection ~~((B-))~~CA.1. of this section, state and
247 federal funds for cultural purposes, which shall be transferred to the authority within ten
248 business days of receipt by King County of the funds from the federal or state

249 governments; and

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

253 ~~———— D. If the council does not accept the cultural development authority budget for~~
254 ~~the next fiscal year by motion B.1. Beginning in 2020, at least one hundred-twenty-five~~
255 ~~days before the end of each fiscal year, the cultural development authority shall transmit~~
256 ~~its budget for the following fiscal year to the county executive. At least ninety-five days~~
257 ~~before the end of each fiscal year, the county executive shall transmit the cultural~~
258 ~~development authority budget to the clerk of council in both electronic and hard copy~~
259 ~~form, along with a motion accepting the cultural development authority budget. The~~
260 ~~clerk shall distribute the cultural development authority budget and the motion accepting~~
261 ~~the cultural development authority budget to all councilmembers and the lead of the~~
262 ~~budget and fiscal management committee or its successor committee. Beginning in 2020,~~
263 ~~the cultural development authority shall transmit its budget for the following fiscal year~~
264 ~~together with the other financial information required in subsection B.2. of this section~~
265 ~~to the county executive after it has been approved by the cultural development authority~~
266 ~~board. The cultural development authority budget shall identify the budgeted operating~~
267 ~~and capital expenditures and full-time equivalent positions for the following fiscal year.~~

268 ~~———— 2. The cultural development authority shall also transmit supporting data,~~
269 ~~including, but not limited to, a statement of assets and liabilities, a description of~~
270 ~~significant changes in the budget for the following fiscal year compared to the current~~
271 ~~fiscal year budget and a financial plan that includes actual expenditures, revenues and~~

272 reserves for the preceding fiscal year and estimates of all expenditures, revenues and
273 reserves for the current fiscal year and the following five years. For exemplary purposes
274 only, the financial plan transmitted with the cultural development authority budget for
275 fiscal year 2021 shall consist of the cultural development authority's actual expenditures,
276 revenues and reserves for 2019, estimates of all the cultural development authority's
277 expenditures, revenues and reserves for 2020 and years 2021 through 2025.

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

282 4. If the council passes a motion rejecting the cultural development authority
283 budget for the next fiscal year at least thirty days before the end before December 31 of
284 the current fiscal year, then, in the next fiscal year, the county shall not transfer to the
285 authority any balances in any of the funds referenced in subsection ~~CA~~.1. through ~~CA~~.5.
286 of this section until after the council accepts by motion a cultural development authority
287 budget.

288 C. ~~((King)) E.~~ The ~~((C))~~county shall not transfer moneys and fees designated or

289 appropriated to the King County landmarks commission for land use regulation and

290 archaeological management purposes.

291 SECTION ~~1514~~. Ordinance 14482, Section 19, and K.C.C. 2.49.180 are hereby

292 amended to read as follows:

293 ~~((A. On January 1, 2003, the county shall transfer without charge county personal~~

294 ~~property used by the office of cultural resources on December 31, 2002, to the cultural~~

295 ~~development authority. The property shall include, but not be limited to, computers and~~
296 ~~software, electronic equipment, telephones and office furnishings, equipment, materials~~
297 ~~and supplies. The office of cultural resources and the office of budget shall complete a~~
298 ~~property transfer inventory on or before December 1, 2002, and the inventory shall be~~
299 ~~used to effect the transfer.~~

300 B-)) The county shall allow access by the cultural development authority to the
301 county's information and telecommunications systems, including, but not limited to,
302 telephone service, voice mail, electronic mail and the ~~((county wide))~~ countywide area
303 network, including all databases required by the cultural development authority to
304 effectively carry out its work. The cultural development authority shall make payment
305 for telephone system services upon billing by the county. ~~((By December 1, 2002, the~~
306 ~~King County office of budget and office of cultural resources shall develop a schedule for~~
307 ~~the payments.))~~ King County shall allow the cultural development authority access to the
308 wide area network at no charge.

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

316 SECTION 4615. Ordinance 14440, Section 3, and K.C.C. 2.49.200 are hereby
317 amended to read as follows:

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

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

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

331 ~~D.))~~ After allocating the hotel-motel portion of the arts and cultural development
332 fund to administer cultural programs, the cultural development authority shall divide the
333 hotel-motel revenues in the arts and cultural development fund between arts programs
334 and heritage programs, but at least twenty percent of the revenue shall be allocated to
335 heritage programs.

336 (~~E. Beginning January 1, 2002, using revenues generated in 2001, outstanding~~
337 ~~debt service obligations shall be financed from hotel-motel revenues in the arts and~~
338 ~~cultural development fund. The obligations incurred before December 31, 2002, shall be~~
339 ~~managed by the department of executive services and paid by the cultural development~~
340 ~~authority.~~

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

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

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

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

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

356 2. For special projects, thirty percent of remaining heritage program revenues,
357 and

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

362 SECTION 4716. Ordinance 14482, Section 58, as amended, and K.C.C. 4.40.015
363 are hereby amended to read as follows:

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

367 1. The amount of the annual appropriation for public art shall be equal to one
368 percent of the eligible project costs of those capital improvement projects that meet the
369 criteria of public visibility and accessibility or need for mitigation. For the purposes of
370 calculation, eligible project categories shall include capital improvement program
371 projects for new construction, reconstruction or remodeling of buildings, parks and trails,
372 commemorative structures, pedestrian and vehicular bridges, surface water management
373 projects, wastewater treatment projects, transit facility construction projects and solid
374 waste transfer stations.

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

381 3. At a minimum, the amount budgeted for public art in a capital improvement
382 project shall be equal to one percent of the following project elements: conceptual
383 design, design, contracted design, preliminary engineering, construction, contingency,
384 county force design and project administration and construction engineering. Costs
385 associated with the predesign phase of the county's capital planning projects meeting the
386 above criteria and anticipated to result in construction, shall be included in the calculation

387 for public art.

388 4. The following project elements may be excluded from the budget calculation

389 for public art: acquisition equipment and furnishings; and county force acquisition.

390 Asbestos abatement may also be excluded from the budget calculation for art when the

391 costs for asbestos abatement have been calculated and a line item budgeted for asbestos

392 abatement as been established within the project budget.

393 5. In all cases, where a capital improvement project has a scope of work that

394 includes both eligible and ineligible project elements and eligible and ineligible project

395 categories, the budget for public art shall be calculated, at a minimum, in the eligible

396 portions of the project.

397 B. At the time a capital improvement project is proposed, the client department

398 shall calculate and include a budgeted line item for public art in each eligible project

399 described in this section. The executive's budget representative shall confirm the

400 calculations with the cultural development authority and include the agreed-upon

401 appropriations for public art in the executive's proposed budget. The amounts budgeted

402 for public art in particular projects may be adjusted to reflect council changes to the

403 county capital improvement program budget or supplemental budgets. The appropriation

404 for public art shall be transferred to the arts and cultural development fund and from there

405 to the cultural development authority as soon as the appropriation is made for the capital

406 improvement project, and as soon as funds are available, except as otherwise provided in

407 K.C.C. 2.49.170.

408 C. The source of the funds shall not affect the calculation for public art for a

409 capital improvement project unless the conditions under which the revenue is made

410 available prevent its use for artistic purposes. In this case, the revenue shall be excluded
411 from the eligible project costs on which the one percent calculation for art is based.

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

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

425 E. Revenues shall support the following uses:

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

428 2. Artist fees, design, planning and predesign service contracts and
429 commissions;

430 3. Expenses for technical assistance provided by either architects or engineers,
431 or both, and to artists in order to design, document or certify the artwork;

432 4. Repair and maintenance of public artworks accessioned into the county's

433 public art collection to the extent permissible under generally accepted accounting
434 principles, grants, contracts and law;

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

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

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

442 8. Liability insurance for artists; and

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

444 SECTION 4817. Ordinance 17527, Section 57, as amended, and K.C.C. 4.40.110
445 are hereby amended to read as follows:

446 In the case of any county construction project that meets the eligibility criteria for
447 public art established in K.C.C. 4.40.015 that involves the use of general obligation bond
448 proceeds, the resolution, resolutions, ordinance or ordinances submitted to the voters or
449 the council shall include an allocation for public art equal to one percent of the eligible
450 project cost. Bond revenues for public art shall be transferred to the cultural development
451 authority as described in K.C.C. 4.40.015 to the extent consistent with arbitrage

452 requirements and other legal restrictions, except as otherwise provided in K.C.C.

453 2.49.170."

454

455 Delete Attachment A, Charter of the Cultural Development Authority of King County,
456 dated January 22, 2018, and insert Attachment A, Charter of the Cultural Development
457 Authority of King County, dated February 13, 2018.

458 Delete Attachment B, Bylaws of the Cultural Development Authority of King County,
459 dated January 22, 2018, and insert Attachment B, Bylaws of the Cultural Development
460 Authority of King County, dated February 13, 2018.

461

462 Delete the line numbering on the attachments after they are engrossed.

463

464 **EFFECT:**

- 465 • **Would eliminate the ability of the County to remove the 4Culture Executive**
466 **Director.**
- 467 • **Would stipulate that the 4Culture budget be transmitted to the Executive 125**
468 **days before the end of each fiscal year and then to the Council, rather than**
469 **directly to the Council 95 days before to the end of each fiscal year.**
- 470 • **Would require the 4Culture budget review and acceptance process beginning**
471 **in 2020, rather than on the effective date of the proposed ordinance.**
- 472 • **Would allow transfers to continue in the next fiscal year if the Council did**
473 **not act on the motion by November 30; transfers would only discontinue if**
474 **the Council rejected the 4Culture budget by motion by November 30.**

- 475 • **In the Charter (Attachment A):** Would eliminate the ability of the County
476 **Council to remove the 4Culture Executive Director, require the 4Culture**
477 **budget review and acceptance process beginning in 2020 with transmittal to**
478 **the Executive and then to the Council, and provide for a process for**
479 **notification and input from the Governance/Nominating Committee on**
480 **board vacancies, require that the current 4Culture process for nominating**
481 **vacancies to the Board occur only by request of the Executive or**
482 **Councilmember making the appointment, and make technical changes to**
483 **ensure consistency throughout the document.**
- 484 • **In the Bylaws (Attachment B):** Would eliminate the ability of the County
485 **Council to remove the 4Culture Executive Director and make technical**
486 **changes to ensure consistency throughout the document.**