



## Legislation Details (With Text)

**File #:** 2017-0104      **Version:** 1

**Type:** Ordinance      **Status:** Lapsed

**File created:** 3/13/2017      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 2/1/2018

**Enactment date:**      **Enactment #:**

**Title:** AN ORDINANCE creating the King County Access for All program, imposing a one-tenth of one percent sales and use tax to finance the King County Access for All program conditioned on voter approval, and providing for the submission to the qualified electors of King County at a special election to be held in King County on August 1, 2017, a proposition authorizing the sales and use tax imposed by this ordinance.

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**Indexes:** Taxes

**Code sections:**

**Attachments:** 1. 2017-0104 fiscal note.xlsx, 2. 2017-0104 transmittal letter.docx, 3. 2017-0104\_SR\_Access\_For\_All.docx, 4. 2017-0104\_ATT4\_Comparison.docx, 5. 2017-0104\_SR\_dated\_04122017\_Access\_For\_All\_4-5.docx, 6. 2014-0104\_ATT2\_AmendS1.docx, 7. 2014-0104\_ATT3\_AmendT1.docx, 8. 2017-0104\_ATT4\_S1Comparison.docx, 9. Written Comments Received at 04122017 BFM Meeting.pdf

Date	Ver.	Action By	Action	Result
3/22/2017	1	Budget and Fiscal Management Committee	Deferred	
3/13/2017	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE creating the King County Access for All program, imposing a one-tenth of one percent sales and use tax to finance the King County Access for All program conditioned on voter approval, and providing for the submission to the qualified electors of King County at a special election to be held in King County on August 1, 2017, a proposition authorizing the sales and use tax imposed by this ordinance.

### STATEMENT OF FACTS:

1. The Washington state Legislature declared in Chapter 24, Laws of Washington 2015, and twice unanimously endorsed through motions of the King County council, that there is a need to provide public and educational benefits and economic support for arts, science and heritage

organizations.

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

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

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

b. K-12 public school students in all nineteen King County school districts will benefit from greater access to arts, science and heritage organizations, both through in-depth programs in their own classrooms and free visits to cultural attractions; and

c. Ensuring continued and expanded access to the facilities and programs of arts, science and heritage organizations by economically and geographically underserved populations will benefit all the residents of King County.

4. Arts, science and heritage organizations would benefit from financial stability that will enable them to continue and extend the numerous public benefits they provide.

5. An Access for All program as defined in this ordinance would help to achieve these public purposes and benefits by supporting hundreds of arts, science and heritage organizations providing activities and operating facilities open to the general public and will create new opportunities for economically and geographically underserved populations.

6. 4Culture convened a series of community meetings in 2016 involving scores of organizations, of all sizes, disciplines and geographic locations, and scores of individuals to

develop recommendations regarding the principles for implementation and operation of an Access for All program.

7. A central theme from the community input is that equity, inclusion and access should be guiding principles of Access for All. Recommendations from the community to advance these principles include:

- a. Past and existing inequities in access to arts, science and heritage organizations should be deliberately and intentionally addressed by providing higher levels of funding for community-based cultural organizations based in, representative of and serving audiences of communities that experience barriers to access;
- b. The composition of boards, staff, audiences, membership and programs of regional cultural organizations has not kept pace with demographic changes within the county community, which threatens their long term sustainability;
- c. Organizations supported by Access for All should be a vital part of the day-to-day life in their communities;
- d. Nontraditional and social service organizations that provide cultural programming in their communities should be eligible to receive project-specific funding to serve their constituents, even if the primary purpose of such an organization is not exclusively arts, science or heritage;
- e. Field trips and cultural education should be augmented by programs provided by arts, science and heritage organizations in classrooms and in other community venues to expand the reach of participation;
- f. Organizations receiving support from Access for All should reflect the demographics of King County in their staffs, board, memberships, audiences and programs; and
- g. Access for All should be administered with transparency and accountability to the public.

8. Access for All funding for arts, science and heritage organizations will allow such

organizations to expand open-to-the-public hours, offer discounted and free admission, award scholarships, participate in public school access programs and build and expand facilities in suburban and rural communities that do not have current facilities for cultural activities.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

D. "Community-based cultural organization" means a cultural organization that can further be characterized as:

1. An organization that is not a regional cultural organization; and

2. An organization that remains in good standing as a nonprofit corporation in Washington.

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

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

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

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

I. "Proceeds" means the revenue raised by the additional sale and use tax authorized by this ordinance and any interest thereon.

J. "Program" or "the program" means the Access for All program.

K. "Public benefits" means those discernable public benefits, comprised of equity and inclusion public benefits and general public benefits, identified in section 4 of this ordinance.

L. "Regional cultural organization" means a cultural organization that is also:

1. An organization that owns, operates or supports cultural facilities or provides performances, exhibits, educational programs, experiences or entertainment, that widely benefit and are broadly attended by the public;
2. An organization that is in good standing as a nonprofit corporation under the laws of the state of Washington, and has been for at least the three years preceding the year in which an allocation of program moneys is to be made to the organization;
3. An organization that has its principal location or locations and conducts the majority of its activities within the county primarily for the benefit of county residents;
4. An organization that has not declared bankruptcy or suspended or substantially curtailed operations for a period longer than six months during the preceding two years;
5. An organization that, over the three years preceding the year in which an allocation of program moneys is to be made to the organization, either:
  - a. has minimum average annual revenues, annually adjusted for inflation consistent with chapter 36.160 RCW, of at least three million dollars; or
  - b. has both average annual revenues, annually adjusted for inflation consistent with chapter 36.160 RCW, of at least one million two hundred fifty thousand dollars and a minimum of fifty thousand annual attendees; and
6. An organization that is financially stable, provides substantial public benefits and has the capacity to demonstrate its status by providing an annual audit of finances and certification of attendance.

M. "Qualified nontraditional/social service and cultural agency" means a nonprofit corporation incorporated under the laws of the state of Washington with its principal location or locations and conducting a

majority of its activities within the county that, while not necessarily its primary purpose, devotes a significant portion of its resources to the advancement and preservation of science or technology, the visual or performing arts, zoology, botany, anthropology, heritage or natural history and directly provides programming or experiences available to the general public, but not including: any agency of the state or any of its political subdivisions; any municipal corporation; any organization that raises moneys for redistribution to multiple cultural organizations; or any radio or television broadcasting network or station, cable communications system, internet-based communications venture or service, newspaper or magazine.

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

O. "Start-up funding" means administrative costs, including, but not limited to, legal costs, overhead costs and election costs, incurred by the county or advanced to the program after the effective date of this ordinance and before tax collections begin with the expectation that the funding will be repaid. Start-up funding also includes administrative costs incurred by 4Culture since October 9, 2015, in developing the program and working with the community on such program development.

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

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

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

2. Regional cultural organization access program, which shall annually provide moneys for operating

expenses of regional cultural organizations that provide discernible public benefits, satisfy the requirements in chapter 36.160 RCW, and serve a regional audience; and

3. Community-based cultural organization access program, which shall annually provide moneys for operating, capital or project costs for community-based cultural organizations that primarily serve a local community and are not eligible for moneys under the regional cultural organization access program.

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

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

3. 4Culture shall develop and maintain guidelines and eligibility and reporting requirements for all organizations that are provided moneys through the program consistent with chapter 36.160 RCW and this ordinance that govern the administration of the program. The guidelines shall include, but not be limited to, guidelines to help ensure that the organizations provide or continue to provide discernible public benefits. Program grant agreements shall require, among other things, that no person in the county shall, on the basis of basis of race, color, religion, national origin, ancestry, gender, parental status, marital status, sexual orientation, gender identity, age, disability, use of service or assistive animal, language, economic status, or geography, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Access for All financial support.

4. As will be more fully described in the implementation plan, 4Culture shall, on request, provide administrative assistance to community-based organizations that have limited organizational capacity to apply

for competitive funding.

5. 4Culture shall report the status of the program to the county executive annually. By March 31, 2018, and for each subsequent year that the program is funded, the executive must file the report in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee or its successor.

6. The 4Culture board of directors shall serve as the Access for All program advisory board.

7. In the event of a conflict between state law, this ordinance or the implementation plan, inconsistency shall be resolved by giving precedence in the following order: Washington state law, this ordinance, and the implementation plan.

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

A. Cultural organizations must provide discernible public benefits to receive funding from the program. Through the Access for All program the cultural organizations funded shall provide one or more of the following discernible public benefits:

1. General public benefits. The following public benefits shall be referred to in this ordinance as "general public benefits":
  - a. Providing free and low-barrier opportunities for everyone in the county to take part in the region's cultural life and participate in arts, science and heritage programs;
  - b. Providing performances and programs throughout the county that are created in and for local communities through partnerships between and among regional and community-based cultural organizations and with other community-based nonprofit corporations or other nonprofit entities;
  - c. Providing, through technological and other means, services or programs in locations other than where an organization's own facilities are located;
  - d. Providing cultural educational programs and experiences both at an organization's own facilities

and in schools and other venues;

e. Broadening cultural programs, performances and exhibitions for the enlightenment and entertainment of the public;

f. Supporting collaborative relationships with other cultural organizations in order to extend the reach and impact of the collaborating organizations for the benefit of the public;

g. Bringing cultural organizations' programming and facilities into compliance with access requirements of the Americans with Disabilities Act;

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

i. Building and expanding cultural facilities in suburban and rural communities at a scale and size consistent with the county's and other applicable land use policies and development regulations;

j. Presenting free cultural festivals countywide;

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

l. Providing arts, science and heritage career building opportunities for youth through internships and apprenticeships;

m. Establishing partnerships between cultural organizations or other cultural institutions to present new multidisciplinary cultural experiences;

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

o. In the case of community-based cultural organizations, implementing organizational capacity-building projects or activities that an organization can demonstrate, to the reasonable satisfaction of the program, will enhance the ability of the organization to provide or continue to provide meaningful public

benefits not otherwise achievable.

2. Equity and inclusion public benefits. The following public benefits shall be referred to in this ordinance as "equity and inclusion public benefits":

- a. Providing free and low-cost attendance to arts, science and heritage organizations and facilities for county residents who have economic, geographic and other barriers to access;
- b. Providing free access to curriculum-related arts, science and heritage programs in class and at cultural sites for public school students throughout the county with emphasis on underserved students;
- c. Increasing the diversity of staff and governing boards of cultural organizations, and increasing investment in programs and organizations that represent and reflect the diversity of the county; and
- d. Planning and implementing cultural programs and activities in communities and census tracts that are underserved.

B. Providing equity and inclusion public benefits is intended to result in meaningful progress toward achievement of the following equity and inclusion outcomes ("equity and inclusion outcomes"):

1. Overcoming economic and geographic inequities that limit access to the arts, science, and heritage experiences by expanding access to programs and activities at arts, science and heritage organizations in the county, such that visitors and audiences represent the diversity of the county;
2. Partnering with local communities by developing and nurturing relationships with local organizations to create programs and activities in and for the community; and
3. Making the boards, staff, programming, memberships and audiences of regional cultural organizations more representative of the diversity existing within the county.

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

A. To provide necessary moneys for the Access for All program identified in section 3 of this ordinance and conditioned on the specific authorization of a majority of the voters voting on the proposition authorized in section 8 of this ordinance, an additional one-tenth of one percent sales and use tax is hereby levied, fixed and

imposed on all taxable events within the county as defined in chapter 82.08, 82.12 or 82.14 RCW for seven years. The tax shall be imposed upon and collected from those persons from whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW, and shall be collected at the rate of one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. The additional sales and use tax shall be in addition to all other existing sales and use taxes currently imposed by the county under RCW 82.14.045.

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

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

A. The proceeds of the sales and use tax imposed under section 5 of this ordinance shall be deposited in the access for all fund and used solely for the purposes consistent with chapter 36.160 RCW.

B. The proceeds of the tax imposed under section 5 of this ordinance may not be used to supplant existing county funding. The county affirms that any funding similar to the funding available under this ordinance that the county usually and customarily provides to cultural organizations shall not be replaced or materially diminished as a result of funding becoming available under this ordinance.

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

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

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

C.1. From the remaining tax proceeds after reserving the amounts required in subsections A. and B. of this section, ten percent of remaining moneys annually will directly provide moneys for the public school

access program subject to RCW 36.160.100(2). If funding available under this program for student transportation is inadequate in any one year due to more demand for student transportation than can be funded, then the annual percentage allocation to the public school cultural access program may be increased up to twelve percent to provide additional moneys to ensure adequate funding of student transportation.

2. The public school access program shall increase public school student access to the programming offered and facilities operated by regional and community-based cultural organizations. Benefits shall be offered to every public school in the county, prioritizing those public schools with higher percentages of students attending the school who participate in the national free or reduced-price school meals program.

3. Regional cultural organizations must spend at least twenty percent of the moneys received under subsection D. of this section on the public school access program, including, but not limited to, the costs of bringing curriculum-based art, science and cultural education programs to classrooms to deepen the experience for students.

4. The public school access program shall provide moneys for transportation for public school students to attend and participate in age-appropriate programs and activities offered by cultural organizations. The public school access program shall provide moneys for district-wide cultural education plans and district cultural education coordinators and provide for the development of tools, materials and media by cultural organizations to ensure that school access programs and activities correlate with school curricula. The public school access program also shall provide training for teachers and providers of cultural education resources, including artists, historians, and scientists, as part of the development of such tools, materials and media to help ensure that such programs and activities correlate with school criteria.

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

revenues.

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

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

F. From the remaining tax proceeds after reserving the amount required in subsections A., B., C., D. and E. of this section, including, but not limited to, moneys not distributed to regional cultural organizations because of the fifteen percent of annual revenue limit or the ranking requirement or otherwise, all remaining moneys will be distributed annually to community-based cultural organizations to be used to support cultural and educational activities, programs and initiatives; public benefits and communications; basic operations; capital expenditures or acquisitions; and technology, equipment and supplies reasonably related to or necessary for a project funded under the community-based cultural organization access organization program and consistent with RCW 36.160.110(2).

G. The program may grant moneys to a fiscal sponsor for the purpose of contracting with a sponsored

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

H. 4Culture shall develop guidelines for eligible expenditures for each program component identified in section 3 of this ordinance. The guidelines must be consistent with chapter 36.160 RCW and this ordinance.

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

PROPOSITION\_\_\_; The County Council adopted ordinance XXXXX to establish and fund a cultural access program. If approved, this proposition would fund public school and cultural organization access programs. The programs would increase free or discounted tickets for students, low-income families, and seniors to arts, science, and heritage programs and ensure equitable access across King County. It would also have dedicated transportation funds for

public school students and in-classroom arts education in public schools. The program would be funded by an increase in the county sales tax 1/10th of 1 percent for 7 years beginning January 1, 2018. Should this proposition be:

Approved

Rejected

**SECTION 9. Implementation plan.**

If the sales and use tax is approved by the voters, then the program will develop and provide to the county executive a King County Access for All program implementation plan. The county executive, in consultation with 4Culture, shall transmit the implementation plan to the council within ninety days of the certification of the election approving the sales and use tax. The implementation plan shall include the following:

A.1. Detailed program descriptions of the major elements of the Access for All program, which are the public school access program, the regional cultural organization access program, the community-based cultural organization access program and a framework for 4Culture administration of all programs.

2. The public school access program description shall include:

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

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

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

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

and in-community education programs.

3. The regional cultural organization access program description shall include:

- a, an overall summary of the regional organization access program and fund allocation within this portion of the Access for All program;
- b. a proposal for regional cultural organizations to commit up to thirty percent of their awards towards equity and inclusion public benefits that are intended to make meaningful progress towards the equity and inclusion outcomes in this ordinance;
- c. an explanation of attendance and revenue requirements and resources for regional organizations to use in reporting eligible revenue and attendance, including, but not limited to, guidelines for establishing attendance and revenue for the initial three transition years of the program;
- d. a description of the process and reports for determining the baseline standard of continuous performance of public benefits provided, a description of guidelines for establishing the minimum level of equity and inclusion public benefits a regional cultural organization must provide to be eligible for funding under the program and descriptions of the discernible equity and inclusion public benefits and general public benefits consistent with RCW 36.160.090;
- e. a public benefit reporting framework for regional organizations that includes standards for reports describing the organization's success in providing discernable equity and inclusion public benefits that resulted in progress towards achievement of equity and inclusion outcomes and general public benefits as anticipated in the organization's prior report and a preview of the equity and inclusion public benefits, expected equity and inclusion outcomes and general public benefits the organization plans to provide in the coming year;
- f. a public school access reporting framework for regional cultural organizations to use in describing their participation in the public school educational activities as anticipated in the organization's prior report and a preview of the public school educational programs they intend to provide in the coming year;
- g. a description of initial application procedures that will be used for the regional cultural

organization access program to verify whether an organization is eligible for the program; and

h. a description of procedures to distribute funds annually and contracting and payment process and procedures for assuring transparency, accountability, and compliance in administering the funds, all consistent with chapter 36.160 RCW.

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

a. an overall summary of the community-based organization access program and fund allocation within this portion of the Access for All program for operating, project, capital, initiative and other funding pools;

b. criteria for awarding funds to either eligible community-based organizations, including provisions allowing fiscal sponsorship of non-tax exempt community-based cultural entities, or qualified nontraditional/social service and cultural agencies, or both, for defined cultural project funding, and description of criteria for increasing awards up to thirty percent of an organization's budget for community-based cultural organizations that either are organized of, by and for communities and census tracts that are underserved or provide significant equity and inclusion public benefits, or both;

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

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

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

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

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

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

D. The establishment of a 4Culture advisory committee whose purpose is to advise, monitor, and provide oversights for achieving the equity and inclusion outcomes associated with the program; and

E. A proposed annual reporting framework between 4Culture and the county that includes a fiscal report of the distribution of funds, a performance report on each funded regional cultural organization's success in providing discernable public benefits as anticipated in the organization's prior annual report, a report on the preview of the public benefits each funded regional cultural organization's plan to provide in the coming year, a performance report of each funded regional cultural organization's participation in the public school cultural access program as anticipated in the organization's prior annual report and a preview of each funded regional cultural organization's planned participation in the public school cultural access program in the coming year, a performance report on each funded community-based cultural organization's discernable public benefits, and a management report identifying any proposed changes to the program panel process, eligibility guidelines, or reporting requirements.

**SECTION 10. Ratification.** Certification of the proposition by the clerk of the county council to the director of elections in accordance with law before the election on August 1, 2017, and any other act consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

**SECTION 11. Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.