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Title: AN ORDINANCE regarding the 4Culture task force; amending Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170 and Ordinance 18684, Section 19.

Sponsors: Rod Dembowski

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Clerk 12/05/2018

AN ORDINANCE regarding the 4Culture task force; amending Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170 and Ordinance 18684, Section 19.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170 are hereby amended to read as follows:

A. (~~Except as otherwise provided in Ordinance 18684, Section 19, until December 31, 2020,)~~ King County shall transfer future fund balances as follows:

1. Hotel-motel tax revenues designated by the state of Washington for cultural purposes in King County shall be transferred to the authority within ten business days of receipt by King County from the state of Washington and appropriated by the county council. Twice each year while cultural bonds remain outstanding,

the authority shall transfer back to King County sufficient hotel-motel tax revenues to allow the county to make required payments on the bonds;

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

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

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

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

B.1. Except as otherwise provided in Ordinance 18684, Section 19, beginning in 2020, at least one hundred-twenty-five days before the end of each fiscal year, the cultural development authority shall transmit its budget for the following fiscal year to the county executive. At least ninety-five days before the end of each fiscal year, the county executive shall transmit the cultural development authority budget to the clerk of council in both electronic and hard copy form. The clerk shall distribute the cultural development authority budget to all councilmembers and the lead of the budget and fiscal management committee or its successor committee. Beginning in 2020, the cultural development authority shall transmit its budget for the following fiscal year together with the other financial information required in subsection B.2. of this section to the county executive after it has been approved by the cultural development authority board. The cultural development authority budget shall identify the budgeted operating and capital expenditures and full-time equivalent positions for the following fiscal year.

2. The cultural development authority shall also transmit supporting data, including, but not limited to, a statement of assets and liabilities, a description of significant changes in the budget for the following fiscal year compared to the current fiscal year budget and a financial plan that includes actual expenditures, revenues and reserves for the preceding fiscal year and estimates of all expenditures, revenues and reserves for the current fiscal year and the following five years. For exemplary purposes only, the financial plan transmitted with the cultural development authority budget for fiscal year 2021 shall consist of the cultural development authority's actual expenditures, revenues and reserves for 2019, estimates of all the cultural development authority's expenditures, revenues and reserves for 2020 and years 2021 through 2025.

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

4. If the council passes a motion rejecting the cultural development authority budget for the following fiscal year at least thirty days before the end of the current fiscal year, then, in the following fiscal year, the county shall not transfer to the authority any balances in any of the funds referenced in subsection A.1. through A.5. of this section except as otherwise provided in subsection B.6. of this section.

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

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

executive director. The representative of the council shall include, but not be limited to the council chair, the chair of the budget and fiscal management committee or its successor committee or the chair of the committee of the whole or its successor committee, or all three. For the purposes of complying with the fifteen-calendar-day requirement, a councilmember may select a designee and shall notify the cultural development authority of the councilmember's delegation. Within fifteen calendar days of the meeting, the cultural development authority board shall consider and adopt a revised budget and transmit the revised budget to the council clerk in the form of a paper and an electronic paper copy. The council clerk shall retain the paper copy and forward an electronic copy to all councilmembers. Unless the council passes a motion rejecting a revised budget within fifteen days of the board's transmittal of the revised budget, the county shall transfer to the authority balances in any of the funds referenced in subsection A.1. through A.5. of this section.

C. The county shall not transfer funds and fees designated or appropriated to the King County landmarks commission for land use regulation and archaeological management purposes.

SECTION 2. Ordinance 18684, Section 19, is hereby amended to read as follows:

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

1. One representative for the King County council;
2. One representative for the King County executive;
3. One representative for the cultural development authority;
4. One representative for Cultural Access Washington;
5. One representative for the Sound Cities Association; and
6. At least nine representatives of organizations supporting underrepresented populations or smaller

arts, culture, heritage or historic preservation organizations in King County.

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

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

C. No later than ninety days after the adoption of this ordinance, the executive shall both appoint the task force members by a letter of appointment and transmit to the council for each task force member appointed and a copy of the letter of appointment, together with a motion confirming the appointment. Confirmation or rejection of appointments shall be by council motion.

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

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

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

G. The task force shall transmit a report on the results of its assessment, evaluation and

recommendations to the executive and council (~~(by February 1, 2019)~~). The report should be filed with the clerk of the council by April 1, 2019, in the form of a paper and an electronic copy. The clerk of the council shall retain the paper copy and forward an electronic copy to all councilmembers.

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