



Legislation Text

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AN ORDINANCE related to the cultural resources programs of the county;
establishing a cultural development authority; providing for certain county property
and funds to be transferred to or used by the cultural development authority;
identifying responsibilities of county departments and agencies for cultural
resources programs; making technical corrections; amending Ordinance 12089,
Section 3, and K.C.C. 2.46.010, Ordinance 12089, Section 4, and K.C.C. 2.46.020,
Ordinance 12089, Section 5, and K.C.C. 2.46.030, Ordinance 12089, Section 7, and
K.C.C. 2.46.050, Ordinance 12089, Section 8, and K.C.C. 2.46.060, Ordinance
12089, Section 11, and K.C.C. 2.46.090, Ordinance 9134, Section 7, as amended,
and K.C.C. 4.40.060, Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020,
Ordinance 8300, Section 3, as amended, and K.C.C. 2.48.030, Ordinance 9279,
Section 4, as amended, and K.C.C. 4.42.030, Ordinance 12076, Section 49, as
amended, and K.C.C. 4.42.100, Ordinance 14440, Section 3, and K.C.C. 4.42.025,
Ordinance 14440, Section 7, and K.C.C. 4.42.108, Ordinance 14440, Section 8, and
K.C.C. 4.42.109, Ordinance 9051, Sections 1 and 2, and K.C.C. 2.48.125,
Ordinance 12468, Sections 9 and 10, and K.C.C. 2.84.190, Ordinance 12076,
Section 9, as amended, and K.C.C. 4.08.015, Ordinance 12076, Section 10, as
amended, and K.C.C. 4.08.025, Ordinance 14433, Section 2, Ordinance 12076,
Section 24, and K.C.C. 4.08.190, Ordinance 14433, Section 2, and K.C.C. 4.08.195,

Ordinance 6231, Section 1, as amended and K.C.C. 4.16.150, Ordinance 12089, Section 9, and K.C.C. 2.46.070, Ordinance 12089, Section 12, and K.C.C. 2.46.100, Ordinance 6111, Section 8, as amended, and K.C.C. 4.40.110, Ordinance 9134, Section 13, as amended, and K.C.C. 4.40.120, Ordinance 9134, Section 13, as amended, and K.C.C. 4.40.120, Ordinance 9279, Section 1, as amended, and K.C.C. 4.42.010, Ordinance 9279, Section 2, as amended, and K.C.C. 4.42.020, Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060, Ordinance 4828, Section 1, as amended, and K.C.C. 20.62.010, Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020, Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030, Ordinance 4828, Section 7, as amended, and K.C.C. 20.62.070, Ordinance 4828, Section 12, as amended, and K.C.C. 20.62.120 and Ordinance 9237, Sections 1 through 3, as amended, and K.C.C. 20.62.140, adding a new chapter to K.C.C. Title 2, adding new sections to K.C.C. chapter 2.46, adding new sections to K.C.C. chapter 2.48, adding a new section to K.C.C. chapter 4.08, adding new sections to K.C.C. chapter 4.40, recodifying K.C.C. 4.40.060, 4.42.030, 4.42.060, 4.42.100, 4.42.108, 4.42.109, 2.46.070 and 2.46.100, decodifying K.C.C. 2.46.110, 2.48.140, 4.08.180, 4.40.140, 4.42.120 and 4.42.130 and repealing Ordinance 12089, Section 6, and K.C.C. 2.46.040, Ordinance 12089, Section 10, and K.C.C. 2.46.080, Ordinance 1991, Section 1, and K.C.C. 2.48.010, Ordinance 8300, Section 4, as amended, and K.C.C. 2.48.040, Ordinance 8300, Section 4, as amended, and K.C.C. 2.48.050, Ordinance 8300, Section 4, and K.C.C. 2.48.060, Ordinance 8300, Section 4, and K.C.C. 2.48.070, Ordinance 8300, Section 4, and K.C.C. 2.48.080, Ordinance 8300, Section 4, and K.C.C. 2.48.090, Ordinance 8300, Section 5, as amended, and K.C.C. 2.48.100, Ordinance 8300, Section 6, as amended, and K.C.C. 2.48.110,

Ordinance 8300, Section 7, as amended, and K.C.C. 2.48.120, Ordinance 8300, Section 8, and K.C.C. 2.48.130, Ordinance 12076, Section 47, as amended, and K.C.C. 4.42.040, Ordinance 9279, Section 6, as amended, and K.C.C. 4.42.050 and Ordinance 9279, Section 9, as amended, and K.C.C. 4.42.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 19 of this ordinance should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. **Cultural resources policies and purposes.**

A. Since 1967, King County has been a leader in its support for cultural resources, including arts, heritage, historic preservation and public art, and desires to continue that support.

B. A vibrant cultural community enhances King County's livability and reputation as a national and international cultural center. Arts, heritage, historic preservation and public art enhance the quality of life of our citizens, foster creativity and an ethic of stewardship and citizenship, stimulate economic development and attract visitors to our region.

C. A vibrant cultural community is created and maintained through support for a broad range of creative and cultural expression, and distribution of that support throughout the geographic area of the county and to a diverse network of regional and community cultural organizations and individuals.

D. It is important for King County to foster excellence, vitality and diversity of cultural programming in the county, to ensure that outstanding cultural opportunities are available to all citizens of the county, and to make arts, heritage, public art and historic preservation a high priority in county governmental policy.

E. The county has determined that governmental services in support of cultural resources will be enhanced by establishing a cultural development authority under RCW 35.21.730 through 35.21.759.

NEW SECTION. SECTION 3. **Cultural development authority created.** A public authority is hereby created, with powers and limitations set forth in its charter and this chapter, exclusively to support, advocate for and preserve the cultural resources of the region in a manner that fosters excellence, vitality and

diversity. The authority shall further the goals and objectives of the King County Comprehensive Plan, establish cultural resource policies and operate in a manner that ensures King County citizens and visitors have access to high-quality cultural programs and experiences.

NEW SECTION. SECTION 4. **Name.** The name of the public authority shall be the cultural development authority of King County.

NEW SECTION. SECTION 5. **Definitions.** Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

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

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

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

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

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

F. "Cultural development authority" or "authority" means the public authority created under this chapter.

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

1. Performing, visual, literary and other arts;
2. Public and civic art;
3. Heritage;
4. Museum and archival collections;

5. Historic preservation;
6. Cultural education; and
7. Cultural organizations, institutions and attractions.

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

I. "Historic preservation" means the preservation or conservation of the county's historic and archaeological resources and those programs and projects initiated by the authority to foster such preservation or conservation through nonregulatory activities such as interpretation, community education and outreach, cultural tourism and rehabilitation of historic resources.

J. "Hotel-motel tax revenues" means funds designated for cultural purposes as described in RCW 67.28.180 and deposited into the arts and cultural development fund and the cultural resources endowment fund and used for the purposes described in K.C.C. chapters 2.48 and 4.42.

K. "Resolution" means the form of action taken by the board of the cultural development authority.

NEW SECTION. SECTION 6. Powers of authority. Except as limited by the state constitution and state law, the King County Charter, this chapter or the charter of the cultural development authority, the cultural development authority may exercise all lawful powers necessary or convenient to effect the purposes for which the cultural development authority is organized and to perform authorized corporate functions, as provided in its charter and bylaws.

NEW SECTION. SECTION 7. Approval of charter. The charter of the cultural development authority, as set forth in Attachment A to this ordinance, is hereby approved. The clerk of the council shall, within ten days of the effective date of this section, issue the charter in duplicate originals, each bearing the county seal attested by the clerk of the council. The clerk of the council shall file and record one original

charter with the records, elections and licensing services division and provide one original charter to the county executive on behalf of the cultural development authority. The county may amend the charter by ordinance after providing notice to and an opportunity for the directors to be heard and present testimony.

NEW SECTION. SECTION 8. Effect of issuance of charter. The cultural development authority shall commence its existence effective upon issuance of its charter. Except as against the state or the county in a proceeding to cancel or revoke the charter, delivery of a duplicate original charter shall conclusively establish that the authority has been established in compliance with the procedures of this chapter.

NEW SECTION. SECTION 9. Board of directors. A board consisting of fifteen directors and five ex officio members, as provided in the charter, is hereby established to govern the affairs of the cultural development authority. The directors shall be appointed by the county executive and serve their terms as provided in the charter. Appointments shall be subject to confirmation by the county council. All corporate powers of the authority shall be exercised by or under the authority of the board of directors. The business, property and affairs of the authority shall be managed under the direction of the board, except as may be otherwise provided for by law or in the charter.

NEW SECTION. SECTION 10. Organization of board of directors - organizational meeting. Within ten days after issuance of the charter by the clerk of the council, the county executive or his or her designee shall call an organizational meeting of the initial board of directors. The meeting shall be held within ten days of the calling of the meeting. The county executive or his or her designee shall give at least three days' advance written notice of the meeting to each director, though each director may waive his or her notice in writing. The county executive or his or her designee shall present the original charter provided to the executive under section 7 of this ordinance to the board of directors at the meeting. At the meeting, the board shall organize itself, elect officers and select the place of business.

NEW SECTION. SECTION 11. Bylaws of authority. The initial bylaws of the authority, as set forth in Attachment B to this ordinance, are hereby approved. The board may alter, amend or repeal the bylaws or

adopt new bylaws, except as otherwise provided in this chapter. The bylaws shall be consistent with the charter.

NEW SECTION. SECTION 12. Quorum. At all meetings of the board of directors, a majority of the directors who are appointed and confirmed shall constitute a quorum.

NEW SECTION. SECTION 13. County liability limited. To the maximum extent permitted by law, the cultural development authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the authority shall be satisfied exclusively from the assets and credit of the authority. No creditor or other person shall have any recourse to the assets, credit or services of the county on account of any debts, obligations, liabilities, acts or omissions of the cultural development authority.

NEW SECTION. SECTION 14. Insolvency and dissolution. After notice to the board and a public hearing, the county may determine by ordinance that the cultural development authority is insolvent or may by ordinance dissolve the authority. If the county determines the authority is insolvent or dissolves the authority, the county shall notify the superior court of King County, which shall proceed under RCW 35.21.750.

NEW SECTION. SECTION 15. Removal of directors. If, after a full public hearing, the council for any reason determines that any or all of the directors should be removed from office, the council may by ordinance remove the director or directors. The term of any director removed under this section expires when the removal ordinance takes effect. Vacancies created under this section shall be filled in the manner provided in the charter.

NEW SECTION. SECTION 16. Authorizations to the county executive.

A. The county executive is granted all power and authority reasonably necessary to perform the duties imposed on the county departments and agencies under this chapter, in K.C.C. chapters 2.46, 2.48, 4.08, 4.40 and 4.42 and in the charter of the authority.

B. The county executive shall, to the extent permitted by law, assign the county's rights, interests, duties

and obligations in contracts, agreements, grants and other written commitments entered into on or before December 31, 2002, for cultural resources programs and projects to the cultural development authority.

However, the county shall retain all rights, interests, duties and obligations related to ownership of works of art for the county's public art collection.

C. The county executive shall ensure that moneys in the funds designated by ordinance to be available to the cultural development authority are effectively, efficiently and promptly transferred to the authority.

NEW SECTION. SECTION 17. Reporting requirements.

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

1. A statement of assets and liabilities, income and expenditures and changes in its financial position during the previous year;
2. A summary of significant accomplishments;
3. A list of depositories used;
4. A projected operating budget for the current fiscal year;
5. A summary of cultural programs, public art projects and all other projects and activities to be undertaken during the current year; and
6. Other information as may be required in the charter of the authority.

B.1. The authority shall meet with the county council's committee of the whole two times per year, once in the first half of the calendar year to discuss the authority's annual report and once in the second half of the calendar year to discuss the authority's plans and proposed expenditures for the following year.

2. The authority shall meet:

- a. at least one time per year with the county executive; and
- b. at least one time per year with directors and administrators of county departments and agencies

that interface with the authority.

C. The authority shall respond to requests for additional information from the executive or from the council. The council shall make its request by motion.

NEW SECTION. SECTION 18. Transfer of funds.

A. On January 1, 2003, King County shall transfer to the authority balances in the following funds, reserving only sufficient funds to meet current county obligations:

1. All hotel-motel tax revenues designated by the state of Washington and appropriated by the county council for cultural purposes in King County, including, but not limited to, all encumbered and unencumbered hotel-motel tax revenues in the arts and cultural development fund (117) and cultural resources endowment fund (603);

2. All current expense fund revenues designated or appropriated for cultural purposes, including, but not limited to:

- a. fees for all government-to-government agreements for public art; and
- b. the fund balance in the arts and cultural education fund (116);

3. All public art fund revenues designated by King County for public art purposes, in subfund 3201;

4. All state and federal funds for cultural purposes, other than those listed in subsection A.1 of this section; and

5. All other funds and fees designated or appropriated for cultural purposes, except for funds that contain bond revenues and excess interest earnings as of December 31, 2002.

B. In addition to the transfer of fund balances on January 1, 2003, described in subsection A of this section, 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. By December 1, 2002, the King County office of budget and the office of cultural resources shall develop a schedule of the transfers. 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 B.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.

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

NEW SECTION. SECTION 19. Transfer and use of county property, systems and leased office space.

A. On January 1, 2003, the county shall transfer without charge county personal property used by the office of cultural resources on December 31, 2002, to the cultural development authority. The property shall include, but not be limited to, computers and software, electronic equipment, telephones and office furnishings, equipment, materials and supplies. The office of cultural resources and the office of budget shall complete a property transfer inventory on or before December 1, 2002, and the inventory shall be used to effect the transfer.

B. The county shall allow access by the cultural development authority to the county's information and

telecommunications systems, including, but not limited to, telephone service, voice mail, electronic mail and the county-wide area network, including all databases required by the cultural development authority to effectively carry out its work. The cultural development authority shall make payment for telephone system services upon billing by the county. By December 1, 2002, the King County office of budget and office of cultural resources shall develop a schedule for the payments. King County shall allow the cultural development authority access to the wide area network at no charge.

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

SECTION 20. Transition provisions. From the commencement of the cultural development authority under section 8 of this ordinance until and including December 31, 2002, in addition to its other assigned duties, the office of cultural resources shall take reasonable and necessary actions related to the start up of the cultural development authority. The actions may include, but are not limited to, assisting in identifying candidates to serve on the board of the authority, providing staff support to the board of the authority and identifying necessary actions and decisions to be taken by the board of the authority before January 1, 2003.

SECTION 21. Construction. Sections 2 through 20 of this ordinance shall be liberally construed so as to effectuate their purposes and the purposes of RCW 35.21.730 through 35.21.759.

SECTION 22. Ordinance 12089, Section 3, and K.C.C. 2.46.010 are each hereby amended to read as follows:

Establishment of public art program. There is hereby established (~~(, within the cultural resources division of the parks and cultural resources department,)~~) a ((P))public ((A))art ((P))program ((which)) that

shall ~~((include the 1% for Art Program and the arts programs for the metropolitan functions of public transportation and water pollution abatement. The Public Art Program will))~~ ensure that the work, thinking, creative skills~~((;))~~ and unique perspectives of artists are included in the planning, design and construction of county property, facilities, infrastructure and public spaces. The public art program shall be administered and implemented by the cultural development authority.

SECTION 23. Ordinance 12089, Section 4, and K.C.C. 2.46.020 are each hereby amended to read as follows:

Purpose of the public art program. It is the intention of the county to contribute to the cultural and artistic legacy of this region ~~((by establishing a))~~ through the ((P))public ((A))art ((P))program. The purposes of the program include the following:

- A. Integrate the work and thinking of artists into the planning, design and construction of county facilities, buildings, infrastructure and public spaces;
- B. Enhance and enrich the county's physical environment and public spaces;
- C. Celebrate the multi~~((-))~~cultural and diverse character of its communities;
- D. Contribute a sense of ownership and pride in public facilities and spaces to county citizens;
- E. Mitigate potential adverse impacts of construction;
- F. Engage the citizens and communities of the county in creative partnerships with artists; and
- G. Support, educate and assist citizens with their community activities in which public art plays a part.

SECTION 24. Ordinance 12089, Section 5, and K.C.C. 2.46.030 are each hereby amended to read as follows:

Definitions. ~~((All w))~~Words ((shall)) in this chapter have their ordinary and usual meanings except those defined in this section, which ~~((shall))~~ have, in addition, the following meanings. ~~((In the event of))~~ If there is conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. ~~("Acquisition or county force acquisition" means the purchase of parcels of land, existing buildings, and structures, and costs incurred by the county for the appraisals or negotiations in connection with such purchase.))~~ "Advisory committee" or "committee" means the public art advisory committee established by the cultural development authority to provide oversight and citizen involvement for the public art program.

B. ~~((Arts))~~ Artist selection panel" means a group of individuals, including artists, art and design professionals and non-artist citizen representatives established by the ((Public Art Commission)) cultural development authority to select artists to provide works or services ((to the)) in the planning, design and construction of county facilities, buildings, infrastructure and public spaces.

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

D. "Client department" means the county department, ((or)) division or office responsible for construction or custodial management of a facility or capital improvement project ("CIP") project after construction is complete.

~~((D. "Commission" means the King County Public Art Commission.~~

E. ~~"Commissioner" means an individual appointed to serve on the Public Art Commission.~~

F. ~~"Council" means the King County Council.~~

G. ~~"County" means King County.~~

H. ~~"County construction project" means any project paid for by funds appropriated by the county, to construct, remodel or maintain any building, decorative or commemorative structure, park, trail or pathway, vehicular or pedestrian bridge, metropolitan public transportation facility, metropolitan water pollution abatement facility, surface water management project, solid waste transfer station, or any portion thereof, within the jurisdiction of the county.~~

I. ~~"Cultural coordinating council" means the seven member advisory body composed of an ex officio non-voting representative from the council and the chairs and vice-chairs of the public art commission, the~~

~~King County arts commission, and the King County landmarks and heritage commission.~~

J. ~~"Equipment and furnishings" shall mean any equipment or furnishings that are portable and of standard manufacture. "Equipment" shall not mean items that are custom designed or that create a new use for the facility, whether portable or affixed.~~

K. ~~"Executive" means the county executive.))~~

E. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.-(sections 2 through 19 of this ordinance.

~~((L. "One percent for Art" or "1% for Art" means the program authorized in Ordinance 6111, and K.C.C. 4.40.010 through 4.40.090 under which one percent of construction budgets of certain county public works is allocated and set aside for works of art. This program is replaced by the Public Art Program which will apply to all county departments.~~

M. ~~"Public art commission" means the nine member body composed of county residents appointed by the executive and confirmed by the council which advises the executive and council regarding the Public Art Program and policies that guide the program.~~

N.)) F. "Public ((A))art ((F))fund means the fund ((that is allocated by the council pursuant to K.C.C. 2.48.120 and K.C.C. 4.04.010 through 4.04.090 as amended, to implement the programs and policies described in Ordinance 12089. The "Public Art Fund" shall be the new name for the "1% for Art Fund)) established in section 52 of this ordinance to provide for the receipt of revenues and the disbursement of expenditures for the selection, acquisition and display of public art.

~~((O.))~~ G. "Public art program" means the county program ((staffed by the cultural resources division)) administered and implemented by the cultural development authority that includes the works and thinking of artists in the planning, design, and construction of facilities, buildings, infrastructure and public spaces to enhance the physical environment, mitigate the impacts of county construction projects, and enrich the lives of county residents through increased opportunities to interact with art.

~~((P-))~~ H. "Public space" is any place or property within the county (~~((which))~~) that is open to the general public for its use, (~~((or which))~~) is in public view~~((;))~~ or is generally accessible to the public.

SECTION 25. Ordinance 12089, Section 7, and K.C.C. 2.46.050 are each hereby amended to read as follows:

Artists' involvement in public art program.

In is the intent of the council to involve artists at the earliest appropriate project stage. The (~~((~~ commission will)) cultural development authority shall establish the artist selection process and, in collaboration with the client department, define the scope of work on a case-by-case basis. (~~((The county will include a))~~) Artists shall be included in a broad range of projects including, but not limited to:

A. Planning. Artists may be selected as planning consultants to assist in the evaluation of options, strategies, limitations and opportunities for art and aesthetic design in capital projects before the scope, quality, schedule~~((;))~~ and budget are fixed~~((;))~~;

B. Collaboration with project design team. Artists may be selected (~~((as consultants))~~) to collaborate with design team members on construction or project work in which the creation, documentation~~((;))~~ and construction of the project is (~~((collaboratively))~~) jointly developed with the county's project managers, design team~~((;))~~ and the community with the goal of improving the aesthetics of the entire project~~((;))~~;

C. Site specific artwork. Artists may be selected to design artwork for a specific location~~((;))~~; and

D. Individual works of art. Artists may be commissioned to create a work of art~~((;))~~ or existing works of art may be purchased.

SECTION 26. Ordinance 12089, Section 8, and K.C.C. 2.46.060 are each hereby amended to read as follows:

Selecting artists. (~~((Artists shall be selected))~~) The cultural development authority shall select artists to participate in the county's public art program through one of the following ways~~((;))~~:

A. (~~((Open competition. The commission or designated art selection panel may solicit))~~) The cultural

development authority may solicit applications from artists through ((public advertisement requests for artists' slides, resumes, and letters of interest)) an open competition. ((The commission or designee will)) Through a publicly advertised request for applications process, the authority shall review submittals and ((recommend)) may select an artist that meets the ((commission's)) authority's requirements((-)); or

B. ~~((Invitational or limited competition. The commission or designated art selection panel may invite))~~
The cultural development authority may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the ((commission or designee)) authority may ((recommend)) select an artist based upon ((established criteria)) the authority's requirements.

SECTION 27. Ordinance 12089, Section 11, and K.C.C. 2.46.090 are each hereby amended to read as follows:

Authority to accept donations for public art.

A. The county may receive offers of donations of artwork or funds for public art. Potential donors ((will)) shall be referred to the ~~((Public Art Commission))~~ cultural development authority to discuss the nature of the gift and procedures for review and approval. ~~The ((Public Art Commission will))~~ cultural development authority shall review the proposal and recommend consideration or rejection of the offer, and make a site recommendation where applicable.

B. Financial gifts, bequests((-)) and donations ~~((accepted))~~ recommended for acceptance by the ~~((Public Art Commission will))~~ cultural development authority shall be ((approved)) subject to approval by council motion consistent with K.C.C. 2.80.010, and, if approved by the council, shall be credited to the ((~~Miscellaneous Agency Fund or special fund with the P))~~ public ((A)) art ((Program if deemed appropriate)) account within the arts and cultural development fund. Donated funds ~~((will))~~ shall be accounted for individually ~~((as required by K.C.C. 2.80.020))~~ and ~~((may be))~~ administered by the ~~((manager of the cultural resources department or designee, without further appropriation,))~~ cultural development authority until fully expended in a manner consistent with the donor's restrictions and ~~((direction from the commission))~~ the council

motion that approved the donation.

SECTION 28. Ordinance 9134, Section 7, as amended, and K.C.C. 4.40.060 are each hereby amended to read as follows:

Multi((-)cultural art. King County is committed to participation by ~~((multi-cultural))~~ multicultural and ethnic artists in public art. Therefore, the ~~((Arts Commission will))~~ cultural development authority shall, within available funding, take necessary actions to:

1. Ensure that juries and commissioned artists reflect the ethnic diversity of the population of King County; and
2. Support and develop projects that create opportunities for ~~((multi-cultural))~~ multicultural and ethnic artists.
- ~~((3. Offer programs to provide mentorships and technical assistance to multi-cultural and ethnic artists.))~~

SECTION 29. K.C.C. 4.40.060, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 2.46.

SECTION 30. K.C.C. 2.46.110 is hereby decodified.

NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 2.46 a new section to read as follows:

County responsibilities for public art projects.

A. The county is committed to ensuring the success of the public art program, facilitating strong partnerships between county client departments and with the cultural development authority, promoting efficiencies and offering maximum benefit to county citizens. The executive shall ensure county departments and agencies communicate regarding the management of existing and future county artwork and perform their duties related to public art and fully cooperate with the cultural development authority in its performance of its responsibilities. The responsibilities of county departments and agencies shall include, but not be limited to,

the following actions and obligations:

1. Client departments procuring artists' services or artworks shall follow the procedures of the public art program developed by the cultural development authority. The authority shall administer all contracts with artists engaged in public art activities and serve as the liaison between the artists and the client department;

2. To facilitate early artist involvement, the client department shall provide the cultural development authority with information on proposed capital improvements during the early planning phases of these projects;

3. Not all projects that generate funding for public art must include an art component. On an annual basis, each client department and the cultural development authority shall review all eligible capital improvement projects and the pooled departmental appropriations for public art to develop a prioritized list of projects that are the most appropriate for inclusion of public art. The following criteria shall be used to evaluate potential projects:

- a. the project has high public visibility and accessibility;
- b. the project presents unique opportunities for public art;
- c. the project presents an opportunity to partner with another agency or leverage the county's

resources;

d. the area of a project is underserved by other arts service providers or there is a lack of public art in a particular area;

e. the community affected by the project has expressed a strong desire for public art;

f. there is a legal mandate to include the artwork within a particular project; and

g. the project's construction or siting may be mitigated by the inclusion of public art.

2. The director of the client department shall meet annually with the cultural development authority to prioritize projects, assess possibilities for artist involvement and review the ways that public art can help achieve the department's mission and goals;

3. The cultural development authority and the client department shall collaboratively define the scope of the artist's involvement, the project specific art budget, project development schedule and the architectural and engineering team's responsibilities in working with the art project;

4. The client department must advise the artist selection panel established by the cultural development authority regarding the technical parameters of the project and the department's goals during the selection process.

5. The client department shall ensure that:

a. Requests for qualifications (RFQs) or requests for proposals (RFPs), for consulting services, require coordination with the cultural development authority when the project includes public art; and

b. Consultants' contracts include coordination with the project's artists as part of the scope of service;

6. The client department shall include the cultural development authority as an advisor during the consultant selection process for capital projects that include art;

7. Following incorporation of art into the county's art collection, the county shall provide to the cultural development authority the name of a department employee who works at or near the site of the artwork who is responsible on behalf of the county for the artwork and who may be listed on public art collection records as the client department's contact person with respect to the artwork; and

8. The county shall ensure that its artworks are properly maintained, protected and restored.

B. Annually, the county and the cultural development authority shall negotiate an agreement for management and rotation services, maintenance, protection and restoration of the county's public art collection, including, but not limited to, services needed to comply with contracts for commissioned artwork. The annual appropriation for these services shall be determined in the county's annual budget.

NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 2.46 a new section to read as follows:

Authority responsibilities for the development of public art projects. The cultural development

authority shall:

- A. Advise the executive and the council regarding the county's public art program;
- B. Develop policies and program guidelines for consideration by the council;
- C. Identify projects that can benefit from artists' involvement;
- D. Establish an artist selection panel. Consultants, if available, may also serve as nonvoting advisors to the panel;
- E. Select and commission artists;
- F. Provide design review for public art projects;
- G. Serve as the adjudicating body to resolve disputes involving aesthetic judgment relative to the county's public artwork;
- H. Provide oversight for the maintenance of public artwork after the work is in place;
- I. Designate sites;
- J. Determine project-specific budgets for public art;
- K. Develop recommendations regarding acceptance of any gifts, bequests or donations of artwork to the county intended for inclusion in the county's public art collection;
- L. Review any action requiring deaccessioning, which is removal of artwork from the county's public art collection; and
- M. Review any action requiring relocation or proposed alterations of integrated or site specific artworks included in the county's public art collection.

NEW SECTION. SECTION 33. There is hereby added to K.C.C. chapter 2.46 a new section to read as follows:

The county and the cultural development authority shall annually review and develop contracts for the purchase of commissioned public artwork. The cultural development authority shall rely on the approved contracts for the procurement of all public artwork. A contract may include a scope of work attachment subject

to approval by a representative from the county client department. The cultural development authority shall not alter the contract for public artwork without first obtaining permission from the county in writing.

NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter 2.46 a new section to read as follows:

Public art advisory committee. The cultural development authority shall establish a public art advisory committee to advise the authority's board regarding policies and public art, as set forth in section 32 of this ordinance. Committee members shall be conversant with public art, experienced with community issues and concerns, and sought from a range of professionals including artists, architects, landscape architects, arts administrators, urban planners and designers, community arts activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in the authority's charter.

SECTION 35. Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020 are hereby amended to read as follows:

Definitions.

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

~~((A. "Arts Selection Panels" or "Juries" means a group of individuals, including independent arts professionals and non-artist citizen representatives established by the arts commission to select literary, media, performing visual artists or arts organizations for the purchase of services.~~

~~B. "Arts Gift Trust Account" means the fund established in K.C.C. 2.48.110.~~

~~C. "Arts Programs" means the community, literary, performing, visual, and other arts programs of the commission, the component parts of which are specified by the commission.~~

~~D. "Commission" means the King County Arts Commission.~~

~~E. "Commissioner" means an individual appointed to serve on the commission, as described in K.C.C.2.48.040.~~

~~F. "Coordinator" means the person assigned by the manager of the office of cultural resources.~~

~~G. "Council" means the King County council.~~

~~H. "County" means King County.~~

~~I. "Donor" means a private or nonprofit organization or individual who gives monies or in-kind donations to the commission to be used for the purposes authorized in this chapter.~~

~~J. "Executive" means the county executive.~~

~~K. "Exempt Employee" means an employee who is exempt from the provisions of the county career service plan.~~

~~L. "Fiscal Year" means the year beginning January 1 or any other fiscal year duly adopted by the county.)~~

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

B. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C.2.-(sections 2 through 19 of this ordinance.

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

D. "Cultural facilities" means publicly accessible buildings and structures that are used primarily for the performance, exhibition or benefit of arts and heritage activities, including, but not limited to, performing arts, visual arts, heritage and cultural endeavors.

E. "Cultural programs" means the programs for cultural education, cultural facilities, special projects and sustained support.

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

G. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama, theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.

H. "Fixed assets" means tangible objects such as machinery or equipment intended to be held for ten years or more that will benefit cultural institutions.

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

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

K. "Hotel-motel tax revenues" means funds designated for cultural purposes as described in RCW 67.28.180 and deposited into the arts and cultural development fund and the cultural resources endowment fund and used for the purposes described in this chapter and K.C.C. chapter 4.42.

~~((M.))~~ L. "Individual ((A))artist" means an artist acting individually and independently without affiliation to or with another individual, group or organization.

~~((N. "Law" means federal, state, and/or county law.~~

~~O. "Local Arts Commission" means any of the arts commissions and/or councils which are established by, and function under aegis of, any local government body within the county.~~

P. ~~"Manager" means the manager of the office of cultural resources.~~

Q. ~~"Officers of the Commission" means the commissioners duly elected by the commission from time to time to serve as its officers.))~~

SECTION 36. Ordinance 8300, Section 3, as amended, and K.C.C. 2.48.030 are each hereby amended to read as follows:

Policy.

A. It is the policy of King County to foster the excellence, vitality((;)) and diversity of ((~~the arts~~)) cultural programs in the county((;)) and to make opportunities to experience cultural programs available to all citizens of the county ((, greater opportunities through which to develop understanding and appreciation of the wide range of the arts, and to make arts a high priority in county governmental policy.)) because:

1. King County recognizes that arts and heritage institutions and organizations and professional artists, heritage specialists and historic preservationists, working in partnership with the region's tourism industry, attract visitors and enhance the county's national and international reputation as a cultural center.

2. King County recognizes that the transmission of historical and cultural values and traditions from one generation to the next is essential to the sense of identity of communities, ethnic and cultural groups, and of all citizens of King County.

3. King County recognizes that a healthy and well-balanced future citizenry is dependent upon the promotion of comprehensive cultural education programs for today's youth and that cultural education, in the classroom and in the community, is an integral part of building audiences, appreciation and support for cultural programs.

4. King County recognizes that the loss or destruction of historic structures, sites and artifacts constitutes an irreplaceable loss to the quality of life and character of King County.

5. King County recognizes that its support for the cultural community should be distributed to major regional, mid-sized, emerging and community-based organizations.

6. King County recognizes that support for the development of cultural activities should be distributed throughout all parts of the county, including urban, suburban, rural and incorporated and unincorporated areas; and

7. King County recognizes that support for the work of individual artists and heritage specialists is important to ensure the continuance of diverse creative expression.

~~((In order))~~ B. ((†))To carry out this policy, the ~~((commission))~~ cultural development authority is hereby authorized to develop and implement ~~((arts support))~~ cultural programs in King County ~~((and to serve as a facilitator for local arts commissions and other arts organizations within the county))~~.

C. The county is committed to ensuring the success of cultural programs and facilitating strong partnerships between the county, cultural development authority and cultural community. The executive shall ensure county departments and agencies perform their duties related to cultural programs and fully cooperate with the cultural development authority in its performance of its responsibilities.

NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 2.48 a new section to read as follows:

Responsibilities for cultural programs.

The cultural programs described in this chapter shall be implemented and administered by the cultural development authority. The duties and authorities of the cultural development authority shall include the following:

- A. Developing policies, guidelines and eligibility criteria for consideration by the council for cultural programs;
- B. Considering and approving project and grant proposals;
- C. Reviewing, evaluating and accounting for expenditures of program funds; and
- D. Annually reporting program results to the county executive and county council.

NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 2.48 a new section to read as

follows:

Arts advisory committee. The cultural development authority shall establish an arts advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with arts practices and programs; experienced with community issues and concerns; and sought from a range of professionals including individual artists, arts administrators, educators and community arts activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in its charter.

NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 2.48 a new section to read as follows:

Heritage advisory committee. The cultural development authority shall establish a heritage advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with heritage practices and programs; experienced with community issues and concerns; and sought from a range of professionals including educators, heritage specialists, historians and community heritage activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in its charter.

NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 2.48 a new section to read as follows:

Historic preservation advisory committee. The cultural development authority shall establish a historic preservation advisory committee to advise the authority's board regarding policies and cultural programs. Committee members shall be: conversant with historic preservation practices and programs; experienced with community issues and concerns; and sought from a range of professionals including educators, historic preservationists, historians and community heritage activists as well as business professionals and others. The appointment process and terms of service shall be established by the cultural development authority as set forth in its charter.

SECTION 41. Ordinance 9279, Section 4, as amended, and K.C.C. 4.42.030 are each hereby amended to read as follows:

Cultural education program.

~~((The King County council hereby establishes))~~ There is hereby established the King County cultural education program. The program shall consist of one-year grants for projects developed by cultural organizations or projects proposed and developed by the cultural development authority for the purpose of enriching existing and creating new cultural education program~~((, reviewed annually,))~~. The cultural education program shall be an annual program administered by the cultural development authority, consistent with this chapter and the charter and shall be contingent on available hotel~~((/))~~-motel tax revenues~~((, and))~~. The cultural education program shall be subject to the following:

A. All cultural organizations that meet the criteria contained in this chapter and any applicable guidelines approved by the ~~((council by motion))~~ cultural development authority for the King County cultural education program are eligible to apply for the King County cultural education program grants. School districts and schools shall not receive revenues distributed under this section;

B. Moneys granted to the individual cultural organizations shall be used to enrich existing cultural education programs or to create new ones and in any event shall be expended only for direct costs for cultural education, which may include fees for artists, cultural specialists, experts in cultural education and performing and visual arts and heritage organizations. Any application for moneys to enrich existing or to create new arts, cultural or heritage programs shall be developed by the applicant or applicants in joint cooperation with a King County public school or school district;

C. Organizations proposing projects for any grade shall be eligible for grant funding ~~((through grants))~~ under this chapter. However, while funds are minimal, projects proposed for grades K-8, or grades K-9 in schools where grade 9 remains in the middle school configuration, shall receive priority for funding;

D. The cost of administering the King County cultural education program shall be minimal;

E. Applications must describe the intended use of the grant funds. The intended use must be for cultural education projects serving either King County schools or public school districts, or both. Grant applications may address the needs of special student populations, such as at-risk students and students with handicaps or disabilities, and other youth of school age who are not currently in school, such as youth in detention and those who have dropped out of school;

F. There shall be written application guidelines and procedures (~~((for applying for grants))~~), which shall include eligibility criteria, scope of program and funding (~~((needs))~~) requirements. The guidelines, criteria and application procedures shall be (~~((written))~~) adopted by the (~~((cultural education advisory committee and recommended by the arts commission and the landmarks and heritage commission and shall be subject to council approval by motion))~~) cultural development authority. Established criteria shall include commitment and ability to provide student learning in cultural endeavors. The (~~((advisory committee))~~) cultural development authority shall establish procedures for evaluation of programs and accountability of funds(~~((These procedures shall be submitted by the arts commission and the landmarks and heritage commission to the council for approval by motion))~~);

G. Grant awards shall reflect a countywide geographic distribution, and shall include projects serving public schools and public school districts from various affluent and less-affluent communities; and

H. (~~((Recommendations for))~~) Approval of grants shall be made by the (~~((King County arts commission and the King County landmarks and heritage commission and submitted to the executive for recommendation and to the council for review and approval by motion))~~) cultural development authority consistent with this chapter and the charter. Grant decisions shall be made on a competitive basis and in accordance with criteria established in accordance with subsection F of this section. (~~((Established criteria shall include commitment and ability to provide student learning in cultural endeavors.))~~) Grants made under the King County cultural education program shall recognize that Bellevue is receiving its own hotel-motel tax revenues, and therefore preference shall be given to applications serving other areas of the county. Grants to organizations proposing

worthwhile projects in Bellevue public schools are not precluded.

SECTION 42. Ordinance 12076, Section 49, as amended, and K.C.C. 4.42.100 are each hereby amended to read as follows:

Cultural facilities program. King County recognizes that the cultural facilities program has helped build a cultural infrastructure in the region with projects including the Bellevue Art Museum, Benaroya Hall, the Olympic Sculpture Garden and many more. Arts organizations such as the Seattle Center Foundation and heritage organizations such as the Museum of History and Industry are in the process of constructing regional cultural facilities and are seeking capital contributions in 2003. The county strongly supports these projects and encourages the cultural development authority of King County to recognize and assist these organizations to meet their financial goals through private and public donors.

A. The cultural facilities program shall be administered by the ~~((office of cultural resources under the direction of the executive and in accordance with guidelines and policies established by the council by motion))~~ cultural development authority. ~~((The program shall consist of grants responding to priorities established by the council by motion, reviewed annually, to performing arts, visual arts, heritage and cultural organizations. Recommendations for))~~ Approval of grants shall be made by the ~~((King County arts commission and the King County landmarks and heritage commission and submitted to the executive for recommendation and to the council for review and approval by motion))~~ cultural development authority consistent with this chapter and the charter.

B. The funds allocated to the cultural facilities program shall be used only for the purchase, design, construction and remodeling of performing arts, visual arts, heritage and cultural facilities and for the purchase of fixed assets that will benefit art, heritage and cultural organizations, but heritage facility funding may also be used for heritage sustained support.

C. Funds may be spent on providing assistance for planning and improvement of cultural facilities, providing for the preservation and restoration of cultural facilities otherwise eligible for funding pursuant to

this chapter and providing funds to cultural organizations to comply with Section 504 of the Federal Rehabilitation Act of 1973, as amended.

D. Funds received under this section may be used for payment of principal and interest on bonds issued for cultural capital projects. The manager of the finance and business operations division shall manage the program's debt incurred before and including December 31, 2002, to ensure continued high credit quality, access to credit markets and financial flexibility. ~~((All of the program's debt management activities shall be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt shall not be used to support operating expenses. The manager of the finance and business operations division shall develop and maintain a central system for all debt related records, which shall include all official statements, bid and other procurement documents, ordinances, indentures, leases and similar records, for all of the program's debt and will accurately account for all interest earnings in debt related funds. These records shall be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.))~~ The cultural development authority shall be responsible for program debt incurred from and after January 1, 2003.

E. Eligible applicants shall include performing arts, visual arts, heritage and cultural organizations. Eligible applicants must be financially stable and have at least the following:

1. A legally constituted and working board of directors;
2. A record of artistic, heritage or cultural accomplishments;
3. At least a two-year operating history;
4. Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
5. Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
6. Evidence of an independent financial review of the organization.

SECTION 43. Ordinance 14440, Section 3, and K.C.C. 4.42.025 are each hereby amended to read as follows:

~~((Arts and cultural development fund))~~ Hotel-motel revenue allocations for cultural programs.

A. Hotel-motel revenues deposited in ((F))the King County arts and cultural development fund, created under K.C.C. 4.08.190, shall ((support the funding programs of the arts commission and the landmarks and heritage commission. At least twenty percent of the arts and cultural development fund revenues remaining subsequent to the annual allocation for the cultural endowment, in accordance with K.C.C. 4.08.190, and the related costs of administration of cultural programs by the office of cultural resources , shall be administered by the landmarks and heritage commission)) be administered by the cultural development authority.

B. ~~((The arts and cultural development fund revenues shall be expended in the year following collection.))~~ Hotel-motel revenues deposited in the King County arts and cultural development fund shall be used to support the cultural programs described in K.C.C. chapter 2.48: cultural facilities; cultural education; special projects; and sustained support. The hotel-motel revenues in the fund shall also support related administration of those programs by the cultural development authority.

C. ~~((The arts commission and the landmarks and heritage commission shall use the arts and cultural development fund to support four programs : cultural facilities; cultural education; special projects; and sustained support.))~~

~~D. In accordance with K.C.C. 4.08.190, beginning January 1, 2001, and t))~~Through December 31, 2012, at least forty percent of the hotel-motel revenues appropriated to the arts and cultural development fund and transferred to the cultural development authority shall be ((reserved for the)) deposited in an account and used to establish a cultural endowment. ((This reserved amount shall be allocated after the cost of administration of the office of cultural resources programs , in accordance with the financial plan in Attachment C to Ordinance 14440.)) Principle and interest shall be managed by the cultural development authority in accordance with RCW 67.28.180(3)(a).

~~((E.))~~ D. After ~~((the costs of administering))~~ allocating the hotel-motel portion of the arts and cultural development fund to administer cultural programs and ~~((allocating))~~ to build the cultural endowment, the cultural development authority shall divide the hotel-motel revenues in the arts and cultural development fund ~~((shall be divided))~~ between arts programs ~~((administered by the arts commission))~~ and heritage programs ~~((administered by the landmarks and heritage commission))~~, but at least twenty percent of the revenue shall be allocated to heritage programs ~~((and administered by the King County landmarks and heritage commission))~~.

~~((F.))~~ E. Beginning January 1, 2002, using revenues generated in 2001, ~~((the arts commission shall finance its))~~ outstanding debt service obligations shall be financed from ~~((its share of))~~ hotel-motel revenues in the arts and cultural development fund ~~((and the landmarks and heritage commission shall finance its outstanding debt service obligations from its share of the arts and cultural development fund))~~. The obligations incurred before December 31, 2002, shall be managed by the department of executive services and paid by the cultural development authority.

~~((G.))~~ F. After deducting the amount necessary to meet debt service obligations, the ~~((arts commission))~~ cultural development authority shall allocate ~~((its portion of the moneys))~~ hotel-motel revenues intended to support arts programs from the arts and cultural development fund as follows:

1. For ~~((S))~~ sustained support~~((:))~~, thirty-nine percent of remaining arts program revenues;
2. For ~~((C))~~ cultural facilities~~((:))~~, thirty-nine percent of remaining arts program revenues;
3. For ~~((S))~~ special projects~~((:))~~, thirteen percent of remaining arts program revenues; and
4. For ~~((C))~~ cultural education~~((:))~~, nine percent of remaining arts program revenues.

~~((H.))~~ G. After deducting the amount necessary to meet debt service allocations, the ~~((landmarks and heritage commission))~~ cultural development authority shall allocate ~~((its portion of the moneys))~~ hotel-motel revenues intended to support heritage programs from the arts and cultural development fund as follows:

1. For ~~((C))~~ cultural facilities and sustained support~~((:))~~, seventy percent of remaining heritage program revenues, but sustained support shall receive at least twenty percent of the seventy percent;

2. ~~For ((S))special projects((:)),~~ twenty percent of remaining heritage program revenues; and
3. ~~For ((C))cultural education((:)),~~ ten percent of remaining heritage program revenues.

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

SECTION 44. Ordinance 14440, Section 7, and K.C.C. 4.42.108 are each hereby amended to read as follows:

Sustained support program for arts.

A. There is hereby established the King County sustained support program for arts. The purpose of this program shall be to provide operating support to arts organizations and local arts agencies with a demonstrated record of providing or facilitating quality arts experiences for residents of and visitors to King County.

B. The sustained support program for arts shall be administered by the ~~((office of cultural resources in accordance with the written guidelines and policies in Attachment A to this ordinance))~~ cultural development authority. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. ~~((Recommendations for))~~ Approval of grants shall be made by the ((King County arts commission and submitted to the executive for recommendation and to the council for review and approval by motion)) cultural development authority consistent with this chapter and the charter. Financial stability and a previous record of artistic accomplishments, and a demonstrated commitment to provide on~~((-~~)going cultural programs or events for the benefit of King County residents and visitors shall be considered in the application review process. Grant recommendations shall reflect a countywide geographic distribution, and shall include organizations of all sizes and in all artistic disciplines.

C. Eligible applicants are:

1. Not-for-profit arts organizations based in King County with a minimum of three years presenting or producing arts programs for King County residents. For the purposes of this subsection, "not-for-profit arts

organizations" means those legally incorporated nonprofit entities that provide as their primary mission a regular season of arts programs or services, which may include a season or annual program of performances, exhibitions, media presentations, festivals, readings or literary publications;

2. Not-for-profit arts service organizations that provide arts education and training, and professional services such as administrative support, technical assistance or services to a variety of arts professionals or disciplines, including special populations, ethnic communities and underserved communities;

3. Local arts agencies, which are arts councils, arts commissions or similar entities that are nonprofit organizations or official units of municipal government based in a suburban or rural King County community specifically dedicated to providing arts services for its residents that meet the following criteria:

a. Have a minimum three-year history of providing arts services to the community in which it is based;

b. Are primarily dedicated to the provision of planning, financial support, services, programs and development opportunities for community based arts organizations, artists and the public during a major portion of the year; and

c. Are involved on a regular basis activities or programs in more than one arts discipline or arts service area; ~~(and)~~

4. Organizations that do not have a tax exemption under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)), which may apply under the sponsorship of another organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)). The applying organization shall act as an independent fiscal agent for the sponsoring organization and shall assume responsibilities required by the contract.

D. Eligible applicants must have a record of artistic or cultural accomplishments and must have been in operation for at least three years.

E. The funds expended for the King County sustained support program for arts shall be used to support

the role of arts organizations and local arts agencies in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). Funds shall be used to support annual operating expenses, which may include staff, utilities, supplies, fees or services relating to arts programs and services that provide public benefit and are accessible to King County residents and visitors. Funds shall not be used for capital projects or fundraising purposes.

SECTION 45. Ordinance 14440, Section 8, and K.C.C. 4.42.109 are each hereby amended to read as follows:

Sustained support program for heritage.

A. There is hereby established the King County sustained support program for heritage. The purpose of this program shall be to provide operating support to historical museums and heritage organizations that make exceptional contributions to the preservation, collection, exhibition, interpretation or protection of resources related to the history of the people and places of King County.

B. The sustained support program for heritage shall be administered by the ~~((office of cultural resources in accordance with the written guidelines and policies in Attachment B to this ordinance))~~ cultural development authority. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. ~~((Recommendations for))~~ Approval of grants shall be made by the ~~((King County landmarks and heritage commission and submitted to the executive for recommendation and to the council for review and approval by motion))~~ cultural development authority consistent with this chapter and the charter. Grant recommendations shall reflect a countywide geographic distribution, and shall include organizations of all sizes and in all heritage disciplines. Financial stability and a previous record of accomplishments, and a demonstrated commitment to provide on((-)going cultural programs or events for the benefit of King County residents and visitors shall be considered in the application review process.

C. Eligible applicants are:

1. Historical museums or heritage organizations with any combination of ongoing programs,

exhibitions, presentations or tours and must be tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)); and

2. Public development authorities.

D. Eligible applicants must operate a heritage facility in King County and have a minimum of two years experience managing collections, presenting exhibits or providing other public services and programs with a focus on King County history and heritage.

E. The funds expended for the King County sustained support program for heritage shall be used to expand the role of local heritage organizations and provide access to cultural programs in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). The purpose of these funds is to offset the expenses and costs of heritage facility operations, including those for staff, utilities, supplies, fees or services that relate to public access to, or public benefits deriving from, programs and services involving the collection, preservation, exhibition, and interpretation of King County history and heritage resources, as well as the education of the public about them. The funds expended for the King County sustained support program for heritage shall not be used for any programs or services that do not: provide public access or public benefit; serve King County residents or visitors; comply with ~~((existing))~~ existing federal, state or local legislation; involve heritage facilities in King County; or relate to King County history and heritage.

SECTION 46. K.C.C. 4.42.030, 4.42.060, 4.42.100, 4.42.108 and 4.42.109, each as amended by this ordinance, are recodified as sections in K.C.C. chapter 2.48.

SECTION 47. Ordinance 9051, Sections 1 and 2, and K.C.C. 2.48.125 are each hereby amended to read as follows:

Compliance with ~~((Federal Rehabilitation Act))~~ antidiscrimination legislation.

A. ~~((Purpose. The council seeks to ensure that all a))~~ Arts and heritage organizations receiving funding from ~~((the))~~ King County ~~((Arts Commission are in compliance))~~ through the cultural development authority shall comply with ~~((Section 504 requirements of the Federal Rehabilitation Act of 1973, as amended. Section~~

504, as amended, prohibits the exclusion of qualified handicapped persons from access to or participation in any program or activity which receives or benefits from federal financial assistance)) federal, state and local laws that require that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 706), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et se.), chapter 49.60 RCW (the Washington state law against discrimination) and K.C.C. chapter 12.22 (prohibiting discrimination in places of public accommodation).

B. ~~((Standards for Arts Allocations. All future a))~~ Allocations by the ((King County Arts Commission)) cultural development authority to ((all)) arts and heritage organizations ((on annual budgets of over one million dollars)) shall be contingent upon ((their)) the organizations being in compliance with the requirements of ((Section 504, as amended. All allocations by the King County Arts Commission subsequent to January 1, 1990 to arts organizations on annual budgets of under one million dollars shall be contingent upon the organization's contractually agreeing to submit a plan by September 1, 1990, for compliance with the requirements of Section 504, as amended. Those plans must provide for compliance by September 1, 1991)) federal, state and local laws that require that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities, including, but not limited to, Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 706), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), chapter 49.60 RCW (the Washington state law against discrimination) and K.C.C. chapter 12.22 (prohibiting discrimination in places of public accommodation).

C. Arts organizations receiving funding from King County through the cultural development authority shall comply with state, federal and local legislation requiring nondiscrimination in employment and the provision of services to the public, including, but not limited to: Title VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the Washington state law against discrimination); K.C.C. chapter 12.16 regarding discrimination and affirmative action in employment by contractors, subcontractors and vendors; K.C.C.

chapter 12.17 prohibiting discrimination in contracting; K.C.C. chapter 12.18 requiring fair employment practices; K.C.C. chapter and 12.22 prohibiting discrimination in places of public accommodation.

D. Allocations by the cultural development authority of King County to arts and heritage organizations shall be contingent upon the organizations being in compliance with the requirements of with state, federal and local legislation requiring nondiscrimination in employment and the provision of services to the public, including, but not limited to: Title VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the Washington state law against discrimination); K.C.C. chapter 12.16 regarding discrimination and affirmative action in employment by contractors, subcontractors and vendors; K.C.C. chapter 12.17 prohibiting discrimination in contracting; K.C.C. chapter 12.18 requiring fair employment practices; K.C.C. chapter and 12.22 prohibiting discrimination in places of public accommodation.

SECTION 48. K.C.C. 2.48.140 is hereby decodified.

SECTION 49. Ordinance 12468, Sections 9 and 10, and K.C.C. 2.84.190 are each hereby amended to read as follows:

Oversight board and board work plan.

A. There is created an ~~((F))~~international ~~((F))~~trade ~~((E))~~expansion and ~~((E))~~economic ~~((D))~~development ~~((F))~~initiative ~~((O))~~oversight ~~((B))~~board, referred to in ~~((the body of))~~ this chapter as the "board," staffed and supported by the executive through the manager of the King County International Airport.

B. The purpose of the board shall be to provide oversight, advice and assistance to the executive and council with respect to the international trade expansion and economic development initiative, including, but not limited to, the following:

1. Conduct an analysis of the region's economy to determine components related to King County's global competitiveness;
2. Prepare an ((F))inventory of the state and region's trade-related organizations to determine functions and goals in order to avoid duplicating ~~((same))~~ the inventory;

3. ~~((Develop a business plan. The board shall d))~~ Develop and adopt in cooperation with the executive an annual business plan to guide the activities of the initiative;

4. ~~((Sister county program. The board shall p))~~ Promote, foster and publicize the sister county program as appropriate;

5. ~~((Hosting foreign guests. The board shall a))~~ Advise the executive and council with regard to visits to the county by foreign guests and assist in hosting of events for such guests as directed by the county;

6. ~~((Oversight of contracts. The board shall p))~~ Provide oversight to the county regarding contracts executed to implement the purposes of this chapter;

7. Adopt ~~((ion of))~~ measures to gauge the performance of contractors;

8. ~~((Promotion of international relations. The board shall be responsible for f))~~ Foster ~~((ing))~~ and promote ~~((ing))~~ international relations ~~((The board shall))~~ and advise and make recommendations to the council and executive on participation in such international relations and programs;

9. Report to the council and executive on an annual basis on progress addressing goals listed in K.C.C. 2.84.050;

10. Coordinate with other county programs and activities ~~((which))~~ that perform functions related to international trade and economic development including, but not limited to, the King County ~~((L))~~ library ~~((S))~~ system, ~~((Arts Commission))~~ the cultural development authority of King County created under K.C.C. chapter 2.-(sections 2 through 19 of this ordinance), the ((A))agriculture ((€))commission((;)) and ((€))cooperative ((€))extension((; Commission for Marketing Recyclable Materials)); and

11. ~~((Council and executive requests. The board shall p))~~ Perform such other functions and advise the county on such other international trade, economic development and related matters as the county may request ~~((;))~~.

C. The board shall consist of sixteen voting members and three non ~~((-))~~ voting members appointed by the executive and confirmed by the council. Board members shall serve terms of three years as specified in

K.C.C. chapter 2.28. The initial terms of board members shall be governed by K.C.C. chapter 2.28.

D. The composition of the board shall be as follows:

1.a. ~~((F))~~ three members from chambers of commerce and commercial clubs located in suburban, rural and unincorporated communities in King ~~((e))~~ County;

~~((2.))~~ b. ~~((F))~~ two members representing technical or community colleges which have established international programs;

~~((3.))~~ c. ~~((F))~~ three representatives of small to midsize businesses in King County;

~~((4.))~~ d. ~~((O))~~ one at-large citizen representative residing in unincorporated King County;

~~((5.))~~ e. ~~((O))~~ one at-large representative for the export and import business sector;

~~((6.))~~ e ~~((O))~~ one person who is the head of the Washington State Department of Community, Trade and Economic Development ~~((CTED,))~~ or the Governor's Special Trade Representative, or ~~((their))~~ his or her designee;

~~((7.))~~ f. ~~((O))~~ one representative from the ~~((U.S.))~~ United States Department of Commerce;

~~((8.))~~ g. ~~((O))~~ one representative from the wholesale trade and distribution business sector;

~~((9.))~~ h. ~~((O))~~ one representative from the Port of Seattle; and

~~((10.))~~ i. Two representatives from the King County Labor Council~~((:))~~; and

2. ~~((The t))~~ Three non((-)voting members, who shall be: ~~((F))~~ the manager ~~((H))~~ or designee of King County International Airport; the county council chair ~~((H))~~ or designee; and the county executive ~~((H))~~ or designee.

E. The board shall adopt bylaws to govern its operations.

F. The board shall meet at least quarterly.

G. Board members shall not receive compensation except for reimbursement for actual expenses as authorized by the executive.

H. ~~((Work plan.))~~ The board shall develop and recommend to the executive and council, within six

months of confirmation of a majority of its members by the council, a work plan, performance objectives and first annual budget for accomplishing the program and goals described in K.C.C. 2.84.010B and 2.84.050.

SECTION 50. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are each hereby amended to read as follows:

First tier funds and designated fund managers.

A. First tier funds and fund managers are as follows:

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maint	Dept. of Natural Resources and Parks
109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
<u>117</u>	<u>Arts and Cultural Development</u>	<u>Dept. of Executive Services</u>
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification Sys	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Service	Dept. of Development & Environmental Svcs
((137	Clark Contract administration fund	Budget Organization in Executive Office))
164	Two-Tenths Sales Tax Revenue Receivin	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
<u>215</u>	<u>Grants tier 1 f</u>	<u>Dept. of Executive Services</u>
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
313	Health Department Clinic Projects Const	Dept. of Executive Services
315	Conservation Futures Levy	Dept. of Natural Resources and Parks
316	Parks, Rec. & Open Space	Dept. of Executive Services

318	Surface & Storm Water Mg	Dept. of Natural Resources and Parks
319	Youth Svcs Detention Facil	Dept. of Executive Services
320	((One Percent for Art)) Pub	((Office of Cultural Resources)) Dept. of Executive Services
322	Housing Opportunity Acqu	Dept. of Community & Human Services
326	1990 Series B Youth Deten	Dept. of Executive Services
327	Equipment and Building Ad	Dept. of Executive Services
329	SWM CIP Construction 19	Dept. of Natural Resources and Parks
330	River and Flood Control Cd	Dept. of Natural Resources and Parks
331	Long-term leases	Dept. of Executive Services
333	Health Centers Constructio	Dept. of Executive Services
334	Capital Acqn and County FB	Budget Organization in Executive Office
335	Youth Services Facilities C	Dept. of Executive Services
336	Arterial Highway Developr	Dept. of Transportation
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Parks CIP	Dept. of Natural Resources and Parks
340-3	Urban Reforestation & Hab	Dept. of Natural Resources and Parks
341	Arts and Historic Preservati	((Office of Cultural Resources)) Dept. of Executive Services
342	Major Maintenance Reserv	Dept. of Executive Services
343	Core GIS Capital Project	Dept of Natural Resources and Parks
346	Regional Justice Center Co	Dept. of Executive Services
347	Emergency Communicatio	Dept. of Executive Services
349	Parks Facilities Rehabilitati	Dept. of Executive Services
350	Open Space Acquisition	Dept. of Natural Resources and Parks
364-3	Transit cross-border lease f	Dept. of Executive Services
368-0	Real Estate Excise Tax Cap	Dept. of Executive Services
369	Transfer of development cr	Dept. of Natural Resources and Parks
377-1	OIRM Capital Fund	Office of Information Services
378	Information and telecommu	Dept. of Executive Services
381	Solid Waste Cap Equip Rec	Dept. of Natural Resources and Parks
383	Solid Waste Environmental	Dept. of Natural Resources and Parks

384	Farmland and Open Space	Dept. of Natural Resources and Parks
385	Renton Maintenance Facility	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Executive Services
388	Jail Renovation & Construction	Dept. of Executive Services
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Solid Waste Landfill Reservoir	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building ((Repair & Replace	Dept. of Executive Services
396	HMC Building Repair and	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
448	Stadium Management	Dept. of Executive Services
<u>453-1</u>	<u>Institutional</u>	<u>Dept. of Executive Services</u>
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety & Workers' Compensation	Dept. of Executive Services
543	Transit nonrevenue vehicle	Dept. of Transportation
544	Wastewater equipment rent	Dept. of Transportation
547	Office of information resources	Dept. of Executive Services
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of Executive Services
560	Printing/Graphic Arts Services	Dept. of Executive Services
603	Cultural Resources Endowment	((Office of Cultural Resources)) <u>Dept. of Executive Services</u>
622	Judicial Administration Trust	Dept. of Judicial Administration
624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Road	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Office of Human Resources Management
696	Mitigation Payment System	Dept. of Transportation
843	DMS Limited GO Bonds	Dept. of Executive Services
845	Clark Contract administration	Budget Organization in Executive Office

890
((2150
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OFFICE
ULID Assessment - 1981 Dept. of Transportation
Grants tier 1 (Dept. of Finance
Institutional (Dept. of Information & Administrative Services))

B. The following shall also be first tier funds:

1. All funds now or hereafter established by ordinance for capital construction through specific road improvement districts, utility local improvement districts or local improvement districts. The director of the department of transportation shall be the fund manager for transportation-related funds. The director of the department of natural resources and parks shall be the fund manager for utility-related funds.

2. All county funds that receive original proceeds of borrowings made pursuant to Chapter 216, Washington laws of 1982, as now existing or hereafter amended, to the extent of the amounts then outstanding for such borrowings for that fund. For purposes of this subsection, the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager.

3. Any other fund as the council may hereinafter prescribe by ordinance to be invested for its own benefit. County funds shall be treated as provided in K.C.C. 4.10.110 unless a designation is made by the council.

SECTION 51. Ordinance 12076, Section 10, as amended, and K.C.C. 4.08.025 are each hereby amended to read as follows:

Second tier funds and designated fund managers.

Second tier funds and fund managers are as follows, except to the extent that all or a portion of any listed fund is a first tier fund by virtue of any other provision of this chapter or other ordinance:

~~((Second Tier Funds))~~

Fund No.	Fund Title	Fund Manager
001	Current Expense	Budget Organization in Executive Office
102	Criminal Justice	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources and Parks

106	Veterans' Relief	Dept. of Community & Human Services
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
((116	Arts and Cultural Education Program	Office of Cultural Resources
117	Arts and Cultural Development	Office of Cultural Resources))
120	Treasurer's O & M	Dept. of Executive Services
126	Alcohol & Substance Abuse Services	Dept. of Community & Human Services
180	Public Health	Dept. of Public Health
182	Inter-County River Improvement	Dept. of Natural Resources and Parks
214	Miscellaneous Grants	Dept. of Executive Services
224	Youth Employment Programs	Dept. of Community & Human Services
246	Community Dev Block Grant	Dept. of Community & Human Services
548	Geographic Information Systems	Dept. of Natural Resources and Parks
553	Computer and Communication Services	Dept. of Executive Services
661	Deceased Effects	Dept. of Executive Services
662	Real Prop Title Assurance	Dept. of Executive Services
663	Treasurer's Prop Tax Refund	Dept. of Executive Services
664	Prop Tax Foreclosure Sale Excess	Dept. of Executive Services
666	Real Prop Advance Tax Collection	Dept. of Executive Services
668	Ad Valorem Tax Refund	Dept. of Executive Services
669	Certificate of Redemption LID assmt.	Dept. of Executive Services
670	Undistributed Taxes	Dept. of Executive Services
672	Cert/redemption Real Prop	Dept. of Executive Services
673	Miscellaneous Tax Distribution	Dept. of Executive Services
677	Property Tax Suspense	Dept. of Executive Services
678	King County Fiscal Agent	Dept. of Executive Services
697	Mailroom Prop Tax Refund	Dept. of Executive Services
698	Miscellaneous Agency	Dept. of Executive Services
699	Assessment Distribution/Refund	Dept. of Executive Services
840	Limited GO Bond Redemption	Dept. of Executive Services
850	Unlimited GO Bond Redemption	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services

NEW SECTION. SECTION 52. There is hereby added to K.C.C. chapter 4.08 a new section to read as follows:

Public art fund. There is hereby created the public art fund to provide for the receipt of revenues and the disbursement of expenditures for the selection, acquisition and display of public artwork. The fund shall be

a first tier fund as described in this chapter. The department of executive services shall be the fund manager. The fund shall be used for the purposes in K.C.C. chapters 2.46 and 4.40.

SECTION 53. K.C.C. 4.08.180 is hereby decodified.

SECTION 54. Ordinance 12076, Section 24, and K.C.C. 4.08.190 are each hereby amended to read as follows:

Arts and cultural development fund.

A. The King County arts and cultural development fund shall be a special revenue fund to receive and transfer to the cultural development authority a variety of revenues including, but not limited to, current expense revenues, hotel-motel tax revenues and public art revenues.

B. For investment purposes, the King County arts and cultural development fund shall be considered a ~~((second))~~ first tier fund.

C. The arts and cultural development fund shall be managed by the department of executive services.

D. Revenues deposited in the King County arts and cultural development fund shall be transferred to the cultural development authority in accordance with section 18 of this ordinance.

E. Appropriation of funds to the King County arts and cultural development fund for the public art program shall be made annually consistent with the county's six-year capital improvement program plan and in accordance with the calculation basis described in K.C.C. chapter 4.40. Public art revenues appropriated to the King County arts and cultural development fund and transferred to the cultural development authority shall be used only for the purposes established in K.C.C. chapter 4.40 and shall be subject to K.C.C. chapters 2.46 and 4.40.

F. ~~((Beginning January 1, 2001, through December 31, 2012, seventy percent of all excess h))~~Hotel-motel tax revenues collected by the county under RCW 67.28.180(3)(a) ((in any calendar year)) shall be ((deposited in the King County)) appropriated to the arts and cultural development fund and transferred to the cultural development authority, and shall be used only for the purposes established in K.C.C. chapter 4.42 and

shall be subject to K.C.C. chapter 2.48 and 4.42. ~~((The King County arts and cultural development fund shall fund the King County cultural facilities program, the King County cultural education program, the King County special projects program, the King County sustained support program for arts and the King County sustained support program for heritage.~~

D. ~~Monies expended from this fund shall be used only for the purposes established in K.C.C. Chapter 4.42 and shall be subject to the conditions of K.C.C. chapter 4.42. Moneys distributed to art museums, cultural museums, heritage museums, the arts and the performing arts shall be in addition to and may not be used to replace or supplant any other cultural programs funded by the county from general revenues.~~

E. ~~At least forty percent of the revenues distributed pursuant to this section for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The remaining revenues, along with the earnings from investments of balances in the account, may only used for the purposes stated in K.C.C. 4.42.~~

F. ~~Recommendations for grants from the King County cultural education program, special projects program fund, cultural facilities, and sustained support programs shall be made by the King County arts commission, or its successor, and the King County landmarks and heritage commission, or its successor, and submitted to the executive for recommendation and to the council for review and approval by motion.))~~

SECTION 55. Ordinance 14433, Section 2, and K.C.C. 4.08.195 are each hereby amended to read as follows:

Cultural resources endowment fund.

A. There is hereby created the cultural resources endowment fund for the purpose of receiving and holding a portion of the hotel~~((/))~~-motel tax revenues collected in King County, as prescribed in K.C.C. 4.08.190 and, through December 31, 2012, K.C.C. 4.42.025D.

B. The cultural resources endowment fund shall be ~~((considered))~~ a first tier fund.

C. The director of the ~~((office of cultural resources))~~ department of executive services shall ~~((be responsible for the administration of the fund and shall))~~ act as fund manager.

D. ~~((In accordance with K.C.C. 4.08.190E, a))~~ At least forty percent of the hotel-motel funds distributed to the arts and cultural development fund ~~((as described in K.C.C. 4.08.190, Section C,))~~ for the period January 1, 2001, through December 31, ~~((2012))~~ 2002, shall be deposited in the cultural resources endowment fund, with the principal remaining permanent and irreducible.

~~((E. Moneys expended from the cultural resources endowment fund shall be appropriated and used only for the purposes established in K.C.C. chapter 4.42 and are subject to K.C.C. chapter 4.42. Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts shall be in addition to and may not be used to replace or supplant any other cultural programs funded by the county from general revenues.))~~

SECTION 56. Ordinance 6231, Section 1, as amended, and K.C.C. 4.16.150 are each hereby amended to read as follows:

Exemptions. Contracts with the following organizations shall be entered into without regard to ~~((any provisions of K.C.C.))~~ this ((C))chapter ((4.16 and Ordinance 4551 to the contrary)):

- A. Youth Service Bureaus, including Center for Human Services;
- B. Puget Sound Council of Governments;
- C. King County Soil Conservation Service;
- D. Air Pollution Control Service;
- E. Seattle/King County Visitors Bureaus;
- F. Economic Development District;
- G. Pacific Science Center;
- H. Seattle/King County Economic Development Council;
- I. Eastside Visitors Bureau;

J. United Way;

K. United States Office of Personnel Management; and

L. Cultural development authority of King County.

NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter 4.40 a new section to read as follows:

Definitions.

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

A. "Acquisition" or "county force acquisition" means the purchase of parcels of land, existing buildings, and structures, and costs incurred by the county for the appraisals or negotiations in connection with such a purchase.

B. "Arts and cultural development fund" means the special revenue fund established in K.C.C. 4.08.190 to receive and transfer to the cultural development authority a variety of revenues including, but not limited to, public art revenues.

C. "Client department" means the county department, division or office responsible for construction or custodial management of a facility or capital improvement project after construction is complete.

D. "County force" means work or services performed by county employees.

E. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.-(sections 2 through 19 of this ordinance).

F. "Equipment and furnishings" means any equipment or furnishings that are portable and of standard manufacture. "Equipment" does not mean items that are custom designed or that create a new use for the facility, whether portable or affixed.

G. "Public art fund" means the fund established in section 52of this ordinance. H. "Public art

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

SECTION 58. Ordinance 12089, Section 9, and K.C.C. 2.46.070 are each hereby amended to read as follows:

Funding, appropriations, opportunities for pooling funds~~(s)~~ and use of funds. ~~((Appropriation of funds to support the Public Art Program shall be made to the public art fund annually consistent with the county's six-year capital improvement program (CIP) plan.))~~

A. ~~((Funding basis.))~~ All capital improvement projects ~~((which))~~ that are publicly accessible and visible, or for which there is a need for mitigation, ~~((will))~~ shall contribute to the county's ~~((P))~~public ~~((A))~~art ~~((P))~~program.

1. ~~((Calculation base.))~~ The amount of the annual appropriation for public art shall be equal to one percent of the eligible project costs of those capital improvement projects ~~((which))~~ that meet the criteria of public visibility and accessibility or need for mitigation. For the purposes of calculation, eligible project categories shall include ~~((CIP))~~ capital improvement program projects for new construction, reconstruction or remodeling of buildings, parks and trails, commemorative structures, pedestrian and vehicular bridges, surface water management projects, ~~((metropolitan water pollution abatement))~~ wastewater treatment projects, ~~((metropolitan public transportation))~~ transit facility construction projects~~(s)~~ and solid waste transfer stations.

2. The following project categories shall be considered ineligible and may be excluded from the ~~((P))~~public ~~((A))~~art ~~((P))~~program calculation base: roads; ~~((and))~~ airport runways~~(s)~~; sewers~~(s)~~; and solid waste landfills. This ineligibility shall not preclude a client department, in cooperation with the ~~((Public Art Commission))~~ cultural development authority, from proposing a public art project for a road, airport runway,

sewer~~(;)~~ or solid waste landfill project ~~((which))~~ that presents an opportunity for the inclusion of public art.

3. At a minimum, the amount budgeted for public art in a capital improvement project shall be equal to one percent of the following project elements: ~~((Consultant))~~ conceptual design, ~~((D))~~design, contracted design, preliminary engineering, ~~((C))~~construction, ~~((C))~~contingency, ~~((C))~~county ~~((F))~~force ~~((D))~~design~~((;))~~ and ~~((County Force Administration))~~ project administration and construction engineering. Costs associated with the pre~~(-)~~design phase of the county's capital planning projects meeting the above criteria and anticipated to result in construction, shall be included in the calculation for public art.

4. The following project elements may be excluded from the budget calculation for public art: ~~((A))~~a acquisition; ~~((E))~~equipment and ~~((F))~~furnishings; and ~~((C))~~county ~~((F))~~force ~~((A))~~acquisition. Asbestos abatement may also be excluded from the budget calculation for art when the costs for asbestos abatement ~~((has~~)) have been calculated and a line item budgeted for asbestos abatement as been established within the project budget.

5. In all cases, where a capital improvement project has a scope of work that includes both eligible and ineligible project elements and eligible and ineligible project categories, the budget for public art shall be calculated, at a minimum, in the eligible portions of the project.

B. ~~((Appropriation.))~~ At the time a capital improvement project is proposed, the client department shall calculate and include a budgeted line item for public art in each eligible project ~~((as))~~ described in ~~((K.C.C. 2.46.070.A.1))~~ this section. The executive's budget representative shall confirm the calculations with the ~~((Public Arts Commission))~~ cultural development authority and include the agreed-upon appropriations for public art in the executive's proposed budget. The amounts budgeted for public art in particular projects may be adjusted to reflect council changes to the county ~~((CIP))~~ capital improvement program budget or supplemental budgets. ~~((Fund transfers to the Public Art Fund will occur))~~ The appropriation for public art shall be transferred to the arts and cultural development fund and from there to the cultural development authority as soon as the appropriation is made for the capital improvement project, and as soon as funds are

available.

C. ~~((Restricted grant funds.))~~ The source of the funds shall not affect the calculation for public art for a capital improvement project unless the conditions under which the revenue is made available prevent its use for artistic purposes. ~~((If this is the))~~ In this case, ~~((then these amounts))~~ the revenue shall be excluded from the eligible ~~((funds))~~ project costs on which the one percent calculation for art is based. ~~((However, at the client department's discretion, other non-restricted funds may be used to add public art as appropriate within the project budget.))~~

D. ~~((Pooling funds.))~~ A policy is hereby established to direct the ~~((transfer and))~~ pooling of all ~~((P))~~ public ~~((A))~~ art ~~((P))~~ program ~~((monies))~~ revenues on a departmental basis ~~((within the "Public Art Fund," which renames the "1% for Art Fund," or a Public Art fund subfund within the appropriate enterprise funds. The transfer appropriations from various capital improvement projects shall be pooled in departmental subfunds with the Public Art Fund. All interest generated by departmental subfunds and Public Art Fund subfunds within enterprise funds shall be pooled within the Public Art fund and used for purposes consistent with the Public Art Program and the Charter. A percentage of all public art program monies including all departmental subfunds and Public Art Fund subfunds within enterprise funds shall be used to support stewardship and maintenance of the county's public art collection and the administrative costs of the Public Art Program)).~~ Interest generated by public art revenues shall not be pooled on a departmental basis. However, interest from all revenues shall be pooled collectively and used for the purposes established in this section.

Pooling affords the opportunity to look at the needs of the county as a whole and use the public art ~~((monies))~~ revenues only in those projects ~~((which))~~ that may have the greatest impact on communities or offer the best opportunities for artist involvement. Pooling on a departmental ~~((or within enterprise funds))~~ basis affords the opportunity for the ~~((Public Art Commission))~~ cultural development authority and client departments to work collaboratively on projects ~~((which))~~ that reflect the missions and goals of individual departments and to ensure that public art projects are adequately funded. It is not the executive's or council's

intent that every capital improvement project which contributes ~~((to the P))~~ public ~~((A))~~ art ~~((Fund))~~ revenues shall include a ~~((n))~~ public art project. The decision regarding ~~((which))~~ capital improvement projects that will include a ~~((n))~~ public art project ~~((will))~~ shall be determined jointly by the ~~((Public Art Commission))~~ cultural development authority and the client department according to the ~~((protocol described))~~ procedures and criteria in ~~((K.C.C. 2.46.080))~~ this section and section 31 of this ordinance.

E. ~~((Appropriate use of program funds. The Public Art Fund))~~ Revenues shall support the following uses:

1. The selection, acquisition and display of works of art, ~~((which))~~ that may be an integral part of the project~~((;))~~ or placed in, on or about the project or other public space~~((;))~~;
2. Artist fees, design, planning and predesign service contracts and commissions~~((;))~~;
3. Expenses for technical assistance provided by either architects ~~((and/))~~ or engineers, or both, and to artists ~~((;))~~ in order to design, document ~~((and/))~~ or certify the artwork~~((;))~~;
4. Repair and maintenance of ~~((county))~~ public artworks ~~((funded by the Public Art Fund or its predecessors.))~~ accessioned into the county's public art collection to the extent permissible under generally accepted accounting principles, grants, contracts and law;
5. Public ~~((A))~~ art ~~((P))~~ program administrative expenses~~((;))~~ relating to acquiring, developing or maintaining public art~~((;))~~ to the extent permissible under generally accepted accounting principles, grants, contracts and law;
6. Participation by citizens or costs of communicating with and receiving input from citizens, working with professional artists, introduction of public art to children, and education of the public about the county's rich cultural and artistic heritage~~((;))~~;
7. Documentation and public education material for the ~~((P))~~ public ~~((A))~~ art ~~((P))~~ program~~((;))~~;
8. Liability insurance for artists~~((;))~~; and
9. Pilot projects ~~((for the Public Art Commission))~~ approved by the cultural development authority.

~~((F. Distribution of funds. Following approval of the annual budget and annual Public Art Fund appropriation by the council, the Public Art Commission in cooperation with the client department(s) shall submit a Public Art Program plan which describes the art projects to be initiated from the fund, the budget recommended for each art project, and any special projects categories to allow for program flexibility and responsiveness. The program plan shall be transmitted by the executive to the council in sufficient time to be reviewed by the council and for spending authority to be approved by the first month of the new fiscal year.~~

~~G. Contract and spending authority. Approval of the Public Art Program plan by the council will constitute approval for the executive to enter into contracts for services or purchases necessary to carry out the stated policies and implement the Public Art Program.))~~

SECTION 59. Ordinance 12089, Section 12, and K.C.C. 2.46.100 are each hereby amended to read as follows:

Inclusion of public art requirements in grants to other agencies. ~~((CIP-f))~~Funds that are distributed by the county to another agency for an eligible capital improvement project with an estimated construction budget of ~~(((\$250,000))~~ two hundred fifty thousand dollars or more shall include a requirement for inclusion of public art. The public art shall be identified by the receiving agency~~((;))~~ and evaluated by the ~~((commission))~~ cultural development authority during the planning process to assure compliance ~~((with this section))~~ by the receiving agency.

SECTION 60. K.C.C. 2.46.070 and K.C.C. 2.46.100, as amended by this ordinance, are recodified as sections in K.C.C. chapter 4.40.

SECTION 61. Ordinance 6111, Section 8, as amended, and K.C.C. 4.40.110 are each hereby amended to read as follows:

General ~~((O))~~obligation ~~((B))~~bond proceeds. In the case of any county construction project ~~((which))~~ that meets the eligibility criteria for public art established in K.C.C. 2.46.070 (as recodified by this ordinance) that involves the use of ~~((G))~~general ~~((O))~~obligation ~~((B))~~bond proceeds, the resolution~~((s))~~, resolutions,

ordinance or ordinance((~~o~~)(~~o~~)) submitted to the voters or the council shall include an allocation for public art equal to one percent of the eligible project cost. ~~((Bond proceeds shall be accounted for separately within the Public Art Fund if necessary to comply with these requirements.))~~ Bond revenues for public art shall be transferred to the cultural development authority as described in K.C.C. 2.46.070 (as recodified by this ordinance), to the extent consistent with arbitrage requirements and other legal restrictions. Bond revenues for public art not transferred to the cultural development authority shall be accounted for separately within the public art fund and managed according to K.C.C. chapter 2.46.

SECTION 62. Ordinance 9134, Section 13, as amended, and K.C.C. 4.40.120 are each hereby amended to read as follows:

Harborview Medical Center capital reserves. For any Public Art funds which involve the use of Harborview Medical Center's capital reserves (Fund 396), amounts for works of art described in this chapter shall be used for art projects at Harborview Medical Center. These funds shall be accounted for separately ~~((within the Public Art Fund))~~ by the cultural development authority if necessary to comply with this requirement.

SECTION 63. K.C.C. 4.40.140 is hereby decodified.

SECTION 64. Ordinance 9279, Section 1, as amended, and K.C.C. 4.42.010 are each hereby amended to read as follows:

Findings.

~~((The Washington State Legislature has decided under the provisions of))~~ A. Under RCW 67.28.180(3) (a),~~((as amended, that))~~ excess proceeds from the hotel-motel tax levied annually in King County shall only be used according to the formula set forth therein for the support of the arts, the performing arts, art museums, heritage museums and cultural museums of King County~~((;))~~, and the support of stadium capital improvements, open space acquisition, youth sports activities and tourism promotion, in a manner reflecting that order of priority.

~~((A. King County's diverse cultural organizations and professional artists can enrich and support cultural education and cultural tourism in this region. King County is a regional and national center for culture and has the seventh largest population of individual artists per capita nationwide. These cultural resources can train young artists, build audiences for the future and attract local residents, children and tourists to their events and programs.~~

~~B. Cultural education in the public schools is an integral part of support for the cultural endeavors. It provides the opportunity to observe, participate and engage in the cultural process with professional artists and community cultural organizations, as a part of the educational process in and out of the classroom.~~

~~C. Involving children in creating works of art and providing the opportunities for children to work with arts teachers, artists, and performing arts organizations, both in the classroom and in the community, is necessary as part of a comprehensive cultural education program. Cultural education can increase students' awareness, knowledge, and acceptance of culture; can improve understanding between artists, teachers and administrators; and can encourage cooperation among arts, heritage, and educational institutions and organizations.~~

~~D. The transmission of historical and cultural values and traditions from one generation to the next is essential to the well being and sense of identity of communities, ethnic and cultural groups, and of all citizens of King County. Historic sites and attractions are among the most visited types of tourist attractions in the state and county. The loss or destruction of historic buildings, sites, objects, structures and districts and of historic and prehistoric materials and artifacts constitutes an irreplaceable loss to the quality of life and character of King County.~~

~~E. King County's responsibility is to ensure support for development of cultural activities in all parts of the county, including urban, suburban, rural and both incorporated and unincorporated areas, and to assist communities in that process, where necessary. In addition, support for regional centers of activity shall be included.~~

~~F. King County recognizes that support for major regional, midsized, emerging and community-based cultural organizations should be distributed among them to promote a broad range of creative and cultural expression.~~

~~G. King County recognizes that support for efforts by individual artists and heritage specialists is conducive to the creative output and historic preservation activities of this region.~~

~~H. King County recognizes that, in making funding decisions, it will consider to the extent appropriate, the grantee's inclusion of the interests of culturally diverse, disabled and low income participants and audiences.~~

~~I. King County recognizes that a healthy and well-balanced future citizenry is dependent upon the promotion of cultural education of today's youth.~~

~~J. King County recognizes the role of arts, culture and heritage in augmenting tourism and building King County as a nationally and internationally recognized cultural center and as a destination for visitors to this county.~~

~~K. King County recognizes that traditional culture, heritage resources, archaeological sites and landmarks constitute nonrenewable resources that must be protected in the face of fast-paced development and growth.~~

~~L. King County recognizes the need to preserve indigenous cultures.~~

~~M. King County recognizes that publicly owned art fills a need for artistic and cultural expression and visual improvement in communities and supports the efforts to meet that need.))~~

B. To implement and administer the cultural programs described in this chapter and K.C.C. chapter 2.48, King County established the cultural development authority of King County, as provided in K.C.C. chapter 2.-(sections 2 through 19 of this ordinance).

SECTION 65. Ordinance 9279, Section 2, as amended, and K.C.C. 4.42.020 are each hereby amended to read as follows:

Definitions. ~~((The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.))~~ Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

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

B. ~~"((Arts commission))~~ Cultural development authority" or "authority" means the ~~((King County arts commission or its successor agency))~~ cultural development authority of King County established under K.C.C. chapter 2.-(sections 2 through 19 of this ordinance).

~~((B. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama/theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.))~~

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

D. ~~("Cultural education advisory committee" means the King County cultural education advisory committee, or its successor agency.~~

~~E. "Cultural enhancement" means arts and heritage institutions, individuals and programs working together with the tourism industry to enhance the county's international reputation by promoting its cultural attractions and broadening the audiences served. Cultural enhancement preserves the county's cultural identity, strengthens the local economy and improves the quality of life for county residents.~~

F.)) "Cultural education program" means the cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

E. "Cultural facilities" includes buildings and structures that are used primarily for the performance,

exhibition or benefit of arts and heritage activities, including but not limited to performing arts, visual arts, heritage and cultural endeavors.

~~((G.))~~ F. "Cultural facilities program" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

G. "Cultural programs" means the programs for cultural education, cultural facilities, special projects and sustained support.

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

I. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama and theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation

J. "Fixed assets" means tangible objects such as machinery or equipment intended to be held for ten years or more that will benefit cultural institutions.

~~((H. "Landmarks and heritage commission" means King County landmarks and heritage commission or its successor agency.~~

~~I. "Office of cultural resources" means King County office of cultural resources or its successor agency.~~

))

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

L. "Special project program" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

M. "Sustained support program for arts" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

N. "Sustained support program for heritage" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

SECTION 66. Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060 are each hereby amended to read as follows:

Special projects program.

A. There is hereby established the King County special projects program. This program shall consist of competitive grants~~((, reviewed annually,))~~ or projects proposed and developed by the cultural development authority, for funding innovative arts projects, heritage endeavors and collaborative programs that reflect the cultural and geographic diversity of King County and are not funded by other county programs. ~~((Recommendations for))~~ The special projects program shall be an annual program administered by the cultural development authority and shall be contingent on available hotel-motel tax revenues. Approval of grants shall be made by the ((King County arts commission and the King County landmarks and heritage commission and submitted to the executive for recommendation and to the council for review and approval by motion)) cultural development authority consistent with this chapter and the charter. Grants may be made to arts and heritage organizations, individual artists, heritage specialists, community educational organizations and community arts groups and public agencies that reflect the multicultural, ethnic and geographic diversity of King County. Applications must describe the intended use of the grant funds, and applicants may request full cost recovery.

B. There shall be written guidelines and procedures for applying for grants that shall include eligibility criteria, scope of program and funding needs. The guidelines and procedures shall be ~~((written))~~ adopted by the ~~((office of cultural resources and recommended by the executive, and shall be subject to council approval by motion))~~ cultural development authority. ~~((The office of cultural resources, through the executive, shall submit for council review an annual report that evaluates the King County special projects program and accounts for~~

~~fund expenditures.~~

~~C. The landmarks and heritage commission may propose grant guidelines that reflect commission priorities in awarding grants.~~

~~D.))~~ C. The funds expended for the King County special projects program shall be used to expand the role of local ~~((cultural))~~ arts and heritage organizations and individuals as artistic and cultural educational resources that develop King County through arts and historic events and features in King County, within the intent and purposes authorized by RCW 67.28.180(3)(a). The purposes of these ~~((funds is))~~ expenditures shall be to:

1. Produce special projects and programs that highlight the region's cultural resources;
2. Assist in providing and bringing touring programs and exhibits on the regional and national level to King County;
3. Improve cultural opportunities and audience development that promote the cultural diversity and multicultural heritage of the region, with particular emphasis on special populations, multicultural audiences and King County youth;
4. Encourage and provide an exchange of services and technical assistance between larger and smaller organizations, individual artists and heritage professionals;
5. Address the needs of either mid- and smaller-sized organizations or individual artists and heritage professionals, or both;
6. Provide opportunities for independent artists to produce new works; and
7. Develop heritage projects that make a significant contribution to the preservation, conservation or interpretation of the historical and archaeological resources of King County.

~~((E.))~~ D. Eligible applicants shall include, but not be limited to, individual artists, arts and heritage organizations, community arts and cultural groups, community educational organizations and family and youth programs relating to cultural endeavors that reflect the multicultural, ethnic and geographic diversity of King

County.

E. The cost of administering the program shall be minimal.

F. The cultural development authority may also develop and sponsor special projects that meet the program purposes described in subsection C of this section.

SECTION 67. K.C.C. 4.42.120 and 4.42.130 are hereby decodified.

SECTION 68. Ordinance 4828, Section 1, as amended, and K.C.C. 20.62.010 are each hereby amended to read as follows:

Findings and declaration of purpose. The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to ~~((the heritage of King County))~~ historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social,

economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize and improve the economic values and vitality of landmarks;
4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;
5. Promote the continued use, exhibition and interpretation of significant historical or archaeological

sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in ~~((the preservation, exhibition and interpretation of King County's heritage))~~ historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter.

SECTION 69. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are each hereby amended to read as follows:

Definitions. The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel((;)) or similar structure. Building may refer to an historically related complex, such as a courthouse and

jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks ~~((and heritage))~~ commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to ~~((Section))~~ K.C.C. 20.62.040 ~~((of this chapter))~~ but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. ~~((Council is the King County council.~~

~~G.))~~ "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

~~((H.))~~ G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

~~((I.))~~ H. "Director" is the director of the King County department of development and environmental services or his or her designee.

~~((J.))~~ I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

~~((K.))~~ J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures~~((,))~~ and folklore~~((, archaeology and historic preservation))~~.

~~((L.))~~ K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

~~((M.))~~ L. "Historic ~~((R))~~resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

~~((N-))~~ M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040 A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

~~((O-))~~ N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the ~~((owner(s)))~~ owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

~~((P-))~~ O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

~~((Q-))~~ P. "Landmark" is an historic resource designated as a landmark pursuant to ~~((Section))~~ K.C.C. 20.62.060 ~~((of this chapter))~~.

~~((R-))~~ Q. "Nomination" is a proposal that an historic resource be designated a landmark.

~~((S-))~~ R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

~~((T-))~~ S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices ~~((hereunder))~~ under this chapter.

~~((U-))~~ T. "Person" is any individual, partnership, corporation, group or association.

~~((V-))~~ U. "Person in charge" is the person or persons in possession of a landmark including, but not

limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

~~((W-))~~ V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

~~((X-))~~ W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

~~((Y-))~~ X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

~~((Z-))~~ Y. "Structure" is any functional construction made usually for purposes other than creating human shelter.

SECTION 70. Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030 are each hereby amended to read as follows:

Landmarks ~~((and heritage))~~ commission created - ~~((M))~~membership and organization.

A. There is created the King County landmarks ~~((and heritage))~~ commission (~~((("commission"))~~), which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the ~~((King C))~~county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in

historic preservation.

2. The ~~((King C))~~ county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ~~((O))~~ ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C ~~((below))~~ of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and ~~((King County))~~ the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms ~~((set forth))~~ in ~~((paragraph))~~ subsection B of this section, an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired

term.

D. ~~((For appointments made in 1992 the King County executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms set forth in paragraph B, an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.~~

~~E.))~~ The chair~~((man))~~ shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, ~~((per))~~ in accordance with K.C.C. ~~((C))~~chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. ~~((Ch.))~~ chapter 3.04 ~~((as hereafter amended))~~. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed ~~((with the council clerk))~~ as required by K.C.C. chapter 2.98.

~~((F.))~~ E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

~~((G.))~~ F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

~~((H.))~~ G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

~~((I.))~~ H. The ~~((director of the King County parks, planning and resources department))~~ county executive

shall provide staff support to the commission and shall assign a professionally qualified ~~((member of the department's staff))~~ county employee to serve as a full-time historic preservation officer. ~~((The historic preservation officer shall be an employee of the parks, planning and resources division of cultural resources.))~~

Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission~~((s))~~ and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

~~((I-))~~ I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chair~~((man))~~ of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

~~((K-))~~ J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. ~~((Such))~~ The proceedings may also be recorded ~~((stenographically))~~ by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part ~~((thereof))~~ of a hearing shall be furnished to any person upon request and payment of the reasonable expense ~~((thereof))~~ of the copy.

~~((L-))~~ K. The commission is authorized, subject to the availability of funds for that purpose, to expend ~~((monies))~~ moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for ~~((such))~~ the technical assistance imposes an unreasonable financial hardship on ~~((such))~~ the property owner.

~~((M.))~~ L. Commission records, maps~~((;))~~ or other information identifying the location of archaeological sites and potential sites shall be exempt from public ~~((access))~~ disclosure as specified in RCW 42.17.310 ~~((~~ ~~(i.e., as amended,))~~ in order to avoid looting and depredation of ~~((such))~~ the sites.

SECTION 71. Ordinance 4828, Section 7, as amended, and K.C.C. 20.62.070 are each hereby amended to read as follows:

Designation procedure.

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. ~~((In the event))~~ If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the ~~((manager))~~ director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and
2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the

certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;
2. The significant features and such other information concerning the historic resource as the commission deems appropriate;
3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and
4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent re-nominating any historic resource rejected under

this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records, ~~((and))~~ elections and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource.

SECTION 72. Ordinance 4828, Section 12, as amended, and K.C.C. 20.62.120 are each hereby amended to read as follows:

Funding.

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to ~~((archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies))~~ historic preservation and

archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer (~~and King County department of parks, planning and resources~~), review proposals submitted (~~to that department for funds made available for grants to be made by the department~~) by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974(~~(;)~~) (42 U.S.C.~~(;§)~~) Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972(~~(;)~~) (31 U.S.C.~~(;§)~~) Secs. 1221 et seq.(~~, the Museum Assistance Program~~)) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission (~~shall~~) may make recommendations to the (~~department~~) county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds.

SECTION 73. Ordinance 9237, Sections 1 through 3, as amended, and K.C.C. 20.62.140 are each hereby amended to read as follows:

Special valuation for historic properties.

A. There is hereby established and implemented a special valuation for historic properties as provided in (~~Chapter 221, 1986 Laws of Washington and C~~)chapter 84.26 RCW.

B. The King County landmarks (~~and heritage~~) commission is hereby designated as the (~~"L~~)local (~~R~~)review (~~B~~)board(~~"~~) for the purposes related to (~~Chapter 221, 1986 Laws of Washington~~) chapter 84.26 RCW, and is authorized to perform all functions required by (~~Chapter 221, 1986 Laws of Washington, C~~)chapter 84.26 RCW(~~(;)~~) and (~~C~~)chapter (~~(254.20)~~) 254-20 WAC.

C. All King County landmarks designated and protected under (~~authority of Ordinance 4828 and~~

K.C.C. 20.62)) this chapter shall be eligible for special valuation (~~(as set forth in Chapter 221, 1986 Laws of Washington and)~~) in accordance with ((~~€~~)chapter 84.26 RCW.

SECTION 74. Ordinance 12089, Section 6, and K.C.C. 2.46.040, Ordinance 12089, Section 10, and K.C.C. 2.46.080, Ordinance 1991, Section 1, and K.C.C. 2.48.010, Ordinance 8300, Section 4, as amended, and K.C.C. 2.48.040, Ordinance 8300, Section 4, as amended, and K.C.C. 2.48.050, Ordinance 8300, Section 4, and K.C.C. 2.48.060, Ordinance 8300, Section 4, and K.C.C. 2.48.070, Ordinance 8300, Section 4, and K.C.C. 2.48.080, Ordinance 8300, Section 4, and K.C.C. 2.48.090, Ordinance 8300, Section 5, as amended, and K.C.C. 2.48.100, Ordinance 8300, Section 6, as amended, and K.C.C. 2.48.110, Ordinance 8300, Section 7, as amended, and K.C.C. 2.48.120, Ordinance 8300, Section 8, and K.C.C. 2.48.130, Ordinance 12076, Section 47, as amended, and K.C.C. 4.42.040, Ordinance 9279, Section 6, as amended, and K.C.C. 4.42.050 and Ordinance 9279, Section 9, as amended, and K.C.C. 4.42.070 are each hereby repealed.

SECTION 75. Effective date. Sections 22 through 74 of this ordinance take effect January 1, 2003.