



Legislation Text

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AN ORDINANCE relating to arts and culture in King County; amending the allocation of hotel/motel tax revenues in the King County arts and cultural development fund; adopting the guidelines for the Sustained Support Program and adopting the revised hotel/motel financial plan; making technical corrections; amending Ordinance 12076, Section 24, and K.C.C. 4.08.190, Ordinance 9279, Section 2, as amended, and K.C.C. 4.42.020, Ordinance 9279, Section 4, as amended, and K.C.C. 4.42.030, Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060 and Ordinance 12076, Section 49, as amended, and K.C.C. 4.42.100 and adding new sections to K.C.C. chapter 4.42.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. 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 ((A))arts and ((E))cultural ((D))development ((F))fund shall be a special revenue fund.

B. For investment purposes, the King County ((A))arts and ((E))cultural ((D))development ((F))fund shall be considered a second tier fund.

C. Beginning ((January 1, 1992, and through December 31, 2000, seventy five percent, and beginning)) January 1, 2001 through December 31, 2012, seventy percent((;)) of all excess hotel-motel tax revenues

collected by the county under ~~((the provisions of))~~ RCW 67.28.180(3)(a)~~((, as amended,))~~ in any calendar year shall be deposited in the King County ~~((A))~~arts and ~~((E))~~cultural ~~((D))~~development ~~((F))~~fund. The King County ~~((A))~~arts and ~~((E))~~cultural ~~((D))~~development ~~((F))~~fund ~~((will))~~ shall fund the King County ~~((E))~~cultural ~~((F))~~facilities ~~((P))~~program, the King County ~~((E))~~cultural ~~((E))~~education ~~((P))~~program ~~((and))~~, the King County ~~((S))~~special ~~((P))~~projects ~~((P))~~program, the King County sustained support program for arts and the King County sustained support program for heritage.

D. ~~((Monies))~~ Moneys 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. ~~((Monies))~~ Moneys distributed to art museums, cultural museums, heritage museums, the arts~~((s))~~ 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 be used for the purposes stated in K.C.C. chapter 4.42.

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

SECTION 2. 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.

A. "Arts commission" means the King County arts commission or its successor agency.

B. "Culture" (~~(is defined as)~~) 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(~~(s)~~) and history, heritage and historic preservation.

~~((B-))~~ C. "Cultural education" (~~(is defined as)~~) 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(~~(s)~~) and aesthetic judgment.

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

E. "Cultural enhancement" (~~(is defined as)~~) 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.

~~((D-))~~ F. "Cultural facilities" (~~(shall)~~) includes buildings and structures (~~(which)~~) 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-))~~ G. "Fixed assets" (~~(are defined as)~~) means tangible objects such as machinery or equipment intended to be held for ten years or more (~~(which)~~) 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.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 4.42 a new section to read as follows:

Arts and cultural development fund allocations.

A. 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.

B. The arts and cultural development fund revenues shall be expended in the year following collection.

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 through December 31, 2012, forty percent of the arts and cultural development fund shall be reserved for the 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 this ordinance.

E. After the costs of administering programs and allocating the endowment, 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. Beginning January 1, 2002, using revenues generated in 2001, the arts commission shall finance its outstanding debt service obligations from its share of 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.

G. After deducting the amount necessary to meet debt service obligations, the arts commission shall allocate its portion of the moneys from the arts and cultural development fund as follows:

1. Sustained support: thirty-nine percent of remaining arts program revenues;
2. Cultural facilities: thirty-nine percent of remaining arts program revenues;
3. Special projects: thirteen percent of remaining arts program revenues; and
4. Cultural education: nine percent of remaining arts program revenues.

H. After deducting the amount necessary to meet debt service allocations, the landmarks and heritage commission shall allocate its portion of the moneys from the arts and cultural development fund as follows:

1. 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. Special projects: twenty percent of remaining heritage program revenues; and
3. Cultural education: ten percent of remaining heritage program revenues.

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

Cultural ((E))education ((P))program.

The King County council hereby establishes the King County ((C))cultural ((E))education ((P))program. ~~((Forty percent of the excess hotel-motel tax revenues allocated to the King County Arts and Cultural Development Fund remaining subsequent to the allocation of the King County Cultural Facilities Program pursuant to Section 4.42.100 shall be expended for the King County Cultural Education Program, provided that at least twenty percent of the King County Cultural Education Program revenue allocation shall be earmarked for heritage programs and administered by the King County Landmarks and Heritage Commission.))~~ The program shall consist of one-~~((to three-))~~year grants developed by cultural organizations for the purpose of enriching existing and creating new cultural education programs, reviewed annually, and contingent on

available hotel/motel tax revenues, and shall be subject to the following:

A. ~~((Applicants eligible to apply for the King County Cultural Education Program grants are a))~~ All cultural organizations that meet the criteria contained in this chapter and any applicable guidelines approved by the council by motion for the King County ~~((€))~~ cultural ~~((£))~~ education ~~((P))~~ program are eligible to apply for the King County cultural education program grants. School districts and schools shall not receive revenues distributed ~~((pursuant to))~~ under this section~~((:))~~;

B. ~~((Monies))~~ 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 ~~((as defined in this chapter))~~, which may include fees for artists, cultural specialists, experts in cultural education~~((:))~~ and performing arts organizations. Any application for ~~((monies))~~ moneys to enrich existing or to create new arts, cultural or heritage programs shall be developed by the applicant~~((s))~~ 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 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 ~~((P))~~ 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~~((and/))~~ 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 guidelines and procedures for applying for grants, which shall include eligibility criteria, scope of program~~((:))~~ and funding needs. The guidelines shall be written by the ~~((€))~~ cultural

~~(E)~~education ~~(A)~~advisory ~~(C)~~committee and recommended by the ~~(A)~~arts ~~(C)~~commission and the ~~(L)~~landmarks and ~~(H)~~heritage ~~(C)~~commission and shall be subject to council approval by motion. The advisory committee shall establish procedures for evaluation of programs and accountability of funds. These procedures shall be submitted by the ~~(A)~~arts ~~(C)~~commission and the ~~(L)~~landmarks and ~~(H)~~heritage ~~(C)~~commission to the council for approval ~~(-)~~ by motion;

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

H. Recommendations for 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. Grant decisions ~~(are)~~ shall be made on a competitive basis and in accordance with criteria established ~~(pursuant to)~~ 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 ~~(C)~~cultural ~~(E)~~education ~~(P)~~program shall recognize that Bellevue is receiving its own hotel-motel tax revenues, and preference shall therefore be given to applications serving other areas of the county. Grants to organizations proposing worthwhile projects in Bellevue public schools are not precluded.

SECTION 5. Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060 are each hereby amended to read as follows:

Special ~~(P)~~projects ~~(P)~~program.

A. There is hereby established the King County ~~(S)~~special ~~(P)~~projects ~~(P)~~program. This program shall consist of competitive grants, reviewed annually, for funding innovative arts projects, heritage endeavors~~(-)~~) and collaborative programs ~~(which)~~ that reflect the cultural and geographic diversity of King County and are not funded by other county programs. Recommendations for 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. Grants may be made to arts and

heritage organizations, individual artists, heritage specialists, community educational organizations and community arts groups((;)) and public agencies ((which)) that reflect the multi((-)cultural, ethnic and geographic diversity of King County. Applications must describe the intended use of the grant funds, and applicants may request full cost recovery.

((A-)) B. There shall be written guidelines and procedures for applying for grants ((which)) that shall include eligibility criteria, scope of program((;)) and funding needs. The guidelines shall be written by the office of cultural resources ((division)) and recommended by the executive, and shall be subject to council approval by motion. The office of cultural resources ((division)), through the executive, shall submit for council review an annual report ((which)) that evaluates the King County ((S))special ((P))projects ((P))p rogram and accounts for fund expenditures.

~~((B. Sixty percent of the excess hotel-motel tax revenues allocated to the King County Arts and Cultural Development Fund1 remaining subsequent to the allocation to the King County Cultural Facilities Program pursuant to 4.42.100 shall be expended for the King County Special Projects Program, provided that at least 20% of the King County Special Projects revenue allocation shall be earmarked for heritage programs and administered by the King County Landmarks and Heritage Commission.))~~ C. The ((L))landmarks and ((H))h eritage ((C))commission may propose grant guidelines ((which)) that reflect commission priorities in awarding grants.

((C-)) D. The funds expended for the King County ((S))special ((P))projects ((P))program shall be used to expand the role of local cultural organizations and individuals as artistic and cultural educational resources ((which)) 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)((, as amended)). The purpose of these funds is 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 multi-cultural heritage of the region, with particular emphasis on special populations, multi-cultural 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 ~~(and)~~ 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.

~~(D. Eligibility.)~~ E. 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 ~~((which))~~ that reflect the multi-cultural, ethnic and geographic diversity of King County.

SECTION 6. Ordinance 12076, Section 49, as amended, and K.C.C. 4.42.100 are each hereby amended to read as follows:

Cultural facilities program.

A. The ~~((C))~~ cultural ~~((F))~~ facilities ~~((P))~~ 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. 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 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.

~~B. ((Beginning January 1, 1992, and through December 31, 2000, at least seventy percent of the revenue allocated to the Education and Cultural Development Fund shall be expended on the King County Cultural Facilities Program, provided that at least twenty percent of the King County Cultural Facilities Program revenue allocation shall be earmarked for heritage programs and administered by the King County Landmarks and Heritage Commission.~~

~~C. Beginning January 1, 2001, and through December 31, 2012, pursuant to Ordinance 9279, at least thirty-two percent of the Education and Cultural Development Fund shall be expended on the King County Cultural Facilities Program and shall be earmarked for arts facilities and fixed assets and administered by the King County Arts Commission or its successor commission.~~

~~D.)~~ The funds allocated to the ~~((C))~~ cultural ~~((F))~~ facilities ~~((P))~~ 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.

~~((E;))~~ 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.

~~((F;))~~ D. Funds received under this section may be used for payment of principal and interest on bonds issued for capital projects. The manager of the finance and business operations division ~~((will))~~ shall manage the program's debt to ensure continued high credit quality, access to credit markets~~((;))~~ and financial flexibility. All of the program's debt management activities ~~((will))~~ 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 ~~((will))~~ shall not be used to support operating expenses. The ~~((M))~~ manager of the finance and business operations division ~~((will))~~ shall develop and maintain a central system for

all debt-related records, which ~~((will))~~ shall include all official statements, bid and other procurement documents, ordinances, indentures, leases ~~((ete-))~~ and similar records, for all of the program's debt and ~~((will))~~ shall accurately account for all interest earnings in debt-related funds. These records ~~((will))~~ shall be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

~~((G-))~~ 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.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 4.42 a new section 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. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. Recommendations for 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. 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 under-served 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.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 4.42 a new section 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. The program shall consist of a biennial application process. Grants shall be allocated on an annual basis for two consecutive years. Recommendations for 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. 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 federal, state or local legislation; involve heritage facilities in King County; or relate to King County history and heritage.

SECTION 9. This ordinance is remedial in nature and applies retroactively to moneys distributed

beginning January 1, 2002, and thereafter.