**Access for All Comparison**

***Comparison of RCW 36.160 and Proposed Ordinance 2015-0104***

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| State law (RCW Chapter 36.160) | Exec proposal |
| Findings and intent (RCW 36.160.010): “There is…a need to provide public and educational benefits and economic support for cultural organizations.” This support will:   * Expand and enhance educational offerings * Increase access to cultural organizations by economically and geographically underserved patrons * Provide financial stability to cultural organizations providing public benefits | (Statement of Facts) “King County residents would greatly benefit from improved public access to programs produced by non-profit arts, science, and heritage organizations.” |
| Creation (RCW 36.160.030): Any county legislative authority may create a cultural access program by ordinance. A city may create a cultural access program if the county legislative authority in which the city is located 1) adopts a resolution forfeiting the county’s option or 2) does not place a proposition before the people by 6/30/17. | (Sec. 3) King County creates Access For All program. |
| Start-up funding (RCW 36.160.040): The county may advance the program funds for administration and public outreach. The funds, with interest, may be repaid to the county from tax proceeds. | (Sec. 7 A) Requires reserving an amount of annual tax proceeds for repayment of startup funding, defined (Sec. 2 O) as administrative costs incurred by King County, advanced to the program after the effective date of the ordinance and before tax collections begin, and administrative costs incurred by 4Culture since the effective date of ESHB. |
| Nonsupplantation (RWC 36.160.050): The county must affirm that funding from the program will not replace funding the county and state usually and customarily provides to cultural organizations. | (Sec. 6 B) King County affirms tax proceeds imposed under this ordinance may not be used to supplant existing funding. |
| Advisory Council (RCW 36.160.060): The county may establish an advisory council. Members must 1) include citizen representatives of constituencies and organizations with interests relevant to the program, and 2) be residents of the county. | (Sec. 3 B6) 4Culture’s Board of Directors will serve as the Access for All advisory board. The implementation plan (Sec. 9 D) requires establishment of a committee to oversee achievement of equitable outcomes. |
| Administration (RCW 36.160.070): The county may elect to consolidate administration of the program with the public agency designated by the county to distribute funds to community-based cultural organizations. | (Sec. 3 B1) King County elects to consolidate administration of the program with that of 4Culture. Requires 4Culture to provide an annual report on the status of the program to the Executive and Council. |
| Local tax authority (RCW 82.14.525): The county may impose a tax up to 0.1% for up to 7 years by ordinance conditioned on approval of a majority of voters. The tax may be renewed with voter approval. | (Sec. 5 A) Tax of 0.1% for 7 years imposed conditioned on approval of a majority of voters. |
| Public benefits (RCW 36.160.090): The program must provide funding only to cultural organizations that provide public benefits. This includes:   * Access opportunities for reduced or no admission fee * Services and programs in locations other than the organization’s facilities * Educational programs * Broadening cultural programs, performances, and exhibitions for the public * Supporting collaborative relationships with other cultural organizations for the benefit of the public * Building capacity to provide public benefits not otherwise achievable   The program must adopt guidelines establishing baseline public benefit performance standards that cultural organizations must achieve to receive funds. The guidelines must include procedures for notifying an organization at risk of losing funding eligibility, and measures available to organizations for retaining or recovering eligibility. | (Sec. 4 A1) Includes all the state definitions as “general public benefits.” Also includes:   * Bringing cultural organizations’ facilities into compliance with ADA access requirements * Building and expanding cultural facilities in suburban and rural communities * Providing free festivals and events * Providing internships and apprenticeships   (Sec. 4 A2) Adds “equity and inclusion public benefits,” including providing free and low-cost attendance, increasing the diversity of staff and governing boards of cultural organizations, and planning and implementing cultural programs and activities in underserved communities  (Sec. 3 B3) 4 Culture shall develop guidelines. |
| Public School Access Program (RCW 36.160.100): The program must develop and provide a public school cultural access program that:   * Provides benefits to increase public school student access to cultural programs * Offers benefits to every public school, with more frequent opportunities to schools with higher percentages of students participating in the national free or reduced-price school meals program. * Benefits must include:   + Transportation to attend and participate annually in age-appropriate programs (if funding is inadequate to meet demand, increase the subsequent annual allocation by 2%)   + A centralized service to coordinate opportunities for public school students to access cultural programs   + Preparing and maintaining a guide cataloging access opportunities   + Coordinating to maximize student utilization of opportunities in a cost-efficient manner   + Supporting the development of tools, materials, and media to correlate cultural programs with school curricula   + Building partnerships with public schools and cultural organizations to maximize participation and effectiveness * If the county determines these requirements have been met and additional funds are available, they may be used to develop and support other public school cultural access activities. * Prepare an annual public school cultural access plan for review and adoption prior to implementation. * Compile an annual report documenting the reach and evaluating the effectiveness of the program. | (Sec 7 C) Consistent with the first 2 bullet. Allows for allocation to be increase to 12% to ensure adequate funding of student transportation. In addition to the state law requirements, the ordinance states the program will provide training for teachers and cultural education providers. (Does not include all the language in the state law).  (Sec. 9 E) Annual reporting |
| Allocation (RCW 36.160.110): The County must allocate the tax proceeds for:   * Repaying startup costs if the county provided them and expects repayment. * Up to 1.25% for administrative costs * 10% of remaining funds for a public school cultural access program * 70% of remaining funds distributed to regional cultural organizations   + Funds to be distributed proportionally according to an annual ranking by combined average annual revenues and double annual average attendance over the 3 proceeding years   + No organization may receive funds in excess of 15% its average annual revenues over the 3 proceeding years   + Funds must be used to support cultural and educational activities, programs and initiatives, public benefits and communications, and basic operations   + At least 20% of funds distributed to any regional organization must be used to participate in the public school cultural access program   + Funds may not be used for capital   + Participating organizations must provide an annual report on public benefits and public school cultural access participation * Remaining funds must be distributed to the public agency designated by the Council. Funds must be applied:   + Up to 8% for administration costs of the designated public agency   + The balance used to fund community-based cultural organizations or a community preservation and development authority   + Funds distributed to community-based cultural organizations may be used to support cultural and educational activities, programs, and initiatives; public benefits and communications; basic operations; capital expenditures; and technology, equipment, and supplies   + Program guidelines may determine the circumstances under which funds may be used for start-up expenses of new community-based cultural organizations | (Sec. 7) Allocation consistent with state law.  States that the remaining tax proceeds to go to 4Culture and to be distributed to annually to community-based cultural organizations includes funds not distributed to regional cultural organizations because of the 15% of annual revenue or ranking limit.  (Sec. 9 A3b) Implementation plan calls for a proposal for regional cultural organizations to commit up to 30% of their awards towards equity and inclusion public benefits.  (Sec. 7 G) Allows the program to grant funds to a fiscal sponsor for the purpose of contracting with a sponsored community based cultural entity for specific activities and uses approved by the program. Such an entity is defined (Sec. 2 N) as a non-tax exempt community based cultural entity or a qualified nontraditional/social service and cultural agency. These entities are not eligible to directly receive tax proceeds under state law.  (Sec. 9 A4b) Allows for increasing awards up to 30% of a community-based organization’s budget for organizations that serve “communities and census tracts that are underserved” or provide equity and inclusion benefits. |
| Regional cultural organizations (RCW 36.160.110): are defined as and eligible under the following:   * Provide wide benefits and broadly attended * Subject to further definition under guidelines adopted by the program * In good standing as a Washington nonprofit for at least 3 years prior * Principle locations within the county * Has not declared bankruptcy or suspended operations for longer than 6 months in previous 2 years * Provided the program with audited financial statements for at least the 2 most recent fiscal years * Over the 3 preceding years, the organization has minimum average annual revenues of at least $1.25 million, adjusted for inflation annually, excluding state funding for state-related organizations | (Sec. 2 L) Consistent with state law except that the revenue threshold is higher. Over the 3 proceeding years, the organization either has minimum average annual revenues of at least $3 million (annually adjusted for inflation), or has both minimum average annual revenues of at least $1.25 million (annually adjusted for inflation) and a minimum of 50,000 annual attendees. |
| Community-based cultural organizations (RCW 36.160.110): The designated public agency must adopt:   * Guidelines for determining eligibility of community-based cultural organizations to receive funding and for establishing the amount of funding any organization may receive * Criteria for awarding funds * Procedures for conducting a competitive process for awarding available funding, at least annually | (Sec. 7 H) 4Culture must develop eligibility guidelines.  (Sec. 3 B4 & Sec. 7 A4d&e) 4Culture to provide administrative assistance to community-based organizations that have limited ability to apply for competitive funding.  (Sec. 7 A4) The implementation plan must include criteria for 4Culture for awarding funds and procedures for conducting a competitive process. |