



Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

April 18, 2017

Ordinance

Proposed No. 2017-0178.1

Sponsors Kohl-Welles, McDermott and
Balducci

1 AN ORDINANCE creating the King County Access for All
2 program to support cultural organizations, imposing a one-
3 tenth of one percent sales and use tax to finance the King
4 County Access for All program conditioned on voter
5 approval, and providing for the submission to the qualified
6 electors of King County at a special election to be held in
7 King County on August 1, 2017, of a proposition
8 authorizing the sales and use tax imposed by this
9 ordinance; and amending Ordinance 14482, Section 7, as
10 amended, and K.C.C. 2.49.060.

11 **STATEMENT OF FACTS:**

- 12 1. The Washington state Legislature declared in Chapter 24, Laws of
13 Washington 2015 that there is a need to provide public and educational
14 benefits and economic support for arts, science and heritage organizations.
15 2. The King County council, through Motion 14082 and Motion 14299,
16 unanimously endorsed the need to provide public and educational benefits
17 and economic support for arts, science and heritage organizations.
18 3. King County residents would greatly benefit from improved public
19 access to programs produced by nonprofit arts, science and heritage

20 organizations that would be enabled by an increase in public funding for
21 those organizations.

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

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

30 b. Ensuring K-12 public school students in all nineteen King County
31 school districts will benefit from greater access to arts, science and
32 heritage organizations, both through in-depth programs in their own
33 classrooms and free visits to cultural attractions, leading to better
34 engagement in the classroom and higher graduation rates; and

35 c. Ensuring continued and expanded access to the facilities and programs
36 of arts, science and heritage organizations by economically and
37 geographically underserved populations will benefit all the residents of
38 King County, leading to healthier and more inclusive communities.

39 5. Access for All funding would ensure that arts, science and heritage
40 organizations are financially healthy and able to continue to provide public
41 benefits.

42 6. An Access for All program as defined in this ordinance would help to

43 achieve these public purposes and benefits by supporting hundreds of arts,
44 science and heritage organizations providing activities and operating
45 facilities open to the general public throughout King County and by
46 creating new opportunities for students, as well as economically and
47 geographically underserved populations.

48 7. In 2016, 4Culture convened a series of community study group
49 meetings including organizations of all sizes, disciplines and geographic
50 locations, as well as individuals representing numerous points of view, to
51 develop recommendations regarding the principles for implementation and
52 operation of an Access for All program.

53 8. A central theme from the study group input was that equity, inclusion
54 and access should be guiding principles of Access for All.

55 Recommendations from the community to advance these principles
56 include:

57 a. Past and existing inequities in access to arts, science and heritage
58 organizations should be deliberately and intentionally addressed by
59 providing higher levels of funding for community-based cultural
60 organizations based in, representative of and serving audiences of
61 communities that experience barriers to access;

62 b. Organizations supported by Access for All should be a vital part of
63 the day-to-day life in their communities;

64 c. Nontraditional and social service organizations that provide cultural
65 programing in their communities should be eligible to receive project-

66 specific funding to serve their constituents, even if the primary purpose of
67 such an organization is not exclusively arts, science or heritage;

68 d. Field trips and cultural education should be augmented by programs
69 provided by arts, science and heritage organizations in classrooms and in
70 other community venues to expand the reach of participation;

71 e. Organizations receiving support from Access for All should reflect the
72 demographics of the communities they serve in their staffs, board,
73 memberships, audiences and programs; and

74 f. Access for All should be administered with transparency and
75 accountability to the public.

76 9. Access for All funding would allow arts, science and heritage
77 organizations to expand open-to-the-public hours, offer discounted and
78 free admission, award scholarships, participate in public school access
79 programs and build and expand facilities in communities that do not have
80 current facilities for cultural activities.

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

85 11. Access for All funding would foster the creation and development of
86 new cultural organizations throughout King County, reduce geographic
87 barriers and ensure that all residents have easy access to arts, science and
88 heritage resources.

89 12. Access for All funding would support the growth and development of
90 arts, science and heritage centers throughout King County to promote
91 healthy and vibrant communities.

92 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

110 D. "Community-based cultural organization" means a cultural organization that
111 can further be characterized as not being a regional cultural organization.

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

127 F. "Equity and inclusion public benefits" means the equity and inclusion public
128 benefits defined in section 4.A.2. of this ordinance.

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

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

135 I. "General public benefits" means the general public benefits defined in section
136 4.A.1. of this ordinance.

137 J. "Geographic distribution public benefit" means the public benefit defined in
138 section 4.A.3. of this ordinance.

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

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

145 M. "Program" or "the program" means the Access for All program.

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

149 O. "Regional cultural organization" means a cultural organization that

150 1. Owns, operates or supports cultural facilities or provides performances,
151 exhibits, educational programs, experiences or entertainment, that widely benefit and are
152 broadly attended by the public;

153 2. Is in good standing as a nonprofit corporation under the laws of the state of
154 Washington, and has been for at least the three years preceding the year in which an
155 allocation of program moneys is to be made to the organization;

156 3. Has its principal location or locations and conducts the majority of its
157 activities within the county primarily for the benefit of county residents;

- 158 4. Has not declared bankruptcy or suspended or substantially curtailed
159 operations for a period longer than six months during the preceding two years;
- 160 5. Over the three years preceding the year in which an allocation of program
161 moneys is to be made to the organization, either:
- 162 a. has minimum average annual revenues, annually adjusted for inflation
163 consistent with chapter 36.160 RCW, of at least three million dollars; or
- 164 b. has both average annual revenues, annually adjusted for inflation consistent
165 with chapter 36.160 RCW, of at least one million two hundred fifty thousand dollars and
166 a minimum of fifty thousand annual attendees; and
- 167 6. An organization that is financially stable, provides substantial public benefits
168 and has the capacity to demonstrate its status by providing an annual audit of finances
169 and certification of attendance.
- 170 Q. "Qualified nontraditional/social service and cultural agency" means a nonprofit
171 corporation incorporated under the laws of the state of Washington with its principal
172 location or locations and conducting a majority of its activities within the county that,
173 while not necessarily its primary purpose, devotes a significant portion of its resources to
174 the advancement and preservation of science or technology, the visual or performing arts,
175 zoology, botany, anthropology, heritage or natural history and directly provides
176 programming or experiences available to the general public, but not including: any
177 agency of the state or any of its political subdivisions; any municipal corporation; any
178 organization that raises moneys for redistribution to multiple cultural organizations; or
179 any radio or television broadcasting network or station, cable communications system,
180 internet-based communications venture or service, newspaper or magazine.

181 R. "Science" includes science or technology.

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

187 T. "Start-up funding" means administrative costs, including, but not limited to,
188 legal costs, overhead costs and election costs, advanced by the county to the program
189 after the effective date of this ordinance and before tax collections begin with the
190 expectation that the funding will be repaid.

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

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

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

199 2. Regional cultural organization access program, which shall annually provide
200 proceeds to regional cultural organizations that:

201 a. provide discernible public benefits, and specifically from the range of public
202 benefits in section 4 of this ordinance;

203 b. annually provide a regional distribution public benefit and also provide one

204 or more equity and inclusion public benefits;

205 c. satisfy the requirements in chapter 36.160 RCW; and

206 d. serve a regional audience; and

207 3. Community-based cultural organization access program, which shall annually
208 provide proceeds for community-based cultural organizations that provide one or more
209 discernable public benefits, primarily serve a local community and are not eligible for
210 proceeds under the regional cultural organization access program.

211 B.1. The county, through K.C.C. chapters 2.48 and 2.49, has authorized 4Culture
212 to develop, implement and administer cultural programs in the county. Accordingly, and
213 as authorized under RCW 36.160.070, the county elects to consolidate the administration
214 of the program with that of 4Culture to perform the functions required under RCW
215 36.160.110.

216 2. The county designates 4Culture as the designated public agency for the
217 Access for All program consistent with chapter 36.160 RCW, this ordinance and the
218 implementation plan described in section 9 of this ordinance. If the county dissolves
219 4Culture in accordance with K.C.C. 2.49.140, the county shall become the designated
220 public agency and shall otherwise perform all of the duties of 4Culture under this
221 ordinance.

222 3. 4Culture shall develop and maintain guidelines and eligibility and reporting
223 requirements for all organizations that are provided proceeds through the program
224 consistent with chapter 36.160 RCW and this ordinance. The guidelines shall ensure that
225 the organizations provide or continue to provide discernible public benefits. Program
226 grant agreements shall require, among other things, that no person in the county shall, on

227 the basis of sex, race, color, national origin, religious affiliation, disability, sexual
228 orientation, gender identity or expression or age, be denied the benefits of, or be
229 subjected to discrimination under any program or activity receiving Access for All
230 financial support.

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

234 5.a. 4Culture shall report the status of the program to the county executive
235 annually. By March 31, 2019, and for each subsequent year that the program is funded,
236 the executive must file the report in the form of a paper original and an electronic copy
237 with the clerk of the council, who shall retain the original and provide an electronic copy
238 to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal
239 management committee or its successor.

240 b. The report shall, for each program element included in subsection A. of this
241 section, include, but not be limited to:

242 (1) a fiscal report of the distribution of tax proceeds, including totals by
243 county council district;

244 (2) a report on the number of people served in each county council district by
245 Access for All funded programs;

246 (3) a performance report on each funded regional cultural organization's
247 success in providing discernable public benefits as anticipated in the prior annual report
248 required by subsection B.5.a. of this section;

249 (4) a report on the preview of the public benefits each funded regional

250 cultural organization plans to provide in the coming year;

251 (5) a performance report of each funded regional cultural organization's
252 participation in the public school cultural access program, success in meeting the
253 participation goals anticipated in prior annual report required by subsection B.5.a. of this
254 section and a preview of each funded regional cultural organization's planned
255 participation in the public school cultural access program in the coming year;

256 (6) a performance report on each funded community-based cultural
257 organization's discernable public benefits, a report on the actual and planned usage of
258 seed money to foster new community-based cultural organizations, and a management
259 report identifying any proposed changes to the program panel process, eligibility
260 guidelines, or reporting requirements.

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

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

264 A. All cultural organizations must provide discernible public benefits to receive
265 funding from the program. To be eligible to receive funding regional cultural
266 organizations must provide one or more equity and inclusion public benefits, and provide
267 the regional distribution public benefit. To be eligible to receive funding community-
268 based cultural organizations must provide one or more general public benefits or one or
269 more equity and inclusion public benefits. The following are the program's discernible
270 public benefits:

271 1. General public benefits. The following public benefits are "general public
272 benefits":

- 273 a. providing free and low-barrier opportunities for anyone in the county to take
274 part in the region's cultural life and participate in arts, science and heritage programs;
- 275 b. providing performances and programs throughout the county, directly in and
276 for local communities, or through partnerships between and among regional and
277 community-based cultural organizations, or through partnerships between or among
278 regional and community-based nonprofit corporations or other nonprofit entities;
- 279 c. providing, through technological and other means, services or programs in
280 locations other than where an organization's own facilities are located;
- 281 d. providing cultural educational programs and experiences both at an
282 organization's own facilities and in schools and other venues;
- 283 e. broadening cultural programs, performances and exhibitions for the
284 enlightenment and entertainment of the public;
- 285 f. supporting collaborative relationships among cultural organizations in order
286 to extend the reach and impact of cultural organizations for the benefit of the public;
- 287 g. bringing community-based and regional cultural organizations'
288 programming and facilities into compliance with access requirements of the Americans
289 with Disabilities Act;
- 290 h. supporting organizations that strive to engage traditional cultures and crafts;
- 291 i. building and expanding cultural facilities for community-based cultural
292 organizations at a scale and size consistent with the county's and other jurisdictions'
293 applicable land use policies and development regulations;
- 294 j. presenting free cultural festivals countywide;
- 295 k. providing free events, programing and educational materials that enhance a

296 cultural experience either before or after, or both, attending an exhibit, performance or
297 event;

298 l. providing arts, science and heritage career building opportunities for youth
299 through internships and apprenticeships or other means;

300 m. establishing partnerships between cultural organizations or other cultural
301 institutions to present new multidisciplinary cultural experiences;

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

307 o. in the case of community-based cultural organizations, implementing
308 organizational capacity-building projects or activities that a cultural organization can
309 demonstrate, to the reasonable satisfaction of the program, will enhance the ability of the
310 organization to provide or continue to provide meaningful public benefits not otherwise
311 achievable;

312 2. Equity and inclusion public benefits. The following public benefits are
313 "equity and inclusion public benefits":

314 a. providing free and low-cost attendance to arts, science and heritage
315 organizations and facilities for county residents who have economic, geographic and
316 other barriers to access;

317 b. providing free access to curriculum-related arts, science and heritage
318 programs for public school students throughout the county at schools and at cultural sites

319 with emphasis on underserved students;

320 c. increasing the diversity of staff and governing boards of cultural
321 organizations to increase opportunities for access to facilities, programs and services for
322 diverse and underserved populations and communities, broaden cultural programs, and
323 provide programming that appeals to diverse populations within the county;

324 e. increasing investment in programs and organizations that represent and
325 reflect the diversity of the county; and

326 f. planning and implementing cultural programs and activities, or collaborating
327 with cultural organizations in order to extend the reach and impact of cultural programs,
328 in communities and census tracts that are underserved, as shall be further defined in the
329 implementation plan required in section 9 of this ordinance; and

330 3. Regional distribution public benefits. The following public benefits are
331 "regional distribution public benefits":

332 a. providing one or more equity and inclusion benefit in a manner that also
333 expands a regional cultural organization's geographic reach and providing programming
334 to communities outside cities in which regional cultural organizations are primarily
335 located by doing so directly, in partnership with community-based cultural organizations
336 or public schools, or through means identified in their annual reports required by section
337 3.B.5.b. of this ordinance. Those benefits must make meaningful progress towards the
338 geographic distribution outcome in subsection B.4. of this section.

339 B. Providing equity and inclusion public benefits and regional distribution public
340 benefits is intended to result in meaningful progress toward achievement of the following
341 equity and inclusion and geographic distribution outcomes:

342 1. Overcoming economic and geographic inequities that limit access to the arts,
343 science, and heritage experiences by expanding access to programs and activities at arts,
344 science and heritage organizations in the county, such that visitors and audiences
345 represent the diversity of the county;

346 2. Partnering with local communities by developing and nurturing relationships
347 with local organizations to create programs and activities in and for the community;

348 3. Making the boards, staff, programming, memberships and audiences of
349 regional cultural organizations more representative of the diversity existing within the
350 county; and

351 4. Ensuring that the program distributes at least one million dollars to
352 community-based cultural organizations in each county council district in each year.

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

354 A. To provide necessary moneys for the Access for All program identified in
355 section 3 of this ordinance and conditioned on the specific authorization of a majority of
356 the voters voting on the proposition authorized in section 8 of this ordinance, an
357 additional one-tenth of one percent sales and use tax is hereby levied, fixed and imposed
358 on all taxable events within the county as defined in chapter 82.08, 82.12 or 82.14 RCW
359 for seven years. The tax shall be imposed upon and collected from those persons from
360 whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW,
361 and shall be collected at the rate of one-tenth of one percent of the selling price, in the
362 case of a sales tax, or value of the article used, in the case of a use tax. The additional
363 sales and use tax shall be in addition to all other existing sales and use taxes currently
364 imposed by the county under chapter 82.14 RCW.

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

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

370 A. The proceeds of the sales and use tax imposed under section 5 of this
371 ordinance shall be deposited in the Access for All fund and used solely for the purposes
372 consistent with chapter 36.160 RCW and according to the implementation plan required
373 in section 9 of this ordinance.

374 B. The county affirms that any funding similar to the funding available under this
375 ordinance that the county usually and customarily provides to cultural organizations shall
376 not be replaced or materially diminished as a result of funding becoming available under
377 this ordinance.

378 C. Proceeds from the tax imposed under section 5 of this ordinance, excepting
379 start-up funding, may not be distributed until the council by ordinance has approved the
380 implementation plan required by section 9 of this ordinance."

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

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

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

388 C.1. From the remaining tax proceeds after reserving the amounts required in
389 subsections A. and B. of this section, ten percent of remaining proceeds annually will be
390 used for the public school access program subject to RCW 36.160.100(2). If funding
391 available under this program for student transportation is inadequate in any one year due
392 to more demand for student transportation than available funds, then the annual
393 percentage allocation to the public school cultural access program may be increased up to
394 twelve percent to provide additional proceeds to ensure adequate funding of student
395 transportation.

396 2. The public school access program shall increase public school student access
397 to the programming offered and facilities operated by regional and community-based
398 cultural organizations.

399 3. Funding for public school access activities shall be prioritized consistent with
400 RCW 36.160.100. To the extent practicable and consistent with available resources,
401 benefits shall be offered to every public school in the county. Benefits and opportunities
402 of participation provided to public schools must be scaled to coincide with the relative
403 percentage of students who participate in the national free or reduced-price school meals
404 program.

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

410 5. The public school access program shall provide proceeds for transportation

411 for public school students to attend and participate in age-appropriate programs and
412 activities offered by cultural organizations. The public school access program may
413 provide proceeds for district-wide cultural education plans and district cultural education
414 coordinators and provide for the development of tools, materials and media by cultural
415 organizations to ensure that school access programs and activities correlate with school
416 curricula, consistent with RCW 36.160.100. Subject to available funds, the public school
417 access program also may provide training for teachers and providers of cultural education
418 resources, including artists, historians, and scientists, as part of the development of such
419 tools, materials and media to help ensure that such programs and activities correlate with
420 school curricula.

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

427 2. Proceeds must be distributed among eligible organizations in ranked order
428 such that an organization with a higher ranking receives higher funding provided,
429 however, that no organization may receive proceeds in excess of fifteen percent of its
430 average annual revenues over the three preceding years. Proceeds must be used to
431 support cultural and educational activities, programs and initiatives, public benefits and
432 communications and basic operations of cultural organizations under the regional cultural
433 organization access program consistent with RCW 36.160.110(2), including the

434 requirement that at least twenty percent of each regional cultural organization award be
435 dedicated to participation in the public school access program as described in subsection
436 C. of this section. Proceeds distributed to regional cultural organizations under this
437 subsection may not be used for capital expenditures or acquisitions including, but not
438 limited to, the acquisition of or the construction of improvements to real property.

439 3. Regional cultural organizations shall expend at least thirty percent of their
440 awards towards equity and inclusion public benefits, including expending at least ten
441 percent of their awards towards regional distribution public benefits. The implementation
442 plan required in section 9 of this ordinance shall provide guidelines for how regional
443 cultural organizations will make meaningful progress towards equity and inclusion
444 outcomes, specifically including options for such organizations to expand their
445 geographic reach. Such options shall include the organizations doing so directly, in
446 partnership with community-based cultural organizations or local public schools, or
447 through other means identified in their annual reports. In lieu of funding some or all of
448 such programs or projects directly, regional cultural organizations also shall be allowed
449 to provide 4Culture with up to ten percent of their awards to support the community-
450 based cultural organization programs or projects funded under subsection F. of this
451 section.

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

457 program.

458 F. From the remaining tax proceeds after reserving the amount required in
459 subsections A., B., C., D. and E. of this section, including, but not limited to, proceeds
460 not distributed to regional cultural organizations because of the fifteen percent of annual
461 revenue limit or the ranking requirement or otherwise, all remaining proceeds will be
462 distributed annually to community-based cultural organizations through a competitive
463 process to be used to support cultural and educational activities, programs and initiatives;
464 public benefits and communications; basic operations; capital expenditures or
465 acquisitions; and technology, equipment and supplies reasonably related to or necessary
466 for a project funded under the community-based cultural organization program and
467 consistent with RCW 36.160.110(2), including, but not limited to, seed money for a
468 community-based cultural organization to fund start-up expenses of new cultural
469 organizations.

470 G. The program may grant proceeds to a fiscal sponsor for the purpose of
471 contracting with a sponsored community-based cultural entity for specific activities or
472 uses approved by the program, but only if the fiscal sponsor: retains control and
473 discretion as to the use of the proceeds; maintains records establishing that the proceeds
474 were used for purposes authorized under section 501(c)(3) of the Internal Revenue Code
475 of 1986, as amended; and limits distributions to specific projects of sponsored
476 community-based cultural entities that are in furtherance of the fiscal sponsor's own
477 exempt purposes. Such a fiscal sponsor may provide program moneys to a sponsored
478 community-based cultural entity only if the specific projects of the sponsored
479 community-based cultural entity provide or continue to provide public benefits identified

480 in section 3 of this ordinance. A fiscal sponsor shall be fully responsible and liable for
481 the completion of the specific projects of the sponsored community-based cultural entity
482 provided program moneys under this ordinance and the provision of public benefits by
483 such a specific project.

484 H. The program shall make distributions under subsection F of this section such
485 that program funding for community-based cultural organizations in each council district
486 total at least one million dollars in each year.

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

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

499 PROPOSITION___; The County Council adopted ordinance XXXXX to
500 establish and fund a cultural access program. If approved, this proposition
501 would fund public school and cultural organization access programs. The
502 programs would increase free or discounted tickets for students and low-

503 income persons to arts, science, and heritage programs and advance
504 equitable access across King County. It would also have dedicated
505 transportation funds for public school students and in-classroom arts
506 education in public schools. The program would be funded by an increase
507 in the county sales tax 1/10th of 1 percent for 7 years beginning January 1,
508 2018. Should this proposition be:

509 Approved

510 Rejected

511 **SECTION 9. Implementation plan.**

512 If the sales and use tax is approved by the voters, then the program will develop
513 and provide to the county executive a King County Access for All program
514 implementation plan. The county executive, in consultation with 4Culture, shall transmit
515 the implementation plan and an ordinance to approve the plan to the council within ninety
516 days of the certification of the election approving the sales and use tax. The
517 implementation plan shall be effective upon approval by ordinance. The executive, in
518 consultation with 4Culture, may propose amendments to the implementation plan,
519 including but not limited to program descriptions or guidelines. The council also may
520 initiate amendment of the implementation plan. Any amendments shall be effective upon
521 approval by ordinance. The initial implementation plan shall include the following:

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

- 526 2. The public school access program description shall include:
- 527 a. an overall summary of the public school access program and fund allocation
- 528 within this portion of the Access for All program;
- 529 b. a description of district and school teacher training components of the public
- 530 school access program including timeline and expected costs and outcomes;
- 531 c. a description of the goals, priorities and process for the public school
- 532 transportation program that includes start-up timeline, communications strategy and
- 533 respective roles that school districts, school teachers, cultural organizations' education
- 534 programs and 4Culture will play in planning and delivery of the public school access
- 535 program; and
- 536 d. a description of goals, priorities, and strategies for delivering the cultural
- 537 organization's in-school and in-community education programs.
- 538 3. The regional cultural organization access program description shall include:
- 539 a. an overall summary of the regional organization access program and fund
- 540 allocation within this portion of the Access for All program;
- 541 b. guidelines for regional cultural organizations to expend at least thirty
- 542 percent of their awards towards equity and inclusion public benefits, including guidelines
- 543 for regional cultural organizations to expend at least ten percent of their awards towards
- 544 regional distribution public benefits, and a plan to assist regional cultural organizations in
- 545 using their awards to make meaningful progress towards the equity and inclusion and
- 546 regional geographic distribution outcomes;
- 547 c. an explanation of attendance and revenue requirements and resources for
- 548 regional organizations to use in reporting eligible revenue and attendance, including, but

549 not limited to, guidelines for establishing attendance and revenue for the initial three
550 transition years of the program;

551 d. a description of the process and reports for determining the baseline
552 standard of continuous performance of public benefits provided, a description of
553 guidelines for establishing the minimum level of equity and inclusion public benefits a
554 regional cultural organization must provide to be eligible for funding under the program
555 and descriptions of the discernible equity and inclusion public benefits and general public
556 benefits consistent with RCW 36.160.090;

557 e. a public benefit reporting framework for regional cultural organizations that
558 includes standards for reports describing the organization's success in providing
559 discernable equity and inclusion and geographic distribution public benefits that resulted
560 in progress towards achievement of equity and inclusion outcomes and general public
561 benefits as anticipated in the organization's prior report and a preview of the equity and
562 inclusion and geographic distribution public benefits, expected equity and inclusion
563 outcomes and general public benefits the organization plans to provide in the coming
564 year;

565 f. a public school access reporting framework for regional cultural
566 organizations to use in describing their participation in the public school educational
567 activities as anticipated in the organization's prior report and a preview of the public
568 school educational programs they intend to provide in the coming year;

569 g. a description of initial application procedures that will be used for the
570 regional cultural organization access program to verify whether an organization is
571 eligible for the program; and

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

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

576 a. an overall summary of the community-based organization access program
577 and fund allocation within this portion of the Access for All program for operating,
578 project, capital, initiative and other funding pools, including seed money for community-
579 based cultural organizations to fund start-up expenses of new cultural organizations;

580 b. criteria for awarding funds to either eligible community-based
581 organizations, including provisions allowing fiscal sponsorship of non-tax exempt
582 community-based cultural entities, or qualified nontraditional/social service and cultural
583 agencies, or both, for defined cultural project funding such that the program achieves
584 funding for cultural programs and organizations in each council district totaling at least
585 one million dollars in each year, and description of criteria for increasing awards for
586 community-based cultural organizations that either are organized of, by and for
587 communities and census tracts that are underserved or provide significant equity and
588 inclusion public benefits, or both;

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

593 d. descriptions and timelines for developing the following:

594 (1) a cultural opportunity and access expansion plan for each county

595 subarea, meaning the west, east and south areas of King County, developed with
596 community input and in consultation with county councilmembers representing the
597 subareas;

598 (2) a countywide cultural access equity plan developed with community
599 input and in consultation with county councilmembers and the 4Culture advisory
600 committee whose purpose is to advise, monitor, and provide oversight for achieving the
601 equity and inclusion outcomes associated with the program; and

602 (3) a cultural organization start-up plan for how the community-based
603 cultural organization access program will use proceeds as seed money to foster the
604 development and growth of new cultural organizations;

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

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

612 g. description of contract and payment process for community-based cultural
613 organization grants;

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

618 organization may receive;

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

621 D. The establishment of a 4Culture advisory committee whose purpose is to
622 advise, monitor and provide oversights for achieving the equity and inclusion outcomes
623 associated with the program. At least nine members of this committee must be
624 recommended one each by each of the nine county councilmembers and confirmed by the
625 King County council; and

626 E. A proposed annual reporting framework between 4Culture and the county that
627 includes:

628 1. A fiscal report of the distribution of funds, including a breakdown by council
629 district;

630 2. A report on the number of people served by Access for All funded programs,
631 including a breakdown by county council district;

632 3. A performance report on each funded regional cultural organization's success
633 in providing discernable public benefits as anticipated in the organization's prior annual
634 report;

635 4. A report on the preview of the public benefits each funded regional cultural
636 organization's plan to provide in the coming year;

637 5. A performance report of each funded regional cultural organization's
638 participation in the public school cultural access program as anticipated in the
639 organization's prior annual report and a preview of each funded regional cultural
640 organization's planned participation in the public school cultural access program in the

641 coming year;

642 6. A performance report on each funded community-based cultural

643 organization's discernable public benefits; and

644 7. A management report identifying any proposed changes to the program panel

645 process, eligibility guidelines, or reporting requirements.

646 SECTION 10. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060

647 are each amended to read as follows:

648 The charter of the cultural development authority, as set forth in Attachment A to

649 ~~((Ordinance 14482))~~ this ordinance, is hereby approved. The clerk of the council shall,

650 within ten days of ~~((October 11, 2002))~~ the effective date of this ordinance, issue the

651 charter in duplicate originals, each bearing the county seal attested by the clerk of the

652 council. The clerk of the council shall file and record one original charter with the

653 records and licensing services division and provide one original charter to the county

654 executive on behalf of the cultural development authority. The county may amend the

655 charter by ordinance after providing notice to and an opportunity for the directors to be

656 heard and present testimony.

657 SECTION 11. Ratification. Certification of the proposition by the clerk of the

658 county council to the director of elections in accordance with law before the election on

659 August 1, 2017, and any other act consistent with the authority and before the effective

660 date of this ordinance are hereby ratified and confirmed.

661 SECTION 12. Severability. If any provision of this ordinance or its application

662 to any person or circumstance is held invalid, the remainder of the ordinance or the
663 application of the provision to other persons or circumstances is not affected.
664

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Acting Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None