



**KING COUNTY**  
**Signature Report**

ATTACHMENT 2  
1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**April 18, 2017**

**Ordinance**

**Proposed No.** 2017-~~01780~~104.1

**Sponsors** Kohl-Welles, ~~and~~ 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, ~~and twice unanimously endorsed through motions of~~  
14 ~~the King County council~~, that there is a need to provide public and  
15 educational benefits and economic support for arts, science and heritage  
16 organizations.
- 17 2. The King County council, through Motion 14082 and Motion 14299,  
18 unanimously endorsed the need to provide public and educational benefits  
19 and economic support for arts, science and heritage organizations.

20 32. King County residents would greatly benefit from improved public  
21 access to programs produced by nonprofit arts, science and heritage  
22 organizations that would be enabled by an increase in public funding for  
23 those organizations.

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

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

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

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

41 5. Access for All funding would ensure that arts~~4. Arts~~, science and  
42 heritage organizations are financially healthy and able~~would benefit from~~

43 ~~financial stability that will enable them~~ to continue to provide and extend  
44 ~~the numerous~~ public benefits ~~they provide~~.

45 ~~65.~~ An Access for All program as defined in this ordinance would help to  
46 achieve these public purposes and benefits by supporting hundreds of arts,  
47 science and heritage organizations providing activities and operating  
48 facilities open to the general public throughout King County and by  
49 ~~creating will create~~ new opportunities for students, as well as economically  
50 and geographically underserved populations.

51 ~~7. In 2016,~~ ~~6-~~ 4Culture convened a series of community study group  
52 meetings including in 2016 involving scores of organizations, of all sizes,  
53 disciplines and geographic locations, as well as and scores of individuals  
54 representing numerous points of view, to develop recommendations  
55 regarding the principles for implementation and operation of an Access for  
56 All program.

57 ~~87.~~ A central theme from the study group ~~community~~ input was that  
58 equity, inclusion and access should be guiding principles of Access for  
59 All. Recommendations from the community to advance these principles  
60 include:

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

66           b. ~~The composition of boards, staff, audiences, membership and~~  
67 ~~programs of regional cultural organizations has not kept pace with~~  
68 ~~demographic changes within the county community, which threatens their~~  
69 ~~long term sustainability;~~

70 ~~e.~~ Organizations supported by Access for All should be a vital part of the  
71 day-to-day life in their communities;

72           cd. Nontraditional and social service organizations that provide cultural  
73 programing in their communities should be eligible to receive project-  
74 specific funding to serve their constituents, even if the primary purpose of  
75 such an organization is not exclusively arts, science or heritage;

76           de. Field trips and cultural education should be augmented by programs  
77 provided by arts, science and heritage organizations in classrooms and in  
78 other community venues to expand the reach of participation;

79           ef. Organizations receiving support from Access for All should reflect  
80 the demographics of ~~the communities they serve~~King County in their  
81 staffs, board, memberships, audiences and programs; and

82           fg. Access for All should be administered with transparency and  
83 accountability to the public.

84           98. Access for All funding ~~would allow for~~ arts, science and heritage  
85 ~~organizations will allow such~~ organizations to expand open-to-the-public  
86 hours, offer discounted and free admission, award scholarships, participate  
87 in public school access programs and build and expand facilities in  
88 ~~suburban and rural~~ communities that do not have current facilities for

89 cultural activities.

90 109. Access for All funding would advance fair and equitable access to  
91 arts, science and heritage organizations throughout King County and  
92 would remove barriers to access faced by many segments of the county  
93 population.

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

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

101 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY: \_\_\_\_\_

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

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

110 A. "Access for All" means the program created by this ordinance for the purpose  
111 of enhancing and extending the educational reach and offerings of cultural organizations;

112 ensuring continued and expanded access to the facilities and programs of cultural  
113 organizations by underserved populations; and providing financial support for cultural  
114 organizations to continue and extend the numerous public benefits they provide.

115 B. "Access for ~~AllaH~~ fund" means the county fund that would be established and  
116 used exclusively for the purposes established by this ordinance.

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

119 D. "Community-based cultural organization" means a cultural organization that  
120 can further be characterized as not being a regional cultural organization.:

121 ~~1. An organization that is not a regional cultural organization; and~~  
122 ~~2. An organization that remains in good standing as a nonprofit corporation in~~  
123 ~~Washington.~~

124 ~~—~~E. "Cultural organization" means a nonprofit corporation in good standing and  
125 incorporated under the laws of the state of Washington and recognized by the Internal  
126 Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986,  
127 as amended, with its principal location or locations and conducting a majority of its  
128 activities within the county, not including: any agency of the state or any of its political  
129 subdivisions; any municipal corporation; any organization that raises moneys for  
130 redistribution to multiple cultural organizations; or any radio or television broadcasting  
131 network or station, cable communications system, internet-based communications  
132 venture or service, newspaper, or magazine. The primary purpose of the organization  
133 must be the advancement and preservation of science or technology, the visual or  
134 performing arts, zoology, botany, anthropology, heritage or natural history and any

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135 organization must directly provide programming or experiences available to the general  
136 public. Any organization with the primary purpose of advancing and preserving zoology  
137 such as a zoo or an aquarium, must be or support a facility that is accredited by the  
138 Association of Zoos and Aquariums or its functional successor.

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

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

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

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

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

151 K.—H. "Non-tax exempt community-based cultural entity" means an  
152 organization that would qualify as a community-based cultural organization but for the  
153 fact that it is not recognized by the Internal Revenue Service as described in section  
154 501(c)(3) of the Internal Revenue Code of 1986, as amended.

155 L-I. "Proceeds" means the revenue raised by the additional sale and use tax  
156 authorized by this ordinance and any interest thereon.

157 M-J. "Program" or "the program" means the Access for All program.

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158 ~~N-K.~~ "Public benefits" means those discernable public benefits, comprised of  
159 equity and inclusion public benefits and general public benefits, identified in section 4 of  
160 this ordinance.

161 ~~O.L.~~ "Regional cultural organization" means a cultural organization that ~~is also:~~

162 1. ~~Owns~~An organization that ~~owns~~, operates or supports cultural facilities or  
163 provides performances, exhibits, educational programs, experiences or entertainment, that  
164 widely benefit and are broadly attended by the public;

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

168 3. ~~Has~~An organization that ~~has~~ its principal location or locations and conducts  
169 the majority of its activities within the county primarily for the benefit of county  
170 residents;

171 4. ~~Has~~An organization that ~~has~~ not declared bankruptcy or suspended or  
172 substantially curtailed operations for a period longer than six months during the  
173 preceding two years;

174 5. ~~Over~~An organization that, ~~over~~ the three years preceding the year in which an  
175 allocation of program moneys is to be made to the organization, either:

176 a. has minimum average annual revenues, annually adjusted for inflation  
177 consistent with chapter 36.160 RCW, of at least three million dollars; or

178 b. has both average annual revenues, annually adjusted for inflation consistent  
179 with chapter 36.160 RCW, of at least one million two hundred fifty thousand dollars and  
180 a minimum of fifty thousand annual attendees; and

181           6. An organization that is financially stable, provides substantial public benefits  
182 and has the capacity to demonstrate its status by providing an annual audit of finances  
183 and certification of attendance.

184           ~~Q.M.~~ "Qualified nontraditional/social service and cultural agency" means a  
185 nonprofit corporation incorporated under the laws of the state of Washington with its  
186 principal location or locations and conducting a majority of its activities within the  
187 county that, while not necessarily its primary purpose, devotes a significant portion of its  
188 resources to the advancement and preservation of science or technology, the visual or  
189 performing arts, zoology, botany, anthropology, heritage or natural history and directly  
190 provides programming or experiences available to the general public, but not including:  
191 any agency of the state or any of its political subdivisions; any municipal corporation;  
192 any organization that raises moneys for redistribution to multiple cultural organizations;  
193 or any radio or television broadcasting network or station, cable communications system,  
194 internet-based communications venture or service, newspaper or magazine.

195           R. "Science" includes science or technology.

196           ~~S.—N.~~ "Sponsored community-based cultural entity" means a non-tax exempt  
197 community-based cultural entity or a qualified nontraditional/social service and cultural  
198 agency that contracts with a fiscal sponsor for a specific cultural project that provides a  
199 public benefit pursuant to the terms and conditions of this ordinance and guidelines  
200 developed by the program.

201           TQ. "Start-up funding" means administrative costs, including, but not limited to,  
202 legal costs, overhead costs and election costs, ~~advanced~~~~incurred~~ by the county ~~or~~  
203 ~~advanced~~ to the program after the effective date of this ordinance and before tax

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204 collections begin with the expectation that the funding will be repaid. ~~Start-up funding~~  
205 ~~also includes administrative costs incurred by 4Culture since October 9, 2015, in~~  
206 ~~developing the program and working with the community on such program development.~~

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

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

210 1. Public school access program, designed to increase public school student  
211 access to cultural education opportunities by extending the offerings of cultural  
212 organizations both through programs provided at schools and at the facilities and venues  
213 of the cultural organizations, including the provision of transportation to facilities and  
214 venues;

215 2. Regional cultural organization access program, which shall annually provide  
216 ~~proceeds to moneys for operating expenses of~~ regional cultural organizations that:

217 ~~\_\_\_\_\_ a. provide discernible public benefits, and specifically from the range of public~~  
218 ~~benefits in section 4 of this ordinance;~~

219 ~~\_\_\_\_\_ b. annually provide a regional distribution public benefit and also provide one~~  
220 ~~or more equity and inclusion public benefits;~~

221 ~~\_\_\_\_\_ c. satisfy the requirements in chapter 36.160 RCW; and~~

222 ~~\_\_\_\_\_ d. serve a regional audience; and~~

223 3. Community-based cultural organization access program, which shall annually  
224 provide ~~proceeds moneys for operating, capital or project costs~~ for community-based  
225 cultural organizations that ~~provide one or more discernable public benefits,~~ primarily  
226 serve a local community and are not eligible for ~~proceeds moneys~~ under the regional

227 cultural organization access program.

228           B.1. The county, through K.C.C. chapters 2.48 and 2.49, has authorized 4Culture  
229 to develop, implement and administer cultural programs in the county. Accordingly, and  
230 as authorized under RCW 36.160.070, the county elects to consolidate the administration  
231 of the program with that of 4Culture to perform the functions required under RCW  
232 36.160.110.

233           2. The county designates 4Culture as the designated public agency for the  
234 Access for All program consistent with chapter 36.160 RCW, this ordinance and the  
235 implementation plan described in section 9 of this ordinance. If the county dissolves  
236 4Culture in accordance with K.C.C. 2.49.140, the county shall become the designated  
237 public agency and shall otherwise perform all of the duties of 4Culture under this  
238 ordinance.

239           3. 4Culture shall develop and maintain guidelines and eligibility and reporting  
240 requirements for all organizations that are provided ~~proceedsmoneys~~ through the program  
241 consistent with chapter 36.160 RCW and this ordinance. ~~that govern the administration of~~  
242 ~~the program.~~ The guidelines shall ~~include, but not be limited to, guidelines to help~~ ensure  
243 that the organizations provide or continue to provide discernible public benefits.  
244 Program grant agreements shall require, among other things, that no person in the county  
245 shall, on the basis of ~~sex, basis of~~ race, color, ~~religion,~~ national origin, religious affiliation,  
246 disability, ancestry, gender, parental status, marital status, sexual orientation, gender  
247 identity, ~~age, disability, use of service~~ or expression ~~assistive animal, language, economic~~  
248 ~~status,~~ or age ~~geography,~~ be denied the benefits of, or be subjected to discrimination under  
249 any program or activity receiving Access for All financial support.

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

253 5.a. 4Culture shall report the status of the program to the county executive  
254 annually. By March 31, ~~2019~~2018, and for each subsequent year that the program is  
255 funded, the executive must file the report in the form of a paper original and an electronic  
256 copy with the clerk of the council, who shall retain the original and provide an electronic  
257 copy to all councilmembers, the council chief of staff and the lead staff to the budget and  
258 fiscal management committee or its successor.

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

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

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

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

268 (4) a report on the preview of the public benefits each funded regional  
269 cultural organization plans to provide in the coming year;

270 (5) a performance report of each funded regional cultural organization's  
271 participation in the public school cultural access program, success in meeting the  
272 participation goals anticipated in prior annual report required by subsection B.5.a. of this

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273 ~~section and a preview of each funded regional cultural organization's planned~~  
274 ~~participation in the public school cultural access program in the coming year;~~  
275 ~~\_\_\_\_\_ (6) a performance report on each funded community-based cultural~~  
276 ~~organization's discernable public benefits, a report on the actual and planned usage of~~  
277 ~~seed money to foster new community-based cultural organizations, and a management~~  
278 ~~report identifying any proposed changes to the program panel process, eligibility~~  
279 ~~guidelines, or reporting requirements.~~

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

282 ~~\_\_\_\_\_ 7. In the event of a conflict between state law, this ordinance or the~~  
283 ~~implementation plan, inconsistency shall be resolved by giving precedence in the~~  
284 ~~following order: Washington state law, this ordinance, and the implementation plan.~~

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

286 A. ~~All cultural~~~~Cultural~~ organizations must provide discernible public benefits to  
287 receive funding from the program. ~~To be eligible to receive funding regional cultural~~  
288 ~~organizations must provide one or more equity and inclusion public benefits, and provide~~  
289 ~~the regional distribution public benefit. To be eligible to receive funding community-~~  
290 ~~based cultural organizations must provide one or more general public benefits or one or~~  
291 ~~more equity and inclusion public benefits. The following are the program's~~~~Through the~~  
292 ~~Access for All program the cultural organizations funded shall provide one or more of the~~  
293 ~~following~~ discernible public benefits:

294 1. General public benefits. The following public benefits ~~are~~~~shall be referred to~~  
295 ~~in this ordinance as~~ "general public benefits":

296 a. ~~providing~~Providing free and low-barrier opportunities for ~~anyone~~everyone  
297 in the county to take part in the region's cultural life and participate in arts, science and  
298 heritage programs;

299 b. ~~providing~~Providing performances and programs throughout the county,  
300 ~~directly that are created~~ in and for local communities, ~~or~~ through partnerships between  
301 and among regional and community-based cultural organizations, ~~or through partnerships~~  
302 ~~between or among regional~~ and ~~with other~~ community-based nonprofit corporations or  
303 other nonprofit entities;

304 c. ~~providing~~Providing, through technological and other means, services or  
305 programs in locations other than where an organization's own facilities are located;

306 d. ~~providing~~Providing cultural educational programs and experiences both at  
307 an organization's own facilities and in schools and other venues;

308 e. ~~broadening~~Broadening cultural programs, performances and exhibitions for  
309 the enlightenment and entertainment of the public;

310 f. ~~supporting~~Supporting collaborative relationships ~~among with other~~ cultural  
311 organizations in order to extend the reach and impact of ~~cultural~~the collaborating  
312 organizations for the benefit of the public;

313 g. ~~bringing community-based and regional~~Bringing cultural organizations'  
314 programming and facilities into compliance with access requirements of the Americans  
315 with Disabilities Act;

316 h. ~~supporting~~Supporting organizations that strive to engage traditional cultures  
317 and crafts;

318 i. ~~building~~Building and expanding cultural facilities ~~for community-based~~

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319 ~~cultural organizations in suburban and rural communities~~ at a scale and size consistent  
320 with the county's and other ~~jurisdictions'~~ applicable land use policies and development  
321 regulations;

322 j. ~~presenting~~Presenting free cultural festivals countywide;

323 k. ~~providing~~Providing free events, programing and educational materials that  
324 enhance a cultural experience either before or after, or both, attending an exhibit,  
325 performance or event;

326 l. ~~providing~~Providing arts, science and heritage career building opportunities  
327 for youth through internships and apprenticeships ~~or other means~~;

328 m. ~~establishing~~Establishing partnerships between cultural organizations or  
329 other cultural institutions to present new multidisciplinary cultural experiences;

330 n. ~~implementing~~Implementing organizational capacity-building projects or  
331 activities that ~~a cultural~~an organization can demonstrate, to the reasonable satisfaction of  
332 the program, will enhance the ability of the organization to execute community outreach,  
333 communications and marketing strategies to attract and engage county residents with  
334 opportunities of access to cultural experiences and with emphasis on underserved  
335 communities; and

336 o. ~~in~~the case of community-based cultural organizations, implementing  
337 organizational capacity-building projects or activities that ~~a cultural~~an organization can  
338 demonstrate, to the reasonable satisfaction of the program, will enhance the ability of the  
339 organization to provide or continue to provide meaningful public benefits not otherwise  
340 achievable;

341 2. Equity and inclusion public benefits. The following public benefits ~~are~~shall

342 ~~be referred to in this ordinance as~~ "equity and inclusion public benefits":

343 a. ~~providing~~Providing free and low-cost attendance to arts, science and  
344 heritage organizations and facilities for county residents who have economic, geographic  
345 and other barriers to access;

346 b. ~~providing~~Providing free access to curriculum-related arts, science and  
347 heritage programs ~~in class and at cultural sites~~ for public school students throughout the  
348 county at schools and at cultural sites with emphasis on underserved students;

349 c. ~~increasing~~Increasing the diversity of staff and governing boards of cultural  
350 organizations to increase opportunities for access to facilities, programs, and services for  
351 diverse and underserved populations and communities, broaden cultural programs, and  
352 provide programming that appeals to diverse populations within the county;

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

355 f. ~~planning~~. ~~Planning~~ and implementing cultural programs and activities, or  
356 collaborating with cultural organizations in order to extend the reach and impact of  
357 cultural programs, in communities and census tracts that are underserved, as shall be  
358 further defined in the implementation plan required in section 9 of this ordinance; and-

359 3. Regional distribution public benefits. The following public benefits are  
360 "regional distribution public benefits":

361 a. providing one or more equity and inclusion benefit in a manner that also  
362 expands a regional cultural organization's geographic reach and providing programming  
363 to communities outside cities in which regional cultural organizations are primarily  
364 located by doing so directly, in partnership with community-based cultural organizations

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365 or public schools, or through means identified in their annual reports required by section  
366 3.B.5.b. of this ordinance. Those benefits must make meaningful progress towards the  
367 geographic distribution outcome in subsection B.4. of this section.

368 B. Providing equity and inclusion ~~public benefits and regional distribution~~ public  
369 benefits is intended to result in meaningful progress toward achievement of the following  
370 equity and inclusion ~~and geographic distribution~~ outcomes; ~~(“equity and inclusion~~  
371 ~~outcomes”);~~

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

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

378 3. Making the boards, staff, programming, memberships and audiences of  
379 regional cultural organizations more representative of the diversity existing within the  
380 county; ~~and-~~

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

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

384 A. To provide necessary moneys for the Access for All program identified in  
385 section 3 of this ordinance and conditioned on the specific authorization of a majority of  
386 the voters voting on the proposition authorized in section 8 of this ordinance, an  
387 additional one-tenth of one percent sales and use tax is hereby levied, fixed and imposed

388 on all taxable events within the county as defined in chapter 82.08, 82.12 or 82.14 RCW  
389 for seven years. The tax shall be imposed upon and collected from those persons from  
390 whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW,  
391 and shall be collected at the rate of one-tenth of one percent of the selling price, in the  
392 case of a sales tax, or value of the article used, in the case of a use tax. The additional  
393 sales and use tax shall be in addition to all other existing sales and use taxes currently  
394 imposed by the county under ~~chapter RCW~~ 82.14 RCW.045.

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

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

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

404 ~~B. B. The proceeds of the tax imposed under section 5 of this ordinance~~  
405 ~~may not be used to supplant existing county funding.~~ The county affirms that any  
406 funding similar to the funding available under this ordinance that the county usually and  
407 customarily provides to cultural organizations shall not be replaced or materially  
408 diminished as a result of funding becoming available under this ordinance.

409 C. Proceeds from the tax imposed under section 5 of this ordinance, excepting  
410 start-up funding, may not be distributed until the council by ordinance has approved the

411 implementation plan required by section 9 of this ordinance."

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

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

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

419 C.1. —From the remaining tax proceeds after reserving the amounts required in  
420 subsections A. and B. of this section, ten percent of remaining ~~proceeds moneys~~ annually  
421 will ~~be used~~directly provide moneys for the public school access program subject to  
422 RCW 36.160.100(2). If funding available under this program for student transportation is  
423 inadequate in any one year due to more demand for student transportation than available  
424 ~~fund~~can be funded, then the annual percentage allocation to the public school cultural  
425 access program may be increased up to twelve percent to provide additional  
426 ~~proceeds moneys~~ to ensure adequate funding of student transportation.

427 2. The public school access program shall increase public school student access  
428 to the programming offered and facilities operated by regional and community-based  
429 cultural organizations. ~~Benefits shall be offered to every public school in the county,~~  
430 ~~prioritizing those public schools with higher percentages of students attending the school~~  
431 ~~who participate in the national free or reduced-price school meals program.~~

432 3. Funding for public school access activities shall be prioritized consistent with  
433 RCW 36.160.100. To the extent practicable and consistent with available resources,

434 benefits shall be offered to every public school in the county. Benefits and opportunities  
435 of participation provided to public schools must be scaled to coincide with the relative  
436 percentage of students who participate in the national free or reduced-price school meals  
437 program.

438 4. ~~3.~~ Regional cultural organizations must spend at least twenty percent of  
439 the ~~proceedsmoneys~~ received under subsection D. of this section on the public school  
440 access program, including, but not limited to, admissions to cultural facilities and  
441 programs and the costs of bringing curriculum-based art, science and cultural education  
442 programs to classrooms to deepen the experience for students.

443 5.4. The public school access program shall provide ~~proceedsmoneys~~ for  
444 transportation for public school students to attend and participate in age-appropriate  
445 programs and activities offered by cultural organizations. The public school access  
446 program ~~mayshall~~ provide ~~proceedsmoneys~~ for district-wide cultural education plans and  
447 district cultural education coordinators and provide for the development of tools,  
448 materials and media by cultural organizations to ensure that school access programs and  
449 activities correlate with school curricula, consistent with RCW 36.160.100. Subject to  
450 available funds, the. ~~The~~ public school access program also ~~mayshall~~ provide training for  
451 teachers and providers of cultural education resources, including artists, historians, and  
452 scientists, as part of the development of such tools, materials and media to help ensure  
453 that such programs and activities correlate with school curriculaeriteria.

454 D.1. From the remaining tax proceeds after reserving the amounts required in  
455 subsections A., B. and C. of this section, the program will annually distribute seventy  
456 percent of the ~~proceedsmoneys~~ to regional cultural organizations through an annual

457 ranking by the combined size of their average annual revenues and their average annual  
458 attendance, both over the three preceding years, in which attendance has twice the weight  
459 of revenues.

460         2. ~~ProceedsMoneys~~ must be distributed among eligible organizations in ranked  
461 order such that an organization with a higher ranking receives higher funding provided,  
462 however, that no organization may receive ~~proceedsmoneys~~ in excess of fifteen percent  
463 of its average annual revenues over the three preceding years. ~~ProceedsMoneys~~ must be  
464 used to support cultural and educational activities, programs and initiatives, public  
465 benefits and communications and basic operations of cultural organizations under the  
466 regional cultural organization access program consistent with RCW 36.160.110(2),  
467 including the requirement that at least twenty percent of each regional cultural  
468 organization award be dedicated to participation in the public school access program as  
469 described in subsection C. of this section. ~~ProceedsMoneys~~ distributed to regional  
470 cultural organizations under this subsection may not be used for capital expenditures or  
471 acquisitions including, but not limited to, the acquisition of or the construction of  
472 improvements to real property.

473         3. Regional cultural organizations shall expend at least thirty percent of their  
474 awards towards equity and inclusion public benefits, including expending at least ten  
475 percent of their awards towards regional distribution public benefits. The implementation  
476 plan required in section 9 of this ordinance shall provide guidelines for how regional  
477 cultural organizations will make meaningful progress towards equity and inclusion  
478 outcomes, specifically including options for such organizations to expand their  
479 geographic reach. Such options shall include the organizations doing so directly, in

480 partnership with community-based cultural organizations or local public schools, or  
481 through other means identified in their annual reports. In lieu of funding some or all of  
482 such programs or projects directly, regional cultural organizations also shall be allowed  
483 to provide 4Culture with up to ten percent of their awards to support the community-  
484 based cultural organization programs or projects funded under subsection F. of this  
485 section.

486 E. From the remaining tax proceeds after reserving the amount required in  
487 subsections A., B., C. and D. of this section, including, but not limited to,  
488 ~~proceedsmoneys~~ not distributed to regional cultural organizations because of the fifteen  
489 percent of annual revenue limit or the ranking requirement or otherwise, not more than  
490 eight percent shall be distributed annually to 4Culture for administrative costs of the  
491 Access for All program.

492 F. From the remaining tax proceeds after reserving the amount required in  
493 subsections A., B., C., D. and E. of this section, including, but not limited to,  
494 ~~proceedsmoneys~~ not distributed to regional cultural organizations because of the fifteen  
495 percent of annual revenue limit or the ranking requirement or otherwise, all remaining  
496 ~~proceedsmoneys~~ will be distributed annually to community-based cultural organizations  
497 through a competitive process to be used to support cultural and educational activities,  
498 programs and initiatives; public benefits and communications; basic operations; capital  
499 expenditures or acquisitions; and technology, equipment and supplies reasonably related  
500 to or necessary for a project funded under the community-based cultural organization  
501 ~~access organization~~ program and consistent with RCW 36.160.110(2), including, but not  
502 limited to, seed money for a community-based cultural organization to fund start-up

503 ~~expenses of new cultural organizations.)~~

504 G. The program may grant ~~proceedsmoneys~~ to a fiscal sponsor for the purpose of  
505 contracting with a sponsored community-based cultural entity for specific activities or  
506 uses approved by the program, but only if the fiscal sponsor: retains control and  
507 discretion as to the use of the ~~proceedsmoneys~~; maintains records establishing that the  
508 ~~proceedsmoneys~~ were used for purposes authorized under section 501(c)(3) of the  
509 Internal Revenue Code of 1986, as amended; and limits distributions to specific projects  
510 of sponsored community-based cultural entities that are in furtherance of the fiscal  
511 sponsor's own exempt purposes. Such a fiscal sponsor may provide program moneys to a  
512 sponsored community-based cultural entity only if the specific projects of the sponsored  
513 community-based cultural entity provide or continue to provide public benefits identified  
514 in section 3 of this ordinance. A fiscal sponsor shall be fully responsible and liable for  
515 the completion of the specific projects of the sponsored community-based cultural entity  
516 provided program moneys under this ordinance and the provision of public benefits by  
517 such a specific project.

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

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

524 **SECTION 8. Call for special election.** In accordance with RCW 29A.04.321,  
525 the King County council hereby calls for a special election on August 1, 2017, to

526 consider a proposition approving the imposition for seven years, an additional sales and  
527 use tax of one-tenth of one percent for the purposes described in this ordinance. The  
528 King County director of elections shall cause notice to be given of this ordinance in  
529 accordance with the state constitution and general law and to submit to the qualified  
530 electors of the county, at the said special county election, the proposition hereinafter set  
531 forth. The clerk of the council shall certify that proposition to the King County director  
532 of elections in substantially the following form:

533       PROPOSITION\_\_\_; The County Council adopted ordinance XXXXX to  
534       establish and fund a cultural access program. If approved, this proposition  
535       would fund public school and cultural organization access programs. The  
536       programs would increase free or discounted tickets for students ~~and~~ low-  
537       income ~~persons, families, and seniors~~ to arts, science, and heritage  
538       programs and ~~advance~~ensure equitable access across King County. It  
539       would also have dedicated transportation funds for public school students  
540       and in-classroom arts education in public schools. The program would be  
541       funded by an increase in the county sales tax 1/10th of 1 percent for 7  
542       years beginning January 1, 2018. Should this proposition be:

543             \_\_\_ Approved

544             \_\_\_ Rejected

545       **SECTION 9. Implementation plan.**

546       If the sales and use tax is approved by the voters, then the program will develop  
547       and provide to the county executive a King County Access for All program  
548       implementation plan. The county executive, in consultation with 4Culture, shall transmit

549 the implementation plan and an ordinance to approve the plan to the council within ninety  
550 days of the certification of the election approving the sales and use tax. The  
551 implementation plan shall be effective upon approval by ordinance. The executive, in  
552 consultation with 4Culture, may propose amendments to the implementation plan,  
553 including but not limited to program descriptions or guidelines. The council also may  
554 initiate amendment of the implementation plan. Any amendments shall be effective upon  
555 approval by ordinance. The initial~~The~~ implementation plan shall include the following:

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

560 2. The public school access program description shall include:

561 a. an overall summary of the public school access program and fund allocation  
562 within this portion of the Access for All program;

563 b. a description of district and school teacher training components of the public  
564 school access program including timeline and expected costs and outcomes;

565 c. a description of the goals, priorities and process for the public school  
566 transportation program that includes start-up timeline, communications strategy and  
567 respective roles that school districts, school teachers, cultural organizations' education  
568 programs and 4Culture will play in planning and delivery of the public school access  
569 program; and

570 d. a description of goals, priorities, and strategies for delivering the cultural  
571 organization's in-school and in-community education programs.

572 3. The regional cultural organization access program description shall include:

573 a. an overall summary of the regional organization access program and fund  
574 allocation within this portion of the Access for All program;

575 b. ~~guidelines a proposal~~ for regional cultural organizations to expend at  
576 ~~least~~ commit up to thirty percent of their awards towards equity and inclusion public  
577 benefits, including guidelines for regional cultural organizations to expend at least ten  
578 percent of their awards towards regional distribution public benefits, and a plan to assist  
579 regional cultural organizations in using their awards that are intended to make meaningful  
580 progress towards the equity and inclusion and regional geographic distribution outcomes;  
581 ~~in this ordinance;~~

582 c. an explanation of attendance and revenue- requirements and resources for  
583 regional organizations to use in reporting eligible revenue and attendance, including, but  
584 not limited to, guidelines for establishing attendance and revenue for the initial three  
585 transition years of the program;

586 d. a description of the process and reports for determining the baseline  
587 standard of continuous performance of public benefits provided, a description of  
588 guidelines for establishing the minimum level of equity and inclusion public benefits a  
589 regional cultural organization must provide to be eligible for funding under the program  
590 and descriptions of the discernible equity and inclusion public benefits and general public  
591 benefits consistent with RCW 36.160.090;

592 e. a public benefit reporting framework for regional cultural organizations that  
593 includes standards for reports describing the organization's success in providing  
594 discernable equity and inclusion and geographic distribution public benefits that resulted

595 in progress towards achievement of equity and inclusion outcomes and general public  
596 benefits as anticipated in the organization's prior report and a preview of the equity and  
597 inclusion and geographic distribution public benefits, expected equity and inclusion  
598 outcomes and general public benefits the organization plans to provide in the coming  
599 year;

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

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

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

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

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

615 b. criteria for awarding funds to either eligible community-based  
616 organizations, including provisions allowing fiscal sponsorship of non-tax exempt  
617 community-based cultural entities, or qualified nontraditional/social service and cultural

618 agencies, or both, for defined cultural project funding such that the program achieves  
619 funding for cultural programs and organizations in each council district totaling at least  
620 one million dollars in each year, and description of criteria for increasing awards ~~up to~~  
621 ~~thirty percent of an organization's budget~~ for community-based cultural organizations  
622 that either are organized of, by and for communities and census tracts that are  
623 underserved or provide significant equity and inclusion public benefits, or both;

624 c. procedures for conducting competitive processes for supporting community-  
625 based organizations' operations, projects, capital and equipment programs and initiatives,  
626 and procedures for ~~ensuring~~assuring transparency, accountability and compliance, all  
627 consistent with chapter 36.160 RCW;

628 d. descriptions and timelines for developing the following:

629 (1) a cultural opportunity and access expansion plan for each county  
630 subarea, meaning the west, east and south areas of King County, developed with  
631 community input and in consultation with county councilmembers representing the  
632 subareas;

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

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

640 ~~e.~~ d. a description of the community-based organization access program's

641 countywide technical assistance and communications plan to promote broad participation  
642 by community-based cultural organizations;

643 ~~fe.~~ descriptions of the community-based organization ~~access~~-annual  
644 application, panel and approval process for awarding ~~annual or multiyear~~ grants; the  
645 program will design the process to minimize the burden it places on applicant  
646 community-based organizations and will work to improve that process continuously from  
647 year to year; and

648 ~~g.f.~~ description of contract and payment process for community-based cultural  
649 organization grants;

650 B. Description of any additional guidelines, consistent with chapter 36.160 RCW  
651 as the program deems necessary or appropriate for determining the eligibility of  
652 prospective regional cultural organizations or of prospective community-based cultural  
653 organizations to receive funding and for establishing the amount of funding any  
654 organization may receive;

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

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

662 E. A proposed annual reporting framework between 4Culture and the county that  
663 includes;

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664 1. A-a fiscal report of the distribution of funds, including a breakdown by  
665 council district;

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

668 3. A-a performance report on each funded regional cultural organization's  
669 success in providing discernable public benefits as anticipated in the organization's prior  
670 annual report;

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

673 5. A-a performance report of each funded regional cultural organization's  
674 participation in the public school cultural access program as anticipated in the  
675 organization's prior annual report and a preview of each funded regional cultural  
676 organization's planned participation in the public school cultural access program in the  
677 coming year;

678 6. A-a performance report on each funded community-based cultural  
679 organization's discernable public benefits; and

680 7. A-a management report identifying any proposed changes to the program  
681 panel process, eligibility guidelines, or reporting requirements.

682 SECTION 10. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060  
683 are each amended to read as follows:

684 The charter of the cultural development authority, as set forth in Attachment A to  
685 (Ordinance 14482) this ordinance, is hereby approved. The clerk of the council shall,  
686 within ten days of ((October 11, 2002)) the effective date of this ordinance, issue the

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687 charter in duplicate originals, each bearing the county seal attested by the clerk of the  
688 council. The clerk of the council shall file and record one original charter with the  
689 records and licensing services division and provide one original charter to the county  
690 executive on behalf of the cultural development authority. The county may amend the  
691 charter by ordinance after providing notice to and an opportunity for the directors to be  
692 heard and present testimony.

693 SECTION 11. **Ratification.** Certification of the proposition by the clerk of the  
694 county council to the director of elections in accordance with law before the election on  
695 August 1, 2017, and any other act consistent with the authority and before the effective  
696 date of this ordinance are hereby ratified and confirmed.

697 SECTION 12++. **Severability.** If any provision of this ordinance or its  
698 application

Ordinance

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699 to any person or circumstance is held invalid, the remainder of the ordinance or the  
700 application of the provision to other persons or circumstances is not affected.  
701

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

Formatted: (none)