## REVISED STAFF REPORT

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| **Agenda Item:** |  | **Name:** | Leah Krekel-Zoppi |
| **Proposed No**.: | 2019-0439 | **Date:** |  |

**COMMITTEE ACTION**

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| ***Proposed Substitute Ordinance 2019-0439.2 to amend the Charter of the Cultural Development Authority related to board position terms, passed out of committee on December 2, 2019, with a “Do Pass” recommendation. The Ordinance was amended in committee with Amendment 1 to update the 4Culture Board roster, attached to the legislation.*** |

**SUBJECT**

An ordinance to amend the Charter of the Cultural Development Authority related to board position terms.

**SUMMARY**

This proposed ordinance would make changes and clarifications to the 4Culture Charter and Bylaws, including changing 4Culture Board position numbers to correspond to the Council District of the Councilmember making the appointment, and specifying that board terms correspond to positions, rather than the person filling the position. The proposed changes would provide greater clarity and consistency to the 4Culture Board appointment process and would impact the terms of future appointments only, making no changes to the terms of existing 4Culture Board Directors.

**BACKGROUND**

In September 2002, the King County Council adopted Ordinance 14482 which created 4Culture, King County's cultural public development authority to support, advocate for and preserve the cultural resources of the region in a manner that fosters excellence, vitality, and diversity.

4Culture’s name was derived from its four cultural programs:

* **Arts.** 4Culture provides capital and operating grant funding for individual artists, groups, and community organizations.
* **Heritage.** 4Culture provides capital and operating grant funding for organizations focused on building the historical record, preserving and enhancing the character of the region, and sharing local heritage resources.
* **Preservation.** 4Culture provides project, capital, and operating support to aid in the historic preservation of buildings, neighborhoods, and landscapes. The organization also provides support for heritage tourism for King County communities.
* **Public Art.** 4Culture manages the County’s 1% for Art program, and manages King County’s art collection.

4Culture is governed by a fifteen member Board of Directors. Directors are to have a demonstrated commitment to and knowledge of cultural resources, be active and experienced in community and civic issues and concerns, and have the ability to evaluate the needs of cultural constituencies in the region as a whole.[[1]](#footnote-1) Board members serve for terms of three years and may serve up to two consecutive full terms.[[2]](#footnote-2)

In March 2018, the Council made a number of changes[[3]](#footnote-3) to oversight of 4Culture, including:

* Requiring that the County Council accept by motion 4Culture’s board-adopted budget.
* Modifying the 4Culture Board appointment process to include one board appointment each by County Councilmembers and six appointments by the County Executive.
* Providing for the County Executive to appoint and the King County Council to confirm the 4Culture Executive Director recommended for selection by the 4Culture Board.
* Providing for the County to amend the 4Culture bylaws to make them consistent with changes to the 4Culture charter.

During the King County Council’s work appointing and confirming 4Culture Boardmembers in 2019, Council, Executive, and 4Culture staff discovered ambiguity in the 4Culture Charter and Bylaws with respect to terms for appointments to the 4Culture Board. Proposed Ordinance 2019-0439 was developed to provide clarification to the 4Culture Board terms, under the guidance of Council’s Legal Counsel, in collaboration with 4Culture, and with input from Executive staff.

**ANALYSIS**

Proposed Ordinance 2019-0439 would make changes to the 4Culture Charter and Bylaws that would:

* For Council-appointed 4Culture Board positions, change the position numbers to correspond to the Council District number of the Councilmember responsible for the making the appointment.
* Specify that board terms correspond to positions, rather than the person filling the position.
* Allow, rather than require, Board Directors to continue to serve until the Director's successor has been appointed and confirmed, and clarify language related to “hold overs,” or Directors serving in expired terms until a successor has been named.
* Allows notice of special board meetings to be provided by email rather than mail.

The change specifying that board terms correspond to positions, rather than the person filling the position, means that when a Director is appointed to a vacancy, that person will serve for the remainder of the three year term correlating to that position number. So, for example, if the term associated with a board position expires on December 31, 2019, and a new Director is appointed on January 1, 2020, that person would serve three years. If another position expires on December 31, 2019, but the new Director wasn’t appointed until January 1, 2021, that person would serve the remainder of the three year term, which would be two years. Previously, the 4Culture Charter stated that Directors were appointed to serve for three-year terms, commencing on January 1st. That provision led to confusion in the case of hold overs, Directors changing from one Board position to another, and Directors being appointed after extended vacancies. It also caused board positions to expire in uneven batches, with as many as six terms expiring in some years, and as few as four in other years.

According to the Executive staff, linking board terms to board positions rather than the people serving in the terms is more consistent with how most County Boards and Commissions work. It also allows for term expirations to remain staggered in the event of vacancies on the board.

The proposed ordinance would not change the term of any currently serving 4Culture board members and would only impact new appointments.

1. Ordinance 18684, Attachment A, Section 5.2.B [↑](#footnote-ref-1)
2. Ordinance 18684, Attachment A, Section 5.3.B [↑](#footnote-ref-2)
3. Ordinance 18684 [↑](#footnote-ref-3)