



## Legislation Details (With Text)

**File #:** 2012-0402      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/1/2012      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 11/5/2012

**Enactment date:** 11/9/2012      **Enactment #:** 17461

**Title:** AN ORDINANCE relating to the cultural development authority reflecting changes made to RCW 67.28.180 by the state Legislature in 2011; making technical corrections; amending Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020, Ordinance 14440, Section 3, as amended, and K.C.C. 2.49.200 , Ordinance 12807, Sections 6 and 7, as amended, and K.C.C. 4A.520.020 and Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 and repealing Ordinance 14433, Section 2, as amended, and K.C.C. 4.08.195.

**Sponsors:** Joe McDermott

**Indexes:** Budget, Culture

**Code sections:** 2.48.020 -, 2.49.200 - ., 4.08.015 -, 4.08.195 - ., 4A.520.020 - .

**Attachments:** 1. Ordinance 17461.pdf, 2. 2012-0402 transmittal letter.doc, 3. 2012-0402 fiscal note.xls, 4. 2012-0402 Staff report (10-24-12).doc, 5. 2012-0402 Staff Report (10-31-12).doc

Date	Ver.	Action By	Action	Result
11/5/2012	1	Metropolitan King County Council	Hearing Held	
11/5/2012	1	Metropolitan King County Council	Passed	Pass
10/31/2012	1	Budget and Fiscal Management Committee	Recommended Do Pass Consent	Pass
10/24/2012	1	Budget and Fiscal Management Committee	Deferred	
10/1/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/05/2012

AN ORDINANCE relating to the cultural development authority reflecting changes made to RCW 67.28.180 by the state Legislature in 2011; making technical corrections; amending Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020, Ordinance 14440, Section 3, as amended, and K.C.C. 2.49.200 , Ordinance 12807, Sections 6 and 7, as amended, and K.C.C. 4A.520.020 and Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 and repealing Ordinance 14433, Section 2, as amended, and K.C.C. 4.08.195.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14433, Section 2, as amended, and K.C.C. 4.08.195 are each hereby repealed.

SECTION 2. Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020 are each hereby amended to read as follows:

Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

A. "Charter" means the articles of organization of the cultural development authority adopted by the county and all amendments thereto.

B. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.49.

C. "Cultural education" means the sequential and comprehensive study of the elements of the various arts and heritage forms and how to use them creatively, including instruction in skills, critical assessment, the history of the arts and heritage forms and aesthetic judgment.

D. "Cultural facilities" means publicly accessible buildings and structures that are used primarily for the performance, exhibition or benefit of arts and heritage activities, including, but not limited to, performing arts, visual arts, heritage and cultural endeavors.

E. "Cultural programs" means the programs for cultural education, cultural facilities, special projects and sustained support.

F. "Cultural resources" means community and regional programs and projects relating to performing, visual, literary and other arts; public and civic art; heritage; museum and archival collections; historic preservation; cultural education; and cultural organizations, institutions and attractions.

G. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama, theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.

H. "Fixed assets" means tangible objects such as machinery or equipment intended to be held for ten years or more that will benefit cultural institutions.

I. "Heritage" means King County's history, ethnic history, indigenous and traditional culture, folklore and historic and archaeological resources and those projects and programs initiated by the authority to preserve King County's heritage and to support community and regional heritage organizations and public agencies in such efforts.

J. "Historic preservation" means the preservation or conservation of the county's historic and archaeological resources and those programs and projects initiated by the authority to foster such preservation or conservation through non-regulatory activities such as interpretation, community education and outreach, cultural tourism and rehabilitation of historic resources.

K. "Hotel-motel tax revenues" means funds designated for cultural purposes as described in RCW 67.28.180 and deposited into the arts and cultural development fund and the cultural resources ~~((endowment fund))~~ special account and used for the purposes described in this chapter and K.C.C. chapter 4.42.

L. "Individual artist" means an artist acting individually and independently without affiliation to or with another individual, group or organization.

SECTION 3. Ordinance 14440, Section 3, as amended, and K.C.C. 2.49.200 are each hereby amended to read as follows:

A. Hotel-motel revenues deposited in The King County arts and cultural development fund, created under K.C.C. 4.08.190, shall be administered by the cultural development authority.

B. Hotel-motel revenues deposited in the King County arts and cultural development fund shall be used to support the cultural programs described in K.C.C. chapter 2.48: cultural facilities; cultural education; special projects; and sustained support. The hotel-motel revenues in the fund shall also support related administration of those programs by the cultural development authority.

C. Through December 31, 2012, at least forty percent of the hotel-motel revenues appropriated to the

arts and cultural development fund and transferred to the cultural development authority shall be deposited in an account and used to establish cultural endowment. Principle and interest shall be managed by the cultural development authority in accordance with RCW 67.28.180(3)(a).

D. After allocating the hotel-motel portion of the arts and cultural development fund to administer cultural programs ((and to build the cultural endowment)), the cultural development authority shall divide the hotel-motel revenues in the arts and cultural development fund between arts programs and heritage programs, but at least twenty percent of the revenue shall be allocated to heritage programs.

E. Beginning January 1, 2002, using revenues generated in 2001, outstanding debt service obligations shall be financed from hotel-motel revenues in the arts and cultural development fund. The obligations incurred before December 31, 2002, shall be managed by the department of executive services and paid by the cultural development authority.

F. After deducting the amount necessary to meet debt service obligations, the cultural development authority shall allocate hotel-motel revenues intended to support arts programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, eighty percent of remaining arts program revenues, but sustained support shall receive at least thirty percent of the eighty percent; and
2. For special projects and cultural education, twenty percent of remaining arts program revenues, but special projects shall receive at least thirty-four percent of the twenty percent.

G. After deducting the amount necessary to meet debt service allocations, the cultural development authority shall allocate hotel-motel revenues intended to support heritage programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, seventy percent of remaining heritage program revenues, but sustained support shall receive at least twenty percent of the seventy percent;
2. For special projects, thirty percent of remaining heritage program revenues, and

H. Hotel-motel revenues from the arts and cultural development fund shall not be used to support services and programs to be provided by the King County landmarks commission for land use regulation and archaeological resource management purposes as described in K.C.C. chapter 20.62.

SECTION 4. Ordinance 12807, Sections 6 and 7, as amended, and K.C.C. 4A.520.020 are each hereby amended to read as follows:

A. Refinancing of Kingdome debt and dedication of hotel-motel tax revenue. It is the intent of the County to issue bonds to repay or refinance all or a portion of the existing bonded debt on the Kingdome, including but not limited to roof repairs, claims, and related costs. Such bonds, to be approved by future ordinance, shall be limited to tax general obligation bonds to which the county will also pledge the hotel-motel tax authorized by RCW 67.28.180, as amended by Referendum 48 sec. 501. Revenues received from such tax from January 1, 2013 through December 31, 2015 in excess of the amount required for this purpose shall be ((~~transferred to the stadium and exhibition center account under RCW 67.28.180(3)(b))~~) deposited in the cultural resources special account.

B. Pledge to maintain and continue taxes. The county hereby pledges to maintain and continue the taxes authorized in RCW 36.38.010(5), 67.28.180 and ((RCW)) 36.38.040, until the bonds authorized in RCW 43.99N.020 are fully redeemed, both principal and interest. The county further pledges and dedicates to the repayment of the bonds issued to finance a stadium and exhibition center the full 2.0 percent hotel-motel tax during the years 2016 through 2020 in accordance with RCW 67.28.180 and 82.14.049 ((together with excess revenues from such tax during the years 2013 through 2015 beyond that needed to pay Kingdome debt)).

SECTION 5. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are each hereby amended to read as follows:

A. First tier funds and fund managers are as follows:

<b>Fund No.</b>	<b>Fund Title</b>	<b>Fund Manager</b>
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community and Human Services

109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community and Human Services
113-5	Mental Illness and Drug Dependency	Dept. of Community and Human Services
114-1	Veterans' Services Levy	Dept. of Community and Human Services
114-2	Health and Human Services Levy	Dept. of Community and Human Services
115	Road Improvement Guaranty	Dept. of Transportation
117	Arts and Cultural Development	Dept. of Executive Services
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
124	Citizen Councilor Revolving	Auditor
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Services	Dept. of Development and Environmental Services
137	Clark Contract Administration	Office of Performance, Strategy and Budget
138	Parks Trust and Contribution	Dept. of Natural Resources and Parks
139	Risk Abatement	Office of Performance, Strategy and Budget
145	Parks and Recreation	Dept. of Natural Resources and Parks
156-1	KC Flood Control Operating Contract	Dept. of Natural Resources and Parks
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
180-1	Public Health Healthcare Coalition	Dept. of Public Health
215	Grants tier 1 fund	Dept. of Executive Services
216	Cultural Resource Mitigation Fund	Office of Performance, Strategy and Budget
315	Conservation Futures	Dept. of Natural Resources and Parks
316	Parks, Rec. and Open Space	Dept. of Natural Resources and Parks
320	Public Art Fund	Dept. of Executive Services
322	Housing Opportunity Acquisition	Dept. of Community and Human Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
331	Long-Term Leases	Dept. of Executive Services
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Park Lands Acquisition 1993	Dept. of Natural Resources and Parks
340-3	Urban Reforestation and Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Dept. of Executive Services
342	Major Maintenance Reserve	Dept. of Executive Services
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Natural Resources and Parks

350	Open Space Acquisition	Dept. of Natural Resources and Parks
357-1	KC Flood Control Capital Contract	Dept. of Natural Resources and Parks
358	Parks Capital Fund	Dept. of Natural Resources and Parks
364-3	Transit Cross-Border Lease Financing Fund	Dept. of Executive Services
368	Real Estate Excise Tax Capital Summary Fund	Dept. of Performance Strategy and Budget
369	Transfer of Development Credits Program (TDC) Fund	Dept. of Natural Resources Parks
377-1	KCIT Capital Fund	Dept. of Information Technology
378	KCIT Enterprise Services Capital Improvement Fund	Dept. of Information Technology
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac. Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Capital Improvement	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
453-1	Institutional Network Operating Fund	Dept. of Information Technology
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety and Workers' Compensation	Dept. of Executive Services
544	Wastewater Equipment Rental and Revolving Fund	Dept. of Transportation
546	Department of Executive Service Equipment Replacement	Dept. of Information Technology
547	KCIT Strategy and Performance Operating Fund	Dept. of Information Technology
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
<del>((603</del>	<del>Cultural Resources Endowment</del>	<del>Dept. of Executive Services</del>
622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Office of Performance, Strategy and Budget
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services

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694	Employee Giving Program Contributions	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation
840	Limited GO Bond Redemption	Dept. of Executive Services
843	DMS Limited GO Bonds	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services
890	ULID Assessment - 1981	Dept. of Transportation
1010	Climate Exchange Fund	Office of Performance, Strategy and Budget
1411	Rainy Day Reserve	Office of Performance, Strategy and Budget
1421	Children and Families Services	Dept. of Community and Human Services
1432	Animal Bequest Fund	Dept. of Executive Services
1471	Historical Preservation and Historical Programs Fund	Dept. of Executive Services
1590	Marine Division Operating Fund	Dept. of Transportation
3590	Marine Division Capital Fund	Dept. of Transportation
5490	Business Resource Center Fund	Dept. of Executive Services

B. The following shall also be first tier funds:

1. All funds now or hereafter established by ordinance for capital construction through specific road improvement districts, utility local improvement districts or local improvement districts. The director of the department of transportation shall be the fund manager for transportation-related funds. The director of the department of natural resources and parks shall be the fund manager for utility-related funds.

2. All county funds that receive original proceeds of borrowings made under Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the extent of the amounts then outstanding for the borrowings for that fund. For purposes of this subsection, the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager.

3. Any other fund as the council may hereinafter prescribe by ordinance to be invested for its own benefit. County funds shall be treated as provided in K.C.C. 4.10.110 unless a designation is made by the council.