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

STATEMENT OF FACTS:

1. The Washington state Legislature declared in Chapter 24, Laws of Washington 2015 that there is a need to provide public and educational benefits and economic support for arts, science and heritage organizations.

2. The King County council, through Motion 14082 and Motion 14299, unanimously endorsed the need to provide public and educational benefits and economic support for arts, science and heritage organizations.

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

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

a. Enhancing and extending the educational reach and offerings of arts, science and heritage

organizations will provide all King County residents with meaningful opportunities to explore personal creativity, learn about local history and understand the natural environment, leading to greater civic engagement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Access for All funding would foster the creation and development of new cultural organizations throughout King County, reduce geographic barriers and ensure that all residents

have easy access to arts, science and heritage resources.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

E. "Community heritage organization" means a community-based cultural organization whose primary purpose is the advancement and preservation of anthropology, heritage or natural history and that either:

1. Primarily serves communities in a council district in which no regional cultural organization has its principal location; or

2. Has its principal location in King County and whose primary purpose is the preservation of barns, outbuildings and agriculture-related community spaces.

F. "Cultural center" means a geographic area in which cultural organizations and facilities are concentrated, are providing cultural activities that draw attendance and participation from surrounding communities and beyond, and is identified as a target for investment in the subarea plans required in section 9.B. in this ordinance.

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

H. "Equity inclusion public benefits" means the equity inclusion public benefits defined in section 4.A.2. of this ordinance.

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

J. "4Culture" means the Cultural Development Authority of King County, a public corporation,

established by the county under K.C.C. chapter 2.49.

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

L. "Geographic inclusion public benefit" means the public benefit defined in section 4.A.3. of this ordinance.

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

N. "Proceeds" means the revenue raised by the additional sales and use tax authorized by this ordinance and any interest thereon.

O. "Program" or "the program" means the Access for All program.

P. "Public benefits" means those discernable public benefits, comprised of equity and geographic inclusion public benefits and general public benefits, identified in section 4 of this ordinance.

Q. "Regional cultural organization" means a cultural organization that:

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

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

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

4. Has not declared bankruptcy or suspended or substantially curtailed operations for a period longer than six months during the preceding two years;

5. Over the three years preceding the year in which an allocation of program moneys is to be made to

the organization, either:

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

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

6. Is financially stable, provides substantial public benefits and has the capacity to demonstrate its status by providing an annual audit of finances and certification of attendance.

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

S. "Science" includes science or technology.

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

U. "Start-up funding" means administrative costs, including, but not limited to, legal costs, overhead costs and election costs, advanced by the county to the program after the effective date of this ordinance and

before tax collections begin with the expectation that the funding will be repaid.

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

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

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

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

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

b. annually provide one or more equity inclusion public benefits and one or more geographic inclusion public benefits;

c. satisfy the requirements in chapter 36.160 RCW; and

d. serve a regional audience; and

3. Community-based cultural organization access program, which shall annually, through a competitive process, provide proceeds for community-based cultural organizations that provide one or more discernable public benefits, and are not eligible for proceeds under the regional cultural organization access program.

B.1. The county, through K.C.C. chapters 2.48 and 2.49, has authorized 4Culture to develop, implement and administer cultural programs in the county. Accordingly, and as authorized under RCW 36.160.070, the county elects to consolidate the administration of the program with that of 4Culture to perform the functions required under RCW 36.160.110 consistent with this ordinance and the implementation plan required in section

9 of this ordinance.

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

3. 4Culture shall develop and maintain guidelines and eligibility and reporting requirements for all organizations that are provided proceeds through the program consistent with chapter 36.160 RCW and this ordinance. The guidelines shall ensure that the cultural organizations receiving proceeds provide or continue to provide discernible public benefits. Program grant agreements shall require, among other things, that no person in the county shall, on the basis of sex, race, color, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Access for All financial support. The guidelines and program grant agreements developed and administered by 4Culture shall be consistent with the equity and subarea plans described in section 9.B. of this ordinance. 4Culture shall use the equity and subarea plans in the manner described in section 9.B.4. of this ordinance.

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

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

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

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

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

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

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

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

(6) a performance report on each funded community-based cultural organization's discernable public benefits, a report on the actual and planned use of community-based cultural organization access program proceeds and regional cultural organization contributions to foster community-based cultural organizations and the creation and development of cultural centers identified in the subarea plans required by section 9.B. of this ordinance, and a management report identifying any proposed changes to the program panel process, eligibility guidelines, or reporting requirements since the last report.

6. The 4Culture board of directors shall serve as the initial Access for All program advisory board. The council shall establish the size and operation of the permanent advisory board in the adopted implementation plan. Members of the permanent advisory board shall be appointed consistent with the adopted implementation plan.

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

A. All cultural organizations must provide discernible public benefits to receive funding from the program. To be eligible to receive funding regional cultural organizations must provide one or more equity inclusion public benefits, and provide one or more geographic inclusion public benefits. To be eligible to receive funding community-based cultural organizations must provide one or more general public benefits or one or more equity inclusion public benefits. The following are the program's discernible public benefits:

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

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

b. providing performances and programs throughout the county, directly in and for local communities, or through partnerships between and among regional and community-based cultural organizations, or through partnerships between or among regional and community-based nonprofit corporations or other nonprofit entities;

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

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

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

f. supporting collaborative relationships among cultural organizations in order to extend the reach and impact of cultural organizations for the benefit of the public;

g. bringing community-based cultural organizations' facilities and community-based and regional cultural organizations' programming into compliance with access requirements of the Americans with

Disabilities Act;

h. supporting organizations that strive to engage traditional cultures and crafts;

i. building and expanding cultural facilities for community-based cultural organizations at a scale and size consistent with the county's and other jurisdictions' applicable land use policies and development regulations;

j. presenting free cultural festivals countywide;

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

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

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

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

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

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

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

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

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

d. increasing investment in programs and organizations that represent and reflect the diversity of the county; and

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

3. Geographic inclusion public benefits. The following public benefits are "geographic inclusion public benefits":

a. planning and implementing cultural programs and activities in cultural centers;

b. partnering with community-based cultural organizations, through direct investment or in-kind support, on priority projects and initiatives identified in the subarea plans required by section 9.B. of this ordinance;

c. providing to communities outside cities in which regional cultural organizations are primarily located cultural programing either directly, in partnership with community-based cultural organizations or public schools, or through means identified in their annual reports required by section 3.B.5.b. of this ordinance; and

d. providing proceeds to 4Culture to distribute to community-based cultural organizations for noncapital projects or initiatives under section 7.F. of this ordinance.

B. Providing equity and geographic inclusion public benefits is intended to result in meaningful

progress toward achievement of the following equity and inclusion outcomes:

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

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

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

4. Ensuring that the program distributes a total of at least one million dollars to community-based cultural organizations in each county council district in each year; and

5. Fostering the emergence and growth of cultural centers throughout King County.

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

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

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

tax.

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

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

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

C. Proceeds from the tax imposed under section 5 of this ordinance, excepting start-up funding to 4Culture or the county, may not be distributed until the council by ordinance has approved the implementation plan required by section 9 of this ordinance.

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

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

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

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

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

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

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

5. The public school access program shall provide proceeds for transportation for public school students to attend and participate in age-appropriate programs and activities offered by cultural organizations. After funding transportation and consistent with RCW 36.160.100, the public school access program may provide proceeds for district-wide cultural education plans and district cultural education coordinators and provide for the development of tools, materials and media by cultural organizations to ensure that school access programs and activities correlate with school curricula. Subject to available proceeds, the public school access program also may provide training for teachers and providers of cultural education resources, including artists, historians, and scientists, as part of the development of such tools, materials and media to help ensure that such programs and activities correlate with school curricula.

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

2. Proceeds must be distributed among eligible organizations in ranked order such that an organization

with a higher ranking receives higher funding provided, however, that no organization may receive proceeds in excess of fifteen percent of its average annual revenues over the three preceding years. Proceeds must be used to support cultural and educational activities, programs and initiatives, public benefits and communications and basic operations of cultural organizations under the regional cultural organization access program consistent with RCW 36.160.110(2), including the requirement that at least twenty percent of each regional cultural organization award be dedicated to participation in the public school access program as described in subsection C. of this section. Proceeds distributed to regional cultural organizations under this subsection may not be used for capital expenditures or acquisitions including, but not limited to, the acquisition of or the construction of improvements to real property.

3. Regional cultural organizations shall expend at least fifteen percent of their awards towards equity inclusion public benefits and at least fifteen percent of their awards towards geographic inclusion public benefits. In lieu of funding some or all geographic inclusion public benefits directly, regional cultural organizations also shall be allowed to provide 4Culture with any amount of their award, with a target of at least 7.5 percent, to support the community-based cultural organization programs or projects funded under subsection F. of this section. The implementation plan required in section 9 of this ordinance shall provide guidelines for how regional cultural organizations will satisfy their equity and geographic inclusion public benefit requirements and make meaningful progress towards equity and inclusion outcomes, specifically including encouraging organizations to expand their geographic reach countywide by making at least half of their geographic inclusion public benefit investments collectively with other regional cultural organizations through a process established therefor and administered by 4Culture. Such proceeds may not be used for capital purposes.

E. From the remaining tax proceeds after reserving the amount required in subsections A., B., C. and D. of this section, including, but not limited to, proceeds not distributed to regional cultural organizations because of the fifteen percent of annual revenue limit or the ranking requirement or otherwise, not more than eight

percent shall be distributed annually to 4Culture for administrative costs of the Access for All program.

F.1. From the remaining tax proceeds after reserving the amount required in subsections A., B., C., D. and E. of this section, including, but not limited to, proceeds not distributed to regional cultural organizations because of the fifteen percent of annual revenue limit or the ranking requirement or otherwise and proceeds contributed to 4Culture for distribution to community-based cultural organizations and development of cultural centers under subsection D.3. of this section, all remaining proceeds will be distributed annually to community-based cultural organizations through a competitive process to be used to support: cultural and educational activities, programs and initiatives; public benefits and communications; basic operations; capital expenditures or acquisitions; and technology, equipment and supplies reasonably related to or necessary for a project funded under the community-based cultural organization program and consistent with RCW 36.160.110(2), including, but not limited to, seed money for a community-based cultural organization to fund start-up expenses of new cultural organizations.

2. The proceeds for the uses in subsection F.1. of this section shall be distributed annually through competitive processes as follows:

a. at least ten percent shall be distributed as seed money to foster the creation of new cultural organizations and development of cultural centers;

b. make distributions to community heritage organizations such that proceeds to these organizations total at least four million five hundred thousand dollars annually, or a lesser amount after subtracting the value of programs and partnerships to such organizations provided by regional cultural organizations. If proceeds remain after distribution to eligible community heritage organizations for eligible programs and projects, these funds must be distributed to community-based cultural organizations in communities in a council district in which no regional cultural organization has its principal location;

c. remaining proceeds shall be distributed for operations, capital expenditures, projects and capacity

building for all other eligible community-based cultural organizations; and

d. no proceeds received from regional cultural organizations shall be expended for capital expenditures.

3. The program shall make distributions under this subsection F. such that program proceeds for community-based cultural organizations in each council district totals at least one million dollars in each year.

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

H. 4Culture shall develop guidelines to be approved by the King County council for eligible expenditures for each program component identified in section 3 of this ordinance. The guidelines must be consistent with chapter 36.160 RCW and this ordinance.

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

certify that proposition to the King County director of elections in substantially the following form:

PROPOSITION___; The County Council adopted ordinance XXXXX to establish and fund a cultural access program. If approved, this proposition would fund public school and cultural organization access programs. The programs would increase free or discounted tickets for students and low-income persons to arts, science, and heritage programs and advance equitable access across King County. It would also have dedicated transportation funds for public school students and cultural education in public schools. The program would be funded by an increase in the county sales tax 1/10th of 1 percent for 7 years beginning January 1, 2018. Should this proposition be:

__ Approved

__ Rejected

SECTION 9. **Implementation plan.**

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

A.1. Itemization of any startup costs incurred or to be incurred by 4Culture or the county.

2. Detailed program descriptions of the major elements of the Access for All program, which are the public school access program, the regional cultural organization access program, the community-based cultural

organization access program and a framework for 4Culture administration of all programs.

3. The public school access program description shall include:

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

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

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

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

4. The regional cultural organization access program description shall include:

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

b. guidelines for regional cultural organizations to expend at least fifteen percent of their awards towards equity inclusion public benefits and at least fifteen percent of their awards towards geographic inclusion public benefits, and a plan to assist regional cultural organizations in using their awards to make meaningful progress towards the equity and inclusion outcomes;

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

d. a description of the process and reports for determining the baseline standard of continuous performance of public benefits provided, a description of guidelines for providing the equity and geographic

inclusion public benefits a regional cultural organization must provide to be eligible for funding under the program and descriptions of the discernible equity and geographic inclusion public benefits and general public benefits consistent with RCW 36.160.090 and this ordinance;

e. a public benefit reporting framework for regional cultural organizations that includes standards for reports describing the organization's success in providing:

(1) general public benefits as anticipated in the organization's prior report;

(2) equity and geographic inclusion public benefits that resulted in progress towards achievement of equity and inclusion outcomes as anticipated in the organization's prior report; and

(3) a preview of the general public benefits, equity and geographic inclusion public benefits and equity and inclusion outcomes that the organization plans to provide in the coming year;

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

g. a description of initial application procedures, including review by an eligibility panel made up of at least nine members recommended one each by each county councilmember, that will be used for the regional cultural organization access program to verify whether an organization is eligible for the program; and

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

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

a. an overall summary of the community-based organization access program and fund allocation within this portion of the Access for All program for operating, project, capital, initiative and other funding pools, including the development of cultural centers, and seed money to foster the creation of new cultural organizations;

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

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

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

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

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

B.1. A countywide cultural equity plan and four subarea plans as described in this subsection. The plans are intended to articulate a vision, establish goals, identify priority projects and initiatives and provide recommendations for achieving the intended cultural access improvements over time.

2. The countywide cultural equity plan shall be developed with input from regional cultural organizations, community-based cultural organizations, school districts, and the 4Culture advisory committee whose purpose is to advise, monitor and provide oversight for achieving the equity outcomes associated with

the program. The plan must include:

a. recommendations for how public school access proceeds can be scaled to coincide with the relative percentage of students who participate in the national free or reduced-price school meals program;

b. recommendations for how regional cultural organizations can provide equity inclusion public benefits in a manner that contributes to the equity and inclusion outcomes described in section 4.B. of this ordinance;

c. a description of criteria for making awards of up to thirty percent of an community-based cultural organization's budget for community-based cultural organizations that either are organized of, by and for communities and census tracts that face cultural and economic barriers to access; that provide significant equity inclusion public benefits or both.

3. Cultural opportunity and access expansion plans for four county subareas, the north, suburban east, rural east (east of the contiguous urban growth boundary) and south as shall be further defined in the implementation plan, shall be developed with input from cultural organizations , cities, public schools, and the county councilmembers representing the subareas. Each such a subarea plan must include strategies to:

a. develop multiple cultural centers within each subarea, including within the unincorporated area;

b. use seed money to establish new cultural organizations; and

c. accomplish the plans' visions and goals by leveraging Access for All funding with other funding sources, such as private donations, grants and future hotel-motel tax proceeds that will be available in 2021, recognizing that the hotel-motel tax proceeds will continue to be used by some grantees and for some purposes not served by the Access for All program.

4. 4Culture shall use the plans to:

a. guide its work with regional cultural organizations in developing contractual obligations for the use of proceeds spent on equity and geographic inclusion public benefits;

b. identify opportunities to foster growth of cultural centers outside the city of Seattle, including

ways for regional cultural organizations to participate in fostering such growth through partnerships, direct contributions administered through 4Culture and contribution of in-kind support and technical expertise; and

c. guide the establishment of criteria and guidelines for the competitive processes for distribution of community-based cultural organization access program proceeds.

5. The plans in subsections B.2. and B.3. of this section along with motions to approve them must be transmitted by the executive in consultation with 4Culture to the council by the completion date identified in the implementation plan and shall be effective upon approval by motion;

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

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

E. The establishment of a 4Culture advisory committee whose purpose is to advise, monitor and provide oversights for achieving the equity and inclusion outcomes associated with the program. The size and operation of the advisory council shall be defined, and at least nine members of this committee must be recommended one each by each of the nine county councilmembers and confirmed by the King County council; and

F. A proposed annual reporting framework between 4Culture and the county that includes:

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

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

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

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

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

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

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

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

The charter of the cultural development authority, as set forth in Attachment A to ((~~Ordinance 14482~~)) this ordinance, is hereby approved. The clerk of the council shall, within ten days of ((~~October 11, 2002~~)) the effective date of this ordinance, issue the charter in duplicate originals, each bearing the county seal attested by the clerk of the council. The clerk of the council shall file and record one original charter with the records and licensing services division and provide one original charter to the county executive on behalf of the cultural development authority. The county may amend the charter by ordinance after providing notice to and an opportunity for the directors to be heard and present testimony.

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

SECTION 12. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision

to other persons or circumstances is not affected.