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Introduced by

RON SIMS

Proposed No.

89-518

ORDINANCE NO. **9279**

AN ORDINANCE pertaining to the use of the Hotel-Motel Tax revenues; creating the King County Arts and Cultural Education Program and the King County Arts and Cultural Education Program Fund; and creating the King County Arts and Cultural Development Fund, the King County Arts and Cultural Tourism and Enrichment Program and the King County Opportunity Grant Program.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. FINDINGS: The Washington State Legislature has decided under the provisions of RCW 67.28.180(3)(a) that excess proceeds from the hotel-motel tax levied annually in King County shall only be used for the support of the arts, the performing arts, art museums, and cultural museums of King County.

A. King County's diverse arts and heritage organizations and professional artists can enrich and support arts and cultural education and arts and cultural tourism in this region. King County is a regional and national center for arts and culture and has the seventh largest population of individual artists per capita nationwide. These arts and cultural resources can train young artists, build audiences for the future and attract local residents, children and tourists to their events and programs.

B. Arts and cultural education in the public schools is an integral part of support for the arts and culture. It provides the opportunity to observe, participate and engage in the arts and cultural process with professional artists and community arts and cultural organizations, as a part of the educational process in and out of the classroom.

C. While the state of Washington, through the Basic Education

1 Act, is responsible for funding arts and cultural education as  
2 part of basic education, King County and its citizens have a  
3 compelling and continuing interest in the education of young  
4 people, including education in the public schools in the arts and  
5 culture, and may choose to enhance basic education through grants  
6 and other means as deemed necessary to implement the enhancement.

7 D. Involving children in creating works of art and providing  
8 the opportunities for children to work with arts teachers,  
9 artists, and performing arts organizations, both in the classroom  
10 and in the community, is necessary as part of a comprehensive  
11 arts and cultural education program. Education in arts and  
12 culture can increase students' awareness, knowledge, and  
13 acceptance of arts and culture; can improve understanding between  
14 artists, teachers and administrators; and can encourage  
15 cooperation among arts, heritage, and educational institutions  
16 and organizations.

17 SECTION 2. Definitions. A. "Arts and culture" is defined as  
18 the arts and cultural disciplines, which include but are not  
19 limited to dance, drama/theatre, music, visual arts, literary  
20 arts, media arts, performing arts, traditional and folk arts,  
21 ethnic arts, and history, heritage and historic preservation.

22 B. "Arts and cultural education" is defined as the sequential  
23 and comprehensive study of the elements of the various art and  
24 cultural forms and how to use them creatively including  
25 instruction in skills, critical assessment, the history of the  
26 art and cultural forms, and aesthetic judgment.

27 C. "Arts and cultural tourism and enrichment" is defined as  
28 arts and cultural institutions, individuals and programs working  
29 together with the tourism industry to enhance the county's  
30 international reputation by promoting its cultural and artistic  
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1 attractions and broadening the audiences served. Arts and  
2 cultural tourism and enrichment preserves the county's artistic  
3 and cultural identity, strengthens the local economy and improves  
4 the quality of life for county residents.

5 SECTION 3. There is hereby created the King County Arts and  
6 Cultural Education Program Fund.

7 A. The King County Arts and Cultural Education Program Fund  
8 shall be a special revenue fund.

9 B. For investment purposes, the King County Arts and Cultural  
10 Education Program Fund shall be considered a second tier fund  
11 with the finance section of the office of financial management  
12 designated as fund manager.

13 C. Beginning January 1, 1991, forty percent of all excess  
14 hotel-motel tax revenues collected by King County under the  
15 provisions of RCW 67.28.180(3)(a) in any calendar year shall be  
16 deposited in the King County Arts and Cultural Education Program  
17 Fund.

18 D. Monies expended from the King County Arts and Cultural  
19 Education Program Fund shall be used only for the King County  
20 Arts and Cultural Education Program and shall be subject to the  
21 conditions as defined in this ordinance.

22 E. First distribution of funds shall be no later than the  
23 1991-1992 school year. Subsequent distributions shall occur  
24 annually for each school year, thereafter.

25 SECTION 4. The King County Council hereby establishes the  
26 King County Arts and Cultural Education Program. The program  
27 shall consist of one- to three-year grants for King County public  
28 school- and/or public school district-initiated projects and  
29 programs, reviewed annually, and shall be subject to the  
30 following:  
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1           A. Applicants eligible to apply for the King County Arts and  
2 Cultural Education Program grants are all King County public  
3 schools and/or public school districts in King County that meet  
4 the applicable deadlines for the King County Arts and Cultural  
5 Education Program.

6           B. Local control of King County's public schools shall be  
7 preserved.

8           C. Monies granted to the individual King County public  
9 schools and/or public school districts shall be used to enrich  
10 existing arts and cultural education programs or to create new  
11 ones and in any event shall be expended only for direct costs for  
12 arts and cultural education as defined in this ordinance, which  
13 may include fees for artists, arts specialists, experts in arts  
14 education, and performing arts organizations.

15           D. All grades shall be eligible for funding through grants  
16 under this ordinance. However, while funds are minimal, grades  
17 K-8, or grades K-9 in schools where grade 9 remains in the middle  
18 school configuration, shall receive priority for funding.

19           E. The cost of administering the King County Arts and  
20 Cultural Education Program shall be minimal.

21           F. Individual schools shall apply for the grants by February  
22 15th in order to be awarded allocations starting July 1 of the  
23 same year.

24           G. Applications must describe the intended use of the grant  
25 funds. The intended use must be for King County school- and/or  
26 public school district-initiated projects and programs for arts  
27 and cultural education as defined in this ordinance. Grant  
28 applications may address the needs of special student  
29 populations, such as at-risk students and students with handicaps  
30 or disabilities, and other youth of school age who are not  
31 currently in school, such as youth in detention and those who  
32 have dropped out of school.  
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1 H. There shall be written guidelines and procedures for  
2 applying for grants which shall include eligibility criteria,  
3 scope of program, and funding needs. The guidelines shall be  
4 written by the Arts and Cultural Education Advisory Committee and  
5 recommended by the Arts Commission and shall be subject to  
6 council approval. The advisory committee shall establish  
7 procedures for evaluation of programs and accountability of  
8 funds. These procedures shall be submitted by the Arts  
9 Commission to the council for approval.

10 I. Grant awards shall reflect a county-wide geographic  
11 distribution, and shall include public schools and public school  
12 districts from various affluent and less affluent communities.

13 J. Grant decisions are made on a competitive basis and in  
14 accordance with criteria established pursuant to paragraph H.  
15 above. Established criteria shall include commitment and ability  
16 to provide student learning in arts and culture. Grants made  
17 under the King County Arts and Cultural Education Program shall  
18 recognize that Bellevue is receiving its own hotel-motel tax  
19 revenues, and therefore preference shall be given to applications  
20 serving other areas of the county. Grants to Bellevue public  
21 schools for worthwhile projects are not precluded. King County  
22 Arts and Cultural Education Program grant awards shall be  
23 allocated to individual schools by July 1 of each year.

24 SECTION 5. Responsibility. The King County Parks, Planning  
25 and Resources Department, Cultural Resources Division, shall be  
26 responsible for staff support for the Arts and Cultural Education  
27 Program in accordance with the provisions of this ordinance.

28 SECTION 6. There is hereby created the King County Arts and  
29 Cultural Education Advisory Committee as a subcommittee of the  
30 King County Arts Commission to oversee and provide direction for  
31 the King County Arts and Cultural Education Program and make  
32 recommendations through the Arts Commission to the King County  
33 Executive and King County Council.

1           A. The Arts and Cultural Education Advisory Committee  
2 membership shall reflect the ethnic and geographic diversity of  
3 King County. The committee shall have nine members. The nine  
4 members shall include parents, an arts administrator, public  
5 school art teachers, public school teachers, professional  
6 artists, representatives of cultural, heritage and ethnic  
7 organizations, interested community volunteers and two King  
8 County Arts Commission members.

9           B. The members of the Advisory Committee shall be nominated  
10 by the executive and confirmed by the council and shall serve for  
11 three-year terms. Three of the initial appointments shall be for  
12 three-year terms, three for two-year terms and three for a  
13 one-year term to enable terms to be staggered.

14           C. The duties and authorities of the Advisory Committee shall  
15 be the following:

16           1. Develop guidelines and evaluation criteria to apply for  
17 and award grants under this program.

18           2. Review and determine eligibility of all grant  
19 applications.

20           3. Submit budget recommendations for the program.

21           4. Recommend through the Arts Commission grant awards for  
22 approval by the King County Executive and King County Council.

23           5. Set forth program ideas and suggestions for schools to  
24 consider.

25           6. Encourage a high quality of programs and a diversity of  
26 program ideas.

27           7. Assure grant awards reflect a broad geographic  
28 distribution of schools and school districts, and are accessible  
29 to children from a wide range of socioeconomic levels, ethnic  
30 groups and special student populations.

1           8. Annually report program results through the Arts  
2 Commission to the King County Executive and King County Council.

3           9. Evaluate grant performance and expenditures.

4           10. Make suggestions through the Arts Commission to the King  
5 County Executive and the King County Council for program  
6 improvements.

7           SECTION 7. There is hereby created the King County Arts and  
8 Cultural Development Fund.

9           A. The King County Arts and Cultural Development Fund shall  
10 be a special revenue fund.

11           B. For investment purposes, the King County Arts and Cultural  
12 Development Fund shall be considered a second tier fund with the  
13 finance section of the office of financial management designated  
14 as fund manager.

15           C. Beginning January 1, 1991, sixty percent of all excess  
16 hotel-motel tax revenues collected by King County under the  
17 provisions of RCW 67.28.180(3)(a), in any calendar year shall be  
18 deposited in the King County Arts and Cultural Development Fund.  
19 The King County Arts and Cultural Development Fund will fund the  
20 new King County Arts and Cultural Tourism and Enrichment Program  
21 and the new King County Opportunity Grant Program.

22           D. Monies expended from this fund shall be used only for the  
23 purposes established in this ordinance and shall be subject to  
24 the conditions of this ordinance.

25           SECTION 8. There is hereby established the King County Arts  
26 and Cultural Tourism and Enrichment Program. This program shall  
27 consist of competitive grants, reviewed annually, to arts and  
28 cultural/heritage organizations, individual artists, community  
29 educational organizations and community arts groups which reflect  
30 the multi-cultural, ethnic and geographic diversity of King  
31 County. Applications must describe the intended use of the grant  
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1 funds, and applicants may request full cost recovery. Consider-  
2 ation shall be given to the potential of each project for  
3 developing tourism related to arts and cultural/historic events  
4 and features in King County.

5 A. There shall be written guidelines and procedures for  
6 applying for grants which shall include eligibility criteria,  
7 scope of program, and funding needs. The guidelines shall be  
8 written by the Cultural Resources Division and recommended by the  
9 executive, and shall be subject to council approval. The  
10 Cultural Resources Division, through the executive, shall submit  
11 for council review an annual report which evaluates the King  
12 County Arts and Cultural Tourism and Enrichment Program and  
13 accounts for fund expenditures.

14 B. Two-thirds of the excess hotel-motel tax revenues  
15 allocated to the King County Arts and Cultural Development Fund  
16 shall be expended for the King County Arts and Cultural Tourism  
17 and Enrichment Program, provided that at least 20% of the King  
18 County Arts and Cultural Tourism and Enrichment Program revenue  
19 allocation shall be earmarked for heritage programs and  
20 administered by the King County Landmarks Commission.

21 C. The funds expended for the King County Arts and Cultural  
22 Tourism and Enrichment Program shall be used to assure the  
23 financial stability and expand the role of local arts and  
24 cultural organizations and individuals as artistic and cultural  
25 educational resources which develop King County as a tourism  
26 attraction through arts and cultural/historic events and features  
27 in King County, within the intent and purposes authorized by RCW  
28 67.28.180(3)(a). The purpose of these funds is to:

29 1. Enhance the ability of arts organizations and of  
30 individual artists to produce and present challenging high  
31 quality art works.  
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1           2. Enhance the exhibits and/or permanent collections that  
2 are the unique features of the museums and visual art centers.

3           3. Assist in providing and bringing touring programs and  
4 exhibits on the regional and national level to King County.

5           4. Improve audience development and arts and cultural  
6 opportunities for special populations, multi-cultural audiences  
7 and King County youth.

8           5. Provide assistance for planning and improvement of arts  
9 and cultural facilities.

10          6. Provide for preservation and restoration of  
11 cultural/historical facilities.

12          7. Encourage and provide an exchange of services and  
13 technical assistance between larger and smaller organizations,  
14 individual artists and heritage professionals.

15          8. Provide funds for arts and cultural/heritage  
16 organizations and museums to comply with Section 504 of the  
17 Federal Rehabilitation Act of 1973, as amended.

18          D. Eligibility. Eligible applicants shall include but not be  
19 limited to individual artists, arts and cultural/heritage  
20 organizations, community arts and cultural groups, community  
21 educational organizations and family and youth programs relating  
22 to arts and culture which reflect the multi-cultural, ethnic and  
23 geographic diversity of King County.

24          SECTION 9. The King County Arts and Cultural Tourism and  
25 Enrichment Program shall be a separate program under the  
26 direction of the Cultural Resources Division with input from both  
27 the King County Arts Commission and the King County Landmarks  
28 Commission.

29          A. The duties and authorities of the Cultural Resources  
30 Division shall be the following:

31           1. Develop guidelines and eligibility criteria for the King  
32 County Arts and Cultural Tourism and Enrichment Program.

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1           2. Submit project proposals to the King County Arts  
2 Commission or the King County Landmarks Commission as applicable  
3 for review and eligibility determination of all project proposals.

4           3. Submit project proposals for review and appropriation by  
5 the Council.

6           4. Annually report program results to the King County  
7 Executive and King County Council.

8           5. Review, evaluate and account for expenditures of funds.

9           B. The cost of administering the King County Arts and  
10 Cultural Tourism and Enrichment Program shall be minimal.

11           SECTION 10. There is hereby established the King County  
12 Opportunity Grant Program.

13           A. The Opportunity Grant Program shall be administered by the  
14 Cultural Resources Division under the direction of the King  
15 County Executive and in accordance with the guidelines and  
16 policies established by the King County Council. The Opportunity  
17 Grant Program shall consist of competitive grants, reviewed  
18 annually, for funding innovative endeavors relating to arts,  
19 culture/heritage and education which are not funded by existing  
20 programs. Projects may include individual or collaborative  
21 efforts, but the Cultural Resources Division shall give special  
22 consideration to applications which reflect collaboration between  
23 any of the art and culture disciplines, educational institutions  
24 and community arts and heritage groups. Grant awards are  
25 intended to fund smaller and diverse organizations and  
26 activities. Applications must describe the intended use of the  
27 grant funds.

28           B. One-third of the excess hotel-motel tax revenues allocated  
29 to the King County Arts and Cultural Development Fund shall be  
30 expended for the King County Opportunity Grant Program, provided  
31 that at least 20% of the King County Opportunity Grant Program  
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1 revenue allocation shall be earmarked for heritage programs and  
2 administered by the King County Landmarks Commission.

3 C. Eligibility. Eligible applicants shall include but not be  
4 limited to individual artists, arts and cultural/heritage  
5 organizations, community arts and cultural groups, public  
6 educational institutions, community educational organizations,  
7 and family and youth programs relating to arts and culture which  
8 reflect the multi-cultural, ethnic and geographic diversity of  
9 King County.

10 D. There shall be written guidelines and procedures for  
11 applying for grants which shall include eligibility criteria,  
12 scope of program, and funding needs. The guidelines shall be  
13 written by the Cultural Resources Division and recommended by the  
14 executive to the Council for approval. The Cultural Resources  
15 Division, through the executive, shall submit for council review  
16 an annual report which evaluates the King County Opportunity  
17 Grant Program and accounts for fund expenditures.

18 E. Opportunity grants can include but are not limited to  
19 endeavors that:

20 1. Promote the cultural diversity and arts activity of this  
21 region as well as promote its multi-cultural history and heritage.

22 2. Address the special needs of mid-sized and smaller  
23 organizations, including providing technical assistance.

24 3. Produce special events and programs such as festivals  
25 that will highlight the region's cultural resources.

26 4. Provide assistance for planning and improvement of arts  
27 and cultural facilities.

28 5. Provide for preservation and restoration of  
29 cultural/historical facilities.

30 6. Provide funds for arts and cultural/heritage  
31 organizations and museums to comply with Section 504 of the  
32 Federal Rehabilitation Act of 1973, as amended.  
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1 F. Applications for funds shall be made to the Cultural  
2 Resources Division and will be reviewed and recommended for  
3 funding to the King County Executive and King County Council on  
4 an annual basis.

5 G. Annual reports will be submitted to the executive and  
6 council.

7 H. The cost of administering the King County Opportunity  
8 Grant Program shall be minimal.

9 SECTION 11. All programs and projects funded under this  
10 ordinance shall comply with Section 504 of the Federal  
11 Rehabilitation Act of 1973, as amended, and abide by current  
12 affirmative action laws and ordinances.

13 SECTION 12. The King County auditor shall conduct a  
14 performance and fiscal/compliance audit of the King County Arts  
15 and Cultural Education Program, the King County Arts and Cultural  
16 Tourism and Enrichment Program and the King County Opportunity  
17 Grant Program no later than 1994, and as necessary thereafter.

18 SECTION 13. Notwithstanding the other provisions of this  
19 ordinance, the amount of current expense revenues in excess of  
20 the adopted 1990 budget revenue estimate of \$249,318,366 shall be  
21 allocated to replace up to \$646,141 of the \$1,086,314 hotel-motel  
22 tax revenues allocated to the current expense fund. Additional  
23 current expense fund revenues which are reimbursement for  
24 expenditures such as adult detention, public defense contracts,  
25 and so forth shall not be considered excess for purposes of this  
26 requirement.

27 SECTION 14. Severability. Should any section, subsection,  
28 paragraph, sentence, clause or phrase of this ordinance be  
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1 declared unconstitutional or invalid for any reason, such  
2 decision shall not affect the validity of the remaining portions  
3 of this ordinance.

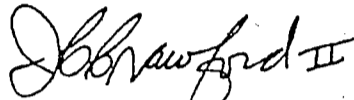
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5 INTRODUCED AND READ for the first time this 10<sup>th</sup> day  
6 of July, 1989.

7 PASSED this 18<sup>th</sup> day of December, 1989.

8 KING COUNTY COUNCIL  
9 KING COUNTY, WASHINGTON

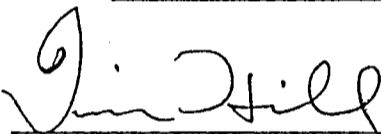
10   
Chair

11 ATTEST:

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13 Clerk of the Council

14 APPROVED this 29<sup>th</sup> day of December, 1989.

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16 King County Executive