



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 30, 2002

Ordinance 14440

Proposed No. 2002-0263.2

Sponsors Edmonds

1 AN ORDINANCE relating to arts and culture in King
2 County; amending the allocation of hotel/motel tax
3 revenues in the King County arts and cultural development
4 fund; adopting the guidelines for the Sustained Support
5 Program and adopting the revised hotel/motel financial
6 plan; making technical corrections; amending Ordinance
7 12076, Section 24, and K.C.C. 4.08.190, Ordinance 9279,
8 Section 2, as amended, and K.C.C. 4.42.020, Ordinance
9 9279, Section 4, as amended, and K.C.C. 4.42.030,
10 Ordinance 9279, Section 8, as amended, and K.C.C.
11 4.42.060 and Ordinance 12076, Section 49, as amended,
12 and K.C.C. 4.42.100 and adding new sections to K.C.C.
13 chapter 4.42.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 SECTION 1. Ordinance 12076, Section 24, and K.C.C. 4.08.190 are each hereby
18 amended to read as follows:

19 **Arts and cultural development fund.**

20 A. The King County ~~((A))~~arts and ~~((C))~~cultural ~~((D))~~development ~~((F))~~fund shall
21 be a special revenue fund.

22 B. For investment purposes, the King County ~~((A))~~arts and ~~((C))~~cultural
23 ~~((D))~~development ~~((F))~~fund shall be considered a second tier fund.

24 C. Beginning ~~((January 1, 1992, and through December 31, 2000, seventy five~~
25 ~~percent, and beginning))~~ January 1, 2001 through December 31, 2012, seventy
26 percent~~((;))~~ of all excess hotel-motel tax revenues collected by the county under ~~((the~~
27 ~~provisions of))~~ RCW 67.28.180(3)(a)~~((, as amended,))~~ in any calendar year shall be
28 deposited in the King County ~~((A))~~arts and ~~((C))~~cultural ~~((D))~~development ~~((F))~~fund.
29 The King County ~~((A))~~arts and ~~((C))~~cultural ~~((D))~~development ~~((F))~~fund ~~((with))~~ shall
30 fund the King County ~~((C))~~cultural ~~((F))~~facilities ~~((P))~~program, the King County
31 ~~((C))~~cultural ~~((E))~~education ~~((P))~~program ~~((and)),~~ the King County ~~((S))~~special
32 ~~((P))~~projects ~~((P))~~program, the King County sustained support program for arts and the
33 King County sustained support program for heritage.

34 D. ~~((Monies))~~ Moneys expended from this fund shall be used only for the
35 purposes established in K.C.C. chapter 4.42 and shall be subject to the conditions of
36 K.C.C. chapter 4.42. ~~((Monies))~~ Moneys distributed to art museums, cultural museums,
37 heritage museums, the arts~~((;))~~ and the performing arts shall be in addition to and may not
38 be used to replace or supplant any other cultural programs funded by the county from
39 general revenues.

40 E. At least forty percent of the revenues distributed pursuant to this section for
41 the period January 1, 2001, through December 31, 2012, shall be deposited in an account
42 and shall be used to establish an endowment. Principal in the account shall remain
43 permanent and irreducible. The remaining revenues, along with the earnings from
44 investments of balances in the account, may only used for the purposes stated in K.C.C.
45 chapter 4.42.

46 F. Recommendations for grants from the King County ~~((C))~~cultural
47 ~~((E))~~education ~~((P))~~program ~~((and))~~, ~~((S))~~special ~~((P))~~projects ~~((P))~~program ~~((F))~~fund,
48 cultural facilities, and sustained support programs shall be made by the King County
49 ~~((A))~~arts ~~((C))~~commission, or its successor, and the King County ~~((L))~~landmarks and
50 ~~((H))~~heritage ~~((C))~~commission, or its successor, and submitted to the executive for
51 recommendation and to the council for review and approval by motion.

52 SECTION 2. Ordinance 9279, Section 2, as amended, and K.C.C. 4.42.020 are
53 each hereby amended to read as follows:

54 **Definitions.** The definitions in this section apply throughout this chapter unless the
55 context clearly requires otherwise.

56 A. "Arts commission" means the King County arts commission or its successor
57 agency.

58 B. "Culture" ~~((is defined as))~~ means the arts and heritage disciplines, which
59 include, but are not limited to, dance, drama/theatre, music, visual arts, literary arts, media
60 arts, performing arts, traditional and folk arts, ethnic arts~~((;))~~ and history, heritage and
61 historic preservation.

62 ~~((B-))~~ C. "Cultural education" ~~((is defined as))~~ means the sequential and
63 comprehensive study of the elements of the various arts and heritage forms and how to use
64 them creatively including instruction in skills, critical assessment, the history of the arts and
65 heritage forms~~((;))~~ and aesthetic judgment.

66 ~~((C-))~~ D. "Cultural education advisory committee" means the King County cultural
67 education advisory committee , or its successor agency.

68 E. "Cultural enhancement" ~~((is defined as))~~ means arts and heritage institutions,
69 individuals and programs working together with the tourism industry to enhance the
70 county's international reputation by promoting its cultural attractions and broadening the
71 audiences served. Cultural enhancement preserves the county's cultural identity,
72 strengthens the local economy and improves the quality of life for county residents.

73 ~~((D-))~~ F. "Cultural facilities" ~~((shall))~~ includes buildings and structures ~~((which))~~
74 that are used primarily for the performance, exhibition or benefit of arts and heritage
75 activities, including but not limited to performing arts, visual arts, heritage and cultural
76 endeavors.

77 ~~((E-))~~ G. "Fixed assets" ~~((are defined as))~~ means tangible objects such as
78 machinery or equipment intended to be held for ten years or more ~~((which))~~ that will
79 benefit cultural institutions.

80 H. "Landmarks and heritage commission" means King County landmarks and
81 heritage commission or its successor agency.

82 I. "Office of cultural resources" means King County office of cultural resources
83 or its successor agency.

84 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 4.42 a
85 new section to read as follows:

86 **Arts and cultural development fund allocations.**

87 A. The King County arts and cultural development fund, created under K.C.C.
88 4.08.190, shall support the funding programs of the arts commission and the landmarks
89 and heritage commission. At least twenty percent of the arts and cultural development
90 fund revenues remaining subsequent to the annual allocation for the cultural endowment,
91 in accordance with K.C.C. 4.08.190, and the related costs of administration of cultural
92 programs by the office of cultural resources, shall be administered by the landmarks and
93 heritage commission.

94 B. The arts and cultural development fund revenues shall be expended in the year
95 following collection.

96 C. The arts commission and the landmarks and heritage commission shall use the
97 arts and cultural development fund to support four programs: cultural facilities; cultural
98 education; special projects; and sustained support.

99 D. In accordance with K.C.C. 4.08.190, beginning January 1, 2001, and through
100 December 31, 2012, forty percent of the arts and cultural development fund shall be
101 reserved for the cultural endowment. This reserved amount shall be allocated after the cost
102 of administration of the office of cultural resources programs, in accordance with the
103 financial plan in Attachment C to this ordinance.

104 E. After the costs of administering programs and allocating the endowment, the
105 arts and cultural development fund shall be divided between arts programs administered by
106 the arts commission and heritage programs administered by the landmarks and heritage

107 commission, but at least twenty percent of the revenue shall be allocated to heritage
108 programs and administered by the King County landmarks and heritage commission.

109 F. Beginning January 1, 2002, using revenues generated in 2001, the arts
110 commission shall finance its outstanding debt service obligations from its share of the arts
111 and cultural development fund and the landmarks and heritage commission shall finance its
112 outstanding debt service obligations from its share of the arts and cultural development
113 fund.

114 G. After deducting the amount necessary to meet debt service obligations, the arts
115 commission shall allocate its portion of the moneys from the arts and cultural development
116 fund as follows:

- 117 1. Sustained support: thirty-nine percent of remaining arts program revenues;
- 118 2. Cultural facilities: thirty-nine percent of remaining arts program revenues;
- 119 3. Special projects: thirteen percent of remaining arts program revenues; and
- 120 4. Cultural education: nine percent of remaining arts program revenues.

121 H. After deducting the amount necessary to meet debt service allocations, the
122 landmarks and heritage commission shall allocate its portion of the moneys from the arts
123 and cultural development fund as follows:

- 124 1. Cultural facilities and sustained support: seventy percent of remaining heritage
125 program revenues, but sustained support shall receive at least twenty percent of the seventy
126 percent;
- 127 2. Special projects: twenty percent of remaining heritage program revenues; and
- 128 3. Cultural education: ten percent of remaining heritage program revenues.

129 SECTION 4. Ordinance 9279, Section 4, as amended, and K.C.C. 4.42.030 are
130 each hereby amended to read as follows:

131 **Cultural ~~((E))~~education ~~((P))~~program.**

132 The King County council hereby establishes the King County ~~((E))~~cultural
133 ~~((E))~~education ~~((P))~~program. ~~((Forty percent of the excess hotel motel tax revenues~~
134 ~~allocated to the King County Arts and Cultural Development Fund remaining subsequent~~
135 ~~to the allocation of the King County Cultural Facilities Program pursuant to Section~~
136 ~~4.42.100 shall be expended for the King County Cultural Education Program, provided~~
137 ~~that at least twenty percent of the King County Cultural Education Program revenue~~
138 ~~allocation shall be earmarked for heritage programs and administered by the King County~~
139 ~~Landmarks and Heritage Commission.))~~ The program shall consist of one ~~((to three-~~
140 ~~))~~year grants developed by cultural organizations for the purpose of enriching existing
141 and creating new cultural education programs, reviewed annually, and contingent on
142 available hotel/motel tax revenues, and shall be subject to the following:

143 A. ~~((Applicants eligible to apply for the King County Cultural Education~~
144 ~~Program grants are a))~~All cultural organizations that meet the criteria contained in this
145 chapter and any applicable guidelines approved by the council by motion for the King
146 County ~~((E))~~cultural ~~((E))~~education ~~((P))~~program are eligible to apply for the King
147 County cultural education program grants. School districts and schools shall not receive
148 revenues distributed ~~((pursuant to))~~ under this section~~((-))~~;

149 B. ~~((Monies))~~ Moneys granted to the individual cultural organizations shall be
150 used to enrich existing cultural education programs or to create new ones and in any
151 event shall be expended only for direct costs for cultural education ~~((as defined in this~~

152 chapter)), which may include fees for artists, cultural specialists, experts in cultural
153 education((;)) and performing arts organizations. Any application for ((monies)) moneys
154 to enrich existing or to create new arts, cultural or heritage programs shall be developed
155 by the applicant(((s))) or applicants in joint cooperation with a King County public
156 school or school district((-));

157 C. Organizations proposing projects for any grade shall be eligible for funding
158 through grants under this chapter. However, while funds are minimal, projects proposed
159 for grades K-8, or grades K-9 in schools where grade 9 remains in the middle school
160 configuration, shall receive priority for funding((-));

161 D. The cost of administering the King County ((C))cultural ((E))education
162 ((P))program shall be minimal((-));

163 E. Applications must describe the intended use of the grant funds. The intended
164 use must be for cultural education projects serving either King County schools((-and/))
165 or public school districts, or both. Grant applications may address the needs of special
166 student populations, such as at-risk students and students with handicaps or disabilities,
167 and other youth of school age who are not currently in school, such as youth in detention
168 and those who have dropped out of school((-));

169 F. There shall be written guidelines and procedures for applying for grants, which
170 shall include eligibility criteria, scope of program((;)) and funding needs. The guidelines
171 shall be written by the ((C))cultural ((E))education ((A))advisory ((C))committee and
172 recommended by the ((A))arts ((C))commission and the ((L))landmarks and ((H))heritage
173 ((C))commission and shall be subject to council approval by motion. The advisory
174 committee shall establish procedures for evaluation of programs and accountability of

175 funds. These procedures shall be submitted by the ~~((A))~~arts ~~((C))~~commission and the
176 ~~((L))~~landmarks and ~~((H))~~heritage ~~((C))~~commission to the council for approval~~((:))~~ by
177 motion;

178 G. Grant awards shall reflect a county~~((:))~~wide geographic distribution, and shall
179 include projects serving public schools and public school districts from various affluent
180 and less-affluent communities~~((:))~~; and

181 H. Recommendations for grants shall be made by the King County arts
182 commission and the King County landmarks and heritage commission and submitted to
183 the executive for recommendation and to the council for review and approval by motion.

184 Grant decisions ~~((are))~~ shall be made on a competitive basis and in accordance with
185 criteria established ~~((pursuant to))~~ in accordance with subsection F of this section.

186 Established criteria shall include commitment and ability to provide student learning in
187 cultural endeavors. Grants made under the King County ~~((C))~~cultural ~~((E))~~education
188 ~~((P))~~program shall recognize that Bellevue is receiving its own hotel-motel tax revenues,
189 and preference shall therefore be given to applications serving other areas of the county.
190 Grants to organizations proposing worthwhile projects in Bellevue public schools are not
191 precluded.

192 SECTION 5. Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060 are
193 each hereby amended to read as follows:

194 **Special ~~((P))~~projects ~~((P))~~program.**

195 A. There is hereby established the King County ~~((S))~~special ~~((P))~~projects
196 ~~((P))~~program. This program shall consist of competitive grants, reviewed annually, for
197 funding innovative arts projects, heritage endeavors~~((:))~~ and collaborative programs

198 ((which)) that reflect the cultural and geographic diversity of King County and are not
199 funded by other county programs. Recommendations for grants shall be made by the
200 King County arts commission and the King County landmarks and heritage commission
201 and submitted to the executive for recommendation and to the council for review and
202 approval by motion. Grants may be made to arts and heritage organizations, individual
203 artists, heritage specialists, community educational organizations and community arts
204 groups((;)) and public agencies ((which)) that reflect the multi((-))cultural, ethnic and
205 geographic diversity of King County. Applications must describe the intended use of the
206 grant funds, and applicants may request full cost recovery.

207 ((A.)) B. There shall be written guidelines and procedures for applying for grants
208 ((which)) that shall include eligibility criteria, scope of program((;)) and funding needs.
209 The guidelines shall be written by the office of cultural resources ((division)) and
210 recommended by the executive, and shall be subject to council approval by motion. The
211 office of cultural resources ((division)), through the executive, shall submit for council
212 review an annual report ((which)) that evaluates the King County ((S))special ((P))projects
213 ((P))program and accounts for fund expenditures.

214 ((B. Sixty percent of the excess hotel-motel tax revenues allocated to the King
215 County Arts and Cultural Development Fund1 remaining subsequent to the allocation to
216 the King County Cultural Facilities Program pursuant to 4.42.100 shall be expended for
217 the King County Special Projects Program, provided that at least 20% of the King County
218 Special Projects revenue allocation shall be earmarked for heritage programs and
219 administered by the King County Landmarks and Heritage Commission.)) C. The

220 ~~((L))~~landmarks and ~~((H))~~heritage ~~((C))~~commission may propose grant guidelines ~~((which))~~
221 that reflect commission priorities in awarding grants.

222 ~~((C-))~~ D. The funds expended for the King County ~~((S))~~special ~~((P))~~projects
223 ~~((P))~~program shall be used to expand the role of local cultural organizations and
224 individuals as artistic and cultural educational resources ~~((which))~~ that develop King
225 County through arts and historic events and features in King County, within the intent
226 and purposes authorized by RCW 67.28.180(3)(a)~~((, as amended))~~. The purpose of these
227 funds is to:

- 228 1. Produce special projects and programs that highlight the region's cultural
229 resources~~((;))~~;
- 230 2. Assist in providing and bringing touring programs and exhibits on the regional
231 and national level to King County~~((;))~~;
- 232 3. Improve cultural opportunities and audience development~~((;))~~ that promote the
233 cultural diversity and multi~~((-))~~cultural heritage of the region, with particular emphasis on
234 special populations, multi~~((-))~~cultural audiences and King County youth~~((;))~~;
- 235 4. Encourage and provide an exchange of services and technical assistance
236 between larger and smaller organizations, individual artists and heritage professionals~~((;))~~;
- 237 5. Address the needs of either mid- and smaller-sized organizations ~~((and/))~~ or
238 individual artists and heritage professionals~~((;))~~, or both;
- 239 6. Provide opportunities for independent artists to produce new works~~((;))~~; and
- 240 7. Develop heritage projects that make a significant contribution to the
241 preservation, conservation~~((;))~~ or interpretation of the historical and archaeological
242 resources of King County.

243 ~~((D. Eligibility.))~~ E. Eligible applicants shall include, but not be limited to,
244 individual artists, arts and heritage organizations, community arts and cultural groups,
245 community educational organizations and family and youth programs relating to cultural
246 endeavors ~~((which))~~ that reflect the multi~~((--))~~cultural, ethnic and geographic diversity of
247 King County.

248 SECTION 6. Ordinance 12076, Section 49, as amended, and K.C.C. 4.42.100 are
249 each hereby amended to read as follows:

250 **Cultural facilities program.**

251 A. The ~~((C))~~cultural ~~((F))~~facilities ~~((P))~~program shall be administered by the office
252 of cultural resources under the direction of the executive and in accordance with guidelines
253 and policies established by the council by motion. The program shall consist of grants
254 responding to priorities established by the council by motion, reviewed annually, to
255 performing arts, visual arts, heritage and cultural organizations. Recommendations for
256 grants shall be made by the King County arts commission and the King County
257 landmarks and heritage commission and submitted to the executive for recommendation
258 and to the council for review and approval by motion.

259 B. ~~((Beginning January 1, 1992, and through December 31, 2000, at least seventy~~
260 ~~percent of the revenue allocated to the Education and Cultural Development Fund shall~~
261 ~~be expended on the King County Cultural Facilities Program, provided that at least~~
262 ~~twenty percent of the King County Cultural Facilities Program revenue allocation shall be~~
263 ~~earmarked for heritage programs and administered by the King County Landmarks and~~
264 ~~Heritage Commission.~~

265 ~~C. Beginning January 1, 2001, and through December 31, 2012, pursuant to~~
266 ~~Ordinance 9279, at least thirty two percent of the Education and Cultural Development~~
267 ~~Fund shall be expended on the King County Cultural Facilities Program and shall be~~
268 ~~earmarked for arts facilities and fixed assets and administered by the King County Arts~~
269 ~~Commission or its successor commission.~~

270 ~~D.))~~ The funds allocated to the ~~((C))~~ cultural ~~((F))~~ facilities ~~((P))~~ program shall be
271 used only for the purchase, design, construction~~((;))~~ and remodeling of performing arts,
272 visual arts, heritage~~((;))~~ and cultural facilities~~((;))~~ and for the purchase of fixed assets that
273 will benefit art, heritage~~((;))~~ and cultural organizations, but heritage facility funding may
274 also be used for heritage sustained support.

275 ~~((E.))~~ C. Funds may be spent on providing assistance for planning and
276 improvement of cultural facilities, providing for the preservation and restoration of cultural
277 facilities otherwise eligible for funding pursuant to this chapter~~((;))~~ and providing funds to
278 cultural organizations to comply with Section 504 of the Federal Rehabilitation Act of
279 1973, as amended.

280 ~~((F.))~~ D. Funds received under this section may be used for payment of principal
281 and interest on bonds issued for capital projects. The manager of the finance and business
282 operations division ~~((will))~~ shall manage the program's debt to ensure continued high credit
283 quality, access to credit markets~~((;))~~ and financial flexibility. All of the program's debt
284 management activities ~~((will))~~ shall be conducted to maintain at least the current credit
285 ratings assigned to the county's debt by the major credit rating agencies and to maintain an
286 adequate debt service coverage ratio. Long-term debt ~~((will))~~ shall not be used to support
287 operating expenses. The ~~((M))~~ manager of the finance and business operations division

288 ((will)) shall develop and maintain a central system for all debt-related records, which
289 ((will)) shall include all official statements, bid and other procurement documents,
290 ordinances, indentures, leases ((ete.)) and similar records, for all of the program's debt and
291 ((will)) shall accurately account for all interest earnings in debt-related funds. These
292 records ((will)) shall be designed to ensure that the program is in compliance with all debt
293 covenants and with state and federal laws.

294 ((G.)) E. Eligible applicants shall include performing arts, visual arts, heritage and
295 cultural organizations. Eligible applicants must be financially stable and have at least the
296 following:

- 297 1. A legally constituted and working board of directors;
- 298 2. A record of artistic, heritage((-)) or cultural accomplishments;
- 299 3. At least a two-year operating history;
- 300 4. Demonstrated ability to maintain net current liabilities at less than thirty
301 percent of general operating expenses;
- 302 5. Demonstrated ability to sustain operational capacity subsequent to completion
303 of projects or purchase of machinery and equipment; and
- 304 6. Evidence of an independent financial review of the organization.

305 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 4.42 a
306 new section to read as follows:

307 **Sustained support program for arts.**

308 A. There is hereby established the King County sustained support program for arts.
309 The purpose of this program shall be to provide operating support to arts organizations and

310 local arts agencies with a demonstrated record of providing or facilitating quality arts
311 experiences for residents of and visitors to King County.

312 B. The sustained support program for arts shall be administered by the office of
313 cultural resources in accordance with the written guidelines and policies in Attachment A
314 to this ordinance. The program shall consist of a biennial application process. Grants
315 shall be allocated on an annual basis for two consecutive years. Recommendations for
316 grants shall be made by the King County arts commission and submitted to the executive
317 for recommendation and to the council for review and approval by motion. Financial
318 stability and a previous record of artistic accomplishments, and a demonstrated
319 commitment to provide on-going cultural programs or events for the benefit of King
320 County residents and visitors shall be considered in the application review process. Grant
321 recommendations shall reflect a countywide geographic distribution, and shall include
322 organizations of all sizes and in all artistic disciplines.

323 C. Eligible applicants are:

324 1. Not-for-profit arts organizations based in King County with a minimum of
325 three years presenting or producing arts programs for King County residents. For the
326 purposes of this subsection, "not-for-profit arts organizations" means those legally
327 incorporated nonprofit entities that provide as their primary mission a regular season of arts
328 programs or services, which may include a season or annual program of performances,
329 exhibitions, media presentations, festivals, readings or literary publications;

330 2. Not-for-profit arts service organizations that provide arts education and
331 training, and professional services such as administrative support, technical assistance or

332 services to a variety of arts professionals or disciplines, including special populations,
333 ethnic communities and under-served communities;

334 3. Local arts agencies, which are arts councils, arts commissions or similar
335 entities that are nonprofit organizations or official units of municipal government based
336 in a suburban or rural King County community specifically dedicated to providing arts
337 services for its residents that meet the following criteria:

338 a. Have a minimum three-year history of providing arts services to the
339 community in which it is based;

340 b. Are primarily dedicated to the provision of planning, financial support,
341 services, programs and development opportunities for community based arts
342 organizations, artists and the public during a major portion of the year; and

343 c. Are involved on a regular basis activities or programs in more than one arts
344 discipline or arts service area; and

345 4. Organizations that do not have a tax exemption under section 501(c)(3) of the
346 Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)), which may apply under the
347 sponsorship of another organization that is tax-exempt under section 501(c)(3) of the
348 Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)). The applying organization
349 shall act as an independent fiscal agent for the sponsoring organization and shall assume
350 responsibilities required by the contract.

351 D. Eligible applicants must have a record of artistic or cultural accomplishments
352 and must have been in operation for at least three years.

353 E. The funds expended for the King County sustained support program for arts
354 shall be used to support the role of arts organizations and local arts agencies in King

355 County, within the intent and purposes authorized by RCW 67.28.180(3)(a). Funds shall
356 be used to support annual operating expenses, which may include staff, utilities, supplies,
357 fees or services relating to arts programs and services that provide public benefit and are
358 accessible to King County residents and visitors. Funds shall not be used for capital
359 projects or fundraising purposes.

360 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 4.42 a
361 new section to read as follows:

362 **Sustained support program for heritage.**

363 A. There is hereby established the King County sustained support program for
364 heritage. The purpose of this program shall be to provide operating support to historical
365 museums and heritage organizations that make exceptional contributions to the
366 preservation, collection, exhibition, interpretation or protection of resources related to the
367 history of the people and places of King County.

368 B. The sustained support program for heritage shall be administered by the office
369 of cultural resources in accordance with the written guidelines and policies in Attachment
370 B to this ordinance. The program shall consist of a biennial application process. Grants
371 shall be allocated on an annual basis for two consecutive years. Recommendations for
372 grants shall be made by the King County landmarks and heritage commission and
373 submitted to the executive for recommendation and to the council for review and
374 approval by motion. Grant recommendations shall reflect a countywide geographic
375 distribution, and shall include organizations of all sizes and in all heritage disciplines.
376 Financial stability and a previous record of accomplishments, and a demonstrated

377 commitment to provide on-going cultural programs or events for the benefit of King
378 County residents and visitors shall be considered in the application review process.

379 C. Eligible applicants are:

380 1. Historical museums or heritage organizations with any combination of ongoing
381 programs, exhibitions, presentations or tours and must be tax-exempt under section
382 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)); and

383 2. Public development authorities.

384 D. Eligible applicants must operate a heritage facility in King County and have a
385 minimum of two years experience managing collections, presenting exhibits or providing
386 other public services and programs with a focus on King County history and heritage.

387 E. The funds expended for the King County sustained support program for heritage
388 shall be used to expand the role of local heritage organizations and provide access to
389 cultural programs in King County, within the intent and purposes authorized by RCW
390 67.28.180(3)(a). The purpose of these funds is to offset the expenses and costs of heritage
391 facility operations, including those for staff, utilities, supplies, fees or services that relate to
392 public access to, or public benefits deriving from, programs and services involving the
393 collection, preservation, exhibition, and interpretation of King County history and
394 heritage resources, as well as the education of the public about them. The funds
395 expended for the King County sustained support program for heritage shall not be used
396 for any programs or services that do not: provide public access or public benefit; serve
397 King County residents or visitors; comply with existing federal, state or local legislation;
398 involve heritage facilities in King County; or relate to King County history and heritage.

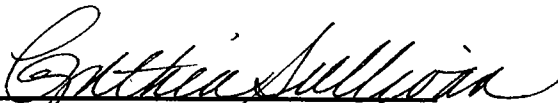
399 SECTION 9. This ordinance is remedial in nature and applies retroactively to
400 moneys distributed beginning January 1, 2002, and thereafter.

401

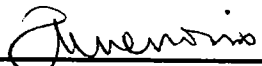
Ordinance 14440 was introduced on 6/10/2002 and passed by the Metropolitan King
County Council on 7/29/2002, by the following vote:

Yes: 11 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Phillips, Mr. Pelz, Mr. Constantine, Mr. Pullen, Mr. Gossett, Ms. Hague and
Ms. Patterson
No: 0
Excused: 2 - Mr. McKenna and Mr. Irons

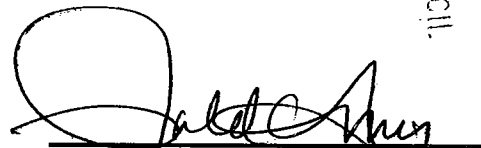
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 9 day of August, 2002.


Ron Sims, County Executive

RECEIVED
2002 AUG -9 AM 11:43
CLERK
KING COUNTY COUNCIL

Attachments A. King County Arts Commission - Sustained Support Program Guidelines dated 7-11-
02, B. King County Landmarks and Heritage Commission - Sustained Support
Program Guidelines dated 7-11-2002., C. Hotel-Motel Tax Financial Plan dated 7-11-
2002



Sustained Support Program Guidelines

Purpose

The King County Arts Commission Sustained Support Program provides annual funding to arts organizations and local arts agencies with a history of bringing arts opportunities to King County residents. In order to promote a healthy and diverse arts community, the King County Arts Commission Sustained Support program funds a broad range of arts organizations representing various arts disciplines, geographic areas, sizes and levels of organizational development.

Eligibility

Eligible applicants are:

- Not-for-profit arts organizations based in King County with a minimum of three years presenting or producing arts programs for King County residents. "Not-for-profit arts organizations" means nonprofit entities that provide as their primary mission a regular season of arts programs or services, which may include a season or annual program of performances, exhibitions, media presentations, festivals, readings or literary publications.
- Not-for-profit arts service organizations with a minimum of three years providing arts education and training, and professional services such as administrative support, technical assistance or services to a variety of arts professionals or disciplines, including special populations, ethnic communities and under-served communities.
- Local arts agencies with a minimum of three years providing arts services for King County residents. "Local arts agencies" means those nonprofit entities or official units of municipal government based in suburban or rural King County and specifically dedicated to providing arts services; primarily dedicated to the provision of planning, financial support, services, programs and development opportunities for community based arts organizations, artists and the public during a major portion of the year; and involving on a regular basis activities or programs in more than one arts discipline or arts service area.
- An organization that does not have 501 (c) (3) non-profit status may apply under the sponsorship of another 501 (c) (3) "umbrella" organization. The applying organization acts as an independent fiscal agent for the sponsoring organization and assumes responsibility required by the contract. Payment for services is issued to the umbrella organization. An umbrella organization may sponsor more than one group applying but may not present or produce the work of the organization in any way.

Eligible applicants must have a record of artistic or cultural accomplishment and must have been in operation for at least three years.

How Funds May Be Used

King County Sustained Support Program awards may be used to support:

- Annual operating expenses relating to arts programs and services which are accessible to King County residents and visitors, and which provide public benefit (see definition of public benefit under Legal Requirements for all Applicants). Operating expenses may include costs related to staff, utilities, supplies, fees or services.

King County Sustained Support Program awards may not be used to support:

- Capital projects
- Fundraising expenses

Evaluation and Award Criteria

Within the overall program goals of artistic, organizational, ethnic and geographic diversity, the following criteria are considered in the review of applications:

Artistic Quality

- Clarity of mission and goals
- Achievement of mission and goals
- Contribution and impact to the community
- Primary role of artists in the organizational mission and activities

Organizational Quality

- Continuity of artistic, management and board personnel
- Fiscal stability
- Community support and participation; board, audience, contributed income
- Consistent level of program activity
- Accessibility for audiences

Application Review Process

Recommendations for grant awards will be made by an independent peer review panel composed of outside professionals from the field, community representatives and members of the King County Arts Commission. The panel's recommendations will be forwarded to the King County Arts Commission for review and approval and then to the King County Executive for review and to the King County Council for review and approval by motion.

The King County Arts Commission recognizes that there are more eligible organizations than available funding will accommodate. Applications will be reviewed on a competitive basis according to the overall goals of the program and the review criteria. Funding priority will be given to organizations that have a history of Arts Commission support and who continue to meet the eligibility and review criteria.

Process

The Sustained Support Program is administered annually by the King County Office of Cultural Resources in accordance with these written guidelines. The program consists of a biennial application process. Organizations are funded for two calendar years with allocations made annually. General information about the Office of Cultural Resources is listed below. Applicants are encouraged to contact Lara Holman at (206) 296-8677, or lara.holman@metrokc.gov for planning assistance prior to submitting a proposal.

Legal and Contractual Requirements

Organizations and individuals receiving funds must comply with all legal requirements stated below and are subject to King County ordinances governing contract compliance and performance standards.

Biennial Application Process: The Sustained Support Program funds organizations for two calendar years with allocations made annually. Organizations receive the same amount in each of the two years unless the Commission experiences a budget increase or decrease, in which case, the percentage of change will be prorated among the funded organizations.

In order to qualify for continuing support in 2003, funded organizations will be required to submit a final evaluation and financial statement for the 2002 fiscal year and a summary and organizational budget for the 2003 fiscal year, no later than January 30, 2003.

Acknowledgment: Organizations and individuals receiving funding from the Office of Cultural Resources must acknowledge the support in all printed programs, or if programs are not appropriate, in signage visible to the public. Organizations and individuals that do not acknowledge such support will have funding withheld.

Insurance: King County determines contractor insurance requirements on a project by project basis. Organizations receiving funding from the Office of Cultural Resources may be required to demonstrate insurance coverage, particularly in the area of liability. Types and levels of insurance coverage may be stipulated in the contract between the County and the organization.

Public Benefit: State law and King County Code authorize the purchase of arts services, but not the donation of public money to organizations. Funded organizations must therefore provide quantifiable benefit to the general public. Public benefit requirements will be included as part of the "Scope of Service" in the contract between the County and the organization.

Legal Requirements: Contractors receiving funds for services must comply with federal laws governing Fair Labor Standards, Title VI of the Civil Rights Act of 1991, Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act (ADA) of 1990 (see Access below), and any other applicable federal, state and local laws. Questions regarding these compliance requirements may be addressed to Lara Holman at (206) 296-8677 or by calling 296-7580 V/TDD.

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Access: Under King County law, all recipients of county funds must comply with section 504 concerning access: "No otherwise qualified individuals with disabilities...shall, solely by reason of his/her disability, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity..." This covers access to and participation in *programs and employment*, as well as elimination of *physical barriers*. Further, the ADA law "prohibits discrimination on the basis of disability...in places of public accommodation, (and) requires that all new places of public accommodation...be designed and constructed so as to be readily accessible and usable by persons with disabilities..."

Examples of accessibility may include: sign language interpreted performances for deaf or hearing impaired persons; audio description services or programs in Braille for visually impaired persons; or scheduling events in locations accessible to physically handicapped persons. If the program is currently inaccessible, a corrective action plan must be developed to bring the program into compliance. Contractors may in some cases, based on budget, amount of funding received and other considerations, apply for an "undue hardship" waiver.

Questions regarding access may be addressed to the program coordinator at 296-7580 V/TDD. Other questions regarding compliance issues and access may be addressed to the King County Office of Civil Rights Enforcement, King County Courthouse, E-224, Seattle, WA 98104, phone 296-7592/296-7596 TDD.

Evaluation:

Arts organizations receiving funding must provide access to funded programs for evaluators, who may be commissioners, staff, or on-site reviewers (a maximum of four tickets). On-site reviewers are professional artists or administrators who are selected based on demonstrated professional experience in a particular arts discipline and who are assigned on a rotating basis to assess the artistic work of organizations in their discipline area. The reviewer submits a written evaluation form to the Office of Cultural Resources, which becomes a part of the organization's application package. Funded organizations also receive separate self-evaluation forms, which must be submitted along with a final report and actual budget prior to final payment.

Appeal Process:

Applicants may appeal the allocation decisions of the commission in all program areas. The process is as follows:

1. Appeals must be based solely on the information included in the original application.
2. Appeals must be sent in writing to the Office of Cultural Resources Manager within 14 days of notification of Arts Commission action.
3. The manager shall consult the appropriate committee chairperson in accepting or rejecting the appeal. The manager shall notify the applicant of his/her decision in writing.
4. A rejection of the manager is final and ends the appeal request.
5. If the manager accepts the appeal request, the applicant will be asked to make a presentation to the appropriate commission committee as expeditiously as possible.
6. The committee will recommend acceptance or rejection of the appeal to the commission and recommend modifications to grant awards as required.
7. The manager will notify the applicant in writing of the committee's recommendation and the date and time at which the committee will consider the appeal.

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Heritage Sesquicentennial Sustained Support Program Guidelines

Purpose

The Heritage Sesquicentennial Sustained Support Program provides operating support to help historical museums and heritage organizations meet the following goals:

- Professionalize operations and establish best practices
- Improve public education and ability to work with schools and students
- Extend services and audiences or develop new exhibits and programs
- Leverage other public and private funds and in-kind support

Eligibility

King County-based cultural organizations and preservation and development authorities that operate facilities that provide heritage services to the public are eligible for funding.

Eligible applicants are:

- Federally-recognized (26 USC) 501 (c) (3) Historical Museums and Heritage Organizations that exist on a continuing basis
- Public Development Authorities

Tier II (Threshold) Eligibility Criteria

Qualifying organizations must:

- Operate a heritage facility
- Have a minimum of two years experience operating a public facility, managing collections, and/or presenting exhibits and programs with a focus on King County heritage to the citizens of King County
- Have as their mission, or make exceptional contributions to, King County history & heritage
- Be financially accountable, as reflected in actual and projected budgets or other financial management or accounting procedures, including compilations, reviews or audits.

Tier I Eligibility Criteria

Qualifying organizations must:

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- Meet Tier II (Threshold) Eligibility Criteria
- Have a long-term plan adopted by the governing board
- Meet minimum budget size (to be set after review of applications received).

How Funds May Be Used

Funds from this program may only be used to support the operating expenses of heritage organizations with facilities that provide public benefits. An organization must demonstrate that it provides programmatic activities focused on the identification, collection, evaluation, preservation, restoration, exhibition, and/or interpretation of King County heritage resources.

Funds must be used to offset the expenses and costs of heritage facility operations, including those for **staff, utilities, supplies, fees or services** that relate to:

- **Open hours, free tickets, admissions or access** to heritage resources, programs or facilities
- **Free or discounted rental or use of facilities** by public agencies or nonprofit cultural organizations
- **Educational services** for public schools and students
- **Services to governmental agencies** including city councils, parks or planning departments
- **Free distribution of resources** including publications, audio and video recordings, electronic files and documents provided to libraries, museums, web sites and tourist agencies
- **Creation of publicly accessible research information or files** including documents, oral and video recordings and electronic files
- **Augmentation of existing grant funded projects** including those funded by King County
- **Development of professional practices and adoption of standards** that improve public access to resources, provide technical assistance or training opportunities in best practices or that enhance management and protection of resources.
- **Audience development, diversification of services and enhancement of public accessibility** through ADA improvements, services to underserved populations, community outreach efforts or new exhibits, publications or programs including those for the celebration of the Sesquicentennial of King County (2002) and Washington Territory (2003)
- **Management of collections or protection of resources relating to King County history and heritage** including care of museum and archival collections or protection of landmarks properties and built environment resources

How Funds May Not Be Used

The following programs, services or activities are not eligible for funding under the Heritage Sesquicentennial Sustained Support Program:

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- **Membership only functions, fundraising activities, or other private or proprietary functions that do not have public access or benefit**
- **Those that do not serve King County residents and/or visitors**
- **Those that do not comply with the requirements of existing federal, state or local legislation**
- **Those that do not involve operation of heritage facilities in King County or that do not relate to King County history and heritage**

Awards

The baseline amount of support for organizations qualifying for Tier II is \$1,000 and the baseline amount for organizations qualifying for Tier I is \$5,000. For 2002-3, Heritage Sesquicentennial Sustained Support awards will range from \$1,000 to \$4,999 for organizations qualifying for Tier II and from \$5,000 to \$10,000 for organizations qualifying for Tier I. Additional support above baseline award levels in each of the two tiers may be made through a review process based upon the following criteria.

Typical awards for the Program in 2000-2001 have ranged from \$1,000 to \$7,500.

Evaluation Criteria

The following criteria will be used to determine recipients of baseline support in each of the two Tiers. These criteria will also be used to determine support, if any, above baseline levels.

Professional Qualifications & Standards

- Professional staff whose background and training are in a field related to the organization's core mission
- Professional standards adopted by the governing board of the organization, including adopted policies and procedures relating to collection and resource management, conservation, historic preservation, archives, or operations as well as accreditations or certifications received from professional associations or other agencies.

Quality & Diversity of Programs

- Quality of existing programming, and proposed programming, and the relationship of the programming to the mission and goals of the organization
- Diversity or range of programs available to the public

Public Benefit / Audiences Served / Accessibility

- Accessibility of services, including open hours of facilities
- Primary service areas
- Community outreach, including efforts to expand and/or diversify visitors, membership, staff, and/or leadership
- Numbers of citizens served by programs

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Management of Threatened & Neglected Resources

- Organization's contribution to the preservation, conservation or interpretation of resources relating to King County history and heritage including those resources that represent neglected aspects of King County heritage such as those defined by theme, ethnicity or geography.

Budget

- The measure of community support for an organization and/or the organization's commitment or contribution to public service as reflected in its budget, including in-kind contributions from volunteers, the community, and partnering governments. The proportion or percentage of the applicant's budget actually devoted to King County history and heritage purposes.

Application Review Process

Selection and funding awards will be based on the recommendations of a review panel composed of outside professionals from the field, community representatives and members of the King County Landmarks & Heritage Commission. The Commission recognizes that there are more eligible organizations than available funding will accommodate. Applications will be reviewed on a competitive basis according to the overall goals of the program and the review criteria. Funding amounts will be determined based on the recommendations of the review panel and the King County Landmarks & Heritage Commission, subject to approval by the King County Council.

Definition of Terms

The following definitions apply to the terms utilized in the Guidelines for this program:

Cultural Facilities include buildings, structures and objects that are used primarily for the performance, exhibition or benefit of arts and heritage activities, including, but not limited to performing arts, visual arts and heritage disciplines and projects.

Heritage disciplines are defined as those relating to *King County's* historic resources and cultural traditions. These include, but are not limited to:

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| • archaeology | • folklore |
| • history | • ethnic history and heritage |
| • indigenous and traditional cultures | • landmarks, historic sites and historic preservation |

Heritage projects shall focus on the following skills, as they relate to *King County's* historic resources and cultural traditions:

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| • identification | • exhibition |
| • collection | • restoration |
| • documentation | • evaluation |
| • preservation | • interpretation |

In-Kind Resources represent the cash value of donated or contractual services or materials such as support from individuals, businesses, non-profit organizations or municipalities in the form of facility use, supplies, program space, transportation, printing, staff or volunteer time and equipment.

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A Long-Term Plan is defined as the programmatic, administrative, and fiscal goals relating to King County history and heritage that an organization expects to achieve in the next three to five years and the specific actions that will be taken to achieve them. For information about planning, see Landmarks & Heritage Program Technical Papers No. 37, *Long-Term Planning*, and No. 54, *What Funders Want to See in a Plan*.

For this program, traditional arts, folk arts, and ethnic arts that do not have a strong link to King County history and heritage are considered **Arts disciplines**. For more information on the definition of heritage used for this program, see Landmarks & Heritage Program Technical Paper No. 50: *Defining Heritage and Cultural Disciplines*.

Process

The Heritage Sesquicentennial Sustained Support Program is administered annually by the King County Office of Cultural Resources in accordance with these written guidelines. The program is a *biennial* program. Applicants submit applications once every two years, and are funded on an annual, calendar year basis for those two years, subject to final approval and appropriation by the King County Council. Successful applicants will be required to document public benefits and invoice for reimbursement on an annual basis. Questions about uses of funds or public benefit? Contact Charles Payton at (206) 296-8693 or 1-800-325-6165 TTY, or e-mail at charles.payton@metrockc.gov

Appeal Process

Applicants may appeal the recommendations of the Commission. Appeals must be based solely on the information included in the original application. The process is as follows:

1. Appeals must be sent in writing to the Office of Cultural Resources Manager within 14 days of notification of Landmarks and Heritage Commission action.
2. The manager shall consult the appropriate committee chairperson in accepting or rejecting the appeal. The manager shall notify the applicant of her/his decision in writing.
3. A rejection by the manager is final and ends the appeal request.
4. If the manager accepts the appeal request, the applicant will be asked to make a presentation to the appropriate commission committee as expeditiously as possible.
5. The committee will recommend acceptance or rejection of the appeal to the commission and recommend modifications to awards as required.
6. The manager will notify the applicant in writing of the committee's recommendation and the date and time at which the commission will consider the appeal.
7. The commission will consider the recommendations of the committee at its next regular meeting, and authorize staff to forward funding recommendations to the County Executive and County Council for final approval where appropriate.

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