



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 7, 2003

Ordinance 14482

Proposed No. 2002-0365.3

Sponsors Edmonds, Phillips and Hague

1 AN ORDINANCE related to the cultural resources programs
2 of the county; establishing a cultural development authority;
3 providing for certain county property and funds to be
4 transferred to or used by the cultural development authority;
5 identifying responsibilities of county departments and
6 agencies for cultural resources programs; making technical
7 corrections; amending Ordinance 12089, Section 3, and
8 K.C.C. 2.46.010, Ordinance 12089, Section 4, and K.C.C.
9 2.46.020, Ordinance 12089, Section 5, and K.C.C. 2.46.030,
10 Ordinance 12089, Section 7, and K.C.C. 2.46.050, Ordinance
11 12089, Section 8, and K.C.C. 2.46.060, Ordinance 12089,
12 Section 11, and K.C.C. 2.46.090, Ordinance 9134, Section 7,
13 as amended, and K.C.C. 4.40.060, Ordinance 8300, Section 2,
14 as amended, and K.C.C. 2.48.020, Ordinance 8300, Section 3,
15 as amended, and K.C.C. 2.48.030, Ordinance 9279, Section 4,
16 as amended, and K.C.C. 4.42.030, Ordinance 12076, Section
17 49, as amended, and K.C.C. 4.42.100, Ordinance 14440,

18 Section 3, and K.C.C. 4.42.025, Ordinance 14440, Section 7,
19 and K.C.C. 4.42.108, Ordinance 14440, Section 8, and K.C.C.
20 4.42.109, Ordinance 9051, Sections 1 and 2, and K.C.C.
21 2.48.125, Ordinance 12468, Sections 9 and 10, and K.C.C.
22 2.84.190, Ordinance 12076, Section 9, as amended, and
23 K.C.C. 4.08.015, Ordinance 12076, Section 10, as amended,
24 and K.C.C. 4.08.025, Ordinance 14433, Section 2, Ordinance
25 12076, Section 24, and K.C.C. 4.08.190, Ordinance 14433,
26 Section 2, and K.C.C. 4.08.195, Ordinance 6231, Section 1, as
27 amended and K.C.C. 4.16.150, Ordinance 12089, Section 9,
28 and K.C.C. 2.46.070, Ordinance 12089, Section 12, and
29 K.C.C. 2.46.100, Ordinance 6111, Section 8, as amended, and
30 K.C.C. 4.40.110, Ordinance 9134, Section 13, as amended,
31 and K.C.C. 4.40.120, Ordinance 9134, Section 13, as
32 amended, and K.C.C. 4.40.120, Ordinance 9279, Section 1, as
33 amended, and K.C.C. 4.42.010, Ordinance 9279, Section 2, as
34 amended, and K.C.C. 4.42.020, Ordinance 9279, Section 8, as
35 amended, and K.C.C. 4.42.060, Ordinance 4828, Section 1, as
36 amended, and K.C.C. 20.62.010, Ordinance 4828, Section 2,
37 as amended, and K.C.C. 20.62.020, Ordinance 4828, Section
38 3, as amended, and K.C.C. 20.62.030, Ordinance 4828,
39 Section 7, as amended, and K.C.C. 20.62.070, Ordinance
40 4828, Section 12, as amended, and K.C.C. 20.62.120 and

41 Ordinance 9237, Sections 1 through 3, as amended, and
42 K.C.C. 20.62.140, adding a new chapter to K.C.C. Title 2,
43 adding new sections to K.C.C. chapter 2.46, adding new
44 sections to K.C.C. chapter 2.48, adding a new section to
45 K.C.C. chapter 4.08, adding new sections to K.C.C. chapter
46 4.40, recodifying K.C.C. 4.40.060, 4.42.030, 4.42.060,
47 4.42.100, 4.42.108, 4.42.109, 2.46.070 and 2.46.100,
48 decodifying K.C.C. 2.46.110, 2.48.140, 4.08.180, 4.40.140,
49 4.42.120 and 4.42.130 and repealing Ordinance 12089,
50 Section 6, and K.C.C. 2.46.040, Ordinance 12089, Section 10,
51 and K.C.C. 2.46.080, Ordinance 1991, Section 1, and K.C.C.
52 2.48.010, Ordinance 8300, Section 4, as amended, and K.C.C.
53 2.48.040, Ordinance 8300, Section 4, as amended, and K.C.C.
54 2.48.050, Ordinance 8300, Section 4, and K.C.C. 2.48.060,
55 Ordinance 8300, Section 4, and K.C.C. 2.48.070, Ordinance
56 8300, Section 4, and K.C.C. 2.48.080, Ordinance 8300,
57 Section 4, and K.C.C. 2.48.090, Ordinance 8300, Section 5, as
58 amended, and K.C.C. 2.48.100, Ordinance 8300, Section 6, as
59 amended, and K.C.C. 2.48.110, Ordinance 8300, Section 7, as
60 amended, and K.C.C. 2.48.120, Ordinance 8300, Section 8,
61 and K.C.C. 2.48.130, Ordinance 12076, Section 47, as
62 amended, and K.C.C. 4.42.040, Ordinance 9279, Section 6, as

63 amended, and K.C.C. 4.42.050 and Ordinance 9279, Section
64 9, as amended, and K.C.C. 4.42.070.

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67 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

68 SECTION 1. Sections 2 through 19 of this ordinance should constitute a new
69 chapter in K.C.C. Title 2.

70 NEW SECTION. SECTION 2. **Cultural resources policies and purposes.**

71 A. Since 1967, King County has been a leader in its support for cultural
72 resources, including arts, heritage, historic preservation and public art, and desires to
73 continue that support.

74 B. A vibrant cultural community enhances King County’s livability and reputation
75 as a national and international cultural center. Arts, heritage, historic preservation and
76 public art enhance the quality of life of our citizens, foster creativity and an ethic of
77 stewardship and citizenship, stimulate economic development and attract visitors to our
78 region.

79 C. A vibrant cultural community is created and maintained through support for a
80 broad range of creative and cultural expression, and distribution of that support
81 throughout the geographic area of the county and to a diverse network of regional and
82 community cultural organizations and individuals.

83 D. It is important for King County to foster excellence, vitality and diversity of
84 cultural programming in the county, to ensure that outstanding cultural opportunities are

85 available to all citizens of the county, and to make arts, heritage, public art and historic
86 preservation a high priority in county governmental policy.

87 E. The county has determined that governmental services in support of cultural
88 resources will be enhanced by establishing a cultural development authority under RCW
89 35.21.730 through 35.21.759.

90 NEW SECTION. SECTION 3. Cultural development authority created. A
91 public authority is hereby created, with powers and limitations set forth in its charter and
92 this chapter, exclusively to support, advocate for and preserve the cultural resources of
93 the region in a manner that fosters excellence, vitality and diversity. The authority shall
94 further the goals and objectives of the King County Comprehensive Plan, establish
95 cultural resource policies and operate in a manner that ensures King County citizens and
96 visitors have access to high-quality cultural programs and experiences.

97 NEW SECTION. SECTION 4. Name. The name of the public authority shall be
98 the cultural development authority of King County.

99 NEW SECTION. SECTION 5. Definitions. Words in this chapter have their
100 ordinary and usual meanings except those defined in this section, which have, in addition,
101 the following meanings. If there is conflict, the specific definitions in this section shall
102 presumptively, but not conclusively, prevail.

103 A. "Board of directors" or "board" means the governing body vested with the
104 management of the affairs of the cultural development authority.

105 B. "Director" means a member of the board of the cultural development
106 authority.

- 107 C. "Bylaws" means the rules adopted by the county for the regulation or
108 management of the affairs of the cultural development authority and includes all
109 amendments adopted by the board.
- 110 D. "Charter" means the articles of organization of the cultural development
111 authority adopted by the county and all amendments thereto.
- 112 E. "Cultural bonds" means bonds issued by the county before December 31,
113 2002, backed by hotel-motel tax revenues to support the construction of cultural facilities.
- 114 F. "Cultural development authority" or "authority" means the public authority
115 created under this chapter.
- 116 G. "Cultural resources" means community and regional programs and projects
117 relating to:
- 118 1. Performing, visual, literary and other arts;
 - 119 2. Public and civic art;
 - 120 3. Heritage;
 - 121 4. Museum and archival collections;
 - 122 5. Historic preservation;
 - 123 6. Cultural education; and
 - 124 7. Cultural organizations, institutions and attractions.
- 125 H. "Heritage" means King County's history, ethnic history, indigenous and
126 traditional culture, folklore and historic and archaeological resources and those projects
127 and programs initiated by the authority to preserve King County's heritage and to support
128 community and regional heritage organizations and public agencies in those efforts.

129 I. "Historic preservation" means the preservation or conservation of the county's
130 historic and archaeological resources and those programs and projects initiated by the
131 authority to foster such preservation or conservation through nonregulatory activities
132 such as interpretation, community education and outreach, cultural tourism and
133 rehabilitation of historic resources.

134 J. "Hotel-motel tax revenues" means funds designated for cultural purposes as
135 described in RCW 67.28.180 and deposited into the arts and cultural development fund
136 and the cultural resources endowment fund and used for the purposes described in K.C.C.
137 chapters 2.48 and 4.42.

138 K. "Resolution" means the form of action taken by the board of the cultural
139 development authority.

140 NEW SECTION. SECTION 6. Powers of authority. Except as limited by the
141 state constitution and state law, the King County Charter, this chapter or the charter of the
142 cultural development authority, the cultural development authority may exercise all
143 lawful powers necessary or convenient to effect the purposes for which the cultural
144 development authority is organized and to perform authorized corporate functions, as
145 provided in its charter and bylaws.

146 NEW SECTION. SECTION 7. Approval of charter. The charter of the cultural
147 development authority, as set forth in Attachment A to this ordinance, is hereby
148 approved. The clerk of the council shall, within ten days of the effective date of this
149 section, issue the charter in duplicate originals, each bearing the county seal attested by
150 the clerk of the council. The clerk of the council shall file and record one original charter
151 with the records, elections and licensing services division and provide one original

152 charter to the county executive on behalf of the cultural development authority. The
153 county may amend the charter by ordinance after providing notice to and an opportunity
154 for the directors to be heard and present testimony.

155 NEW SECTION. SECTION 8. Effect of issuance of charter. The cultural
156 development authority shall commence its existence effective upon issuance of its
157 charter. Except as against the state or the county in a proceeding to cancel or revoke the
158 charter, delivery of a duplicate original charter shall conclusively establish that the
159 authority has been established in compliance with the procedures of this chapter.

160 NEW SECTION. SECTION 9. Board of directors. A board consisting of
161 fifteen directors and five ex officio members, as provided in the charter, is hereby
162 established to govern the affairs of the cultural development authority. The directors
163 shall be appointed by the county executive and serve their terms as provided in the
164 charter. Appointments shall be subject to confirmation by the county council. All
165 corporate powers of the authority shall be exercised by or under the authority of the board
166 of directors. The business, property and affairs of the authority shall be managed under
167 the direction of the board, except as may be otherwise provided for by law or in the
168 charter.

169 NEW SECTION. SECTION 10. Organization of board of directors –
170 **organizational meeting.** Within ten days after issuance of the charter by the clerk of the
171 council, the county executive or his or her designee shall call an organizational meeting
172 of the initial board of directors. The meeting shall be held within ten days of the calling
173 of the meeting. The county executive or his or her designee shall give at least three days'
174 advance written notice of the meeting to each director, though each director may waive

175 his or her notice in writing. The county executive or his or her designee shall present the
176 original charter provided to the executive under section 7 of this ordinance to the board of
177 directors at the meeting. At the meeting, the board shall organize itself, elect officers and
178 select the place of business.

179 NEW SECTION. SECTION 11. Bylaws of authority. The initial bylaws of the
180 authority, as set forth in Attachment B to this ordinance, are hereby approved. The board
181 may alter, amend or repeal the bylaws or adopt new bylaws, except as otherwise provided
182 in this chapter. The bylaws shall be consistent with the charter.

183 NEW SECTION. SECTION 12. Quorum. At all meetings of the board of
184 directors, a majority of the directors who are appointed and confirmed shall constitute a
185 quorum.

186 NEW SECTION. SECTION 13. County liability limited. To the maximum
187 extent permitted by law, the cultural development authority is an independent legal entity
188 exclusively responsible for its own debts, obligations and liabilities. All liabilities
189 incurred by the authority shall be satisfied exclusively from the assets and credit of the
190 authority. No creditor or other person shall have any recourse to the assets, credit or
191 services of the county on account of any debts, obligations, liabilities, acts or omissions
192 of the cultural development authority.

193 NEW SECTION. SECTION 14. Insolvency and dissolution. After notice to
194 the board and a public hearing, the county may determine by ordinance that the cultural
195 development authority is insolvent or may by ordinance dissolve the authority. If the
196 county determines the authority is insolvent or dissolves the authority, the county shall
197 notify the superior court of King County, which shall proceed under RCW 35.21.750.

198 NEW SECTION. SECTION 15. Removal of directors. If, after a full public
199 hearing, the council for any reason determines that any or all of the directors should be
200 removed from office, the council may by ordinance remove the director or directors. The
201 term of any director removed under this section expires when the removal ordinance
202 takes effect. Vacancies created under this section shall be filled in the manner provided
203 in the charter.

204 NEW SECTION. SECTION 16. Authorizations to the county executive.

205 A. The county executive is granted all power and authority reasonably necessary
206 to perform the duties imposed on the county departments and agencies under this chapter,
207 in K.C.C. chapters 2.46, 2.48, 4.08, 4.40 and 4.42 and in the charter of the authority.

208 B. The county executive shall, to the extent permitted by law, assign the county's
209 rights, interests, duties and obligations in contracts, agreements, grants and other written
210 commitments entered into on or before December 31, 2002, for cultural resources
211 programs and projects to the cultural development authority. However, the county shall
212 retain all rights, interests, duties and obligations related to ownership of works of art for
213 the county's public art collection.

214 C. The county executive shall ensure that moneys in the funds designated by
215 ordinance to be available to the cultural development authority are effectively, efficiently
216 and promptly transferred to the authority.

217 NEW SECTION. SECTION 17. Reporting requirements.

218 A. By April 15 of each year, the authority shall submit an annual report to the
219 county executive and the county council containing:

- 220 1. A statement of assets and liabilities, income and expenditures and changes in
221 its financial position during the previous year;
- 222 2. A summary of significant accomplishments;
- 223 3. A list of depositories used;
- 224 4. A projected operating budget for the current fiscal year;
- 225 5. A summary of cultural programs, public art projects and all other projects and
226 activities to be undertaken during the current year; and
- 227 6. Other information as may be required in the charter of the authority.

228 B.1. The authority shall meet with the county council’s committee of the whole
229 two times per year, once in the first half of the calendar year to discuss the authority's
230 annual report and once in the second half of the calendar year to discuss the authority's
231 plans and proposed expenditures for the following year.

- 232 2. The authority shall meet:
- 233 a. at least one time per year with the county executive; and
- 234 b. at least one time per year with directors and administrators of county
235 departments and agencies that interface with the authority.

236 C. The authority shall respond to requests for additional information from the
237 executive or from the council. The council shall make its request by motion.

238 NEW SECTION. SECTION 18. Transfer of funds.

239 A. On January 1, 2003, King County shall transfer to the authority balances in the
240 following funds, reserving only sufficient funds to meet current county obligations:

- 241 1. All hotel-motel tax revenues designated by the state of Washington and
242 appropriated by the county council for cultural purposes in King County, including, but

243 not limited to, all encumbered and unencumbered hotel-motel tax revenues in the arts and
244 cultural development fund (117) and cultural resources endowment fund (603);

245 2. All current expense fund revenues designated or appropriated for cultural
246 purposes, including, but not limited to:

247 a. fees for all government-to-government agreements for public art; and
248 b. the fund balance in the arts and cultural education fund (116);

249 3. All public art fund revenues designated by King County for public art
250 purposes, in subfund 3201;

251 4. All state and federal funds for cultural purposes, other than those listed in
252 subsection A.1 of this section; and

253 5. All other funds and fees designated or appropriated for cultural purposes,
254 except for funds that contain bond revenues and excess interest earnings as of December
255 31, 2002.

256 B. In addition to the transfer of fund balances on January 1, 2003, described in
257 subsection A of this section, King County shall transfer future fund balances as follows:

258 1. Hotel-motel tax revenues designated by the state of Washington for cultural
259 purposes in King County shall be transferred to the authority within ten business days of
260 receipt by King County from the state of Washington and appropriated by the county
261 council. By December 1, 2002, the King County office of budget and the office of
262 cultural resources shall develop a schedule of the transfers. Twice each year while
263 cultural bonds remain outstanding, the authority shall transfer back to King County
264 sufficient hotel-motel tax revenues to allow the county to make required payments on the
265 bonds;

266 2. Current expense amounts appropriated to the arts and cultural development
267 fund, which shall be transferred to the authority not later than January 10 of the year for
268 which those amounts have been appropriated;

269 3. Public art revenues, which shall be transferred to the authority not later than
270 February 1 of the year for which those revenues have been appropriated;

271 4. Except for funds listed in subsection B.1 of this section, state and federal
272 funds for cultural purposes, which shall be transferred to the authority within ten business
273 days of receipt by King County of the funds from the federal or state governments; and

274 5. All other funds and fees appropriated to the arts and cultural development fund
275 and for cultural purposes, which funds and fees shall be transferred to the authority
276 within ten business days of receipt by King County.

277 C. King County shall not transfer funds and fees designated or appropriated to
278 the King County landmarks commission for land use regulation and archaeological
279 management purposes.

280 NEW SECTION. SECTION 19. Transfer and use of county property,
281 **systems and leased office space.**

282 A. On January 1, 2003, the county shall transfer without charge county personal
283 property used by the office of cultural resources on December 31, 2002, to the cultural
284 development authority. The property shall include, but not be limited to, computers and
285 software, electronic equipment, telephones and office furnishings, equipment, materials
286 and supplies. The office of cultural resources and the office of budget shall complete a
287 property transfer inventory on or before December 1, 2002, and the inventory shall be
288 used to effect the transfer.

289 B. The county shall allow access by the cultural development authority to the
290 county's information and telecommunications systems, including, but not limited to,
291 telephone service, voice mail, electronic mail and the county-wide area network,
292 including all databases required by the cultural development authority to effectively carry
293 out its work. The cultural development authority shall make payment for telephone
294 system services upon billing by the county. By December 1, 2002, the King County
295 office of budget and office of cultural resources shall develop a schedule for the
296 payments. King County shall allow the cultural development authority access to the wide
297 area network at no charge.

298 C. The county shall allow the cultural development authority to use the office
299 space in the Smith Tower used by the office of cultural resources on December 31, 2002,
300 for the remaining period under the county's lease for the space. The county shall
301 determine through its annual budget process whether to pay the lease cost with current
302 expense fund or other revenues. At the end of the lease period, the authority shall
303 relocate to office space it acquires at its own expense or commence to pay for office
304 space that, if available, may be provided by the county to the authority.

305 SECTION 20. Transition provisions. From the commencement of the cultural
306 development authority under section 8 of this ordinance until and including December
307 31, 2002, in addition to its other assigned duties, the office of cultural resources shall take
308 reasonable and necessary actions related to the start up of the cultural development
309 authority. The actions may include, but are not limited to, assisting in identifying
310 candidates to serve on the board of the authority, providing staff support to the board of

311 the authority and identifying necessary actions and decisions to be taken by the board of
312 the authority before January 1, 2003.

313 SECTION 21. Construction. Sections 2 through 20 of this ordinance shall be
314 liberally construed so as to effectuate their purposes and the purposes of RCW 35.21.730
315 through 35.21.759.

316 SECTION 22. Ordinance 12089, Section 3, and K.C.C. 2.46.010 are each hereby
317 amended to read as follows:

318 **Establishment of public art program.** There is hereby established (~~(, within the~~
319 ~~cultural resources division of the parks and cultural resources department,)) a ((P))public
320 ((A))art ((P))program ((which)) that shall (~~((include the 1% for Art Program and the arts~~
321 ~~programs for the metropolitan functions of public transportation and water pollution~~
322 ~~abatement. The Public Art Program will))~~) ensure that the work, thinking, creative
323 skills((;)) and unique perspectives of artists are included in the planning, design and
324 construction of county property, facilities, infrastructure and public spaces. The public
325 art program shall be administered and implemented by the cultural development
326 authority.~~

327 SECTION 23. Ordinance 12089, Section 4, and K.C.C. 2.46.020 are each hereby
328 amended to read as follows:

329 **Purpose of the public art program.** It is the intention of the county to
330 contribute to the cultural and artistic legacy of this region (~~((by establishing a))~~ through
331 the ((P))public ((A))art ((P))program. The purposes of the program include the
332 following:

- 333 A. Integrate the work and thinking of artists into the planning, design and
334 construction of county facilities, buildings, infrastructure and public spaces;
- 335 B. Enhance and enrich the county's physical environment and public spaces;
- 336 C. Celebrate the multi((-)cultural and diverse character of its communities;
- 337 D. Contribute a sense of ownership and pride in public facilities and spaces to
338 county citizens;
- 339 E. Mitigate potential adverse impacts of construction;
- 340 F. Engage the citizens and communities of the county in creative partnerships
341 with artists; and
- 342 G. Support, educate and assist citizens with their community activities in which
343 public art plays a part.

344 SECTION 24. Ordinance 12089, Section 5, and K.C.C. 2.46.030 are each hereby
345 amended to read as follows:

346 **Definitions.** ~~((All w))~~Words ~~((shall))~~ in this chapter have their ordinary and usual
347 meanings except those defined in this section, which ~~((shall))~~ have, in addition, the
348 following meanings. ~~((In the event of))~~ If there is conflict, the specific definitions set
349 forth in this section shall presumptively, but not conclusively, prevail.

350 A. ~~(("Acquisition or county force acquisition" means the purchase of parcels of
351 land, existing buildings, and structures, and costs incurred by the county for the
352 appraisals or negotiations in connection with such purchase.))~~ "Advisory committee" or
353 "committee" means the public art advisory committee established by the cultural
354 development authority to provide oversight and citizen involvement for the public art
355 program.

356 B. "~~((Arts))~~ Artist selection panel" means a group of individuals, including
357 artists, art and design professionals and non-artist citizen representatives established by
358 the ~~((Public Art Commission))~~ cultural development authority to select artists to provide
359 works or services ~~((to the))~~ in the planning, design and construction of county facilities,
360 buildings, infrastructure and public spaces.

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

363 D. "Client department" means the county department, ~~((or))~~ division or office
364 responsible for construction or custodial management of a facility or capital improvement
365 project ("CIP") project after construction is complete.

366 ~~((D. "Commission" means the King County Public Art Commission.~~

367 E. ~~"Commissioner" means an individual appointed to serve on the Public Art~~
368 ~~Commission.~~

369 F. ~~"Council" means the King County Council.~~

370 G. ~~"County" means King County.~~

371 H. ~~"County construction project" means any project paid for by funds~~
372 ~~appropriated by the county, to construct, remodel or maintain any building, decorative or~~
373 ~~commemorative structure, park, trail or pathway, vehicular or pedestrian bridge,~~
374 ~~metropolitan public transportation facility, metropolitan water pollution abatement~~
375 ~~facility, surface water management project, solid waste transfer station, or any portion~~
376 ~~thereof, within the jurisdiction of the county.~~

377 I. ~~"Cultural coordinating council" means the seven-member advisory body~~
378 ~~composed of an ex officio non-voting representative from the council and the chairs and~~

379 ~~vice chairs of the public art commission, the King County arts commission, and the King~~
380 ~~County landmarks and heritage commission.~~

381 ~~J. "Equipment and furnishings" shall mean any equipment or furnishings that are~~
382 ~~portable and of standard manufacture. "Equipment" shall not mean items that are custom~~
383 ~~designed or that create a new use for the facility, whether portable or affixed.~~

384 ~~K. "Executive" means the county executive.))~~

385 E. "Cultural development authority" or "authority" means the cultural
386 development authority of King County established under K.C.C. chapter 2.—(sections 2
387 through 19 of this ordinance.

388 ~~((L. "One percent for Art" or "1% for Art" means the program authorized in~~
389 ~~Ordinance 6111, and K.C.C. 4.40.010 through 4.40.090 under which one percent of~~
390 ~~construction budgets of certain county public works is allocated and set aside for works~~
391 ~~of art. This program is replaced by the Public Art Program which will apply to all county~~
392 ~~departments.~~

393 ~~M. "Public art commission" means the nine-member body composed of county~~
394 ~~residents appointed by the executive and confirmed by the council which advises the~~
395 ~~executive and council regarding the Public Art Program and policies that guide the~~
396 ~~program.~~

397 ~~N.)) F. "Public ((A))art ((F))fund means the fund ((that is allocated by the council~~
398 ~~pursuant to K.C.C. 2.48.120 and K.C.C. 4.04.010 through 4.04.090 as amended, to~~
399 ~~implement the programs and policies described in Ordinance 12089. The "Public Art~~
400 ~~Fund" shall be the new name for the "1% for Art Fund)) established in section 52 of this~~

401 ordinance to provide for the receipt of revenues and the disbursement of expenditures for
402 the selection, acquisition and display of public art.

403 ~~((G.))~~ G. "Public art program" means the county program ~~((staffed by the cultural~~
404 ~~resources division))~~ administered and implemented by the cultural development authority
405 that includes the works and thinking of artists in the planning, design, and construction of
406 facilities, buildings, infrastructure and public spaces to enhance the physical
407 environment, mitigate the impacts of county construction projects, and enrich the lives of
408 county residents through increased opportunities to interact with art.

409 ~~((H.))~~ H. "Public space" is any place or property within the county ~~((which))~~ that
410 is open to the general public for its use, ~~((or which))~~ is in public view~~((;))~~ or is generally
411 accessible to the public.

412 SECTION 25. Ordinance 12089, Section 7, and K.C.C. 2.46.050 are each hereby
413 amended to read as follows:

414 **Artists' involvement in public art program.**

415 In is the intent of the council to involve artists at the earliest appropriate project
416 stage. The ~~((commission will))~~ cultural development authority shall establish the artist
417 selection process and, in collaboration with the client department, define the scope of
418 work on a case-by-case basis. ~~((The county will include a))~~ Artists shall be included in a
419 broad range of projects including, but not limited to:

420 A. Planning. Artists may be selected as planning consultants to assist in the
421 evaluation of options, strategies, limitations and opportunities for art and aesthetic design
422 in capital projects before the scope, quality, schedule~~((;))~~ and budget are fixed~~((;))~~;

423 B. Collaboration with project design team. Artists may be selected ((as
424 consultants)) to collaborate with design team members on construction or project work in
425 which the creation, documentation((-)) and construction of the project is
426 ((collaboratively)) jointly developed with the county's project managers, design team((-))
427 and the community with the goal of improving the aesthetics of the entire project((-));

428 C. Site specific artwork. Artists may be selected to design artwork for a specific
429 location((-); and

430 D. Individual works of art. Artists may be commissioned to create a work of
431 art((-)) or existing works of art may be purchased.

432 SECTION 26. Ordinance 12089, Section 8, and K.C.C. 2.46.060 are each hereby
433 amended to read as follows:

434 **Selecting artists.** ((Artists shall be selected)) The cultural development authority
435 shall select artists to participate in the county's public art program through one of the
436 following ways((-);

437 A. ((Open competition. The commission or designated art selection panel may
438 solicit)) The cultural development authority may solicit applications from artists through
439 ((public advertisement requests for artists' slides, resumes, and letters of interest)) an
440 open competition. ((The commission or designee will)) Through a publicly advertised
441 request for applications process, the authority shall review submittals and ((recommend))
442 may select an artist that meets the ((commission's)) authority's requirements((-); or

443 B. ((Invitational or limited competition. The commission or designated art
444 selection panel may invite)) The cultural development authority may invite a limited
445 number of artists to submit applications or prepare proposals. From this limited pool, the

446 ~~((commission or designee))~~ authority may ~~((recommend))~~ select an artist based upon
447 ~~((established criteria))~~ the authority's requirements.

448 SECTION 27. Ordinance 12089, Section 11, and K.C.C. 2.46.090 are each
449 hereby amended to read as follows:

450 **Authority to accept donations for public art.**

451 A. The county may receive offers of donations of artwork or funds for public art.
452 Potential donors ~~((will))~~ shall be referred to the ~~((Public Art Commission))~~ cultural
453 development authority to discuss the nature of the gift and procedures for review and
454 approval. The ~~((Public Art Commission will))~~ cultural development authority shall
455 review the proposal and recommend consideration or rejection of the offer, and make a
456 site recommendation where applicable.

457 B. Financial gifts, bequests~~((s))~~ and donations ~~((accepted))~~ recommended for
458 acceptance by the ~~((Public Art Commission will))~~ cultural development authority shall be
459 ~~((approved))~~ subject to approval by council motion consistent with K.C.C. 2.80.010, and,
460 if approved by the council, shall be credited to the ~~((Miscellaneous Agency Fund or~~
461 ~~special fund with the P))~~ public ((A))art ((Program if deemed appropriate)) account within
462 the arts and cultural development fund. Donated funds ~~((will))~~ shall be accounted for
463 individually ~~((as required by K.C.C. 2.80.020))~~ and ~~((may be))~~ administered by the
464 ~~((manager of the cultural resources department or designee, without further~~
465 ~~appropriation.))~~ cultural development authority until fully expended in a manner
466 consistent with the donor's restrictions and ~~((direction from the commission))~~ the council
467 motion that approved the donation.

468 SECTION 28. Ordinance 9134, Section 7, as amended, and K.C.C. 4.40.060 are
469 each hereby amended to read as follows:

470 **Multi((-)cultural art.** King County is committed to participation by (~~multi-~~
471 ~~cultural~~) multicultural and ethnic artists in public art. Therefore, the (~~Arts Commission~~
472 ~~will~~) cultural development authority shall, within available funding, take necessary
473 actions to:

474 1. Ensure that juries and commissioned artists reflect the ethnic diversity of the
475 population of King County; and

476 2. Support and develop projects that create opportunities for (~~multi-cultural~~)
477 multicultural and ethnic artists.

478 (~~3. Offer programs to provide mentorships and technical assistance to multi-~~
479 ~~cultural and ethnic artists.~~)

480 SECTION 29. K.C.C. 4.40.060, as amended by this ordinance, is recodified as a
481 new section in K.C.C. chapter 2.46.

482 SECTION 30. K.C.C. 2.46.110 is hereby decodified.

483 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 2.46 a
484 new section to read as follows:

485 **County responsibilities for public art projects.**

486 A. The county is committed to ensuring the success of the public art program,
487 facilitating strong partnerships between county client departments and with the cultural
488 development authority, promoting efficiencies and offering maximum benefit to county
489 citizens. The executive shall ensure county departments and agencies communicate
490 regarding the management of existing and future county artwork and perform their duties

491 related to public art and fully cooperate with the cultural development authority in its
492 performance of its responsibilities. The responsibilities of county departments and
493 agencies shall include, but not be limited to, the following actions and obligations:

494 1. Client departments procuring artists' services or artworks shall follow the
495 procedures of the public art program developed by the cultural development authority.
496 The authority shall administer all contracts with artists engaged in public art activities
497 and serve as the liaison between the artists and the client department;

498 2. To facilitate early artist involvement, the client department shall provide the
499 cultural development authority with information on proposed capital improvements
500 during the early planning phases of these projects;

501 3. Not all projects that generate funding for public art must include an art
502 component. On an annual basis, each client department and the cultural development
503 authority shall review all eligible capital improvement projects and the pooled
504 departmental appropriations for public art to develop a prioritized list of projects that are
505 the most appropriate for inclusion of public art. The following criteria shall be used to
506 evaluate potential projects:

507 a. the project has high public visibility and accessibility;

508 b. the project presents unique opportunities for public art;

509 c. the project presents an opportunity to partner with another agency or
510 leverage the county's resources;

511 d. the area of a project is underserved by other arts service providers or there is
512 a lack of public art in a particular area;

513 e. the community affected by the project has expressed a strong desire for
514 public art;

515 f. there is a legal mandate to include the artwork within a particular project;
516 and

517 g. the project's construction or siting may be mitigated by the inclusion of
518 public art.

519 2. The director of the client department shall meet annually with the cultural
520 development authority to prioritize projects, assess possibilities for artist involvement and
521 review the ways that public art can help achieve the department's mission and goals;

522 3. The cultural development authority and the client department shall
523 collaboratively define the scope of the artist's involvement, the project specific art
524 budget, project development schedule and the architectural and engineering team's
525 responsibilities in working with the art project;

526 4. The client department must advise the artist selection panel established by the
527 cultural development authority regarding the technical parameters of the project and the
528 department's goals during the selection process.

529 5. The client department shall ensure that:

530 a. Requests for qualifications (RFQs) or requests for proposals (RFPs), for
531 consulting services, require coordination with the cultural development authority when
532 the project includes public art; and

533 b. Consultants' contracts include coordination with the project's artists as part
534 of the scope of service;

535 6. The client department shall include the cultural development authority as an
536 advisor during the consultant selection process for capital projects that include art;

537 7. Following incorporation of art into the county's art collection, the county
538 shall provide to the cultural development authority the name of a department employee
539 who works at or near the site of the artwork who is responsible on behalf of the county
540 for the artwork and who may be listed on public art collection records as the client
541 department's contact person with respect to the artwork; and

542 8. The county shall ensure that its artworks are properly maintained, protected
543 and restored.

544 B. Annually, the county and the cultural development authority shall negotiate an
545 agreement for management and rotation services, maintenance, protection and restoration
546 of the county's public art collection, including, but not limited to, services needed to
547 comply with contracts for commissioned artwork. The annual appropriation for these
548 services shall be determined in the county's annual budget.

549 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 2.46 a
550 new section to read as follows:

551 **Authority responsibilities for the development of public art projects.** The
552 cultural development authority shall:

553 A. Advise the executive and the council regarding the county's public art
554 program;

555 B. Develop policies and program guidelines for consideration by the council;

556 C. Identify projects that can benefit from artists' involvement;

557 D. Establish an artist selection panel. Consultants, if available, may also serve as
558 nonvoting advisors to the panel;

559 E. Select and commission artists;

560 F. Provide design review for public art projects;

561 G. Serve as the adjudicating body to resolve disputes involving aesthetic
562 judgment relative to the county's public artwork;

563 H. Provide oversight for the maintenance of public artwork after the work is in
564 place;

565 I. Designate sites;

566 J. Determine project-specific budgets for public art;

567 K. Develop recommendations regarding acceptance of any gifts, bequests or
568 donations of artwork to the county intended for inclusion in the county's public art
569 collection;

570 L. Review any action requiring deaccessioning, which is removal of artwork
571 from the county's public art collection; and

572 M. Review any action requiring relocation or proposed alterations of integrated
573 or site specific artworks included in the county's public art collection.

574 NEW SECTION. SECTION 33. There is hereby added to K.C.C. chapter 2.46 a
575 new section to read as follows:

576 The county and the cultural development authority shall annually review and
577 develop contracts for the purchase of commissioned public artwork. The cultural
578 development authority shall rely on the approved contracts for the procurement of all
579 public artwork. A contract may include a scope of work attachment subject to approval

580 by a representative from the county client department. The cultural development
581 authority shall not alter the contract for public artwork without first obtaining permission
582 from the county in writing.

583 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter 2.46 a
584 new section to read as follows:

585 **Public art advisory committee.** The cultural development authority shall
586 establish a public art advisory committee to advise the authority's board regarding
587 policies and public art, as set forth in section 32 of this ordinance. Committee members
588 shall be conversant with public art, experienced with community issues and concerns, and
589 sought from a range of professionals including artists, architects, landscape architects,
590 arts administrators, urban planners and designers, community arts activists as well as
591 business professionals and others. The appointment process and terms of service shall be
592 established by the cultural development authority as set forth in the authority's charter.

593 SECTION 35. Ordinance 8300, Section 2, as amended, and K.C.C. 2.48.020 are
594 hereby amended to read as follows:

595 **Definitions.**

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

600 ~~((A. "Arts Selection Panels" or "Juries" means a group of individuals, including~~
601 ~~independent arts professionals and non-artist citizen representatives established by the arts~~

602 ~~commission to select literary, media, performing visual artists or arts organizations for the~~
603 ~~purchase of services.~~

604 ~~B. "Arts Gift Trust Account" means the fund established in K.C.C. 2.48.110.~~

605 ~~C. "Arts Programs" means the community, literary, performing, visual, and other~~
606 ~~arts programs of the commission, the component parts of which are specified by the~~
607 ~~commission.~~

608 ~~D. "Commission" means the King County Arts Commission.~~

609 ~~E. "Commissioner" means an individual appointed to serve on the commission, as~~
610 ~~described in K.C.C.2.48.040.~~

611 ~~F. "Coordinator" means the person assigned by the manager of the office of~~
612 ~~cultural resources.~~

613 ~~G. "Council" means the King County council.~~

614 ~~H. "County" means King County.~~

615 ~~I. "Donor" means a private or nonprofit organization or individual who gives~~
616 ~~monies or in-kind donations to the commission to be used for the purposes authorized in~~
617 ~~this chapter.~~

618 ~~J. "Executive" means the county executive.~~

619 ~~K. "Exempt Employee" means an employee who is exempt from the provisions of~~
620 ~~the county career service plan.~~

621 ~~L. "Fiscal Year" means the year beginning January 1 or any other fiscal year duly~~
622 ~~adopted by the county.))~~

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

625 B. "Cultural development authority" or "authority" means the cultural
626 development authority of King County established under K.C.C.2.—(sections 2 through
627 19 of this ordinance.

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

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

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

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

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

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

646 I. "Heritage" means King County's history, ethnic history, indigenous and
647 traditional culture, folklore and historic and archaeological resources and those projects

648 and programs initiated by the authority to preserve King County's heritage and to support
649 community and regional heritage organizations and public agencies in such efforts.

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

655 K. "Hotel-motel tax revenues" means funds designated for cultural purposes as
656 described in RCW 67.28.180 and deposited into the arts and cultural development fund
657 and the cultural resources endowment fund and used for the purposes described in this
658 chapter and K.C.C. chapter 4.42.

659 ~~((M.))~~ L. "Individual ((A))artist" means an artist acting individually and
660 independently without affiliation to or with another individual, group or organization.

661 ~~((N. "Law" means federal, state, and/or county law.~~

662 ~~O. "Local Arts Commission" means any of the arts commissions and/or councils~~
663 ~~which are established by, and function under aegis of, any local government body within~~
664 ~~the county.~~

665 P. "Manager" means the manager of the office of cultural resources.

666 ~~Q. "Officers of the Commission" means the commissioners duly elected by the~~
667 ~~commission from time to time to serve as its officers.))~~

668 SECTION 36. Ordinance 8300, Section 3, as amended, and K.C.C. 2.48.030 are
669 each hereby amended to read as follows:

670 **Policy.**

671 A. It is the policy of King County to foster the excellence, vitality((;)) and
672 diversity of ((the arts)) cultural programs in the county((;)) and to make opportunities to
673 experience cultural programs available to all citizens of the county ((, greater
674 opportunities through which to develop understanding and appreciation of the wide range
675 of the arts, and to make arts a high priority in county governmental policy.)) because:

676 1. King County recognizes that arts and heritage institutions and organizations
677 and professional artists, heritage specialists and historic preservationists, working in
678 partnership with the region's tourism industry, attract visitors and enhance the county's
679 national and international reputation as a cultural center.

680 2. King County recognizes that the transmission of historical and cultural values
681 and traditions from one generation to the next is essential to the sense of identity of
682 communities, ethnic and cultural groups, and of all citizens of King County.

683 3. King County recognizes that a healthy and well-balanced future citizenry is
684 dependent upon the promotion of comprehensive cultural education programs for today's
685 youth and that cultural education, in the classroom and in the community, is an integral
686 part of building audiences, appreciation and support for cultural programs.

687 4. King County recognizes that the loss or destruction of historic structures,
688 sites and artifacts constitutes an irreplaceable loss to the quality of life and character of
689 King County.

690 5. King County recognizes that its support for the cultural community should be
691 distributed to major regional, mid-sized, emerging and community-based organizations.

692 6. King County recognizes that support for the development of cultural
693 activities should be distributed throughout all parts of the county, including urban,
694 suburban, rural and incorporated and unincorporated areas; and

695 7. King County recognizes that support for the work of individual artists and
696 heritage specialists is important to ensure the continuance of diverse creative expression.

697 ~~((In order))~~ B. ((t))To carry out this policy, the ~~((commission))~~ cultural
698 development authority is hereby authorized to develop and implement ~~((arts support))~~
699 cultural programs in King County ~~((and to serve as a facilitator for local arts commissions~~
700 ~~and other arts organizations within the county))~~.

701 C. The county is committed to ensuring the success of cultural programs and
702 facilitating strong partnerships between the county, cultural development authority and
703 cultural community. The executive shall ensure county departments and agencies
704 perform their duties related to cultural programs and fully cooperate with the cultural
705 development authority in its performance of its responsibilities.

706 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 2.48 a
707 new section to read as follows:

708 **Responsibilities for cultural programs.**

709 The cultural programs described in this chapter shall be implemented and
710 administered by the cultural development authority. The duties and authorities of the
711 cultural development authority shall include the following:

712 A. Developing policies, guidelines and eligibility criteria for consideration by the
713 council for cultural programs;

714 B. Considering and approving project and grant proposals;

715 C. Reviewing, evaluating and accounting for expenditures of program funds; and
716 D. Annually reporting program results to the county executive and county
717 council.

718 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 2.48 a
719 new section to read as follows:

720 **Arts advisory committee.** The cultural development authority shall establish an
721 arts advisory committee to advise the authority’s board regarding policies and cultural
722 programs. Committee members shall be: conversant with arts practices and programs;
723 experienced with community issues and concerns; and sought from a range of
724 professionals including individual artists, arts administrators, educators and community
725 arts activists as well as business professionals and others. The appointment process and
726 terms of service shall be established by the cultural development authority as set forth in
727 its charter.

728 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 2.48 a
729 new section to read as follows:

730 **Heritage advisory committee.** The cultural development authority shall
731 establish a heritage advisory committee to advise the authority’s board regarding policies
732 and cultural programs. Committee members shall be: conversant with heritage practices
733 and programs; experienced with community issues and concerns; and sought from a
734 range of professionals including educators, heritage specialists, historians and community
735 heritage activists as well as business professionals and others. The appointment process
736 and terms of service shall be established by the cultural development authority as set
737 forth in its charter.

738 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 2.48 a
739 new section to read as follows:

740 **Historic preservation advisory committee.** The cultural development authority
741 shall establish a historic preservation advisory committee to advise the authority’s board
742 regarding policies and cultural programs. Committee members shall be: conversant with
743 historic preservation practices and programs; experienced with community issues and
744 concerns; and sought from a range of professionals including educators, historic
745 preservationists, historians and community heritage activists as well as business
746 professionals and others. The appointment process and terms of service shall be
747 established by the cultural development authority as set forth in its charter.

748 SECTION 41. Ordinance 9279, Section 4, as amended, and K.C.C. 4.42.030 are
749 each hereby amended to read as follows:

750 **Cultural education program.**

751 ~~((The King County council hereby establishes))~~ There is hereby established the
752 King County cultural education program. The program shall consist of one-year grants
753 for projects developed by cultural organizations or projects proposed and developed by
754 the cultural development authority for the purpose of enriching existing and creating new
755 cultural education program~~((, reviewed annually,))~~. The cultural education program shall
756 be an annual program administered by the cultural development authority, consistent with
757 this chapter and the charter and shall be contingent on available hotel~~((/))-motel~~ tax
758 revenues~~((, and))~~. The cultural education program shall be subject to the following:

759 A. All cultural organizations that meet the criteria contained in this chapter and
760 any applicable guidelines approved by the ~~((council by motion))~~ cultural development

761 authority for the King County cultural education program are eligible to apply for the
762 King County cultural education program grants. School districts and schools shall not
763 receive revenues distributed under this section;

764 B. Moneys granted to the individual cultural organizations shall be used to enrich
765 existing cultural education programs or to create new ones and in any event shall be
766 expended only for direct costs for cultural education, which may include fees for artists,
767 cultural specialists, experts in cultural education and performing and visual arts and
768 heritage organizations. Any application for moneys to enrich existing or to create new
769 arts, cultural or heritage programs shall be developed by the applicant or applicants in
770 joint cooperation with a King County public school or school district;

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

775 D. The cost of administering the King County cultural education program shall
776 be minimal;

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

783 F. There shall be written application guidelines and procedures (~~((for applying for~~
784 ~~grants))~~), which shall include eligibility criteria, scope of program and funding (~~((needs))~~
785 requirements. The guidelines, criteria and application procedures shall be (~~((written))~~)
786 adopted by the (~~((cultural education advisory committee and recommended by the arts~~
787 ~~commission and the landmarks and heritage commission and shall be subject to council~~
788 ~~approval by motion))~~) cultural development authority. Established criteria shall include
789 commitment and ability to provide student learning in cultural endeavors. The (~~((advisory~~
790 ~~committee))~~) cultural development authority shall establish procedures for evaluation of
791 programs and accountability of funds(~~((These procedures shall be submitted by the arts~~
792 ~~commission and the landmarks and heritage commission to the council for approval by~~
793 ~~motion))~~);

794 G. Grant awards shall reflect a countywide geographic distribution, and shall
795 include projects serving public schools and public school districts from various affluent
796 and less-affluent communities; and

797 H. (~~((Recommendations for))~~) Approval of grants shall be made by the (~~((King~~
798 ~~County arts commission and the King County landmarks and heritage commission and~~
799 ~~submitted to the executive for recommendation and to the council for review and~~
800 ~~approval by motion))~~) cultural development authority consistent with this chapter and the
801 charter. Grant decisions shall be made on a competitive basis and in accordance with
802 criteria established in accordance with subsection F of this section. (~~((Established criteria~~
803 ~~shall include commitment and ability to provide student learning in cultural endeavors.))~~)
804 Grants made under the King County cultural education program shall recognize that
805 Bellevue is receiving its own hotel-motel tax revenues, and therefore preference shall be

806 given to applications serving other areas of the county. Grants to organizations proposing
807 worthwhile projects in Bellevue public schools are not precluded.

808 SECTION 42. Ordinance 12076, Section 49, as amended, and K.C.C. 4.42.100
809 are each hereby amended to read as follows:

810 **Cultural facilities program.** King County recognizes that the cultural facilities
811 program has helped build a cultural infrastructure in the region with projects including
812 the Bellevue Art Museum, Benaroya Hall, the Olympic Sculpture Garden and many
813 more. Arts organizations such as the Seattle Center Foundation and heritage
814 organizations such as the Museum of History and Industry are in the process of
815 constructing regional cultural facilities and are seeking capital contributions in 2003. The
816 county strongly supports these projects and encourages the cultural development
817 authority of King County to recognize and assist these organizations to meet their
818 financial goals through private and public donors.

819 A. The cultural facilities program shall be administered by the ~~((office of cultural~~
820 ~~resources under the direction of the executive and in accordance with guidelines and~~
821 ~~policies established by the council by motion))~~ cultural development authority. ~~((The~~
822 ~~program shall consist of grants responding to priorities established by the council by~~
823 ~~motion, reviewed annually, to performing arts, visual arts, heritage and cultural~~
824 ~~organizations. Recommendations for))~~ Approval of grants shall be made by the ~~((King~~
825 ~~County arts commission and the King County landmarks and heritage commission and~~
826 ~~submitted to the executive for recommendation and to the council for review and~~
827 ~~approval by motion))~~ cultural development authority consistent with this chapter and the
828 charter.

829 B. The funds allocated to the cultural facilities program shall be used only for the
830 purchase, design, construction and remodeling of performing arts, visual arts, heritage
831 and cultural facilities and for the purchase of fixed assets that will benefit art, heritage
832 and cultural organizations, but heritage facility funding may also be used for heritage
833 sustained support.

834 C. Funds may be spent on providing assistance for planning and improvement of
835 cultural facilities, providing for the preservation and restoration of cultural facilities
836 otherwise eligible for funding pursuant to this chapter and providing funds to cultural
837 organizations to comply with Section 504 of the Federal Rehabilitation Act of 1973, as
838 amended.

839 D. Funds received under this section may be used for payment of principal and
840 interest on bonds issued for cultural capital projects. The manager of the finance and
841 business operations division shall manage the program's debt incurred before and
842 including December 31, 2002, to ensure continued high credit quality, access to credit
843 markets and financial flexibility. ~~((All of the program's debt management activities shall~~
844 ~~be conducted to maintain at least the current credit ratings assigned to the county's debt~~
845 ~~by the major credit rating agencies and to maintain an adequate debt service coverage~~
846 ~~ratio. Long term debt shall not be used to support operating expenses. The manager of~~
847 ~~the finance and business operations division shall develop and maintain a central system~~
848 ~~for all debt related records, which shall include all official statements, bid and other~~
849 ~~procurement documents, ordinances, indentures, leases and similar records, for all of the~~
850 ~~program's debt and will accurately account for all interest earnings in debt related funds.~~
851 ~~These records shall be designed to ensure that the program is in compliance with all debt~~

852 ~~covenants and with state and federal laws.))~~ The cultural development authority shall be
853 responsible for program debt incurred from and after January 1, 2003.

854 E. Eligible applicants shall include performing arts, visual arts, heritage and
855 cultural organizations. Eligible applicants must be financially stable and have at least the
856 following:

- 857 1. A legally constituted and working board of directors;
- 858 2. A record of artistic, heritage or cultural accomplishments;
- 859 3. At least a two-year operating history;
- 860 4. Demonstrated ability to maintain net current liabilities at less than thirty
861 percent of general operating expenses;
- 862 5. Demonstrated ability to sustain operational capacity subsequent to
863 completion of projects or purchase of machinery and equipment; and
- 864 6. Evidence of an independent financial review of the organization.

865 SECTION 43. Ordinance 14440, Section 3, and K.C.C. 4.42.025 are each hereby
866 amended to read as follows:

867 ~~((Arts and cultural development fund))~~ Hotel-motel revenue allocations for
868 cultural programs.

869 A. Hotel-motel revenues deposited in ~~((the))~~ the King County arts and cultural
870 development fund, created under K.C.C. 4.08.190, shall ~~((support the funding programs~~
871 ~~of the arts commission and the landmarks and heritage commission. At least twenty~~
872 ~~percent of the arts and cultural development fund revenues remaining subsequent to the~~
873 ~~annual allocation for the cultural endowment, in accordance with K.C.C. 4.08.190, and~~
874 ~~the related costs of administration of cultural programs by the office of cultural resources~~

875 ~~, shall be administered by the landmarks and heritage commission))~~ be administered by
876 the cultural development authority.

877 B. ~~((The arts and cultural development fund revenues shall be expended in the year~~
878 ~~following collection.))~~ Hotel-motel revenues deposited in the King County arts and cultural
879 development fund shall be used to support the cultural programs described in K.C.C.
880 chapter 2.48: cultural facilities; cultural education; special projects; and sustained support.
881 The hotel-motel revenues in the fund shall also support related administration of those
882 programs by the cultural development authority.

883 C. ~~((The arts commission and the landmarks and heritage commission shall use the~~
884 ~~arts and cultural development fund to support four programs : cultural facilities; cultural~~
885 ~~education; special projects; and sustained support.))~~

886 D. ~~In accordance with K.C.C. 4.08.190, beginning January 1, 2001, and t))~~ Through
887 December 31, 2012, at least forty percent of the hotel-motel revenues appropriated to the
888 arts and cultural development fund and transferred to the cultural development authority
889 shall be ((reserved for the)) deposited in an account and used to establish a cultural
890 endowment. ((This reserved amount shall be allocated after the cost of administration of
891 the office of cultural resources programs , in accordance with the financial plan in
892 Attachment C to Ordinance 14440.)) Principle and interest shall be managed by the
893 cultural development authority in accordance with RCW 67.28.180(3)(a).

894 ~~((E.))~~ D. ~~After ((the costs of administering))~~ allocating the hotel-motel portion of
895 the arts and cultural development fund to administer cultural programs and ((allocating)) to
896 build the cultural endowment, the cultural development authority shall divide the hotel-
897 motel revenues in the arts and cultural development fund ((shall be divided)) between arts

898 programs (~~(administered by the arts commission)~~) and heritage programs (~~(administered by~~
899 ~~the landmarks and heritage commission)~~), but at least twenty percent of the revenue shall
900 be allocated to heritage programs (~~(and administered by the King County landmarks and~~
901 ~~heritage commission)~~).

902 ~~((F.))~~ E. Beginning January 1, 2002, using revenues generated in 2001, (~~(the arts~~
903 ~~commission shall finance its)~~) outstanding debt service obligations shall be financed from
904 (~~(its share of)~~) hotel-motel revenues in the arts and cultural development fund (~~(and the~~
905 ~~landmarks and heritage commission shall finance its outstanding debt service obligations~~
906 ~~from its share of the arts and cultural development fund)~~). The obligations incurred before
907 December 31, 2002, shall be managed by the department of executive services and paid by
908 the cultural development authority.

909 ~~((G.))~~ F. After deducting the amount necessary to meet debt service obligations,
910 the (~~(arts commission)~~) cultural development authority shall allocate (~~(its portion of the~~
911 ~~moneys)~~) hotel-motel revenues intended to support arts programs from the arts and cultural
912 development fund as follows:

913 1. For (~~(S))~~sustained support(~~(:))~~, thirty-nine percent of remaining arts program
914 revenues;

915 2. For (~~(C))~~cultural facilities(~~(:))~~, thirty-nine percent of remaining arts program
916 revenues;

917 3. For (~~(S))~~special projects(~~(:))~~, thirteen percent of remaining arts program
918 revenues; and

919 4. For (~~(C))~~cultural education(~~(:))~~, nine percent of remaining arts program
920 revenues.

921 ~~((H.))~~ G. After deducting the amount necessary to meet debt service allocations,
922 the ~~((landmarks and heritage commission))~~ cultural development authority shall allocate
923 ~~((its portion of the moneys))~~ hotel-motel revenues intended to support heritage programs
924 from the arts and cultural development fund as follows:

925 1. For ~~((€))~~ cultural facilities and sustained support~~((:))~~, seventy percent of
926 remaining heritage program revenues, but sustained support shall receive at least twenty
927 percent of the seventy percent;

928 2. For ~~((S))~~ special projects~~((:))~~, twenty percent of remaining heritage program
929 revenues; and

930 3. For ~~((€))~~ cultural education~~((:))~~, ten percent of remaining heritage program
931 revenues.

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

936 SECTION 44. Ordinance 14440, Section 7, and K.C.C. 4.42.108 are each hereby
937 amended to read as follows:

938 **Sustained support program for arts.**

939 A. There is hereby established the King County sustained support program for arts.
940 The purpose of this program shall be to provide operating support to arts organizations and
941 local arts agencies with a demonstrated record of providing or facilitating quality arts
942 experiences for residents of and visitors to King County.

943 B. The sustained support program for arts shall be administered by the ~~((office of~~
944 ~~cultural resources in accordance with the written guidelines and policies in Attachment A~~
945 ~~to this ordinance)) cultural development authority. The program shall consist of a biennial
946 application process. Grants shall be allocated on an annual basis for two consecutive
947 years. ~~((Recommendations for)) Approval of grants shall be made by the ((King County~~
948 ~~arts commission and submitted to the executive for recommendation and to the council~~
949 ~~for review and approval by motion)) cultural development authority consistent with this
950 chapter and the charter. Financial stability and a previous record of artistic
951 accomplishments, and a demonstrated commitment to provide on((-)going cultural
952 programs or events for the benefit of King County residents and visitors shall be
953 considered in the application review process. Grant recommendations shall reflect a
954 countywide geographic distribution, and shall include organizations of all sizes and in all
955 artistic disciplines.~~~~

956 C. Eligible applicants are:

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

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

965 services to a variety of arts professionals or disciplines, including special populations,
966 ethnic communities and under((-))served communities;

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

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

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

976 c. Are involved on a regular basis activities or programs in more than one arts
977 discipline or arts service area; (~~and~~)

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

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

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

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

993 SECTION 45. Ordinance 14440, Section 8, and K.C.C. 4.42.109 are each hereby
994 amended to read as follows:

995 **Sustained support program for heritage.**

996 A. There is hereby established the King County sustained support program for
997 heritage. The purpose of this program shall be to provide operating support to historical
998 museums and heritage organizations that make exceptional contributions to the
999 preservation, collection, exhibition, interpretation or protection of resources related to the
1000 history of the people and places of King County.

1001 B. The sustained support program for heritage shall be administered by the ~~((office~~
1002 ~~of cultural resources in accordance with the written guidelines and policies in Attachment~~
1003 ~~B to this ordinance)) cultural development authority. The program shall consist of a
1004 biennial application process. Grants shall be allocated on an annual basis for two
1005 consecutive years. ~~((Recommendations for))~~ Approval of grants shall be made by the
1006 ~~((King County landmarks and heritage commission and submitted to the executive for~~
1007 ~~recommendation and to the council for review and approval by motion))~~ cultural
1008 development authority consistent with this chapter and the charter. Grant
1009 recommendations shall reflect a countywide geographic distribution, and shall include
1010 organizations of all sizes and in all heritage disciplines. Financial stability and a previous~~

1011 record of accomplishments, and a demonstrated commitment to provide on~~((-))~~going
1012 cultural programs or events for the benefit of King County residents and visitors shall be
1013 considered in the application review process.

1014 C. Eligible applicants are:

1015 1. Historical museums or heritage organizations with any combination of ongoing
1016 programs, exhibitions, presentations or tours and must be tax-exempt under section
1017 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)); and

1018 2. Public development authorities.

1019 D. Eligible applicants must operate a heritage facility in King County and have a
1020 minimum of two years experience managing collections, presenting exhibits or providing
1021 other public services and programs with a focus on King County history and heritage.

1022 E. The funds expended for the King County sustained support program for heritage
1023 shall be used to expand the role of local heritage organizations and provide access to
1024 cultural programs in King County, within the intent and purposes authorized by
1025 RCW 67.28.180(3)(a). The purpose of these funds is to offset the expenses and costs of
1026 heritage facility operations, including those for staff, utilities, supplies, fees or services that
1027 relate to public access to, or public benefits deriving from, programs and services
1028 involving the collection, preservation, exhibition, and interpretation of King County
1029 history and heritage resources, as well as the education of the public about them. The
1030 funds expended for the King County sustained support program for heritage shall not be
1031 used for any programs or services that do not: provide public access or public benefit;
1032 serve King County residents or visitors; comply with ~~((existng))~~ existing federal, state or

1033 local legislation; involve heritage facilities in King County; or relate to King County
1034 history and heritage.

1035 SECTION 46. K.C.C. 4.42.030, 4.42.060, 4.42.100, 4.42.108 and 4.42.109, each
1036 as amended by this ordinance, are recodified as sections in K.C.C. chapter 2.48.

1037 SECTION 47. Ordinance 9051, Sections 1 and 2, and K.C.C. 2.48.125 are each
1038 hereby amended to read as follows:

1039 **Compliance with ~~((Federal Rehabilitation Act))~~ antidiscrimination legislation.**

1040 A. ~~((Purpose. The council seeks to ensure that all a))~~ Arts and heritage
1041 organizations receiving funding from ((the)) King County ((Arts Commission are in
1042 compliance)) through the cultural development authority shall comply with ((Section 504
1043 requirements of the Federal Rehabilitation Act of 1973, as amended. Section 504, as
1044 amended, prohibits the exclusion of qualified handicapped persons from access to or
1045 participation in any program or activity which receives or benefits from federal financial
1046 assistance)) federal, state and local laws that require that state and local governments give
1047 people with disabilities an equal opportunity to benefit from all of their programs, services
1048 and activities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973
1049 (29 U.S.C. Sec. 706), the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et
1050 seq.), chapter 49.60 RCW (the Washington state law against discrimination) and K.C.C.
1051 chapter 12.22 (prohibiting discrimination in places of public accommodation).

1052 B. ~~((Standards for Arts Allocations. All future a))~~ Allocations by the ((King
1053 County Arts Commission)) cultural development authority to ((all)) arts and heritage
1054 organizations ((on annual budgets of over one million dollars)) shall be contingent upon
1055 ((their)) the organizations being in compliance with the requirements of ((Section 504, as

1056 amended. All allocations by the King County Arts Commission subsequent to January 1,
1057 1990 to arts organizations on annual budgets of under one million dollars shall be
1058 contingent upon the organization's contractually agreeing to submit a plan by September 1,
1059 1990, for compliance with the requirements of Section 504, as amended. Those plans must
1060 provide for compliance by September 1, 1991)) federal, state and local laws that require
1061 that state and local governments give people with disabilities an equal opportunity to
1062 benefit from all of their programs, services and activities, including, but not limited to,
1063 Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 706), the Americans
1064 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), chapter 49.60 RCW (the
1065 Washington state law against discrimination) and K.C.C. chapter 12.22 (prohibiting
1066 discrimination in places of public accommodation).

1067 C. Arts organizations receiving funding from King County through the cultural
1068 development authority shall comply with state, federal and local legislation requiring
1069 nondiscrimination in employment and the provision of services to the public, including, but
1070 not limited to: Title VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the
1071 Washington state law against discrimination); K.C.C. chapter 12.16 regarding
1072 discrimination and affirmative action in employment by contractors, subcontractors and
1073 vendors; K.C.C. chapter 12.17 prohibiting discrimination in contracting; K.C.C. chapter
1074 12.18 requiring fair employment practices; K.C.C. chapter and 12.22 prohibiting
1075 discrimination in places of public accommodation.

1076 D. Allocations by the cultural development authority of King County to arts and
1077 heritage organizations shall be contingent upon the organizations being in compliance with
1078 the requirements of with state, federal and local legislation requiring nondiscrimination in

1079 employment and the provision of services to the public, including, but not limited to: Title
1080 VI of the Civil Rights Act of 1964; chapter 49.60 RCW (the Washington state law against
1081 discrimination); K.C.C. chapter 12.16 regarding discrimination and affirmative action in
1082 employment by contractors, subcontractors and vendors; K.C.C. chapter 12.17 prohibiting
1083 discrimination in contracting; K.C.C. chapter 12.18 requiring fair employment practices;
1084 K.C.C. chapter and 12.22 prohibiting discrimination in places of public accommodation.

1085 SECTION 48. K.C.C. 2.48.140 is hereby decodified.

1086 SECTION 49. Ordinance 12468, Sections 9 and 10, and K.C.C. 2.84.190 are
1087 each hereby amended to read as follows:

1088 **Oversight board and board work plan.**

1089 A. There is created an ~~((I))~~international ~~((T))~~trade ~~((E))~~expansion and
1090 ~~((E))~~economic ~~((D))~~development ~~((I))~~initiative ~~((O))~~oversight ~~((B))~~board, referred to in
1091 ~~((the body of))~~ this chapter as the "board," staffed and supported by the executive through
1092 the manager of the King County International Airport.

1093 B. The purpose of the board shall be to provide oversight, advice and assistance
1094 to the executive and council with respect to the international trade expansion and
1095 economic development initiative, including, but not limited to, the following:

1096 1. Conduct an analysis of the region's economy to determine components related
1097 to King County's global competitiveness;

1098 2. Prepare an ~~((I))~~inventory of the state and region's trade-related organizations
1099 to determine functions and goals in order to avoid duplicating ~~((same))~~ the inventory;

- 1100 3. ~~((Develop a business plan. The board shall d))~~ Develop and adopt in
1101 cooperation with the executive an annual business plan to guide the activities of the
1102 initiative;
- 1103 4. ~~((Sister county program. The board shall p))~~ Promote, foster and publicize the
1104 sister county program as appropriate;
- 1105 5. ~~((Hosting foreign guests. The board shall a))~~ Advise the executive and
1106 council with regard to visits to the county by foreign guests and assist in hosting of events
1107 for such guests as directed by the county;
- 1108 6. ~~((Oversight of contracts. The board shall p))~~ Provide oversight to the county
1109 regarding contracts executed to implement the purposes of this chapter;
- 1110 7. Adopt~~((ion of))~~ measures to gauge the performance of contractors;
- 1111 8. ~~((Promotion of international relations. The board shall be responsible for~~
1112 ~~£))~~ Foster~~((ing))~~ and promot~~((ing))~~ e international relations~~((--The board shall))~~ and advise
1113 and make recommendations to the council and executive on participation in such
1114 international relations and programs;
- 1115 9. Report to the council and executive on an annual basis on progress addressing
1116 goals listed in K.C.C. 2.84.050;
- 1117 10. Coordinate with other county programs and activities ~~((which))~~ that perform
1118 functions related to international trade and economic development including, but not
1119 limited to, the King County ~~((L))~~ library ~~((S))~~ system, ~~((Arts Commission))~~ the cultural
1120 development authority of King County created under K.C.C. chapter 2.—(sections 2
1121 through 19 of this ordinance), the ~~((A))~~ agriculture ~~((E))~~ commission~~((;))~~ and

1122 ~~((C))~~ cooperative ~~((E))~~ extension ~~((, Commission for Marketing Recyclable Materials))~~;
1123 and

1124 11. ~~((Council and executive requests. The board shall p))~~ Perform such other
1125 functions and advise the county on such other international trade, economic development
1126 and related matters as the county may request ~~((;))~~.

1127 C. The board shall consist of sixteen voting members and three non ~~((-))~~ voting
1128 members appointed by the executive and confirmed by the council. Board members shall
1129 serve terms of three years as specified in K.C.C. chapter 2.28. The initial terms of board
1130 members shall be governed by K.C.C. chapter 2.28.

1131 D. The composition of the board shall be as follows:

1132 1. a. ~~((F))~~ three members from chambers of commerce and commercial clubs
1133 located in suburban, rural and unincorporated communities in King ~~((e))~~ County;

1134 ~~((2.))~~ b. ~~((F))~~ two members representing technical or community colleges which
1135 have established international programs;

1136 ~~((3.))~~ c. ~~((F))~~ three representatives of small to midsize businesses in King
1137 County;

1138 ~~((4.))~~ d. ~~((Θ))~~ one at-large citizen representative residing in unincorporated King
1139 County;

1140 ~~((5.))~~ e. ~~((Θ))~~ one at-large representative for the export and import business
1141 sector;

1142 ~~((6.))~~ e ~~((Θ))~~ one person who is the head of the Washington State Department of
1143 Community, Trade and Economic Development ~~((CTED;))~~ or the Governor's Special
1144 Trade Representative, or ~~((their))~~ his or her designee;

1145 ((7.)) f. ((Θ))one representative from the ((U. S.)) United States Department of
1146 Commerce;

1147 ((8.)) g. ((Θ))one representative from the wholesale trade and distribution
1148 business sector;

1149 ((9.)) h. ((Θ))one representative from the Port of Seattle; and

1150 ((10.)) i. Two representatives from the King County Labor Council((-); and

1151 2. ((The t))Three non((-)voting members, who shall be: ((F))the manager
1152 ((+)) or designee of King County International Airport; the county council chair ((+))
1153 or designee; and the county executive ((+)) or designee.

1154 E. The board shall adopt bylaws to govern its operations.

1155 F. The board shall meet at least quarterly.

1156 G. Board members shall not receive compensation except for reimbursement for
1157 actual expenses as authorized by the executive.

1158 H. ((Work plan.)) The board shall develop and recommend to the executive and
1159 council, within six months of confirmation of a majority of its members by the council, a
1160 work plan, performance objectives and first annual budget for accomplishing the program
1161 and goals described in K.C.C. 2.84.010B and 2.84.050.

1162 SECTION 50. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are
1163 each hereby amended to read as follows:

1164 **First tier funds and designated fund managers.**

1165 A. First tier funds and fund managers are as follows:

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation

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104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
<u>117</u>	<u>Arts and Cultural Development</u>	<u>Dept. of Executive Services</u>
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Services	Dept. of Development & Environmental Svcs
((137	Clark Contract administration fund	Budget Organization in Executive Office))

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164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
<u>215</u>	<u>Grants tier 1 fund</u>	<u>Dept. of Executive Services</u>
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
313	Health Department Clinic Projects Const	Dept. of Executive Services
315	Conservation Futures Levy	Dept. of Natural Resources and Parks
316	Parks, Rec. & Open Space	Dept. of Executive Services
318	Surface & Storm Water Mgmt Const	Dept. of Natural Resources and Parks
319	Youth Svcs Detention Facility Const	Dept. of Executive Services
320	((One Percent for Art)) <u>Public Art Fund</u> ((Office of Cultural Resources))	<u>Dept. of Executive Services</u>
322	Housing Opportunity Acquisition	Dept. of Community & Human Services
326	1990 Series B Youth Detention Facility	Dept. of Executive Services
327	Equipment and Building Acquisition	Dept. of Executive Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks

330	River and Flood Control Const 1961	Dept. of Natural Resources and Parks
331	Long-term leases	Dept. of Executive Services
333	Health Centers Construction	Dept. of Executive Services
334	Capital Acqn and County Fac Renovation	Budget Organization in Executive Office
335	Youth Services Facilities Construction	Dept. of Executive Services
336	Arterial Highway Development	Dept. of Transportation
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Parks CIP	Dept. of Natural Resources and Parks
340-3	Urban Reforestation & Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	((Office of Cultural Resources)) <u>Dept. of Executive Services</u>
342	Major Maintenance Reserve	Dept. of Executive Services
343	Core GIS Capital Project	Dept of Natural Resources and Parks
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Executive Services

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350	Open Space Acquisition	Dept. of Natural Resources and Parks
364-3	Transit cross-border lease financing fund	Dept. of Executive Services
368-0	Real Estate Excise Tax Capital Summary Fund	Dept. of Executive Services
369	Transfer of development credits program (TDC) fund	Dept. of Natural Resources and Parks
377-1	OIRM Capital Fund	Office of Information Services
378	Information and telecommunications Capital improvement fund	Dept. of Executive Services
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Executive Services
388	Jail Renovation & Construction	Dept. of Executive Services
390	Solid Waste Construction	Dept. of Natural Resources and Parks

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391	Solid Waste Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building ((Repair & Replace)) <u>Capital Improvement</u>	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
448	Stadium Management	Dept. of Executive Services
<u>453-1</u>	<u>Institutional network operating fund</u>	<u>Dept. of Executive Services</u>
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety & Workers' Compensation	Dept. of Executive Services
543	Transit nonrevenue vehicle rental and revolving fund	Dept. of Transportation
544	Wastewater equipment rental and revolving fund	Dept. of Transportation
547	Office of information resource management operating fund	Dept. of Executive Services
550	Employee Benefits Program	Dept. of Executive Services

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551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of Executive Services
560	Printing/Graphic Arts Services	Dept. of Executive Services
603	Cultural Resources Endowment	((Office of Cultural Resources)) <u>Dept. of Executive Services</u>
622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Office of Human Resources Management
696	Mitigation Payment System	Dept. of Transportation
843	DMS Limited GO Bonds	Dept. of Executive Services
845	Clark Contract administration fund	Budget Organization in Executive Office
890	ULID Assessment – 1981	Dept. of Transportation
((2150	Grants tier 1 fund	Dept. of Finance

— ~~Institutional network operating fund~~ ~~Dept. of Information &~~
~~Administrative Services))~~

1166 B. The following shall also be first tier funds:

1167 1. All funds now or hereafter established by ordinance for capital construction
1168 through specific road improvement districts, utility local improvement districts or local
1169 improvement districts. The director of the department of transportation shall be the fund
1170 manager for transportation-related funds. The director of the department of natural
1171 resources and parks shall be the fund manager for utility-related funds.

1172 2. All county funds that receive original proceeds of borrowings made pursuant
1173 to Chapter 216, Washington laws of 1982, as now existing or hereafter amended, to the
1174 extent of the amounts then outstanding for such borrowings for that fund. For purposes
1175 of this subsection, the director of the county department or office primarily responsible
1176 for expenditures from that fund shall be the fund manager.

1177 3. Any other fund as the council may hereinafter prescribe by ordinance to be
1178 invested for its own benefit. County funds shall be treated as provided in K.C.C.
1179 4.10.110 unless a designation is made by the council.

1180 SECTION 51. Ordinance 12076, Section 10, as amended, and K.C.C. 4.08.025
1181 are each hereby amended to read as follows:

1182 **Second tier funds and designated fund managers.**

1183 Second tier funds and fund managers are as follows, except to the extent that all
1184 or a portion of any listed fund is a first tier fund by virtue of any other provision of this
1185 chapter or other ordinance:

1186 ~~((Second Tier Funds))~~

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Fund No.	Fund Title	Fund Manager
001	Current Expense	Budget Organization in Executive Office
102	Criminal Justice	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community & Human Services
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
((116	Arts and Cultural Education Program	Office of Cultural Resources
117	Arts and Cultural Development	Office of Cultural Resources))
120	Treasurer's O & M	Dept. of Executive Services
126	Alcohol & Substance Abuse Services	Dept. of Community & Human Services
180	Public Health	Dept. of Public Health
182	Inter-County River Improvement	Dept. of Natural Resources and Parks
214	Miscellaneous Grants	Dept. of Executive Services
224	Youth Employment Programs	Dept. of Community & Human Services
246	Community Dev Block Grant	Dept. of Community & Human Services

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548	Geographic Information Systems	Dept. of Natural Resources and Parks
553	Computer and Communication Services	Dept. of Executive Services
661	Deceased Effects	Dept. of Executive Services
662	Real Prop Title Assurance	Dept. of Executive Services
663	Treasurer's Prop Tax Refund	Dept. of Executive Services
664	Prop Tax Foreclosure Sale Excess	Dept. of Executive Services
666	Real Prop Advance Tax Collection	Dept. of Executive Services
668	Ad Valorem Tax Refund	Dept. of Executive Services
669	Certificate of Redemption LID assmt.	Dept. of Executive Services
670	Undistributed Taxes	Dept. of Executive Services
672	Cert/redemption Real Prop	Dept. of Executive Services
673	Miscellaneous Tax Distribution	Dept. of Executive Services
677	Property Tax Suspense	Dept. of Executive Services
678	King County Fiscal Agent	Dept. of Executive Services
697	Mailroom Prop Tax Refund	Dept. of Executive Services
698	Miscellaneous Agency	Dept. of Executive Services
699	Assessment Distribution/Refund	Dept. of Executive Services
840	Limited GO Bond Redemption	Dept. of Executive Services
850	Unlimited GO Bond Redemption	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services

1187 NEW SECTION. SECTION 52. There is hereby added to K.C.C. chapter 4.08 a
1188 new section to read as follows:

1189 **Public art fund.** There is hereby created the public art fund to provide for the
1190 receipt of revenues and the disbursement of expenditures for the selection, acquisition
1191 and display of public artwork. The fund shall be a first tier fund as described in this
1192 chapter. The department of executive services shall be the fund manager. The fund shall
1193 be used for the purposes in K.C.C. chapters 2.46 and 4.40.

1194 SECTION 53. K.C.C. 4.08.180 is hereby decodified.

1195 SECTION 54. Ordinance 12076, Section 24, and K.C.C. 4.08.190 are each
1196 hereby amended to read as follows:

1197 **Arts and cultural development fund.**

1198 A. The King County arts and cultural development fund shall be a special
1199 revenue fund to receive and transfer to the cultural development authority a variety of
1200 revenues including, but not limited to, current expense revenues, hotel-motel tax revenues
1201 and public art revenues.

1202 B. For investment purposes, the King County arts and cultural development fund
1203 shall be considered a (~~second~~) first tier fund.

1204 C. The arts and cultural development fund shall be managed by the department of
1205 executive services.

1206 D. Revenues deposited in the King County arts and cultural development fund
1207 shall be transferred to the cultural development authority in accordance with section 18 of
1208 this ordinance.

1209 E. Appropriation of funds to the King County arts and cultural development fund
1210 for the public art program shall be made annually consistent with the county's six-year
1211 capital improvement program plan and in accordance with the calculation basis described
1212 in K.C.C. chapter 4.40. Public art revenues appropriated to the King County arts and
1213 cultural development fund and transferred to the cultural development authority shall be
1214 used only for the purposes established in K.C.C. chapter 4.40 and shall be subject to
1215 K.C.C. chapters 2.46 and 4.40.

1216 E. ((Beginning January 1, 2001, through December 31, 2012, seventy percent of
1217 all excess h))Hotel-motel tax revenues collected by the county under RCW
1218 67.28.180(3)(a) ((in any calendar year)) shall be ((deposited in the King County))
1219 appropriated to the arts and cultural development fund and transferred to the cultural
1220 development authority, and shall be used only for the purposes established in K.C.C.
1221 chapter 4.42 and shall be subject to K.C.C. chapter 2.48 and 4.42. ((The King County
1222 arts and cultural development fund shall fund the King County cultural facilities program,
1223 the King County cultural education program, the King County special projects program,
1224 the King County sustained support program for arts and the King County sustained
1225 support program for heritage.

1226 D. Monies expended from this fund shall be used only for the purposes
1227 established in K.C.C. Chapter 4.42 and shall be subject to the conditions of K.C.C.
1228 chapter 4.42. Moneys distributed to art museums, cultural museums, heritage museums,
1229 the arts and the performing arts shall be in addition to and may not be used to replace or
1230 supplant any other cultural programs funded by the county from general revenues.

1231 E. ~~At least forty percent of the revenues distributed pursuant to this section for~~
1232 ~~the period January 1, 2001, through December 31, 2012, shall be deposited in an account~~
1233 ~~and shall be used to establish an endowment. Principal in the account shall remain~~
1234 ~~permanent and irreducible. The remaining revenues, along with the earnings from~~
1235 ~~investments of balances in the account, may only used for the purposes stated in K.C.C.~~
1236 ~~4.42.~~

1237 F. ~~Recommendations for grants from the King County cultural education~~
1238 ~~program, special projects program fund, cultural facilities, and sustained support~~
1239 ~~programs shall be made by the King County arts commission, or its successor, and the~~
1240 ~~King County landmarks and heritage commission, or its successor, and submitted to the~~
1241 ~~executive for recommendation and to the council for review and approval by motion.)~~

1242 SECTION 55. Ordinance 14433, Section 2, and K.C.C. 4.08.195 are each hereby
1243 amended to read as follows:

1244 **Cultural resources endowment fund.**

1245 A. There is hereby created the cultural resources endowment fund for the purpose
1246 of receiving and holding a portion of the hotel~~((/))~~-motel tax revenues collected in King
1247 County, as prescribed in K.C.C. 4.08.190 and, through December 31, 2012, K.C.C.
1248 4.42.025D.

1249 B. The cultural resources endowment fund shall be ~~((considered))~~ a first tier
1250 fund.

1251 C. The director of the ~~((office of cultural resources))~~ department of executive
1252 services shall ~~((be responsible for the administration of the fund and shall))~~ act as fund
1253 manager.

1254 D. ~~((In accordance with K.C.C. 4.08.190E, a))~~At least forty percent of the hotel-
1255 motel funds distributed to the arts and cultural development fund ~~((as described in K.C.C.~~
1256 ~~4.08.190, Section C;))~~ for the period January 1, 2001, through December 31, ~~((2012))~~
1257 2002, shall be deposited in the cultural resources endowment fund, with the principal
1258 remaining permanent and irreducible.

1259 ~~((E. Moneys expended from the cultural resources endowment fund shall be~~
1260 ~~appropriated and used only for the purposes established in K.C.C. chapter 4.42 and are~~
1261 ~~subject to K.C.C. chapter 4.42. Moneys distributed to art museums, cultural museums,~~
1262 ~~heritage museums, the arts, and the performing arts shall be in addition to and may not be~~
1263 ~~used to replace or supplant any other cultural programs funded by the county from~~
1264 ~~general revenues.))~~

1265 SECTION 56. Ordinance 6231, Section 1, as amended, and K.C.C. 4.16.150 are
1266 each hereby amended to read as follows:

1267 **Exemptions.** Contracts with the following organizations shall be entered into
1268 without regard to ~~((any provisions of K.C.C.))~~ this ~~((€))~~chapter ~~((4.16 and Ordinance~~
1269 ~~4551 to the contrary))~~:

- 1270 A. Youth Service Bureaus, including Center for Human Services;
- 1271 B. Puget Sound Council of Governments;
- 1272 C. King County Soil Conservation Service;
- 1273 D. Air Pollution Control Service;
- 1274 E. Seattle/King County Visitors Bureaus;
- 1275 F. Economic Development District;
- 1276 G. Pacific Science Center;

1277 H. Seattle/King County Economic Development Council;

1278 I. Eastside Visitors Bureau;

1279 J. United Way;

1280 K. United States Office of Personnel Management; and

1281 L. Cultural development authority of King County.

1282 NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter 4.40 a

1283 new section to read as follows:

1284 **Definitions.**

1285 Words in this chapter have their ordinary and usual meanings except those
1286 defined in this section, which have, in addition, the following meanings. If there is
1287 conflict, the specific definitions in this section shall presumptively, but not conclusively,
1288 prevail.

1289 A. "Acquisition" or "county force acquisition" means the purchase of parcels of
1290 land, existing buildings, and structures, and costs incurred by the county for the
1291 appraisals or negotiations in connection with such a purchase.

1292 B. "Arts and cultural development fund" means the special revenue fund
1293 established in K.C.C. 4.08.190 to receive and transfer to the cultural development
1294 authority a variety of revenues including, but not limited to, public art revenues.

1295 C. "Client department" means the county department, division or office
1296 responsible for construction or custodial management of a facility or capital improvement
1297 project after construction is complete.

1298 D. "County force" means work or services performed by county employees.

1299 E. "Cultural development authority" or "authority" means the cultural
1300 development authority of King County established under K.C.C. chapter 2.—(sections 2
1301 through 19 of this ordinance).

1302 F. "Equipment and furnishings" means any equipment or furnishings that are
1303 portable and of standard manufacture. "Equipment" does not mean items that are custom
1304 designed or that create a new use for the facility, whether portable or affixed.

1305 G. "Public art fund" means the fund established in section 52 of this ordinance.

1306 H. "Public art program" means the county program administered and
1307 implemented by the cultural development authority that includes the works and thinking
1308 of artists in the planning, design and construction of facilities, buildings, infrastructure
1309 and public spaces to enhance the physical environment, mitigate the impacts of county
1310 construction projects, and enrich the lives of county residents through increased
1311 opportunities to interact with art.

1312 SECTION 58. Ordinance 12089, Section 9, and K.C.C. 2.46.070 are each hereby
1313 amended to read as follows:

1314 **Funding, appropriations, opportunities for pooling funds~~(s)~~ and use of**
1315 **funds.** ~~((Appropriation of funds to support the Public Art Program shall be made to the~~
1316 ~~public art fund annually consistent with the county's six year capital improvement~~
1317 ~~program (CIP) plan.))~~

1318 A. ~~((Funding basis.))~~ All capital improvement projects ~~((which))~~ that are publicly
1319 accessible and visible, or for which there is a need for mitigation, ~~((will))~~ shall contribute
1320 to the county's ~~((P))~~public ~~((A))~~art ~~((P))~~program.

1321 1. (~~Calculation base~~) The amount of the annual appropriation for public art
1322 shall be equal to one percent of the eligible project costs of those capital improvement
1323 projects (~~which~~) that meet the criteria of public visibility and accessibility or need for
1324 mitigation. For the purposes of calculation, eligible project categories shall include
1325 (~~CIP~~) capital improvement program projects for new construction, reconstruction or
1326 remodeling of buildings, parks and trails, commemorative structures, pedestrian and
1327 vehicular bridges, surface water management projects, (~~metropolitan water pollution~~
1328 ~~abatement~~) wastewater treatment projects, (~~metropolitan public transportation~~) transit
1329 facility construction projects(~~;~~) and solid waste transfer stations.

1330 2. The following project categories shall be considered ineligible and may be
1331 excluded from the (~~P~~)public (~~A~~)art (~~P~~)program calculation base: roads; (~~and~~)
1332 airport runways(~~;~~); sewers(~~;~~); and solid waste landfills. This ineligibility shall not
1333 preclude a client department, in cooperation with the (~~Public Art Commission~~) cultural
1334 development authority, from proposing a public art project for a road, airport runway,
1335 sewer(~~;~~) or solid waste landfill project (~~which~~) that presents an opportunity for the
1336 inclusion of public art.

1337 3. At a minimum, the amount budgeted for public art in a capital improvement
1338 project shall be equal to one percent of the following project elements: (~~Consultant~~)
1339 conceptual design, (~~D~~)design, contracted design, preliminary engineering,
1340 (~~C~~)construction, (~~C~~)contingency, (~~C~~)county (~~F~~)force (~~D~~)design(~~;~~) and (~~County~~
1341 ~~Force Administration~~) project administration and construction engineering. Costs
1342 associated with the pre(~~-~~)design phase of the county's capital planning projects meeting

1343 the above criteria and anticipated to result in construction, shall be included in the
1344 calculation for public art.

1345 4. The following project elements may be excluded from the budget calculation
1346 for public art: ~~((A))~~acquisition; ~~((E))~~equipment and ~~((F))~~furnishings; and ~~((C))~~county
1347 ~~((F))~~force ~~((A))~~acquisition. Asbestos abatement may also be excluded from the budget
1348 calculation for art when the costs for asbestos abatement ~~((has))~~ have been calculated and
1349 a line item budgeted for asbestos abatement as been established within the project budget.

1350 5. In all cases, where a capital improvement project has a scope of work that
1351 includes both eligible and ineligible project elements and eligible and ineligible project
1352 categories, the budget for public art shall be calculated, at a minimum, in the eligible
1353 portions of the project.

1354 B. ~~((Appropriation.))~~ At the time a capital improvement project is proposed, the
1355 client department shall calculate and include a budgeted line item for public art in each
1356 eligible project ~~((as))~~ described in ~~((K.C.C. 2.46.070.A.1))~~ this section. The executive's
1357 budget representative shall confirm the calculations with the ~~((Public Arts Commission))~~
1358 cultural development authority and include the agreed-upon appropriations for public art
1359 in the executive's proposed budget. The amounts budgeted for public art in particular
1360 projects may be adjusted to reflect council changes to the county ~~((CIP))~~ capital
1361 improvement program budget or supplemental budgets. ~~((Fund transfers to the Public~~
1362 ~~Art Fund will occur))~~ The appropriation for public art shall be transferred to the arts and
1363 cultural development fund and from there to the cultural development authority as soon
1364 as the appropriation is made for the capital improvement project, and as soon as funds are
1365 available.

1366 C. ~~((Restricted grant funds.))~~ The source of the funds shall not affect the
1367 calculation for public art for a capital improvement project unless the conditions under
1368 which the revenue is made available prevent its use for artistic purposes. ~~((If this is the))~~
1369 In this case, ((then these amounts)) the revenue shall be excluded from the eligible
1370 ~~((funds))~~ project costs on which the one percent calculation for art is based. ~~((However,~~
1371 ~~at the client department's discretion, other non-restricted funds may be used to add public~~
1372 ~~art as appropriate within the project budget.))~~

1373 D. ~~((Pooling funds.))~~ A policy is hereby established to direct the ~~((transfer and))~~
1374 pooling of all ~~((P))~~public ~~((A))~~art ~~((P))~~program ~~((monies))~~ revenues on a departmental
1375 basis ~~((within the "Public Art Fund," which renames the "1% for Art Fund," or a Public~~
1376 ~~Art fund subfund within the appropriate enterprise funds. The transfer appropriations~~
1377 ~~from various capital improvement projects shall be pooled in departmental subfunds with~~
1378 ~~the Public Art Fund. All interest generated by departmental subfunds and Public Art~~
1379 ~~Fund subfunds within enterprise funds shall be pooled within the Public Art fund and~~
1380 ~~used for purposes consistent with the Public Art Program and the Charter. A percentage~~
1381 ~~of all public art program monies including all departmental subfunds and Public Art Fund~~
1382 ~~subfunds within enterprise funds shall be used to support stewardship and maintenance of~~
1383 ~~the county's public art collection and the administrative costs of the Public Art~~
1384 ~~Program)). Interest generated by public art revenues shall not be pooled on a~~
1385 ~~departmental basis. However, interest from all revenues shall be pooled collectively and~~
1386 ~~used for the purposes established in this section.~~

1387 Pooling affords the opportunity to look at the needs of the county as a whole and
1388 use the public art ~~((monies))~~ revenues only in those projects ~~((which))~~ that may have the

1389 greatest impact on communities or offer the best opportunities for artist involvement.
1390 Pooling on a departmental (~~((or within enterprise funds))~~) basis affords the opportunity for
1391 the (~~((Public Art Commission))~~) cultural development authority and client departments to
1392 work collaboratively on projects (~~((which))~~) that reflect the missions and goals of
1393 individual departments and to ensure that public art projects are adequately funded. It is
1394 not the executive's or council's intent that every capital improvement project which
1395 contributes (~~((to the P))~~) public (~~((A))~~) art (~~((Fund))~~) revenues shall include a ~~((n))~~ public art
1396 project. The decision regarding (~~((which))~~) capital improvement projects that will include
1397 a ~~((n))~~ public art project (~~((will))~~) shall be determined jointly by the (~~((Public Art~~
1398 ~~Commission))~~) cultural development authority and the client department according to the
1399 (~~((protocol described))~~) procedures and criteria in (~~((K.C.C. 2.46.080))~~) this section and
1400 section 31 of this ordinance.

1401 E. (~~((Appropriate use of program funds. The Public Art Fund))~~) Revenues shall
1402 support the following uses:

1403 1. The selection, acquisition and display of works of art, (~~((which))~~) that may be
1404 an integral part of the project(~~((;))~~) or placed in, on or about the project or other public
1405 space(~~((;))~~);

1406 2. Artist fees, design, planning and predesign service contracts and
1407 commissions(~~((;))~~);

1408 3. Expenses for technical assistance provided by either architects (~~((and/))~~) or
1409 engineers, or both, and to artists (~~((;))~~) in order to design, document (~~((and/))~~) or certify the
1410 artwork(~~((;))~~);

1411 4. Repair and maintenance of ~~((county))~~ public artworks ~~((funded by the Public~~
1412 ~~Art Fund or its predecessors-))~~ accessioned into the county's public art collection to the
1413 extent permissible under generally accepted accounting principles, grants, contracts and
1414 law;

1415 5. Public ~~((A))~~art ~~((P))~~program administrative expenses~~((;))~~ relating to
1416 acquiring, developing or maintaining public art~~((;))~~ to the extent permissible under
1417 generally accepted accounting principles, grants, contracts and law;

1418 6. Participation by citizens or costs of communicating with and receiving input
1419 from citizens, working with professional artists, introduction of public art to children, and
1420 education of the public about the county's rich cultural and artistic heritage~~((;))~~;

1421 7. Documentation and public education material for the ~~((P))~~public ~~((A))~~art
1422 ~~((P))~~program~~((;))~~;

1423 8. Liability insurance for artists~~((;))~~; and

1424 9. Pilot projects ~~((for the Public Art Commission))~~ approved by the cultural
1425 development authority.

1426 ~~((F. Distribution of funds. Following approval of the annual budget and annual~~
1427 ~~Public Art Fund appropriation by the council, the Public Art Commission in cooperation~~
1428 ~~with the client department(s) shall submit a Public Art Program plan which describes the~~
1429 ~~art projects to be initiated from the fund, the budget recommended for each art project,~~
1430 ~~and any special projects categories to allow for program flexibility and responsiveness.~~
1431 ~~The program plan shall be transmitted by the executive to the council in sufficient time to~~
1432 ~~be reviewed by the council and for spending authority to be approved by the first month~~
1433 ~~of the new fiscal year.~~

1434 G. ~~Contract and spending authority. Approval of the Public Art Program plan by~~
1435 ~~the council will constitute approval for the executive to enter into contracts for services or~~
1436 ~~purchases necessary to carry out the stated policies and implement the Public Art~~
1437 ~~Program.))~~

1438 SECTION 59. Ordinance 12089, Section 12, and K.C.C. 2.46.100 are each
1439 hereby amended to read as follows:

1440 **Inclusion of public art requirements in grants to other agencies.** ~~((CIP~~
1441 ~~€))~~Funds that are distributed by the county to another agency for an eligible capital
1442 improvement project with an estimated construction budget of ~~((€250,000))~~ two hundred
1443 fifty thousand dollars or more shall include a requirement for inclusion of public art. The
1444 public art shall be identified by the receiving agency~~((s))~~ and evaluated by the
1445 ~~((commission))~~ cultural development authority during the planning process to assure
1446 compliance ~~((with this section))~~ by the receiving agency.

1447 SECTION 60. K.C.C. 2.46.070 and K.C.C. 2.46.100, as amended by this
1448 ordinance, are recodified as sections in K.C.C. chapter 4.40.

1449 SECTION 61. Ordinance 6111, Section 8, as amended, and K.C.C. 4.40.110 are
1450 each hereby amended to read as follows:

1451 **General ~~((€))~~obligation ~~((€))~~bond proceeds.** In the case of any county
1452 construction project ~~((which))~~ that meets the eligibility criteria for public art established
1453 in K.C.C. 2.46.070 (as recodified by this ordinance) that involves the use of ~~((€))~~general
1454 ~~((€))~~obligation ~~((€))~~bond proceeds, the resolution~~((s))~~, resolutions, ordinance or
1455 ordinance~~((€))~~~~((s))~~ submitted to the voters or the council shall include an allocation for
1456 public art equal to one percent of the eligible project cost. ~~((Bond proceeds shall be~~

1457 ~~accounted for separately within the Public Art Fund if necessary to comply with these~~
1458 ~~requirements.)) Bond revenues for public art shall be transferred to the cultural
1459 development authority as described in K.C.C. 2.46.070 (as recodified by this ordinance),
1460 to the extent consistent with arbitrage requirements and other legal restrictions. Bond
1461 revenues for public art not transferred to the cultural development authority shall be
1462 accounted for separately within the public art fund and managed according to K.C.C.
1463 chapter 2.46.~~

1464 SECTION 62. Ordinance 9134, Section 13, as amended, and K.C.C. 4.40.120 are
1465 each hereby amended to read as follows:

1466 **Harborview Medical Center capital reserves.** For any Public Art funds which
1467 involve the use of Harborview Medical Center's capital reserves (Fund 396), amounts for
1468 works of art described in this chapter shall be used for art projects at Harborview Medical
1469 Center. These funds shall be accounted for separately ~~((within the Public Art Fund))~~ by
1470 the cultural development authority if necessary to comply with this requirement.

1471 SECTION 63. K.C.C. 4.40.140 is hereby decodified.

1472 SECTION 64. Ordinance 9279, Section 1, as amended, and K.C.C. 4.42.010 are
1473 each hereby amended to read as follows:

1474 **Findings.**

1475 ~~((The Washington State Legislature has decided under the provisions of))~~ A.
1476 Under RCW 67.28.180(3)(a),~~((as amended, that))~~ excess proceeds from the hotel-motel
1477 tax levied annually in King County shall only be used according to the formula set forth
1478 therein for the support of the arts, the performing arts, art museums, heritage museums
1479 and cultural museums of King County~~((;))~~, and the support of stadium capital

1480 improvements, open space acquisition, youth sports activities and tourism promotion, in a
1481 manner reflecting that order of priority.

1482 ~~((A. King County's diverse cultural organizations and professional artists can~~
1483 ~~enrich and support cultural education and cultural tourism in this region. King County is~~
1484 ~~a regional and national center for culture and has the seventh largest population of~~
1485 ~~individual artists per capita nationwide. These cultural resources can train young artists,~~
1486 ~~build audiences for the future and attract local residents, children and tourists to their~~
1487 ~~events and programs.~~

1488 ~~B. Cultural education in the public schools is an integral part of support for the~~
1489 ~~cultural endeavors. It provides the opportunity to observe, participate and engage in the~~
1490 ~~cultural process with professional artists and community cultural organizations, as a part~~
1491 ~~of the educational process in and out of the classroom.~~

1492 ~~C. Involving children in creating works of art and providing the opportunities for~~
1493 ~~children to work with arts teachers, artists, and performing arts organizations, both in the~~
1494 ~~classroom and in the community, is necessary as part of a comprehensive cultural~~
1495 ~~education program. Cultural education can increase students' awareness, knowledge, and~~
1496 ~~acceptance of culture; can improve understanding between artists, teachers and~~
1497 ~~administrators; and can encourage cooperation among arts, heritage, and educational~~
1498 ~~institutions and organizations.~~

1499 ~~D. The transmission of historical and cultural values and traditions from one~~
1500 ~~generation to the next is essential to the well-being and sense of identity of communities,~~
1501 ~~ethnic and cultural groups, and of all citizens of King County. Historic sites and~~
1502 ~~attractions are among the most visited types of tourist attractions in the state and county.~~

1503 ~~The loss or destruction of historic buildings, sites, objects, structures and districts and of~~
1504 ~~historic and prehistoric materials and artifacts constitutes an irreplaceable loss to the~~
1505 ~~quality of life and character of King County.~~

1506 ~~E. King County's responsibility is to ensure support for development of cultural~~
1507 ~~activities in all parts of the county, including urban, suburban, rural and both incorporated~~
1508 ~~and unincorporated areas, and to assist communities in that process, where necessary. In~~
1509 ~~addition, support for regional centers of activity shall be included.~~

1510 ~~F. King County recognizes that support for major regional, midsized, emerging~~
1511 ~~and community based cultural organizations should be distributed among them to~~
1512 ~~promote a broad range of creative and cultural expression.~~

1513 ~~G. King County recognizes that support for efforts by individual artists and~~
1514 ~~heritage specialists is conducive to the creative output and historic preservation activities~~
1515 ~~of this region.~~

1516 ~~H. King County recognizes that, in making funding decisions, it will consider to~~
1517 ~~the extent appropriate, the grantee's inclusion of the interests of culturally diverse,~~
1518 ~~disabled and low income participants and audiences.~~

1519 ~~I. King County recognizes that a healthy and well-balanced future citizenry is~~
1520 ~~dependent upon the promotion of cultural education of today's youth.~~

1521 ~~J. King County recognizes the role of arts, culture and heritage in augmenting~~
1522 ~~tourism and building King County as a nationally and internationally recognized cultural~~
1523 ~~center and as a destination for visitors to this county.~~

1524 ~~K. King County recognizes that traditional culture, heritage resources,~~
1525 ~~archaeological sites and landmarks constitute nonrenewable resources that must be~~
1526 ~~protected in the face of fast-paced development and growth.~~

1527 ~~L. King County recognizes the need to preserve indigenous cultures.~~

1528 ~~M. King County recognizes that publicly-owned art fills a need for artistic and~~
1529 ~~cultural expression and visual improvement in communities and supports the efforts to~~
1530 ~~meet that need.))~~

1531 B. To implement and administer the cultural programs described in this chapter
1532 and K.C.C. chapter 2.48, King County established the cultural development authority of
1533 King County, as provided in K.C.C. chapter 2.—(sections 2 through 19 of this
1534 ordinance).

1535 SECTION 65. Ordinance 9279, Section 2, as amended, and K.C.C. 4.42.020 are
1536 each hereby amended to read as follows:

1537 **Definitions.** ~~((The definitions in this section apply throughout this chapter unless~~
1538 ~~the context clearly requires otherwise.)) Words in this chapter have their ordinary and
1539 usual meanings except those defined in this section, which have, in addition, the
1540 following meanings. If there is conflict, the specific definitions in this section shall
1541 presumptively, but not conclusively, prevail.~~

1542 A. "Charter" means the articles of organization of the cultural development
1543 authority adopted by the county and all amendments thereto.

1544 B. ~~((Arts commission))~~ Cultural development authority" or "authority" means
1545 ~~the ((King County arts commission or its successor agency))~~ cultural development

1546 authority of King County established under K.C.C. chapter 2.—(sections 2 through 19 of
1547 this ordinance).

1548 ~~((B. "Culture" means the arts and heritage disciplines, which include, but are not~~
1549 ~~limited to, dance, drama/theatre, music, visual arts, literary arts, media arts, performing~~
1550 ~~arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.))~~

1551 C. "Cultural education" means the sequential and comprehensive study of the
1552 elements of the various arts and heritage forms and how to use them creatively including
1553 instruction in skills, critical assessment, the history of the arts and heritage forms and
1554 aesthetic judgment.

1555 D. ~~("Cultural education advisory committee" means the King County cultural~~
1556 ~~education advisory committee, or its successor agency.~~

1557 ~~E. "Cultural enhancement" means arts and heritage institutions, individuals and~~
1558 ~~programs working together with the tourism industry to enhance the county's~~
1559 ~~international reputation by promoting its cultural attractions and broadening the~~
1560 ~~audiences served. Cultural enhancement preserves the county's cultural identity,~~
1561 ~~strengthens the local economy and improves the quality of life for county residents.~~

1562 F.) "Cultural education program" means the cultural program described in K.C.C.
1563 chapter 2.48 supported by the arts and cultural development fund.

1564 E. "Cultural facilities" includes buildings and structures that are used primarily
1565 for the performance, exhibition or benefit of arts and heritage activities, including but not
1566 limited to performing arts, visual arts, heritage and cultural endeavors.

1567 ~~((G-))~~ F. "Cultural facilities program" means the King County cultural program
1568 described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

1569 G. "Cultural programs" means the programs for cultural education, cultural
1570 facilities, special projects and sustained support.

1571 H. "Cultural resources" means community and regional programs and projects
1572 relating to: performing, visual, literary and other arts; public and civic art; heritage;
1573 museum and archival collections; historic preservation; cultural education; and cultural
1574 organizations, institutions and attractions.

1575 I. "Culture" means the arts and heritage disciplines, which include, but are not
1576 limited to, dance, drama and theatre, music, visual arts, literary arts, media arts,
1577 performing arts, traditional and folk arts, ethnic arts and history, heritage and historic
1578 preservation

1579 J. "Fixed assets" means tangible objects such as machinery or equipment
1580 intended to be held for ten years or more that will benefit cultural institutions.

1581 ~~((H. "Landmarks and heritage commission" means King County landmarks and~~
1582 ~~heritage commission or its successor agency.~~

1583 ~~I. "Office of cultural resources" means King County office of cultural resources~~
1584 ~~or its successor agency.))~~

1585 K. "Heritage" means King County's history, ethnic history, indigenous and
1586 traditional culture, folklore and historic and archaeological resources and those projects
1587 and programs initiated by the authority to preserve King County's heritage and to support
1588 community and regional heritage organizations and public agencies in such efforts.

1589 L. "Special project program" means the King County cultural program described
1590 in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

1591 M. "Sustained support program for arts" means the King County cultural
1592 program described in K.C.C. chapter 2.48 supported by the arts and cultural development
1593 fund.

1594 N. "Sustained support program for heritage" means the King County cultural
1595 program described in K.C.C. chapter 2.48 supported by the arts and cultural development
1596 fund.

1597 SECTION 66. Ordinance 9279, Section 8, as amended, and K.C.C. 4.42.060 are
1598 each hereby amended to read as follows:

1599 **Special projects program.**

1600 A. There is hereby established the King County special projects program. This
1601 program shall consist of competitive grants(~~(, reviewed annually,)~~) or projects proposed
1602 and developed by the cultural development authority, for funding innovative arts projects,
1603 heritage endeavors and collaborative programs that reflect the cultural and geographic
1604 diversity of King County and are not funded by other county programs.

1605 ~~((Recommendations for))~~ The special projects program shall be an annual program
1606 administered by the cultural development authority and shall be contingent on available
1607 hotel-motel tax revenues. Approval of grants shall be made by the ~~((King County arts~~
1608 ~~commission and the King County landmarks and heritage commission and submitted to~~
1609 ~~the executive for recommendation and to the council for review and approval by motion))~~
1610 cultural development authority consistent with this chapter and the charter. Grants may
1611 be made to arts and heritage organizations, individual artists, heritage specialists,
1612 community educational organizations and community arts groups and public agencies
1613 that reflect the multicultural, ethnic and geographic diversity of King County.

1614 Applications must describe the intended use of the grant funds, and applicants may
1615 request full cost recovery.

1616 B. There shall be written guidelines and procedures for applying for grants that
1617 shall include eligibility criteria, scope of program and funding needs. The guidelines and
1618 procedures shall be ~~((written))~~ adopted by the ~~((office of cultural resources and~~
1619 ~~recommended by the executive, and shall be subject to council approval by motion))~~
1620 cultural development authority. ~~((The office of cultural resources, through the executive,~~
1621 ~~shall submit for council review an annual report that evaluates the King County special~~
1622 ~~projects program and accounts for fund expenditures.~~

1623 ~~C. The landmarks and heritage commission may propose grant guidelines that~~
1624 ~~reflect commission priorities in awarding grants.~~

1625 ~~D.))~~ C. The funds expended for the King County special projects program shall
1626 be used to expand the role of local ~~((cultural))~~ arts and heritage organizations and
1627 individuals as artistic and cultural educational resources that develop King County
1628 through arts and historic events and features in King County, within the intent and
1629 purposes authorized by RCW 67.28.180(3)(a). The purposes of these ~~((funds is))~~
1630 expenditures shall be to:

1631 1. Produce special projects and programs that highlight the region's cultural
1632 resources;

1633 2. Assist in providing and bringing touring programs and exhibits on the
1634 regional and national level to King County;

1635 3. Improve cultural opportunities and audience development that promote the
1636 cultural diversity and multicultural heritage of the region, with particular emphasis on
1637 special populations, multicultural audiences and King County youth;

1638 4. Encourage and provide an exchange of services and technical assistance
1639 between larger and smaller organizations, individual artists and heritage professionals;

1640 5. Address the needs of either mid- and smaller-sized organizations or
1641 individual artists and heritage professionals, or both;

1642 6. Provide opportunities for independent artists to produce new works; and

1643 7. Develop heritage projects that make a significant contribution to the
1644 preservation, conservation or interpretation of the historical and archaeological resources
1645 of King County.

1646 ~~((E-))~~ D. Eligible applicants shall include, but not be limited to, individual artists,
1647 arts and heritage organizations, community arts and cultural groups, community
1648 educational organizations and family and youth programs relating to cultural endeavors
1649 that reflect the multicultural, ethnic and geographic diversity of King County.

1650 E. The cost of administering the program shall be minimal.

1651 F. The cultural development authority may also develop and sponsor special
1652 projects that meet the program purposes described in subsection C of this section.

1653 SECTION 67. K.C.C. 4.42.120 and 4.42.130 are hereby decodified.

1654 SECTION 68. Ordinance 4828, Section 1, as amended, and K.C.C. 20.62.010 are
1655 each hereby amended to read as follows:

1656 **Findings and declaration of purpose.** The King County council finds that:

1657 A. The protection, enhancement, perpetuation and use of buildings, sites,
1658 districts, structures and objects of historical, cultural, architectural, engineering,
1659 geographic, ethnic and archaeological significance located in King County, and the
1660 collection, preservation, exhibition and interpretation of historic and prehistoric materials,
1661 artifacts, records and information pertaining to ~~((the heritage of King County))~~ historic
1662 preservation and archaeological resource management are necessary in the interest of the
1663 prosperity, civic pride and general welfare of the people of King County.

1664 B. Such cultural and historic resources are a significant part of the heritage,
1665 education and economic base of King County, and the economic, cultural and aesthetic
1666 well-being of the county cannot be maintained or enhanced by disregarding its heritage
1667 and by allowing the unnecessary destruction or defacement of such resources.

1668 C. Present heritage and preservation programs and activities are inadequate for
1669 insuring present and future generations of King County residents and visitors a genuine
1670 opportunity to appreciate and enjoy our heritage.

1671 D. The purposes of this chapter are to:

1672 1. Designate, preserve, protect, enhance and perpetuate those sites, buildings,
1673 districts, structures and objects which reflect significant elements of the county's, state's
1674 and nation's cultural, aesthetic, social, economic, political, architectural, ethnic,
1675 archaeological, engineering, historic and other heritage;

1676 2. Foster civic pride in the beauty and accomplishments of the past;

1677 3. Stabilize and improve the economic values and vitality of landmarks;

1678 4. Protect and enhance the county's tourist industry by promoting heritage-
1679 related tourism;

1680 5. Promote the continued use, exhibition and interpretation of significant
1681 historical or archaeological sites, districts, buildings, structures, objects, artifacts,
1682 materials and records for the education, inspiration and welfare of the people of King
1683 County;

1684 6. Promote and continue incentives for ownership and utilization of landmarks;

1685 7. Assist, encourage and provide incentives to public and private owners for
1686 preservation, restoration, rehabilitation and use of landmark buildings, sites, districts,
1687 structures and objects;

1688 8. Assist, encourage and provide technical assistance to public agencies, public
1689 and private museums, archives and historic preservation associations and other
1690 organizations involved in (~~the preservation, exhibition and interpretation of King~~
1691 ~~County's heritage~~) historic preservation and archaeological resource management; and

1692 9. Work cooperatively with all local jurisdictions to identify, evaluate, and
1693 protect historic resources in furtherance of the purposes of this chapter.

1694 SECTION 69. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are
1695 each hereby amended to read as follows:

1696 **Definitions.** The following words and terms shall, when used in this chapter, be
1697 defined as follows unless a different meaning clearly appears from the context:

1698 A. "Alteration" is any construction, demolition, removal, modification,
1699 excavation, restoration or remodeling of a landmark.

1700 B. "Building" is a structure created to shelter any form of human activity, such as
1701 a house, barn, church, hotel((-)) or similar structure. Building may refer to an historically
1702 related complex, such as a courthouse and jail or a house and barn.

1703 C. "Certificate of appropriateness" is written authorization issued by the
1704 commission or its designee permitting an alteration to a significant feature of a
1705 designated landmark.

1706 D. "Commission" is the landmarks ~~((and heritage))~~ commission created by this
1707 chapter.

1708 E. "Community landmark" is an historic resource which has been designated
1709 pursuant to ~~((Section))~~ K.C.C. 20.62.040 ~~((of this chapter))~~ but which may be altered or
1710 changed without application for or approval of a certificate of appropriateness.

1711 F. ~~((Council is the King County council.~~

1712 ~~G.))~~ "Designation" is the act of the commission determining that an historic
1713 resource meets the criteria established by this chapter.

1714 ~~((H.))~~ G. "Designation report" is a report issued by the commission after a public
1715 hearing setting forth its determination to designate a landmark and specifying the
1716 significant feature or features thereof.

1717 ~~((I.))~~ H. "Director" is the director of the King County department of development
1718 and environmental services or his or her designee.

1719 ~~((J.))~~ I. "District" is a geographically definable area, urban or rural, possessing a
1720 significant concentration, linkage, or continuity of sites, buildings, structures, or objects
1721 united by past events or aesthetically by plan or physical development. A district may
1722 also comprise individual elements separated geographically but linked by association or
1723 history.

1724 ~~((K-))~~ J. "Heritage" is a discipline relating to historic preservation and
1725 archaeology, history, ethnic history, traditional cultures ~~((;))~~ and folklore ~~((, archaeology~~
1726 ~~and historic preservation))~~.

1727 ~~((L-))~~ K. "Historic preservation officer" is the King County historic preservation
1728 officer or his or her designee.

1729 ~~((M-))~~ L. "Historic ~~((R-))~~resource" is a district, site, building, structure or object
1730 significant in national, state or local history, architecture, archaeology, and culture.

1731 ~~((N-))~~ M. "Historic resource inventory" is an organized compilation of
1732 information on historic resources considered to be significant according to the criteria
1733 listed in K.C.C. 20.62.040 A. The historic resource inventory is kept on file by the
1734 historic preservation officer and is updated from time to time to include newly eligible
1735 resources and to reflect changes to resources.

1736 ~~((O-))~~ N. "Incentives" are such compensation, rights or privileges or combination
1737 thereof, which the council, or other local, state or federal public body or agency, by virtue
1738 of applicable present or future legislation, may be authorized to grant to or obtain for the
1739 ~~((owner(s)))~~ owner or owners of designated landmarks. Examples of economic
1740 incentives include but are not limited to tax relief, conditional use permits, rezoning,
1741 street vacation, planned unit development, transfer of development rights, facade
1742 easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial
1743 placement of public improvements, or amenities, or the like.

1744 ~~((P-))~~ O. "Interested person of record" is any individual, corporation, partnership
1745 or association which notifies the commission or the council in writing of its interest in
1746 any matter before the commission.

1747 ~~((Q-))~~ P. "Landmark" is an historic resource designated as a landmark pursuant to
1748 ~~((Section))~~ K.C.C. 20.62.060 ~~((of this chapter))~~.

1749 ~~((R-))~~ Q. "Nomination" is a proposal that an historic resource be designated a
1750 landmark.

1751 ~~((S-))~~ R. "Object" is a material thing of functional, aesthetic, cultural, historical,
1752 or scientific value that may be, by nature or design, movable yet related to a specific
1753 setting or environment.

1754 ~~((T-))~~ S. "Owner" is a person having a fee simple interest, a substantial beneficial
1755 interest of record or a substantial beneficial interest known to the commission in an
1756 historic resource. Where the owner is a public agency or government, that agency shall
1757 specify the person or persons to receive notices ~~((hereunder))~~ under this chapter.

1758 ~~((U-))~~ T. "Person" is any individual, partnership, corporation, group or
1759 association.

1760 ~~((V-))~~ U. "Person in charge" is the person or persons in possession of a landmark
1761 including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a
1762 receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly
1763 in control of the landmark.

1764 ~~((W-))~~ V. "Preliminary determination" is a decision of the commission
1765 determining that an historic resource which has been nominated for designation is of
1766 significant value and is likely to satisfy the criteria for designation.

1767 ~~((X-))~~ W. "Significant feature" is any element of a landmark which the
1768 commission has designated pursuant to this chapter as of importance to the historic,
1769 architectural or archaeological value of the landmark.

1770 (~~(Y.)~~) X. "Site" is the location of a significant event, a prehistoric or historic
1771 occupation or activity, or a building or structure, whether standing, ruined, or vanished,
1772 where the location itself maintains an historical or archaeological value regardless of the
1773 value of any existing structures.

1774 (~~(Z.)~~) Y. "Structure" is any functional construction made usually for purposes
1775 other than creating human shelter.

1776 SECTION 70. Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030 are
1777 each hereby amended to read as follows:

1778 **Landmarks (~~(and heritage)~~) commission created - (~~(M)~~)membership and
1779 **organization.****

1780 A. There is created the King County landmarks (~~(and heritage)~~) commission
1781 (~~(("commission"))~~), which shall consist of nine regular members and special members
1782 selected as follows:

1783 1. Of the nine regular members of the commission at least three shall be
1784 professionals who have experience in identification, evaluation, and protection of historic
1785 resources and have been selected from among the fields of history, architecture,
1786 architectural history, historic preservation, planning, cultural anthropology, archaeology,
1787 cultural geography, landscape architecture, American studies, law, or other historic
1788 preservation related disciplines. The nine regular members of the commission shall be
1789 appointed by the (~~(King C)~~)county executive, subject to confirmation by the council,
1790 provided that no more than four members shall reside within any one municipal
1791 jurisdiction. All regular members shall have a demonstrated interest and competence in
1792 historic preservation.

1793 2. The ((King-C))county executive may solicit nominations for persons to serve
1794 as regular members of the commission from the Association of King County Historical
1795 Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King
1796 County Bar Association, the Seattle Master Builders, the chambers of commerce, and
1797 other professional and civic organizations familiar with historic preservation.

1798 3. One special member shall be appointed from each municipality within King
1799 County which has entered into an interlocal agreement with King County providing for
1800 the designation by the commission of landmarks within such municipality in accordance
1801 with the terms of such interlocal agreement and this chapter. Each such appointment
1802 shall be in accordance with the enabling ((Θ))ordinance adopted by such municipality.

1803 B. Appointments of regular members, except as provided in subsection C ((-
1804 below)) of this section, shall be made for a three-year term. Each regular member shall
1805 serve until his or her successor is duly appointed and confirmed. Appointments shall be
1806 effective on June 1st of each year. In the event of a vacancy, an appointment shall be
1807 made to fill the vacancy in the same manner and with the same qualifications as if at the
1808 beginning of the term, and the person appointed to fill the vacancy shall hold the position
1809 for the remainder of the unexpired term. Any member may be reappointed, but may not
1810 serve more than two consecutive three-year terms. A member shall be deemed to have
1811 served one full term if such member resigns at any time after appointment or if such
1812 member serves more than two years of an unexpired term. The members of the
1813 commission shall serve without compensation except for out-of-pocket expenses incurred
1814 in connection with commission meetings or programs.

1815 C. After May 4, 1992, the term of office of members becomes effective on the
1816 date the council confirms the appointment of commission members and ~~((King County))~~
1817 the county executive shall appoint or reappoint three members for a three-year term,
1818 three-members for a two-year term, and three members for a one-year term. For purposes
1819 of the limitation on consecutive terms ~~((set forth))~~ in ~~((paragraph))~~ subsection B of this
1820 section, an appointment for a one- or a two-year term shall be deemed an appointment for
1821 an unexpired term.

1822 D. ~~((For appointments made in 1992 the King County executive shall appoint or~~
1823 ~~reappoint three members for a three-year term, three members for a two-year term, and~~
1824 ~~three members for a one-year term. For purposes of the limitation on consecutive terms~~
1825 ~~set forth in paragraph B, an appointment for a one- or a two-year term shall be deemed an~~
1826 ~~appointment for an unexpired term.~~

1827 E.) The chair~~((man))~~ shall be a member of the commission and shall be elected
1828 annually by the regular commission members. The commission shall adopt, ~~((per))~~ in
1829 accordance with K.C.C. ~~((C))~~chapter 2.98, rules and regulations, including procedures,
1830 consistent with this chapter. The members of the commission shall be governed by the
1831 King County code of ethics, K.C.C. ~~((Ch.))~~ chapter 3.04 ~~((as hereafter amended))~~. The
1832 commission shall not conduct any public hearing required under this chapter until rules
1833 and regulations have been filed ~~((with the council clerk))~~ as required by K.C.C. chapter
1834 2.98.

1835 ~~((F.))~~ E. A special member of the commission shall be a voting member solely on
1836 matters before the commission involving the designation of landmarks within the
1837 municipality from which such special member was appointed.

1838 ~~((G.))~~ F. A majority of the current appointed and confirmed members of the
1839 commission shall constitute a quorum for the transaction of business. A special member
1840 shall count as part of a quorum for the vote on any matter involving the designation or
1841 control of landmarks within the municipality from which such special member was
1842 appointed. All official actions of the commission shall require a majority vote of the
1843 members present and eligible to vote on the action voted upon. No member shall be
1844 eligible to vote upon any matter required by this chapter to be determined after a hearing
1845 unless that member has attended the hearing or familiarized him or herself with the
1846 record.

1847 ~~((H.))~~ G. The commission may from time to time establish one or more
1848 committees to further the policies of the commission, each with such powers as may be
1849 lawfully delegated to it by the commission.

1850 ~~((I.))~~ H. The ~~((director of the King County parks, planning and resources~~
1851 ~~department))~~ county executive shall provide staff support to the commission and shall
1852 assign a professionally qualified ~~((member of the department's staff))~~ county employee to
1853 serve as a full-time historic preservation officer. ~~((The historic preservation officer shall~~
1854 ~~be an employee of the parks, planning and resources division of cultural resources.))~~
1855 Under the direction of the commission, the historic preservation officer shall be the
1856 custodian of the commission's records. The historic preservation officer or his or her
1857 designee shall conduct official correspondence, assist in organizing the commission~~((;))~~
1858 and organize and supervise the commission staff and the clerical and technical work of
1859 the commission to the extent required to administer this chapter.

1860 ~~((I.))~~ I. The commission shall meet at least once each month for the purpose of
1861 considering and holding public hearings on nominations for designation and applications
1862 for certificates of appropriateness. Where no business is scheduled to come before the
1863 commission seven days before the scheduled monthly meeting, the chair~~((man))~~ of the
1864 commission may cancel the meeting. All meetings of the commission shall be open to
1865 the public. The commission shall keep minutes of its proceedings, showing the action of
1866 the commission upon each question, and shall keep records of all official actions taken by
1867 it, all of which shall be filed in the office of the historic preservation officer and shall be
1868 public records.

1869 ~~((K.))~~ J. At all hearings before and meetings of the commission, all oral
1870 proceedings shall be electronically recorded. ~~((Such))~~ The proceedings may also be
1871 recorded ~~((steno-graphically))~~ by a court reporter if any interested person at his or her
1872 expense shall provide a court reporter for that purpose. A tape recorded copy of the
1873 electronic record of any hearing or part ~~((thereof))~~ of a hearing shall be furnished to any
1874 person upon request and payment of the reasonable expense ~~((thereof))~~ of the copy.

1875 ~~((L.))~~ K. The commission is authorized, subject to the availability of funds for
1876 that purpose, to expend ~~((monies))~~ moneys to compensate experts, in whole or in part, to
1877 provide technical assistance to property owners in connection with requests for
1878 certificates of appropriateness upon a showing by the property owner that the need for
1879 ~~((such))~~ the technical assistance imposes an unreasonable financial hardship on ~~((such))~~
1880 the property owner.

1881 ~~((M.))~~ L. Commission records, maps~~((;))~~ or other information identifying the
1882 location of archaeological sites and potential sites shall be exempt from public ~~((access))~~

1883 disclosure as specified in RCW 42.17.310 (~~((1.e.), as amended,))~~ in order to avoid looting
1884 and depredation of (~~such~~) the sites.

1885 SECTION 71. Ordinance 4828, Section 7, as amended, and K.C.C. 20.62.070 are
1886 each hereby amended to read as follows:

1887 **Designation procedure.**

1888 A. The commission may approve, deny, amend or terminate the designation of a
1889 historic resource as a landmark or community landmark only after a public hearing. At
1890 the designation hearing the commission shall receive evidence and hear argument only on
1891 the issues of whether the historic resource meets the criteria for designation of landmarks
1892 or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a
1893 landmark or community landmark; and the significant features of the landmark. The
1894 hearing may be continued from time to time at the discretion of the commission. (~~In the~~
1895 ~~event~~) If the hearing is continued, the commission may make a preliminary
1896 determination of significance if the commission determines, based on the record before it
1897 that the historic resource is of significant value and likely to satisfy the criteria for
1898 designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of
1899 the date of the public hearing at which it is made. Where the commission makes a
1900 preliminary determination it shall specify the boundaries of the nominated resource, the
1901 significant features thereof and such other description of the historic resource as it deems
1902 appropriate. Within five working days after the commission has made a preliminary
1903 determination, the historic preservation officer shall file a written notice of the action
1904 with the (~~manager~~) director and mail copies of the notice, certified mail, return receipt

1905 requested, to the owner, the person submitting the nomination and interested persons of
1906 record. The notice shall include:

- 1907 1. A copy of the commission's preliminary determination; and
1908 2. A statement that while proceedings pursuant to this chapter are pending, or
1909 six months from the date of the notice, whichever is shorter, and thereafter if the
1910 designation is approved by the commission, the certificate of appropriateness procedures
1911 in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described
1912 historic resource whether or not a building or other permit is required. The decision of
1913 the commission shall be made after the close of the public hearing or at the next regularly
1914 scheduled public meeting of the commission thereafter.

1915 B. Whenever the commission approves the designation of a historic resource
1916 under consideration for designation as a landmark, it shall, within fourteen calendar days
1917 of the public meeting at which the decision is made, issue a written designation report,
1918 which shall include:

- 1919 1. The boundaries of the nominated resource and such other description of the
1920 resource sufficient to identify its ownership and location;
1921 2. The significant features and such other information concerning the historic
1922 resource as the commission deems appropriate;
1923 3. Findings of fact and reasons supporting the designation with specific
1924 reference to the criteria for designation in K.C.C. 20.62.040; and
1925 4. A statement that no significant feature may be changed, whether or not a
1926 building or other permit is required, without first obtaining a certificate of
1927 appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of

1928 which shall be included in the designation report. This subsection B.4. shall not apply to
1929 historic resources designated as community landmarks.

1930 C. Whenever the commission rejects the nomination of a historic resource under
1931 consideration for designation as a landmark, it shall, within fourteen calendar days of the
1932 public meeting at which the decision is made, issue a written decision including findings
1933 of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have
1934 not been met. If a historic resource has been nominated as a landmark and the
1935 commission designates the historic resource as a community landmark, the designation
1936 shall be treated as a rejection of the nomination for King County landmark status and the
1937 foregoing requirement for a written decision shall apply. Nothing contained herein shall
1938 prevent re-nominating any historic resource rejected under this subsection as a King
1939 County landmark at a future time.

1940 D. A copy of the commission's designation report or decision rejecting a
1941 nomination shall be delivered or mailed to the owner, to interested persons of record and
1942 the director within five working days after it is issued. If the commission rejects the
1943 nomination and it has made a preliminary determination of significance with respect to
1944 the nomination, it shall include in the notice to the director a statement that K.C.C.
1945 20.62.080 no longer applies to the subject historic resources.

1946 E. If the commission approves, or amends a landmark designation, K.C.C.
1947 20.62.080 shall apply as approved or amended. A copy of the commission's designation
1948 report or designation amendment shall be recorded with the records, ~~((and))~~ elections and
1949 licensing services division, or its successor agency, together with a legal description of
1950 the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If

1951 the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall
1952 no longer apply to the historic resource.

1953 SECTION 72. Ordinance 4828, Section 12, as amended, and K.C.C. 20.62.120
1954 are each hereby amended to read as follows:

1955 **Funding.**

1956 A. The commission shall have the power to make and administer grants of funds
1957 received by it from private sources and from local, state and federal programs for
1958 purposes of:

1959 1. Maintaining, purchasing or restoring historic resources located within King
1960 County which it deems significant pursuant to the goals, objectives and criteria set forth
1961 in this chapter if such historic resources have been nominated or designated as landmarks
1962 pursuant to this chapter or have been designated as landmarks by municipalities within
1963 King County or by the State of Washington, or are listed on the National Historic
1964 Landmarks Register, the National Register of Historic Places; and

1965 2. Developing and conducting programs relating to ~~((archaeology, cultural~~
1966 ~~heritage and technical assistance to heritage museums, heritage organizations and public~~
1967 ~~agencies)) historic preservation and archaeological resource management. The
1968 commission shall establish rules and regulations consistent with K.C.C. chapter 2.98
1969 governing procedures for applying for and awarding of grant moneys pursuant to this
1970 section.~~

1971 B. The commission may, at the request of the historic preservation officer ~~((and~~
1972 ~~King County department of parks, planning and resources)), review proposals submitted~~
1973 ~~((to that department for funds made available for grants to be made by the department))~~

1974 by county agencies to fund historic preservation and archaeological projects through the
1975 Housing and Community Development Act of 1974~~((§))~~ (42 U.S.C.~~((§))~~) Secs. 5301 et
1976 seq.), the State and Local Fiscal Assistance Act of 1972~~((§))~~ (31 U.S.C.~~((§))~~) Secs. 1221
1977 et seq.~~((, the Museum Assistance Program))~~ and other applicable local, state and federal
1978 funding programs. Upon review of such grant proposals, the commission ~~((shall))~~ may
1979 make recommendations to the ~~((department))~~ county executive and county council
1980 concerning which proposals should be funded, the amount of the grants that should be
1981 awarded, the conditions that should be placed on the grant, and such other matters as the
1982 commission deems appropriate. The historic preservation officer shall keep the
1983 commission apprised of the status of grant proposals, deadlines for submission of
1984 proposals and the recipients of grant funds.

1985 SECTION 73. Ordinance 9237, Sections 1 through 3, as amended, and K.C.C.
1986 20.62.140 are each hereby amended to read as follows:

1987 **Special valuation for historic properties.**

1988 A. There is hereby established and implemented a special valuation for historic
1989 properties as provided in ~~((Chapter 221, 1986 Laws of Washington and C))~~chapter 84.26
1990 RCW.

1991 B. The King County landmarks ~~((and heritage))~~ commission is hereby designated
1992 as the ~~((L))~~local ~~((R))~~review ~~((B))~~board~~((=))~~ for the purposes related to ~~((Chapter 221,~~
1993 ~~1986 Laws of Washington))~~ chapter 84.26 RCW, and is authorized to perform all
1994 functions required by ~~((Chapter 221, 1986 Laws of Washington, C))~~chapter 84.26
1995 RCW~~((§))~~ and ~~((C))~~chapter ~~((254.20))~~ 254-20 WAC.

1996 C. All King County landmarks designated and protected under ~~((authority of~~
1997 ~~Ordinance 4828 and K.C.C. 20.62))~~ this chapter shall be eligible for special valuation ~~((as~~
1998 ~~set forth in Chapter 221, 1986 Laws of Washington and))~~ in accordance with ((€))chapter
1999 84.26 RCW.

2000 SECTION 74. Ordinance 12089, Section 6, and K.C.C. 2.46.040, Ordinance
2001 12089, Section 10, and K.C.C. 2.46.080, Ordinance 1991, Section 1, and K.C.C.
2002 2.48.010, Ordinance 8300, Section 4, as amended, and K.C.C. 2.48.040, Ordinance 8300,
2003 Section 4, as amended, and K.C.C. 2.48.050, Ordinance 8300, Section 4, and K.C.C.
2004 2.48.060, Ordinance 8300, Section 4, and K.C.C. 2.48.070, Ordinance 8300, Section 4,
2005 and K.C.C. 2.48.080, Ordinance 8300, Section 4, and K.C.C. 2.48.090, Ordinance 8300,
2006 Section 5, as amended, and K.C.C. 2.48.100, Ordinance 8300, Section 6, as amended, and
2007 K.C.C. 2.48.110, Ordinance 8300, Section 7, as amended, and K.C.C. 2.48.120,
2008 Ordinance 8300, Section 8, and K.C.C. 2.48.130, Ordinance 12076, Section 47, as
2009 amended, and K.C.C. 4.42.040, Ordinance 9279, Section 6, as amended, and K.C.C.
2010 4.42.050 and Ordinance 9279, Section 9, as amended, and K.C.C. 4.42.070 are each
2011 hereby repealed.

2012

2012 SECTION 75. Effective date. Sections 22 through 74 of this ordinance take
2013 effect January 1, 2003.
2014

Ordinance 14482 was introduced on 8/19/2002 and passed as amended by the Metropolitan King County Council on 9/23/2002, by the following vote:

Yes: 9 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. McKenna, Mr. Pullen, Mr. Gossett and Mr. Irons
No: 0
Excused: 4 - Mr. Pelz, Mr. Constantine, Ms. Hague and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this 1st day of October, 2002.

Attachments A Charter of Cultural Development Authority of King County dated September 23, 2002, B. Bylaws of the Cultural Development Authority of King County dated September 23, 2002