

Date Created:	<b>1/18/2018</b>
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Attachments:	<b>A: Charter of the Cultural Development Authority of King County dated January 22, 2018, B: Bylaws of the Cultural Development Authority of King County dated January 22, 2018.</b>

1 ..Title

2 AN ORDINANCE related to the cultural development  
3 authority; identifying responsibilities of the county council;  
4 amending Ordinance 14482, Section 34, and K.C.C.  
5 2.46.180, Ordinance 14482, Section 38, and K.C.C.  
6 2.48.065, Ordinance 14482, Section 39, and K.C.C.  
7 2.48.075, Ordinance 14482, Section 40, and K.C.C.  
8 2.48.085, Ordinance 14482, Section 5, as amended, and  
9 K.C.C. 2.49.020, Ordinance 14482, Section 7, as amended,  
10 and K.C.C. 2.49.060, Ordinance 14482, Section 9, and  
11 K.C.C. 2.49.080, Ordinance 14482, Section 15, and K.C.C.  
12 2.49.100, Ordinance 14482, Section 11, and K.C.C.  
13 2.49.110, Ordinance 14482, Section 17, and K.C.C.  
14 2.49.160, Ordinance 14482, Section 18, as amended, and  
15 K.C.C. 2.49.170, Ordinance 14482, Section 19, and K.C.C.  
16 2.49.180, Ordinance 14440, Section 3, and K.C.C.  
17 2.49.200, Ordinance 14482, Section 58, as amended, and  
18 K.C.C. 4.40.015 and Ordinance 17527, Section 57, as  
19 amended, and K.C.C. 4.40.110, adding a new section to  
20 K.C.C. chapter 2.49, decodifying K.C.C. 2.49.070 and

21                   repealing Ordinance 14482, Section 10, and K.C.C.

22                   2.49.090.

23   ..Body

24           STATEMENT OF FACTS:

25           1. The King County council established the cultural development  
26           authority of King County in 2002 by adopting Ordinance 14482 in order to  
27           continue support for cultural resources, including arts, heritage, historic  
28           preservation and public art.

29           2. The purpose of supporting cultural resources, according to Ordinance  
30           14482, is to create a vibrant cultural community that enhances King  
31           County's livability and reputation as a national and international cultural  
32           center.

33           3. The cultural development authority of King County, known as  
34           4Culture, makes the region vibrant by administering and supports  
35           programs for King County's arts, heritage, preservation and public art.

36           4. 4Culture's work includes: funding individual artists, artist groups and  
37           arts organizations that provide access to art experiences for all King  
38           County residents and visitors; helping communities recognize, preserve  
39           and explore our shared heritage; supporting the preservation of historic  
40           places that give King County its character; and commissioning and  
41           collecting for the King County Public Art Collection, bringing artists'  
42           thinking to the shared spaces and offering consulting to the region.

43 5. 4Culture provides annual arts and heritage grants to over four hundred  
44 individuals and organizations in King County, putting public resources to  
45 use all over King County.

46 6. The 4Culture board, executive director, staff and advisory committees  
47 have demonstrated a commitment to addressing racial, geographic and  
48 income-related funding inequities and creating an environment in which  
49 all King County residents participate actively in cultural opportunities.

50 7. In May 2011, the Washington state Legislature passed ESSB 5834,  
51 which guaranteed that lodging taxes would fund King County cultural  
52 programs for the long-term by allocating 37.5 percent of lodging taxes  
53 beginning in 2021 for arts and culture.

54 8. The King County council has determined that public funding for  
55 cultural programs necessitates greater oversight and accountability to the  
56 public. To increase oversight and accountability, the council wishes to  
57 have the opportunity to annually review and accept the cultural  
58 development authority's budget while maintaining the authority's existing  
59 ability to implement grant awards, projects and programs independently.

60 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

61 SECTION 1. Ordinance 14482, Section 34, and K.C.C. 2.46.180 are hereby  
62 amended to read as follows:

63 The cultural development authority shall establish a public art advisory committee  
64 to advise the authority's board regarding policies and public art, as set forth in K.C.C.  
65 2.46.160. Committee members shall ~~((be conversant with))~~: have a demonstrated

66 commitment to and knowledge of public art((;)); be active and experienced with  
67 community and civic issues and concerns((;)); and be sought from a range of  
68 professionals including artists, architects, landscape architects, arts administrators, urban  
69 planners and designers((;)) and community arts activists ((~~as well as business~~  
70 ~~professionals and others)).~~ The appointment process and terms of service shall be  
71 established by the cultural development authority as set forth in the authority's charter.

72 SECTION 2. Ordinance 14482, Section 38, and K.C.C. 2.48.065 are hereby  
73 amended to read as follows:

74 The cultural development authority shall establish an arts advisory committee to  
75 advise the authority's board regarding policies and cultural programs. Committee  
76 members shall ((~~be conversant with~~)): have a demonstrated commitment to and  
77 knowledge of arts practices and programs; be experienced with community issues and  
78 civic and concerns((;)); and be sought from a range of professionals including individual  
79 artists, arts administrators, educators and community arts activists ((~~as well as business~~  
80 ~~professionals and others)).~~ The appointment process and terms of service shall be  
81 established by the cultural development authority as set forth in its charter.

82 SECTION 3. Ordinance 14482, Section 39, and K.C.C. 2.48.075 are hereby  
83 amended to read as follows:

84 The cultural development authority shall establish a heritage advisory committee  
85 to advise the authority's board regarding policies and cultural programs. Committee  
86 members shall ((~~be conversant with~~)): have a demonstrated commitment to and  
87 knowledge of heritage practices and programs; be experienced with community and civic  
88 issues and concerns; and be sought from a range of professionals including educators,

89 heritage specialists, historians and community heritage activists (~~as well as business~~  
90 ~~professionals and others~~). The appointment process and terms of service shall be  
91 established by the cultural development authority as set forth in its charter.

92 SECTION 4. Ordinance 14482, Section 40, and K.C.C. 2.48.085 are hereby  
93 amended to read as follows:

94 The cultural development authority shall establish a historic preservation advisory  
95 committee to advise the authority's board regarding policies and cultural programs.

96 Committee members shall (~~be conversant with~~): have a demonstrated commitment to  
97 and knowledge of historic preservation practices and programs; be experienced with  
98 community and civic issues and concerns; and be sought from a range of professionals  
99 including educators, historic preservationists, historians and community heritage activists  
100 (~~as well as business professionals and others~~). The appointment process and terms of  
101 service shall be established by the cultural development authority as set forth in its  
102 charter.

103 SECTION 5. Ordinance 14482, Section 5, as amended, and K.C.C. 2.49.020 are  
104 hereby amended to read as follows:

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

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

111 B. "Director" means a member of the board of the cultural development  
112 authority.

113 C. "Bylaws" means the rules adopted by the county for the regulation or  
114 management of the affairs of the cultural development authority and includes all  
115 amendments adopted by the board or the county council.

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

118 E. "Cultural bonds" means bonds issued by the county before December 31,  
119 2002, backed by hotel-motel tax revenues to support the construction of cultural facilities.

120 F. "Cultural development authority" or "authority" means the public authority  
121 created under this chapter and doing business as 4Culture.

122 G. "Cultural resources" means community and regional programs and projects  
123 relating to:

124 1. Performing, visual, literary and other arts;  
125 2. Public and civic art;  
126 3. Heritage;  
127 4. Museum and archival collections;  
128 5. Historic preservation;  
129 6. Cultural education; and  
130 7. Cultural organizations, institutions and attractions.

131 H. "Executive director" means the chief executive officer of the authority.

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

134 and programs initiated by the authority to preserve King County's heritage and to support  
135 community and regional heritage organizations and public agencies in those efforts.

136 ~~((F))~~ J. "Historic preservation" means the preservation or conservation of the  
137 county's historic and archaeological resources and those programs and projects initiated  
138 by the authority to foster such preservation or conservation through nonregulatory  
139 activities such as interpretation, community education and outreach, cultural tourism and  
140 rehabilitation of historic resources.

141 ~~((F))~~ K. "Hotel-motel tax revenues" means funds designated for cultural purposes  
142 as described in RCW 67.28.180 and deposited into the arts and cultural development fund  
143 and used for the purposes described in K.C.C. chapters 2.48 and 4.42.

144 ~~((K))~~ L. "Resolution" means the form of action taken by the board ~~((of the~~  
145 ~~cultural development authority))~~.

146 SECTION 6. Ordinance 14482, Section 7, as amended, and K.C.C. 2.49.060 are  
147 hereby amended to read as follows:

148 The charter of the cultural development authority, as set forth in Attachment A to  
149 ~~((Ordinance 18513))~~ this ordinance, is hereby approved. The clerk of the council shall,  
150 within ten days of ~~((May 12, 2017))~~ the effective date of this ordinance, issue the charter  
151 in duplicate originals, each bearing the county seal attested by the clerk of the council.  
152 The clerk of the council shall file and record one original charter with the records and  
153 licensing services division and provide one original charter to the county executive on  
154 behalf of the cultural development authority. The county may amend the charter by  
155 ordinance after providing notice to and an opportunity for the directors to be heard and  
156 present testimony.

157            SECTION 7. K.C.C. 2.49.070 is hereby decodified.

158            SECTION 8. Ordinance 14482, Section 9, and K.C.C. 2.49.080 are hereby  
159 amended to read as follows:

160            A board consisting of fifteen directors and five ex officio members, as provided in  
161 the charter, is hereby established to govern the affairs of the cultural development  
162 authority. (~~The directors shall be appointed by the county executive and serve their~~  
163 ~~terms as provided in the charter.~~) Appointments occurring as a result of a vacancy or  
164 expired term shall be filled in accordance with the charter. Appointments shall be subject  
165 to confirmation by the county council. All corporate powers of the authority shall be  
166 exercised by or under the authority of the board of directors, except those reserved for the  
167 county council under this chapter. The business, property and affairs of the authority  
168 shall be managed under the direction of the board, except as may be otherwise provided  
169 for by law or in the charter.

170            NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 2.49 a  
171 new section to read as follows:

172            An executive director shall be the chief executive officer of the cultural  
173 development authority as provided in the bylaws. The executive director shall be  
174 appointed by the executive, subject to confirmation by motion by the council. The  
175 executive director shall be recruited and recommended for selection by the board of  
176 directors through the process established in the authority's bylaws.

177            SECTION 10. Ordinance 14482, Section 10, and K.C.C. 2.49.090 are hereby  
178 repealed.



179            SECTION 11. Ordinance 14482, Section 15, and K.C.C. 2.49.100 are hereby  
180 amended to read as follows:

181            If, after a full public hearing, the council for any reason determines that any or all  
182 of the directors or executive director should be removed from office, the council may by  
183 ordinance remove the director, directors or executive director(~~(s)~~). The term of any  
184 director removed under this section expires when the removal ordinance takes effect.  
185 Vacancies created under this section shall be filled in the manner provided in the charter.

186            SECTION 12. Ordinance 14482, Section 11, and K.C.C. 2.49.110 are hereby  
187 amended to read as follows:

188            The (~~(initial)~~) bylaws of the authority, as set forth in Attachment B to (~~(Ordinance~~  
189 ~~14482)~~) this ordinance, are hereby approved. The board may alter, amend or repeal the  
190 bylaws or adopt new bylaws, except as otherwise provided in this chapter. The bylaws  
191 shall be consistent with the charter. The county may amend the bylaws by ordinance to  
192 conform the bylaws to amendments to the charter and only after the council has provided  
193 notice to the board and an opportunity for any or all of the directors to present testimony.

194            SECTION 13. Ordinance 14482, Section 17, and K.C.C. 2.49.160 are hereby  
195 amended to read as follows:

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

198            1. (~~(, income and expenditures and changes in its financial position during the~~  
199 ~~previous year;~~

200            2-)) A summary of significant accomplishments;

201           ~~((3-))~~ 2. An updated estimate of expenditures for the current fiscal year; ~~((A-list~~  
202 ~~of depositories used;~~  
203           ~~4. A projected operating budget for the current fiscal year;~~  
204           ~~5-))~~ 3. A summary of cultural programs, public art projects and all other projects  
205 and activities to be undertaken during the current year; and  
206           ~~((6-))~~ 4. Other information as may be required in the charter of the authority.

207           B.1. The authority shall meet with the county council's committee of the whole  
208 two times per year, once to discuss the authority's annual report and once to discuss the  
209 authority's plans and proposed expenditures for the following year.

210           2. The authority shall meet:  
211           a. at least one time per year with the county executive; and  
212           b. at least one time per year with directors and administrators of county  
213 departments and agencies that interface with the authority.

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

216           SECTION 14. Ordinance 14482, Section 18, as amended, and K.C.C. 2.49.170  
217 are hereby amended to read as follows:

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

220           ~~1. All hotel-motel tax revenues designated by the state of Washington and~~  
221 ~~appropriated by the county council for cultural purposes in King County, including, but~~  
222 ~~not limited to, all encumbered and unencumbered hotel-motel tax revenues in the arts and~~  
223 ~~cultural development fund;~~

224 ~~2. All current expense fund revenues designated or appropriated for cultural~~  
225 ~~purposes, including, but not limited to:~~  
226 ~~a. fees for all government-to-government agreements for public art; and~~  
227 ~~b. the fund balance in the arts and cultural education fund (116);~~  
228 ~~3. All state and federal funds for cultural purposes, other than those listed in~~  
229 ~~subsection A.1 of this section; and~~  
230 ~~4. All other funds and fees designated or appropriated for cultural purposes,~~  
231 ~~except for funds that contain bond revenues and excess interest earnings as of December~~  
232 ~~31, 2002.~~

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

235 A. At least ninety-five days before the end of each fiscal year, the cultural development  
236 authority shall transmit its budget for the following fiscal year to the clerk of council in  
237 both electronic and hard copy form. The clerk shall distribute the budget to all  
238 councilmembers and the lead of the budget and fiscal management committee or its  
239 successor committee. The cultural development authority shall transmit its budget to the  
240 county council after it has been approved by the cultural development authority board.

241 B. The cultural development authority budget shall identify the budgeted  
242 operating expenditures and full-time equivalent positions for the following fiscal year and  
243 the budgeted capital expenditures for the next six fiscal years. The cultural development  
244 authority shall also transmit supporting data, including but not limited to a statement of  
245 assets and liabilities, a description of significant changes from the previous fiscal year  
246 budget and a financial plan that includes actual expenditures, revenues and reserves for

247 the preceding fiscal year and estimates of all expenditures, revenues and reserves for the  
248 current fiscal year and the following five years.

249 C. If the council accepts the cultural development authority budget by motion  
250 before the end of the fiscal year, in the following fiscal year, the county shall transfer to  
251 the authority balances in the following moneys:

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

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

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

265 4. Except for funds listed in subsection ~~((B-))~~C.1, of this section, state and  
266 federal funds for cultural purposes, which shall be transferred to the authority within ten  
267 business days of receipt by King County of the funds from the federal or state  
268 governments; and

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

272           D. If the council does not accept the cultural development authority budget for  
273 the next fiscal year by motion before December 31 of the current fiscal year, then, in the  
274 next fiscal year, the county shall not transfer to the authority any balances in any of the  
275 funds referenced in subsection C.1. through C.5. of this section until after the council  
276 accepts by motion a cultural development authority budget.

277           ~~((C. King))~~ E. The ~~((C))~~ county shall not transfer moneys and fees designated or  
278 appropriated to the King County landmarks commission for land use regulation and  
279 archaeological management purposes.

280           SECTION 15. Ordinance 14482, Section 19, and K.C.C. 2.49.180 are hereby  
281 amended to read as follows:

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))~~ countywide area

292 network, including all databases required by the cultural development authority to  
293 effectively carry out its work. The cultural development authority shall make payment  
294 for telephone system services upon billing by the county. ~~((By December 1, 2002, the  
295 King County office of budget and office of cultural resources shall develop a schedule for  
296 the payments.))~~ King County shall allow the cultural development authority access to the  
297 wide 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 16. Ordinance 14440, Section 3, and K.C.C. 2.49.200 are hereby  
306 amended to read as follows:

307 A. Hotel-motel revenues deposited in The King County arts and cultural  
308 development fund, created under ~~((K.C.C. 4.08.190))~~ K.C.C. 4A.200.140, shall be  
309 administered by the cultural development authority.

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

315 C. ~~((Through December 31, 2012, at least forty percent of the hotel-motel~~  
316 ~~revenues appropriated to the arts and cultural development fund and transferred to the~~  
317 ~~cultural development authority shall be deposited in an account and used to establish~~  
318 ~~cultural endowment. Principle and interest shall be managed by the cultural development~~  
319 ~~authority in accordance with RCW 67.28.180(3)(a).~~

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

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

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

333 1. For cultural facilities and sustained support, eighty percent of remaining arts  
334 program revenues, but sustained support shall receive at least thirty percent of the eighty  
335 percent; and

336           2. For special projects and cultural education, twenty percent of remaining arts  
337 program revenues, but special projects shall receive at least thirty-four percent of the  
338 twenty percent.

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

342           1. For cultural facilities and sustained support, seventy percent of remaining  
343 heritage program revenues, but sustained support shall receive at least twenty percent of  
344 the seventy percent;

345           2. For special projects, thirty percent of remaining heritage program revenues,  
346 and

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

351           SECTION 17. Ordinance 14482, Section 58, as amended, and K.C.C. 4.40.015  
352 are hereby amended to read as follows:

353           A. All capital improvement projects that are publicly accessible and visible, or  
354 for which there is a need for mitigation, shall contribute to the county's public art  
355 program.

356           1. The amount of the annual appropriation for public art shall be equal to one  
357 percent of the eligible project costs of those capital improvement projects that meet the  
358 criteria of public visibility and accessibility or need for mitigation. For the purposes of



359 calculation, eligible project categories shall include capital improvement program  
360 projects for new construction, reconstruction or remodeling of buildings, parks and trails,  
361 commemorative structures, pedestrian and vehicular bridges, surface water management  
362 projects, wastewater treatment projects, transit facility construction projects and solid  
363 waste transfer stations.

364 2. The following project categories shall be considered ineligible and may be  
365 excluded from the public art program calculation base: roads; airport runways; sewers;  
366 and solid waste landfills. This ineligibility shall not preclude a client department, in  
367 cooperation with the cultural development authority, from proposing a public art project  
368 for a road, airport runway, sewer or solid waste landfill project that presents an  
369 opportunity for the inclusion of public art.

370 3. At a minimum, the amount budgeted for public art in a capital improvement  
371 project shall be equal to one percent of the following project elements: conceptual  
372 design, design, contracted design, preliminary engineering, construction, contingency,  
373 county force design and project administration and construction engineering. Costs  
374 associated with the predesign phase of the county's capital planning projects meeting the  
375 above criteria and anticipated to result in construction, shall be included in the calculation  
376 for public art.

377 4. The following project elements may be excluded from the budget calculation  
378 for public art: acquisition equipment and furnishings; and county force acquisition.  
379 Asbestos abatement may also be excluded from the budget calculation for art when the  
380 costs for asbestos abatement have been calculated and a line item budgeted for asbestos  
381 abatement as been established within the project budget.

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

386           B. At the time a capital improvement project is proposed, the client department  
387 shall calculate and include a budgeted line item for public art in each eligible project  
388 described in this section. The executive's budget representative shall confirm the  
389 calculations with the cultural development authority and include the agreed-upon  
390 appropriations for public art in the executive's proposed budget. The amounts budgeted  
391 for public art in particular projects may be adjusted to reflect council changes to the  
392 county capital improvement program budget or supplemental budgets. The appropriation  
393 for public art shall be transferred to the arts and cultural development fund and from there  
394 to the cultural development authority as soon as the appropriation is made for the capital  
395 improvement project, and as soon as funds are available, except as otherwise provided in  
396 K.C.C. 2.49.170.

397           C. The source of the funds shall not affect the calculation for public art for a  
398 capital improvement project unless the conditions under which the revenue is made  
399 available prevent its use for artistic purposes. In this case, the revenue shall be excluded  
400 from the eligible project costs on which the one percent calculation for art is based.

401           D. A policy is hereby established to direct the pooling of all public art program  
402 revenues on a departmental basis. Interest generated by public art revenues shall not be  
403 pooled on a departmental basis. However, interest from all revenues shall be pooled  
404 collectively and used for the purposes established in this section.

405 Pooling affords the opportunity to look at the needs of the county as a whole and  
406 use the public art revenues only in those projects that may have the greatest impact on  
407 communities or offer the best opportunities for artist involvement. Pooling on a  
408 departmental basis affords the opportunity for the cultural development authority and  
409 client departments to work collaboratively on projects that reflect the missions and goals  
410 of individual departments and to ensure that public art projects are adequately funded.  
411 The decision regarding capital improvement projects that will include a public art project  
412 shall be determined jointly by the cultural development authority and the client  
413 department according to the procedures and criteria in this section and K.C.C. 2.46.150.

414 E. Revenues shall support the following uses:

415 1. The selection, acquisition and display of works of art, that may be an integral  
416 part of the project or placed in, on or about the project or other public space;

417 2. Artist fees, design, planning and predesign service contracts and  
418 commissions;

419 3. Expenses for technical assistance provided by either architects or engineers,  
420 or both, and to artists in order to design, document or certify the artwork;

421 4. Repair and maintenance of public artworks accessioned into the county's  
422 public art collection to the extent permissible under generally accepted accounting  
423 principles, grants, contracts and law;

424 5. Public art program administrative expenses relating to acquiring, developing  
425 or maintaining public art to the extent permissible under generally accepted accounting  
426 principles, grants, contracts and law;

427           6. Participation by citizens or costs of communicating with and receiving input  
428 from citizens, working with professional artists, introduction of public art to children, and  
429 education of the public about the county's rich cultural and artistic heritage;

430           7. Documentation and public education material for the public art program;

431           8. Liability insurance for artists; and

432           9. Pilot projects approved by the cultural development authority.

433           SECTION 18. Ordinance 17527, Section 57, as amended, and K.C.C. 4.40.110  
434 are hereby amended to read as follows:

435           In the case of any county construction project that meets the eligibility criteria for  
436 public art established in K.C.C. 4.40.015 that involves the use of general obligation bond  
437 proceeds, the resolution, resolutions, ordinance or ordinances submitted to the voters or  
438 the council shall include an allocation for public art equal to one percent of the eligible  
439 project cost. Bond revenues for public art shall be transferred to the cultural development  
440 authority as described in K.C.C. 4.40.015 to the extent consistent with arbitrage  
441 requirements and other legal restrictions, except as otherwise provided in K.C.C.  
442 2.49.170.