Ordinance No. 123460

Council Bill No. 117042

AN ORDINANCE relating to the annual budget of the Office of Arts and Cultural Affairs ("OACA"); amending Sections 3.14.830 and 5.40.120 of the Seattle Municipal Code.

Related Legislation File:

Date Introduced and Referred: Nov. 8, 2010	To: (committee): Budget
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 11.22.10	Date Presented to Mayor: 11.23.10
Date Signed by Mayor: Dec. 2, 2010	Date Returned to City Clerk: Dec. 2, 2010
Published by Title Only Published in Full Text ✓	Date Vetoed by Mayor:
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Godden

Committee Action:

Date	Recommendation	Vote
11.12.10	Pass	9-0

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
11.22.10	Passed	9-0

Law Department

Michael Jenkins
Office of Arts and Cultural Affairs – Arts Commission review
November 1, 2010
Version #14

ORDINANCE 123460

AN ORDINANCE relating to the annual budget of the Office of Arts and Cultural Affairs ("OACA"); amending Sections 3.14.830 and 5.40.120 of the Seattle Municipal Code.

WHEREAS, In November 2002, the City Council adopted Ordinance 121006, which changed the department and citizen commission then both known as the Seattle Arts Commission (SAC); reorganized the department into a new Executive department, the Office of Arts and Cultural Affairs (OACA); recreated SAC as an advisory body; set forth the duties of OACA and SAC, and the role of SAC in the review of the Mayor's proposed budget for that office; and affirmed OACA's use of 20% of the City's Admission Tax revenues that were used to fund the activities of the SAC when it acted as a governing body; and

WHEREAS, in November 2009, the City Council adopted Ordinance 123155 which, following a recommendation by the Mayor and OACA, increased the portion of the Admission Tax revenue directed to OACA from 20% to 75%, and also removed general fund support from OACA ; and

WHEREAS, Ordinance 123155 clarified that the City Council's dedication of a portion of the City's Admission Tax revenues to arts and culture was intended to provide a "relatively stable and dedicated revenue stream to fund OACA's core programs"; and

WHEREAS, the City Council's review of the Mayor's proposed 2011-2012 budget raised concerns about the fiscal health of the Department of Parks and Recreation, and the Council therefore supports the short-term use of admission tax revenues to fund arts-related programming conducted by the Department of Parks and Recreation; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.14.830 of the Seattle Municipal Code, which section was enacted by Ordinance 121006, is amended as follows:

3.14.830 Seattle Arts Commission _ Duties ((:))

DIS CITY CLERK

The Seattle Arts Commission shall have the following duties:

***

F. ((~~Review the preliminary proposed budget for the Office of Arts and Cultural Affairs as prepared by the Director of the Office of Arts and Cultural Affairs, and comment as appropriate before the budget is submitted to the Mayor;~~))By May 1 of each year, submit a written report to the Director of the Office of Arts and Cultural Affairs on the Commission's priorities for the funds solely allocated for the use of the Office of Arts and Cultural Affairs for the following budget year. This report shall be provided to the City Council and shall be included in any initial budget recommendations made by the Director to the Mayor;

G. Within 15 days of the Mayor's presentation of the proposed budget, provide the City Council with written comments on the proposed Office of Arts and Cultural Affairs budget, including how the proposed Office of Arts and Cultural Affairs budget reflects the funding priorities outlined in subsection F of this Section 3.14.830;

H ((~~G~~)). Initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of, and interest in, the fine and performing arts;

I ((~~H~~)). Hold regular public meetings and keep a written record of its proceedings which shall be a public record; and

J ((~~I~~)). Adopt administrative rules and procedures necessary to accomplish its purposes.

2010 CITY CLERK

Section 2. Section 5.40.120 of the Seattle Municipal Code, which was enacted by Ordinance 123155, is amended as follows:

5.40.120 Receipts to General Subfund and Arts Account.

A. All receipts from the admission tax levied in this ((~~chapter~~)) Chapter 5.40 shall be placed in the General Subfund of the General Fund, except that ((~~seventy-five (75)~~)) 75 percent of all admission tax receipts shall be deposited into the Arts Account of the General Subfund of the General Fund.

B. Money in the Arts Account of the General Subfund shall be annually appropriated to the Office of Arts and Cultural Affairs to support ((~~for~~)) the following purposes:

((~~A~~))1. Arts-related programs and one-time capital expenditures that ((~~Initiatives to~~)) keep artists living, working and creatively challenged in Seattle;

((~~B~~)) 2. Initiatives and programs to build community through the arts and create opportunities for the public to intersect with artists and their work; and

((~~C~~)) 3. ((~~For each new generation, initiatives~~)) Initiatives and programs that ((~~include~~)) provide art opportunities for youth in and out of school.

2010 CITY CLERK

C. Twenty-five percent of the funds appropriated to the Arts Account from admission tax receipts in 2011 and 2012 shall be directed to fund arts related programs conducted by the City's Department of Parks and Recreation that meet the funding criteria outlined in subsection B of this Section 5.40.120. This provision, designed to reflect temporary economic conditions, shall expire on December 31, 2012. The Director of the Office of Arts and Cultural Affairs shall be notified by the City's Budget Office when the transfer occurs.

D. By June 1, 2011, the Office of Arts and Cultural Affairs shall develop policies concerning the use of Arts Account funds, including one or more fiscal policies concerning the retention of revenues to ensure the long-term fiscal health of the Office of Arts and Cultural Affairs' program funding obligations. A draft of the policies shall be provided to the Seattle Arts Commission for comment, before being submitted to City Council in the form of a resolution for formal Council review and consideration. The policies shall be updated from time to time to ensure that the Office of Arts and Cultural Affairs' fiscal policies address ongoing budget needs and priorities. Any such update shall follow the same review process as defined in this Section 5.40.120.

CITY CLERK

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 22 day of November, 2010, and signed by me in open session in authentication of its passage this 22 day of November, 2010.

President _____ of the City Council

Approved by me this 2nd day of December, 2010.

Michael McGinn, Mayor

Filed by me this 2nd day of December, 2010.

City Clerk

(Seal)

BNS CITY CLERK

Form revised February 4, 2010

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins 5-1674	NA

Legislation Title:

AN ORDINANCE relating to the annual budget of the Office of Arts and Cultural Affairs ("OACA"); amending Sections 3.14.830 and 5.40.120 of the Seattle Municipal Code.

Summary of the Legislation:

The legislation affects the use of Admission Tax revenues dedicated to the Office of Arts and Cultural Affairs (OACA), and the role of the Seattle Arts Commission (Commission) in the use of these funds.

Currently, OACA receives 75% of the City's Admission Tax revenues to fund projects related to their stated mission (SMC 5.40.120). The proposed amendments would 1) clarify the list of funding priorities, 2) direct 25% of Admission Tax revenues to the Department of Parks and Recreation until December 31, 2012, and 3) require that OACA develop fiscal policies related to the use of Arts Account funds, to be adopted by Council resolution.

SMC 3.14.830 sets forth the commission's responsibilities, which include that the Commission review and comment on the proposed OACA budget before it is presented to the Mayor. The proposed amendments would change the Commission's comment process by 1) requiring the Commission to provide written comments on their funding priorities to the Director of OACA by May 1 for the following budget year and 2) require that the Commission report to the Council within 15 days after the budget is delivered to the Council on how the budget reflects their stated priorities.

Background:

The use of Admission Tax revenues by OACA began under Ordinance 121006, which created OACA, redefined the role of the Commission and directed 20% of the City's Admission Tax revenues for arts programming. Ordinance 123155 increased the amount of Admission Tax revenues from 20% to 75%, removed OACA from general fund support and clarified the intended uses of Admission Tax revenues.

__X__ This legislation does not have any financial implications.

This action is budget neutral, as it does not increase or decrease admission tax revenues. Rather, part of the admission tax revenues are simply redirected to another department that operates arts related programs

Michael Jenkins
Fiscal Note – OACA funding
October 29, 2010
Version #2

Form revised February 4, 2010

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Michael Jenkins 5-1674	NA

Legislation Title:

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CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

264505 No.
CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123460 ORDINANCE

was published on

12/16/10

The amount of the fee charged for the foregoing publication is the sum of $ 225.23, which amount has been paid in full.

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT. 24, 2011
STATE OF WASHINGTON

Subscribed and sworn to before me on

12/16/10

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 123460

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Richard Conlin

President of the City Council

Approved by me this 2nd day of December, 2010.

Michael McGinn, Mayor

Filed by me this 2nd day of December, 2010.

(Seal) Monica Martinez-Simmons

City Clerk

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 16, 2010.

12/16(264505)