



ORDINANCE NO. 28626

1 AN ORDINANCE relating to cultural access; amending Title 1 of the Tacoma
2 Municipal Code, relating to Administration and Personnel, by the addition of
3 a new Chapter 1.55, to be known as "Tacoma Creates," for the purpose of
4 implementing a cultural access program, as authorized by state law and
5 approved by Tacoma voters in November 2018; establishing an Advisory
6 Board; and defining eligibility.

7 WHEREAS RCW 36.160, signed into law on July 6, 2015, authorizes any
8 county or city in the state to create a cultural access program for the purpose of
9 reducing barriers and increasing access to arts, culture, heritage, and science
10 activities and experiences, and

11 WHEREAS, in 2017, pursuant to Resolution No. 40046, the City Council
12 unanimously approved bringing Tacoma Creates to voters, and in November 2018,
13 Tacoma voters approved Tacoma Creates, and

14 WHEREAS the voter's approval of Tacoma Creates opened an opportunity
15 to systemically support existing and nascent efforts to actively engage the
16 community; reach traditionally underserved populations; increase civic participation
17 in arts, culture, heritage, and science experiences; and grow talent and creativity
18 across the City, and

19 WHEREAS Tacoma Creates will leverage and grow the significant public
20 and private investment that has been committed to the revitalization of Tacoma
21 through its cultural sector, and

22 WHEREAS Tacoma Creates will equitably expand access to arts, culture,
23 heritage and science events, venues, performances, and opportunities throughout
24 the City, and
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WHEREAS Tacoma Creates will enhance and extend arts, culture, heritage, and science education for Tacoma Public Schools students through the Public School Cultural Access Program, and

WHEREAS it is anticipated that the overall economy of Tacoma will benefit from Tacoma Creates activity, including increased economic activity generated by an enhanced cultural sector, greater tourism and attraction of visitors to Tacoma for cultural activities, and promotion and support for jobs in creative fields and enterprises, and

WHEREAS the City's Office of Arts & Cultural Vitality will be the designated public agency that will administer Tacoma Creates, and

WHEREAS an advisory board will be established and appointed by the City Council to guide Tacoma Creates, and

WHEREAS Tacoma Creates will (1) invest in organizations whose primary purpose is to advance or preserve arts, culture, heritage, and/or science, and provide public programming in those areas; (2) support a diversity of arts, culture, heritage, and/or science programs that are Tacoma based and occur in Tacoma; (3) support neighborhood activities, such as festivals, fairs, and creative place-making; (4) prioritize equity and access in programming and funding decisions; (5) invest in youth education opportunities and support the partnerships and systems that increase access to these opportunities; and (6) provide capacity building support to strengthen and grow the ability of organizations to thrive and meet the needs of the community, and



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WHEREAS the City Council finds that these Recitals and the attached regulations in the new Chapter 1.55 "Tacoma Creates" are a careful and good faith interpretation and application of the terms of RCW 36.160 to the Tacoma community and fully effectuate the state's legislative intent; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Title 1 of the Tacoma Municipal Code is hereby amended by the addition of a new Chapter 1.55, to be known and designated as "Tacoma Creates," as set forth in the attached Exhibit "A."

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 1.55
TACOMA CREATES

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Sections:

- 1.55.010 Creation of Tacoma Creates.
- 1.55.020 Declaration of purpose.
- 1.55.030 Allocation of funding.
- 1.55.040 Definitions.
- 1.55.050 Eligibility.
- 1.55.060 Funding programs.
- 1.55.070 Application review panels.
- 1.55.080 Public School Cultural Access Program ("PSCAP").
- 1.55.090 Tacoma Creates Advisory Board.
- 1.55.100 Administration.

1.55.010 Creation of Tacoma Creates.

There is hereby established a Cultural Access Program in the City of Tacoma , enabled by RCW 36.160 and approved by Tacoma voters in November 2019 by a vote of 67.2 percent, to be known as "Tacoma Creates." This chapter may also be referred to as the "Tacoma Creates Code."

1.55.020 Declaration of purpose.

It is hereby declared, as a matter of public policy, that support for arts, culture, heritage, and science organizations throughout the City is in the public interest, and will serve multiple public purposes including, among others, enhancing and extending the education reach and offerings of cultural organizations; ensuring continued and expanded access to the facilities and programs of organizations by economically and geographically underserved populations; and providing financial stability to organizations to continue and extend the numerous public benefits they provide. Tacoma Creates will invest in cultural organizations of all types and sizes, and will ensure that equity and access goals are central in all funding programs.

The purpose of Tacoma Creates is to:

- A. Systemically support existing and nascent efforts of the cultural sector and aligned partners to actively engage the community, reach traditionally underserved populations, increase civic participation, and grow the talent, participation, and creativity across the City.
- B. Leverage and grow the significant public and private investment that has been committed to the revitalization of Tacoma through its cultural sector; expand investments to reach deeper into the neighborhoods; and expand access for all Tacoma residents to arts, culture, heritage and science events, venues, performances, large-scale City events, exhibits, and neighborhood activities.
- C. Increase and expand access to arts, culture, heritage, and/or science activities and experiences by creating welcoming places, relevant and diverse programming, and affordable and free programs.
- D. Support an increase in cultural activities in neighborhoods that reflect diverse cultures, lifestyles and interests, including, but not limited to, community festivals, street fairs, and creative place-making.
- E. Invest in organizations whose primary purpose is to advance or preserve arts, culture, heritage, and/or science, and who provide public programming in these areas.
- F. Support a diversity of arts, culture, heritage, and/or science programs that are Tacoma based and occur in Tacoma.
- G. Prioritize equity and access in programming and funding decisions.



1 H. Invest in youth education opportunities and the partnerships and systems that increase access to these opportunities; and enhance and extend arts, culture, heritage, and science education for Tacoma Public Schools students through the Public School Cultural Access Program (“PSCAP”).

2 I. Provide capacity building funding, training, and programs to support to strengthen, sustain and grow the ability of organizations to thrive and meet the needs of the community.

3 **1.55.030 Allocation of funding.**

4 Pursuant to Resolution No. 40046, the following funding allocations were proposed and approved by the voters:

5 A. Neighborhood Funding. A minimum of 52 percent of all revenues will equitably support programming located throughout Tacoma’s neighborhoods.

6 Programming in neighborhoods will include all public programs, youth education programs, and community events that occur outside of Tacoma’s downtown core but within the boundaries of the City of Tacoma.

7 Funding for the Public School Cultural Access Program will be a portion of Neighborhood Funding.

8 B. Increased Public Access. Up to 26 percent of all revenues will support enhanced access to cultural sector programming for the benefit of Tacoma residents.

9 This may include the development or expansion of free or reduced-price admission programs or scholarship programs; expansion of open public hours at cultural facilities; expansion of programming locations or transportation options; expansion of inclusive programming that considers cultural relevance, language access, and ADA accessibility; and/or other efforts to reduce barriers to access for people across Tacoma.

10 C. Capacity Building. Up to 6 percent of all revenues will support efforts that build capacity for developing and implementing Tacoma Creates programming.

11 This may include funding for cultural organizations to improve or expand their internal capacity to deliver equitable public programs; professional development programs for cultural organization staff to enhance skills related to Tacoma Creates programming; providing technical support for cultural organizations in responding to Tacoma Creates application, grant management, or reporting requirements; and other opportunities to support growth and development for the cultural sector.

12 D. Transportation. Up to 8 percent of all revenues will support transportation options for students enrolled in Tacoma Public Schools to increase their access to cultural sector programming.

13 E. Administration. Up to 8 percent of all revenues will support administrative costs related to program management.

14 **1.55.040 Definitions.**

15 “Arts organization” means an organization that provides programming across one or more of the following artistic fields: creative place-making, dance, design, folk and traditional arts, literary arts, multi-disciplinary arts, music, media arts, theater, and visual arts.

16 “Cultural organizations” and/or “Cultural sector” means, collectively, organizations whose primary purpose is to advance and/or preserve arts, culture, heritage, and/or science, and who provide public programming in these areas.

17 “Culture organization” means an organization that provides programming that focuses on extending or sustaining the traditions, customs, language, knowledge, skills, trades, and/or celebrate the achievements of a particular nation, people, or other social identity group.

18 “Downtown core” means the area within the following boundaries: North border is 6th Avenue; West border is Thea Foss Waterway and East L Street; South border is I-5; East border is Tacoma Avenue South.

19 “Fiscal sponsorship” means a formal arrangement in which a 501(c)(3) organization, based in Washington State, provides financial management and other administrative services for an organization that provides public benefit but lacks 501(c)(3) status. Fiscal sponsors will be eligible to receive and manage a funding



contract from Tacoma Creates on behalf of the sponsored organization; fees charged by the fiscal sponsor to cover administrative costs may not exceed 10% of any funding contract.

1 “Heritage organization” means an organization that provides programming that focuses on the identification,
2 documentation, exhibition, interpretation, and/or preservation of the past, including the people, places,
3 events, and physical spaces of any community of people.

4 “Panel” means a group of individuals convened by staff to review applications or nominations using
5 published review criteria, and make recommendations to the Advisory Board.

6 “Science organization” means an organization that provides programming across one or more of the
7 following scientific fields: physical sciences, life sciences, natural sciences, earth and space sciences,
8 engineering, technology, and work that applies scientific methods or engineering design cycles.

9 “Tacoma Creates Administration” means the Office of Arts & Cultural Vitality within the Tacoma Venues
10 and Events Department, or its successor within Tacoma’s administration.

11 **1.55.050 Eligibility.**

12 A. Organizations which fulfill the following eligibility criteria may apply for Tacoma Creates funding
13 programs. Specific eligibility and criteria may vary, depending on the funding program, and may be revised
14 from time to time by the Tacoma Creates Administration, in consultation with the Tacoma Creates Advisory
15 Board, based on experience with the program to ensure it continues fulfill its purpose.

16 1. Eligibility Category A – Organizations meet all five primary eligibility criteria.

17 a. Primary Purpose: The organization’s primary purpose must be to advance and/or preserve arts, culture,
18 heritage, and/or science.

19 b. Non-Profit Status: The organization must be a 501(c)(3) nonprofit corporation, incorporated under the
20 laws of the state of Washington and recognized by the Internal Revenue Service.

21 c. Location: The organization’s official business address is in the City of Tacoma.

22 d. Program Delivery: The organization must directly provide programming or experiences to the general
23 public in the City of Tacoma.

24 e. Track Record: The organization must have a two-year track record of providing programming or
25 experiences to the general public in the City of Tacoma.

26 2. Eligibility Category B – An organization that does not meet the Track Record criteria, but meets all other
27 criteria listed in Category A.

28 3. Eligibility Category C – An organization that does not meet the Non-Profit Status criteria, and may not
29 meet the Track Record criteria, but does meet all other criteria listed in Category A. Organizations in this
30 category may apply with a Fiscal Sponsor.

31 4. Eligibility Category D – An organization that does not meet the Location criteria, but meets all other
32 criteria listed in Category A, and has a business address within Pierce County, and is able to demonstrate
33 that at least 65 percent of its public programming occurs within the City of Tacoma.

34 5. Eligibility Category E – Affiliate Cultural Programs within a larger non-profit. Established and distinct
35 cultural programs that meet the Primary Purpose, Location, and Program Delivery criteria, and are part of a
36 larger non-profit, public-serving organization, may apply if the following additional eligibility criteria are
37 met:

38 a. Independent mission: Have a published mission statement independent of the parent organization.

39 b. Independent board: Have a board or steering committee that guides the program, independent of the
40 parent organization’s board.

41 c. Independent budget: Have a distinct, balanced budget, independent of the parent organization.

42 d. Track record: Five years providing public programming in arts, culture, heritage, and/or science.



e. Staff: Have dedicated, paid staff, equal to at least one full-time employee.

f. Matching Funds: Provide a 1:1 cash match for Tacoma Creates funds.

g. The parent organization must:

(1) Be a public-serving 501(c)(3) or 501(c)(6) non-profit organization.

(2) Be based in the City of Tacoma.

(3) Retain no more than 10 percent of any Tacoma Creates grant to support administrative services.

6. Eligibility Category F – Business District Associations and Neighborhood Councils. Business District Associations (Tacoma Municipal Code (“TMC”) 1.47) and Neighborhood Councils (TMC 1.45) recognized by the City of Tacoma may apply for funding for neighborhood-based arts, culture, heritage, and/or science programs or events, especially fairs and festivals, but must have a Fiscal Sponsor that is a 501(c)(3) organization in Tacoma that meets the Primary Purpose criteria of advancing or preserving arts, culture, heritage, and/or science.

B. Eligibility exclusions.

The specific eligibility exclusions noted in RCW 36.160 apply to all eligibility categories:

Funding cannot be distributed to any agency of the state or any of its political subdivisions; any municipal corporation; any organization that raises funds for redistribution to multiple cultural organizations; or any radio or television broadcasting network or station, cable communications system, internet-based communications venture or service, newspaper, or magazine.

1.55.060 Funding Programs.

Tacoma Creates funding programs will be designed to support a variety of types and sizes of organizations and programs that will provide public benefit in Tacoma, with a demonstrated commitment to improving equity and access. Funding programs may be revised from time to time by the Tacoma Creates Administration, in consultation with the Tacoma Creates Advisory Board, based on experience with the program to ensure it continues fulfills its purpose.

A. Funding Category 1. Organizations in any eligibility category may apply for funding that will support public programs in arts, culture, heritage, and/or science, and will address one or more of these primary public benefit areas:

1. Increasing public access to cultural programs and/or facilities;

2. Providing neighborhood and community-based programs; or

3. Providing educational programs for youth.

Funding levels will be determined by the Advisory Board.

B. Funding Category 2. Organizations in Eligibility Category A may apply for funding in this category if they commit to meeting all three primary public benefit areas:

1. Increasing public access to cultural programs and/or facilities;

2. Providing neighborhood and community-based programs; and

3. Providing educational programs for youth.

Organizations applying in this funding category will be encouraged to demonstrate collaborative efforts and continuous improvement towards sustainability of the organization. Funding levels in this grant category will be determined by the Advisory Board, but set at a maximum of 15 percent of an organization’s total budget, up to a maximum of \$400,000 per year.

Eligible organizations may apply in either Funding Category 1 or Category 2, but not both.

Eligible organizations may participate in the PSCAP.



Additional funding programs may be developed over the life of the Tacoma Creates program in order to meet emerging needs and opportunities.

Funding program guidelines and associated evaluation criteria will be developed by staff for approval by the Advisory Board.

1.55.070 Application review Panels.

A. An independent panel will be convened to review applications for each round of funding. The application review panel will consist of members of the Advisory Board, in addition to a diverse representation of community members who provide content expertise and community-based knowledge.

B. Panel members may be recommended by the Advisory Board, as well as staff.

C. A unique group of individuals will be convened for each application review panel.

D. Panels will review applications using published review criteria, and submit funding recommendations to the Advisory Board for review and approval.

1.55.080 Public School Cultural Access Program (“PSCAP”).

Pursuant to RCW 36.160.110, Tacoma Creates must designate a percentage of total funds available annually to be reserved for a public school cultural access program established and managed by the City to increase access to cultural activities and programming for public school students resident in the City. Tacoma Creates will dedicate 15-30 percent of total funds to support PSCAP.

PSCAP programs will be developed for the benefit of Tacoma Public Schools (“TPS”) students and teachers. Tacoma Creates will invest in cultural organizations that provide programming, and in district level systems that increase access to these opportunities.

PSCAP will offer benefits to every public school in TPS, while prioritizing schools based on various indicators of gaps in equity and opportunity, including free and reduced-price meals percentages.

Tacoma Creates will support a wide range of programming within the PSCAP, as described below.

Tacoma Creates will build the capacity of cultural organizations to develop and deliver high quality and inclusive programs that help TPS meet their goals for student success, academically and socially, and in alignment with the Whole Child Initiative. Tacoma Creates will support the development of tools and materials to support alignment with school curricula and state standards.

A. Programming that may be covered by PSCAP funds:

1. Expanded Learning Opportunities (“ELO”): Before/after-school classes, summer classes, offered in partnership with and on the campuses of TPS, and in collaboration with one or more ELO partners that manage logistics required to enable successful programming.

2. Systems support for ELO: Tacoma Creates will help support ELO partner(s) expenses related to staffing, marketing, coordinating registration, transportation, snacks, etc. necessary to support a comprehensive ELO system that serves all students.

3. School Day Programs at TPS sites: Learning opportunities offered by Tacoma Creates-funded organizations that occur during the regular school day, as part of basic education.

4. School Day and School Break Field Trips: TPS classes traveling off-campus to an arts, culture, heritage, and/or science learning experience led by a Tacoma Creates-funded organization. Tacoma Creates funding would cover bus transportation as well as the cost of the learning experience.

5. Professional Development and Curriculum Support: Tacoma Creates-supported organizations may collaborate with TPS to offer professional learning programs for certified teachers/district staff, and/or collaborative curriculum development, in order to improve schools’ capacity to deliver high-quality learning experiences in arts, culture, heritage, and science.



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6. Capacity Building for Cultural Organization Educators: Professional learning programming offered by Tacoma Creates to support high-quality instruction in PSCAP programs. This may include, but not be limited to, topics such as instructional design, social justice and racial equity in K-12 education, social emotional learning, and trauma-informed practice.

7. Early Learning Programs: Arts/culture/heritage/science education programs offered in collaboration with TPS pre-school programs (Head Start and Early Childhood Education and Assistance Program (“ECEAP”).

8. High School Internships: Opportunities for students in grades 9-12 to earn relevant work experience within an arts, culture, heritage, and/or science organization.

9. Emerging Opportunities: Additional opportunities not detailed here, but which support arts, culture, heritage, and/or science learning for TPS students and teachers may be included in PSCAP funding.

1.55.090 Tacoma Creates Advisory Board.

A. Composition of Tacoma Creates Advisory Board. The Advisory Board will consist of 12 volunteer members appointed by City Council. All members will be residents of the City of Tacoma. All members will have interest in and familiarity with public programming in the arts, culture, heritage, and/or science. All members will have an interest in Tacoma Creates goals regarding equity, access, and programs that provide public benefit for residents across Tacoma.

The Advisory Board, as a whole, will reflect the diversity of the City; board appointments will take into account racial and ethnic backgrounds, gender, age, and other aspects of personal and professional identity.

B. The Advisory Board shall consist of members who represent the following:

- 1. A community member from Council District 1.
- 2. A community member from Council District 2.
- 3. A community member from Council District 3.
- 4. A community member from Council District 4.
- 5. A community member from Council District 5.
- 6. Professional expertise in the arts.
- 7. Professional expertise in culture.
- 8. Professional expertise in heritage.
- 9. Professional expertise in science.
- 10. Professional expertise in K-12 public education in Tacoma.
- 11. Expertise in community engagement/community development
- 12. Youth Seat: A representative from the Mayor’s Youth Commission.

C. Terms of Advisory Board Members. For the initial board appointments, the terms will be staggered as follows: four seats, for a one-year term; four seats, for a two-year term; and four seats, for a three-year term. Thereafter, all terms shall be for three years, except the youth seat, which shall be a one-year appointment. Members may be reappointed for a second term, but shall serve no more than six consecutive years. In the event that a position is vacated before the expiration of the term, the position shall be filled by the City Council for the remainder of the unexpired term.

D. Authority of the Advisory Board.

- 1. The Advisory Board will be advisory to the Tacoma Creates Administration on funding programs to support public benefit in arts, culture, heritage, and science programs throughout Tacoma.

E. Roles and Responsibilities of the Advisory Board. The Advisory Board will:



1. Act in an advisory capacity to the Tacoma Creates Administration on matters related to Tacoma Creates.
 2. Review and recommend funding guidelines and review criteria, including funding levels.
 3. Participate in application review panels, along with additional community member representatives.
 4. Review and approve funding recommendations from review panels to ensure fidelity to review criteria and process.
 5. Review and provide input on reporting processes to ensure alignment with public benefit goals.
 6. Review outcomes from funded organizations to ensure compliance with Tacoma Creates mandates and to ensure effective stewardship of Tacoma Creates funds.
 7. Participate in the preparation of annual reports to the City Council.
 8. Review and provide input on a variety of Tacoma Creates efforts in addition to grant funding, such as capacity building efforts to support the sector, building collaborative partnerships, and advancing the visibility of the program in the community.
 9. Serve as outreach ambassadors of Tacoma Creates to arts, culture, heritage, and science organizations, and the general public.
- F. Meetings of the Advisory Board. The Advisory Board shall convene during a regular time and place of meeting, and shall hold a minimum of six regular meetings a year.
- G. Organization and procedures.
1. In consultation with the Tacoma Creates Administration, the Advisory Board may make and alter any rules and regulations governing its organization and procedure not inconsistent with this chapter or any other ordinance of the City.
 2. A simple majority of appointed, filled positions shall constitute a quorum.
 3. A majority vote of the quorum is required to pass any motion.
 4. A Chair and Vice-Chair will be elected by the Advisory Board, from among the Advisory Board members, to serve one-year terms. Chair and Vice-Chair terms are renewable by vote of the Advisory Board.
 5. The Chair shall preside over all meetings of the Advisory Board. In the absence of the Chair, the Vice Chair is authorized to perform and carry out all of the duties and obligations of the Chair.
 6. If the Chair relinquishes authority or quits before the Chair's term ends, the Vice Chair automatically becomes Chair.
 7. In the event that the Vice Chair relinquishes authority or quits before the Vice Chair's term ends, a new general election will take place, electing a new Vice Chair for the completion of the term.
 8. Committee chairs may be appointed by the Chair or elected by the Advisory Board as a whole.
- 1.55.100 Administration.** Tacoma Creates will be administered by the Office of Arts & Cultural Vitality. Staff from the Office of Arts & Cultural Vitality will be dedicated to implementing Tacoma Creates and supporting the Advisory Board.
- Staff will keep accurate records of the Advisory Board's proceedings and transactions, conduct official correspondence, organizing meetings and providing technical support to the Advisory Board to the extent required to administer this chapter.
- In addition, the Office of Arts & Cultural Vitality staff will:
- A. Implement and administer Tacoma Creates funding programs;
 - B. Develop and implement programming that supports the purposes of Tacoma Creates;
 - C. Act as resource and ombudsman for Tacoma Creates;



D. Coordinate the development of funding guidelines and review criteria, for review and approval by the Advisory Board;

1 E. Manage and implement the application review panels;

2 F. Manage contracting according to City procedures;

3 G. Make public presentations on issues related to Tacoma Creates;

4 I. Recommend such policies, rules, and regulations for adoption by the Advisory Board as are deemed necessary to carry out the purposes of this chapter;

5 J. Respond to requests for interpretations of the codes, policies, and procedures related to Tacoma Creates, as defined herein and within related documents adopted by the Advisory Board.

6 K. Perform other duties as required to carry out the intent and purpose of Tacoma Creates.

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