



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Amy McBride, Arts Administrator, Office of Arts & Cultural Vitality  
Kim Bedier, Director, Tacoma Venues and Events  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance – Tacoma Creates Establishing Legislation – October 29, 2019  
**DATE:** October 18, 2019

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**SUMMARY:**

This memo is to establish Section 1.55 Tacoma Creates in Tacoma Municipal Code to codify local legislation for the implementation of a Cultural Access Program as authorized by RCW 36.160 and passed in Tacoma by public vote by a margin of 67.2% in November, 2018. The ordinance will describe programmatic elements, establish an Advisory Board, and define eligibility.

The intention of the originating Cultural Access legislation is to increase access, reduce barriers, and encourage the expansion and sustainability of arts, culture, heritage and science organizations. However the definitions in the RCW 36.160 are both very specific and very vague and, if interpreted strictly, would preclude many local organizations from being eligible for funding and therefore limit the programs and experiences that fulfill the vision for Tacoma Creates. Creating a program that accomplishes the goals of equity and access begins with the ability to fund a diversity of organizations.

**STRATEGIC POLICY PRIORITY:**

Tacoma Creates aligns with and supports the following strategic priorities:

- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.
- Encourage thriving residents with abundant opportunities for life-long learning.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Strengthen and support a safe city with healthy residents.
- Foster a vibrant and diverse economy with good jobs for all Tacoma residents.
- Assure outstanding stewardship of the natural and built environment.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.



**BACKGROUND:**

Signed into law on July 6, 2015, RCW 36.160 authorizes any county or city in the state to create a Cultural Access Program to improve access to non-profit arts, culture, heritage, and science organizations. In 2017, Tacoma City Council unanimously approved bringing Tacoma Creates to the voters via Resolution #40046 and in November 2018, Tacoma voters overwhelmingly approved Tacoma Creates with 67.2% support, passing in all of Tacoma's 104 voting precincts.

Tacoma Creates presents an opportunity to systemically support existing and nascent efforts to actively engage the community, reach traditionally underserved populations, increase civic participation, and grow the talent, participation, and creativity across the city.

The vision of Tacoma Creates that was shared with the voters and has evolved through community conversations with the cultural sector, residents, partners, and creatives includes the following:

Tacoma Creates will leverage and grow the significant public and private investment that has been committed to revitalization of Tacoma through its cultural sector. It will expand that investment to reach deeper into the neighborhoods, expand access for all Tacoma residents to arts, culture, heritage and science events, venues, performances, large-scale city events, exhibits and neighborhood activities. Tacoma Creates support will allow organizations to expand access to free and reduced-priced admission programs, leading to increased and more equitable public participation. Everyone in Tacoma should have the opportunity to access arts, culture, heritage, and science programs and facilities, regardless of their economic means.

Tacoma Creates will enhance and extend arts, culture, heritage, and science education for Tacoma Public Schools students through the Public School Cultural Access Program (PSCAP). A PSCAP is required of every cultural access program per RCW 36.160.110. Tacoma Creates will partner with Tacoma Public Schools, the Whole Child Partnership, Expanded Learning Opportunity partners, and arts, culture, heritage, and science organizations to provide both in school, after school and summer programs in every Tacoma neighborhood, and offer more field trips to arts, culture, heritage, and science programs and facilities. Additional PSCAP programs may include internship opportunities for high school students, professional learning opportunities for TPS educators, and other programs that support student success. Programs will be high quality and support the efforts of the Whole Child Initiative to increase equitable access to quality expanded learning opportunities that support social emotional learning. Tacoma Creates will support efforts to reduce barriers to participation such as supporting transportation after school and public bus passes, providing food, streamlining registration, aligning services with additional community partners and connecting students and their families to additional benefits with the Whole Child Access Pass. In addition, shared data tools and evaluation will ensure continuous improvement as robust, safe, and accessible school based programs are developed.

Tacoma Creates will support and promote cultural activities in neighborhoods that reflect diverse cultures, lifestyles and interests, such as community festivals and street fairs that celebrate community. It will provide more opportunities for creatives and cultural groups to engage, and create authentic placemaking that encourages community participation.

Tacoma Creates must provide or continue to provide funding only to cultural organizations that provide discernible public benefits. **Public benefits are defined in 36.160.090(1).** Examples of public benefit include, but are not limited to:



- reasonable opportunities for access to facilities, programs, and services on a reduced or no admission fee basis, particularly for diverse and underserved populations and communities;
- providing, through technological and other means, services or programs in locations other than an organization's own facilities;
- providing educational programs and experiences both at an organization's own facilities and in schools and other venues;
- broadening cultural programs, performances, and exhibitions for the enlightenment and entertainment of the public;
- supporting collaborative relationships with other cultural organizations in order to extend the reach and impact of the collaborating organizations for the benefit of the public;
- Organizational capacity-building projects or activities that an organization can demonstrate, to the reasonable satisfaction of the designated entity, will enhance the ability of the organization to provide or continue to provide meaningful public benefits not otherwise achievable.

It is predicted that the overall economy of Tacoma will benefit from Tacoma Creates activity, given the increased economic activity generated by an enhanced arts and culture sector, greater tourism and attraction of visitors to Tacoma for cultural activities, and promotion and support for jobs in creative fields and enterprises.

Neighborhood fairs and festivals are an important component of building and growing vibrant and connected communities, and often include arts, culture, heritage, and science elements aligned with Tacoma Creates goals. City recognized Business District Associations have a history of promoting and producing public events that engage and activate the hearts of Tacoma's neighborhoods, and create a sense of place and identity in partnership with arts, culture, heritage, and science organizations and individuals. Each of the eight city recognized Neighborhood Councils serves as an independent, non-profit citizen organization to promote citizen-based efforts for neighborhood improvement. Both of these city-recognized entities are well-suited to participate in Tacoma Creates opportunities.

The City of Tacoma's Office of Arts & Cultural Vitality is the designated public agency that will administer the Tacoma Creates program. An advisory board will be established and appointed by the Tacoma City Council to guide the Tacoma Creates program.

**ISSUE:**

The intention of RCW 36.160.010 is to enable local municipalities to develop a Cultural Access Program with goals to reduce barriers and increase access to arts, culture, heritage and science activities and experiences for people while encouraging the expansion and sustainability of arts, culture, heritage, and science organizations to meet these needs. At the core, a cultural access program is an equity and access initiative. For Tacoma, it provides an opportunity to build on the momentum and impact of the creative sector to reach deeper into neighborhoods and reflect all communities, strengthen the diversity and participation by organizations and attendees, and streamline systems of support and connection across sectors to better serve all City residents.

As the first municipality in the State of Washington to implement a cultural access program, staff recommends local legislation that maintains the intention and integrity of RCW 36.160, while supporting Tacoma's ability to truly implement a program that increases access, reduces barriers, diversifies programming and participation, and strengthens the sustainability and growth of the cultural sector.



Tacoma Creates staff is recommending clarification and expansion in the categories of eligibility that will support Tacoma’s commitment to equity and access.

Based on the originating legislation and informed by Tacomans including sector organizations, community conversations, focus groups, council input, and the bill voted on by Tacoma residents, it is generally understood that Tacoma Creates will:

- invest in organizations whose *primary purpose* is to advance or preserve arts, culture, heritage, and/or science, and provide public programming in these areas.
- Support a diversity of arts, culture, heritage, science programs that are Tacoma based and occur in Tacoma
- support an increase in activity in neighborhoods such as festivals, fairs, and creative placemaking.
- prioritize equity and access in programming and funding decisions
- invest in youth education opportunities and support district level systems that increase access to these opportunities
- provide capacity building support to strengthen and grow the ability of organizations to thrive and meet the needs of the community.

**ALTERNATIVES:**

To successfully implement the Tacoma Creates program in Tacoma, adoption of local legislation is necessary. This recommendation is designed to be as inclusive as possible while honoring the intent of the originating legislation.

**RECOMMENDATION:**

It is recommended that City Council adopt refined definitions and eligibility criteria that enable Tacoma Creates to implement a program that supports a rich diversity of arts, culture, heritage and science organizations, is inclusive, and results in a rich variety of programs to serve the most people.

**Primary Purpose**

RCW 36.160 is clear that funding is designed to support organizations whose primary purpose is related to arts, culture, heritage, and science; however the originating definition is not sufficiently clear or inclusive for the purposes of Tacoma Creates.

An expanded definition of primary purpose will clarify organizational eligibility.

The original definition in RCW 36.160.020(3) states,

The primary purpose of the organization must be the advancement and preservation of science or technology, the visual or performing arts, zoology, botany, anthropology, heritage, or natural history.”

For Tacoma Creates the following is proposed:



An organization’s primary purpose must be the advancement or preservation of arts, culture, heritage, or science; these organizations will be collectively referred to as “cultural organizations,” and their work further defined as follows:

Arts organizations provide 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.

Culture organizations provide 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.

Heritage organizations provide programming that focuses on the identification, documentation, exhibition, interpretation, and/or preservation of the past, including the people, places, events, and physical spaces of any community of people.

Science organizations provide programming across one or more of the following scientific fields: physical sciences, life sciences, earth and space sciences, engineering, technology, and work that applies scientific methods or engineering design cycles.

### Eligibility Criteria

Category A is for organizations that meet all of the primary eligibility criteria in original legislation; additional categories expand eligibility options in order to meet equity and access goals.

#### Eligibility Category A: Organizations meet all eligibility criteria

There are five primary points of eligibility; in Category A, organizations must meet all five:

- **Primary Purpose:** the organization’s *primary* purpose must be to advance and/or preserve arts, culture, heritage, and/or science.
- **Non-Profit Status:** the organization must be a 501(c)(3) nonprofit corporation, incorporated under the laws of the state of Washington and recognized by the Internal Revenue Service.
- **Location:** the organization’s official business address is in the City of Tacoma
- **Program Delivery:** the organization must directly provide programming or experiences to the general public in Tacoma.
- **Track Record:** the organization must have a 2-year track record of providing programming or experiences to the general public in Tacoma.

#### Eligibility Category B – Organizations that do not have a 2-year track record

An organization that has 501(c)(3) status that meets the Primary Purpose, Location, and Program Delivery criteria but has not yet been in existence 2 years at the time of application.

#### Eligibility Category C – Organizations that do not have 501(c)(3) status

An organization that does not have 501(c)(3) status, but meets the Primary Purpose, Location, and Program Delivery criteria, may apply with a fiscal sponsor. The fiscal sponsor must meet the Non-Profit Status criteria. Administrative fees of the fiscal sponsor may not exceed 10%.

#### Eligibility Category D – Organizations whose public programming happens primarily in Tacoma, but they have a non-Tacoma business address



An organization whose business address is outside of Tacoma, but within Pierce County, may apply if they meet the Primary Purpose, Non-Profit Status, Location, Program Delivery, and Track Record criteria, and they are able to demonstrate that a supermajority (at least 65%) of their programming occurs within the City of Tacoma.

Eligibility Category E – Affiliate Cultural Programs within a larger non-profit

Established and distinct cultural programs that meet the Primary Purpose, Location, and Program Delivery criteria, and are part of a larger non-profit, public-serving organization may apply if they meet the following additional eligibility criteria:

- Independent mission: have a published mission statement independent of the parent organization.
- Independent board: have a board or steering committee that guides the program, independent of the parent organization’s board
- Independent budget: Have a distinct, balanced budget, independent of the parent organization
- Track record: five years providing public programming in arts, culture, science, or heritage
- Staff: Have dedicated, paid staff, equal to at least 1 FTE.
- Matching Funds: provide a 1:1 cash match for Tacoma Creates funds

The parent organization must:

- Be a non-profit corporation
- Be based in the City of Tacoma
- Retain no more than 10% of any Tacoma Creates grant to support administrative services.

Eligibility Category F – Business District Associations and Neighborhood Councils

Business District Associations (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, 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, or science.

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.

**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.

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

- increasing public access to cultural programs and/or facilities



- providing neighborhood and community-based programs
- providing educational programs for youth

Funding levels will be determined by the Advisory Board, but are tentatively set to range from \$5,000 to \$50,000.

Organizations in Eligibility Category A may apply for **Funding Category 2**, in which all three public benefit areas noted above must be met. Organizations will be encouraged to demonstrate collaborative efforts and continuous improvement towards sustainability. Funding in this grant category will be determined by the Advisory Board, but is tentatively set at a maximum of 15% of an organization’s total budget, up to a maximum of \$400,000. Organizations may apply in only one grant category per year.

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.

**Public School Cultural Access Program**

The city must determine a percentage of total funds to be dedicated to a Public School Cultural Access Program (PSCAP), as required by RCW 36.160.110. The Tacoma Creates PSCAP will increase access to cultural activities and programming for Tacoma Public Schools students. We recommend that the PSCAP funding range from 15% to 30% over the course of the Tacoma Creates program.

**Advisory Board**

A 12 member advisory board serving 3-year renewable terms is recommended.

**Next Steps:**

Review and approval of the Ordinance. Recommended effective date November 5, 2019.

Appointment of the Advisory Board by end of December, 2019

**FISCAL IMPACT:**

**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1195-CED Special Revenue	Various	Various	\$9,986,356
<b>TOTAL</b>			<b>\$9,986,356</b>



**REVENUES:**

<b>FUND NUMBER &amp; FUND NAME *</b>	<b>COST OBJECT (CC/WBS/ORDER)</b>	<b>COST ELEMENT</b>	<b>TOTAL AMOUNT</b>
1195-CED Special Revenue	Various	Various	\$9,986,356
<b>TOTAL</b>			<b>\$9,986,356</b>

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET: \$9,986,356**

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes**

**IF EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.**