



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: March 28, 2018

TIME: 4:57 PM

WSR 18-08-043

Agency: Washington State Arts Commission

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The Washington State Creative Districts is a new program. These rules outline requirements for certification and give guidance to cities, counties, towns or other entities applying for state certification. In addition, these rules also outline requirements for renewal, denial and reporting.

Citation of rules affected by this order:

New: New chapter 30-42-010 through 30-42-070 WAC
Repealed: 0
Amended: Amended WAC 30-12-010 and WAC 30-02-010
Suspended: 0

Statutory authority for adoption: RCW 43.46.110

Other authority: RCW 43.46

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-05-076 on February 20, 2018 (date).
Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>7</u>	Amended	<u>2</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u> </u>	Amended	<u> </u>	Repealed	<u> </u>
Pilot rule making:	New	<u> </u>	Amended	<u> </u>	Repealed	<u> </u>
Other alternative rule making:	New	<u>7</u>	Amended	<u>2</u>	Repealed	<u>0</u>

Date Adopted: March 28, 2018

Name: Karen Hanan

Title: Executive Director

Signature:



**Chapter 30-42 WAC
CREATIVE DISTRICTS PROGRAM**

NEW SECTION

WAC 30-42-010 Authority. The Washington state arts commission is authorized under RCW 43.46.100 through 43.46.115 to establish and administer the creative districts program. Staff has authority to develop, administer, and manage the creative districts program.

NEW SECTION

WAC 30-42-020 Purpose. A state-certified creative districts program supports communities to encourage economic and cultural development. The program supports activities that include, but are not limited to: Attracting artists and creative entrepreneurs, creating or expanding a hub of economic or business activity, establishing marketable tourism assets, revitalizing neighborhoods or preserve historic or cultural heritage, or other activities that may enhance and celebrate a community's unique cultural or economic identity as it relates to arts and cultural activities.

NEW SECTION

WAC 30-42-030 Application process. (1) Applications will be reviewed and processed pursuant to WAC 30-12-017.
(2) The application must be submitted on a standard form developed and approved by the commission.
(3) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.
(4) The creative districts program manager serves on panels pursuant to WAC 30-12-030 (Panels) and 30-12-035 (Conflicts of interest in panels and program committees).

NEW SECTION

WAC 30-42-040 Requirements for certification. In order to receive certification as a state-certified creative district, a creative district must:
(1) Be a geographically contiguous area or other approved configuration;
(2) Be distinguished by physical, artistic, or cultural resources that play a vital role in the quality and life of a community, including its economic and cultural development;

(3) Be the site of a concentration of artistic or cultural activity, a major arts or cultural institution or facility, arts and entertainment businesses, an area with arts and cultural activities, or artistic or cultural production;

(4) Be engaged in the promotional, preservation, and educational aspects of the arts and culture of the community and contribute to the public through interpretive, educational, or recreational uses; and

(5) Satisfy any additional criteria required by the commission that in its discretion will further the objectives of creative district certification.

NEW SECTION

WAC 30-42-050 Review of creative districts applications, approval and denial. The commission shall make available electronically the approved application forms, procedures and processes and post to the agency web site.

(1) Upon review of application for certification, the commission shall approve or reject the application. The commission may request additional relevant information at any time during the application, review, and certification process.

(2) Certification is based upon the criteria specified in RCW 43.46.105.

(3) If the commission approves an application for certification, it must notify the applicant in writing and must specify the terms and conditions of the approval.

(4) If an application is denied, the commission shall notify the applicant in writing within thirty days of determination that the application does not meet the state requirements and the applicant cannot meet the state requirements with the information at hand.

(5) Denied applications may reapply, if the deadline for accepting applications has not passed when all of the criteria can be met.

(6) Denied applications may appeal per WAC 30-12-036.

NEW SECTION

WAC 30-42-060 Creative districts certification and district activities. (1) State-certified creative districts shall use the state-certified designation when promoting their creative district, and shall acknowledge the arts commission as a technical resource and agency of support in compliance with certification requirements.

(2) State-certified creative districts may be eligible for resources as described in RCW 43.46.110(7).

(3) The commission shall require periodic written reports from any state-certified creative district for the purpose of reviewing the activities of the district, including the compliance of the district with the developed policies and standards. Written reports shall be filed a minimum of annually, and may be filed on a quarterly basis.

NEW SECTION

WAC 30-42-070 Creative districts recertification and revocation.

(1) The state certification as a creative district is valid for five years. Creative districts may renew certification after five years, in compliance with arts commission guidelines.

(2) The commission may revoke a certification previously granted, for failure by a local government or organization to fully comply with commission requirements. Disputes shall be resolved through adjudicative proceedings as described in chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 10-23-102, filed 11/16/10, effective 12/17/10)

WAC 30-12-010 Scope of this chapter. This chapter is to establish rules that apply generally to programs and services of the Washington state arts commission. Additional rules for specific programs are established in application guidelines, and in chapters 30-40 WAC (Art in public places program), 30-41 WAC (Poet laureate program), 30-42 WAC (Creative districts program), and 30-44 WAC (Governor's arts and heritage awards).

WAC 30-02-010 Definitions. The following definitions shall apply throughout Title 30 WAC:

"Accession" means to formally acquire a work of art for the state art collection, including the action of assigning an accession or control number to the work of art.

"Appeal procedure" means the procedure as established in WAC 30-12-036 (Request for review of denied applications) whereby an applicant may request a review of a denied application.

"Application form" means the printed, electronic, or web-based forms created and published by staff to be used in commission program applications.

"Application guidelines" means the published document that provides the public with information on how to apply for commission programs, including eligibility requirements, review criteria, deadlines, timelines, and appeal procedure. Application guidelines may be published in a printed format and/or in electronic format accessible through the commission's web site.

"Art advisory committee" means a committee formed by staff and a partner agency to develop plans and overall project specifications, and to make funding allocation decisions related to the state art collection.

"Art in public places program" means the visual art program of the commission established by the legislature in RCW 43.46.090 to acquire works of art and to develop, administer, and manage the state art collection.

"Art selection committee" means a committee formed by a partner agency, and approved by staff, to review and select artists to create works of art for the state art collection, or to review and select works of art for or from the state art collection, through a process facilitated by staff.

"Artistic disciplines" means dance, design, folk and traditional arts, media arts, music, literature, theater, visual arts, and interdisciplinary arts.

"Artistic excellence" means evidence of some or all of the following: Mastery of skills and techniques, communication of unique vision or perspective, professional approaches to process and presentation. Additionally, for groups and organizations, includes the contribution the artistic work(s) make to the development of the artists involved, the art form and the arts generally; or for services delivered, the contribution the services make to the development of a vibrant arts and cultural community in the state.

"Arts professional" means an individual who has professional work experience in the arts or an arts-related field.

"Board" means the board of commissioners, consisting of nineteen members appointed by the governor and four members of the legislature appointed to the Washington state arts commission pursuant to RCW 43.46.015.

"Chair" means the chair of the board, elected pursuant to WAC 30-08-050 and fulfilling duties as established in Title 30 WAC.

"Collections management" means the ongoing care, preservation, and maintenance of the state art collection, including activities such as the management of conservation, restoration, deaccession, documentation, inventory, labeling, loans, and resiting of works of art.

"Commission" means the collective entity of the Washington state arts commission, including the board, executive director, and staff.

"Commissioner" means an individual appointed to the board of the Washington state arts commission.

"Conservation" means treatment of malfunctioning or damaged works of art for the purpose of bringing them to a stable condition so that future routine and special maintenance can be effective. Conservation-related activities may also include examination and documentation.

"Creative district" means a land area designated by a local government in accordance with RCW 43.46.105 that contains either a hub of cultural facilities, creative industries, or arts-related businesses, or multiple vacant properties in close proximity that would be suitable for redevelopment as a creative district.

"Curator" means a qualified visual arts professional with past curatorial experience selected to recommend works of art for acquisition to the state art collection.

"Deaccession" means board action to remove an accessioned work of art from the state art collection.

"Disability" is defined in RCW 49.60.040(7).

"Eligibility requirements" means published standards by which applications are reviewed to determine if they meet the minimum required qualifications to apply for a commission program.

"Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter and Title 30 WAC.

"Grant" means a contract for arts or cultural services between the commission and an organization or individual, awarded through a competitive application process and approved or ratified by the board.

"Inventory" means a periodic survey of the physical state and current location of works of art in the state art collection.

"Local government" means a local governing body, city, county, town, municipal county, tribal government, or other entity as approved.

"Nonprofit" means incorporation under the nonprofit laws of the state of Washington or another state, and determination by the Internal Revenue Service (IRS) that the incorporated entity is exempt from taxation under Section 501 (c)(3) of the IRS code.

"Panel" means a group of individuals convened by staff to review applications, nominations, or staff recommendations based on published review criteria, in order to make recommendations to the board or executive director.

"Partner agency" means a state agency, K-12 public school, university, college, community college, or other public entity working with the art in public places program.

"Professional artist" means an individual who has a history of paid work as an artist.

"Public artist roster" means the board approved list of professional artists eligible to create visual works of art for the state art collection.

"Public benefit" means evidence of some or all of the following: Potential impact on the artistic, cultural, professional, or economic development of a community or individuals; and/or potential to broaden access to, expand and diversify the audiences for, and/or strengthen communities through the arts.

"Resiting" means the relocation of a work of art in the state art collection within the jurisdiction of a partner agency or between partner agencies.

"Restoration" means treatment that returns a malfunctioning or damaged work of art to a known or assumed state, often through the addition of nonoriginal material.

"Review criteria" means the standards used by panels to evaluate applications, nominations, or staff recommendations.

"Roster" means a list of approved arts professionals who have the skills and experience to address the needs of a specific commission program.

"Routine maintenance" means a regular procedure to preserve a work of art in the state art collection in proper condition: Clean, presentable, and in working order.

"Site responsive" means created, planned, or intended for a particular site. A site responsive work of art addresses both the physical characteristics of its location and the context of the community in which it is situated.

"Special maintenance" means anticipated but infrequent activities required to maintain aesthetic and/or structural aspects of the works of art in the state art collection, including integrity of the overall surface and/or individual elements.

"Staff" means employees of the Washington state arts commission, under the direction of the executive director, pursuant to RCW 43.46.045, employed to carry out the functions of that chapter, and Title 30 WAC.

"State art collection" means all works of art and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455.

"State-certified creative district" means a creative district whose application for certification has been approved by the commission.

"Teaching artist" means a professional artist who is dedicated to arts education as an integral part of his/her professional practice, and who has cultivated skills as an educator in concert with skills as an artist.

"Underserved" means populations whose opportunities to experience the arts are limited by geography, historical exclusion and marginalization due to race, ethnicity, sexual orientation, gender identity, economics, disability, or other social or institutionally imposed barriers.

"Under-resourced" means a lack of access to specialized, professional, financial, or institutional expertise and communal knowledge, and/or working with neglected or dated infrastructures and limited or absent assets and resources resulting in lack of recognition, competitiveness, and cyclical absent or diminished funding.

"Washington state arts commission" means the collective entity of the Washington state arts commission, including the board and staff.

