



**Committee:** E&C

**Committee Review:** Completed

**Staff:** Carolyn Chen, Legislative Analyst *CJC*

**Purpose:** To make preliminary decisions – straw vote expected

AGENDA ITEM #11

April 21, 2020

**Worksession**

## SUBJECT

FY21-26 Capital Improvements Program (CIP): Public Arts Trust (P729658)

## EXPECTED ATTENDEES

Suzan Jenkins, Chief Executive Officer, Arts & Humanities Council of Montgomery County

## FISCAL SUMMARY

### FY21-26 versus Amended FY19-24 Expenditures (in 000's)

	Six-Year Total	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	Beyond 6-Years
<b>FY19-24 Amended</b>	<b>1,165</b>	215	190	190	190	190	190			
<b>FY21-26 CE Rec</b>	<b>1,140</b>			190	190	190	190	190	190	
change from amended (\$,%)	(25) -2.1%			-	-	-	-			-
<b>Committee Rec</b>	<b>2,448</b>			408	408	408	408	408	408	
change from amended (\$,%)	1,283 110.1%			218	218	218	218			-
change from CE Rec (\$,%)	1,308 114.7%			218	218	218	218	218	218	-

- Public Arts Trust, which is managed by the Arts & Humanities Council of Montgomery County and funded through current revenue, is used to maintain and conserve works of art that are in County-owned facilities. From approximately 1993 – 2007; funding was suspended due to fiscal constraints.

## COMMITTEE RECOMMENDATIONS

- The E&C Committee recommends increasing the funding level to ensure maintenance for works of art that are in critical condition and are a safety hazard, especially in public schools where the majority of County-owned public art resides.

### This report contains:


Staff Report	Pages 1-3
Legislative and Funding History of Public Art in Montgomery County	© 1
Calculation of Public Arts Trust Funding Guidance	© 2
March 1, 2020 Memo from Arts & Humanities Council of Montgomery County:	
Public Arts Trust – AHCMC FY20 Overview and FY21 Budget Request	© 3 - 6
County Executive FY21-FY26 Recommended Public Arts Trust	
Capital Improvements Program	© 7 -8

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**M E M O R A N D U M**

March 5, 2020

**TO:** Education and Culture Committee

**FROM:** Carolyn Chen, Legislative Analyst 

**SUBJECT:** **Worksession: Public Arts Trust FY21-26 Recommended Capital Improvements Program**

**PURPOSE:** Review and Make Recommendations for Council Consideration

**Expected Participants:**

Anita Aryeetey, Fiscal and Policy Analyst, Office of Management and Budget  
Suzan Jenkins, Chief Executive Officer, Arts & Humanities Council of Montgomery County  
Robin Riley, Director, Montgomery County Recreation

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Under the County Executive's FY21-26 Recommended Capital Improvements Program in Culture and Recreation, the County Executive has recommended level funding of \$190,000 for the Public Arts Trust (P79658).

Council staff recommendations for discussion:

- Amend the purpose of the Public Arts Trust to include maintenance and conservation.

**Article VI. Sec. 8-44. Public arts trust.**

- (a) There is a Public Arts Trust fund within County Government to:
  - (1) Receive, hold, and pay out public and private funds to:
  - (A) Buy, [and] display, maintain and conserve works of art on public property in the County

- Amend the Public Arts Trust appropriation guideline from 0.05% to 0.005% to align with previous appropriation levels.

**Article VI. Sec. 8-45. Appropriation for art.**

Each year the County Council should consider appropriating funds for the next fiscal year to the Public Arts Trust in an amount equal to [0.05% ] 0.005% of the combined total approved programmed capital expenditures for the then current year for County Government, Public Schools, Montgomery College, and the Maryland-National Capital Park and Planning Commission.

- Consider corrective funding options to the Public Arts Trust between the range of \$289,661 to \$488,324.
- Explore innovative programs through the Public Arts Trust including economic development metrics and workforce development programs in art conservation.

## Public Arts Trust FY20 Activities

The Arts and Humanities Council for Montgomery County (AHC MC) manages and commissions all public art<sup>1</sup> on County-owned property. Montgomery County's public art collection includes over 900 works of art, including over 600 works on paper and over 300 sculptures and murals.

In FY20, the Public Arts Trust accomplished key ongoing initiatives:

- **Completion or initiation of six assessments of public art at the following locations:** Crossway Community Center, DOT Service Park/Fleet Management, Brookside Gardens, 19225 Germantown Road, Judicial Center and Gilchrist Center Headquarters.
- **Conservation and maintenance on eight public artworks at the following locations:** Western County Swim Center, Martin Luther King Recreational Park, Black Hill Regional Park, Montgomery County District Courthouse, Cabin John Regional Park, Stella Warner Office Building, Monacacy Elementary School and Olney Elementary School.
- **Reactivation of The Contemporary Works on Paper Collection:** 300 submissions from individual artists around the region were reviewed by a panel of County staff and local professionals to accept 27 new works of art into the Contemporary Works on Paper Collection. These newly acquired artworks were framed and exhibited in the County Executive Offices and the Montgomery County Council Building and funding was secured through a National Endowment for the Arts grant to supplement the collection.

### Discussion Point #1: Increasing maintenance and conservation expenses related to the County's aging public art collection.

Approximately 60% of the County's artworks were commissioned in the late eighties or early 1990s, largely in conjunction with an aggressive building program at Montgomery County Public Schools<sup>2</sup>. Public Arts Trust funding was suspended for a decade in the early 1990s and 2000s due to fiscal constraints which resulted in few newly commissioned public art in County-owned properties. Since 2008, the Public Arts Trust was funded between \$105,000 to \$215,000 annually with the majority of funding needed to maintain, conserve or de-access a small percentage of aging artwork that have become a safety hazard for students in public schools.

### Discussion Point #2: Changing appropriation levels from capital improvement projects in the County's public arts ordinance has led to a fragmented public arts strategy.

The initial purpose of a Public Arts Trust was to commission new works of art through the capital improvement budgets for County projects. In 1983, the "Works of Art in Public Architecture" law provided for a separate appropriation of 1% of construction costs of County projects for public

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<sup>1</sup> *Work of art* means an object, objects or surface embellishment produced with skill and taste. A work of art should generally be an original creation, rather than a mass-produced item, generally expressing, but not limited to, a social, cultural or historical theme. Works of art include, but are not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, drawings, stained glass, fountains, or other decoration, either exterior or interior. The term does not include hung works of art, landscaping, or the choice or use of materials in architecture. ([County Code, Article VI. Works of Art in Public Architecture. Sec. 8-43](#))

<sup>2</sup> See p. 13 of [Public Art Roadmap: Creating a Vibrant Public Art Ecosystem in Montgomery County](#), December 2016.

building, parks, plaza, bridges and parking facilities. Since then, the percentage has changed four times - from 1% to 0.5% to 0.25% to 0.025% to 0.05% - with language changing from “shall appropriate” to “must appropriate” to “should consider appropriating.” Thus, any new public art in the County has been commissioned by a specific County agency or private development through the Optional Method zoning process<sup>3</sup> with minimal input from professional public art staff. In some projects, the result has been public art that does not have a corresponding public benefit or built-in budget for maintenance and conservation.

### **Discussion Point #3: Limited funding capacity of Public Arts Trust has resulted in declining relevance and missed opportunities.**

Montgomery County was the first locality in the Washington, DC area to create an “Art in Architecture” program and was one of the first communities in the nation to request developers to provide public art in exchange for zoning benefits. AHCMC published a public art strategic plan titled “[Public Art Roadmap: Creating a Vibrant Public Art Ecosystem in Montgomery County](#)” in December 2016 to shift the Public Arts Trust from being reactive – maintaining aging artworks – to proactive: positioning the Public Arts Trust and its steering committee members to leverage future capital projects by the County and private sector development. Selected strategies include:

- Expand public art zoning priorities to include older arterial corridors in East County and in second-ring residential areas outside of the Beltway beyond the urban cores of Bethesda and Silver Spring.
- Partner with Montgomery College, Department of Transportation, Conservation of Natural Resources and Health and Human Services to develop artworks that speak to the changing demographic of the County’s population and the County’s focus on climate change.
- Aligning with the Montgomery County Economic Development Corporation and science-related institutions and industries as strategic partners for innovative artist-in-residency programs.
- Explore workforce development programs at MCPS and Montgomery College for careers in art conservation and partner with Smithsonian for internships or apprenticeships.

#### Packet Attachments:

#### Circle #

Legislative and Funding History of Public Art in Montgomery County	© 1
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<sup>3</sup> See p. 20 of [Public Art Roadmap: Creating a Vibrant Public Art Ecosystem in Montgomery County](#), December 2016.

# Legislative and Funding History of Public Art in Montgomery County

1977  
to  
1983

## **Art Acquisition Fund**

- Purchase of 300 works of contemporary art on paper placed in selected public buildings: Great Falls Tavern, Montgomery College Rockville Campus, Bauer Center Recreation Center, Wheaton Community Services Center, Board of Education cafeterias, County Office Building, Round House Theatre Lobby.
- Art appreciation and enrichment program at schools; 27 works of art toured the state under the Baltimore Museum of Art.
- **\$5,000 per year**

1984  
to  
1988

## **Art Acquisition Fund, Art in Public Schools (includes Montgomery College), Art in Public Facilities, Art in Public Parks**

- July 15, 1983 law provided for a separate appropriation of 1% of the construction cost of County projects to incorporate public art in public buildings, parks, plazas, bridges, parking facilities and other structures.
- **\$5,000 to \$562,000 per year**

1989  
to  
1992

## **Art Acquisition Fund, Art in Public Schools, Art in Montgomery College, Art in Public Facilities, Art in Public Parks**

- Bill 15-88 passed in May 1988 amended the "Works of Art in Public Architecture" law and reduced the percentage from 1% to 0.5% of construction funds to be appropriated for art in public facilities.
- Bill 53-89 passed in April 1990 amended the percentage from 0.5% to 0.25%; changed "shall appropriate" to "must appropriate" and set a \$100,000 limit on the cumulative total for works for art at any County facility.
- **\$6,000 to \$108,000 per year**

1993  
to  
2007

## **Public Arts Trust established in 1995**

- All public art projects suspended due to fiscal environment; existing appropriations used to maintain and conserve artworks in place.
- Bill 12-94 passed in April 1995 amended the percentage from 0.025% to 0.05% of total approved programmed capital expenditures for the current fiscal year for County Government, Public Schools, Montgomery College and Maryland-National Capital Park and Planning Commission; changed "Public Arts Trust...to buy, display and maintain works of art" to "Public Arts Trust...to buy and display works of art."
- **Funding suspended**

2008  
to  
2020

## **Public Arts Trust**

- Funds used to maintain, and conserve current works of art categorized by the Arts & Humanities Council as "Endangered" or those that are deemed a public safety hazard.
- **\$105,000 to \$215,000 per year**

Legislative and funding timeline is illustrative and subject to available legislative records.

**Montgomery County Capital Budget Summary FY18 - FY22**  
**Calculation of Public Arts Trust Funding Guidance**

Capital Budget Category	<i>FY22 Rec</i>	<i>FY21 Rec</i>	FY20 Approved	FY19 Approved	FY18 Approved
General County Government		\$ 1,067,900,000	\$ 1,235,207,000	\$ 1,252,568,000	\$ 1,221,527,000
Montgomery County Public Schools		\$ 3,662,095,000	\$ 3,245,461,000	\$ 3,527,129,000	\$ 3,350,864,000
Montgomery College		\$ 863,609,000	\$ 794,887,000	\$ 947,167,000	\$ 882,624,000
Maryland-National Capital Park and Planning Commission		\$ 607,150,000	\$ 517,672,000	\$ 453,982,000	\$ 437,400,000
		\$ 6,200,754,000	\$ 5,793,227,000	\$ 6,180,846,000	\$ 5,892,415,000
	0.005%	0.005%	0.005%	0.005%	0.005%
0.005% of Total Selected Capital Budgets*		\$ 310,038	\$ 289,661	\$ 309,042	\$ 294,621

	<i>FY22 Rec Public Arts Trust (Est)</i>	<i>FY21 Rec Public Arts Trust</i>	FY20 Approved Public Arts Trust	FY19 Approved Public Arts Trust	FY18 Approved Public Arts Trust
Public Arts Trust Guidelines**	\$ 310,038	\$ 289,661	\$ 309,042	\$ 294,621	
Public Arts Trust Capital Budget		\$ 190,000	\$ 190,000	\$ 215,000	\$ 190,000
Difference from Public Trust Guideline		\$ (99,661)	\$ (119,042)	\$ (79,621)	

Corrective Funding Options for FY21	
FY21	\$ 289,661
FY21 + FY20	\$ 408,704
FY21 + FY20 + FY19	\$ 488,324

\*Assumes revision from 0.05% to 0.005% to Bill 12-94, Art in Public Architecture Law, which provided for the creation of the Public Arts Trust

\*\*Legislation includes guidelines for total approved programmed capital expenditures for the current year Capital Improvements Program for General County Government, MCPS, MC and M-NCPPC

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Chief Executive Officer

Kenneth A. Lechter, Esq.  
Legal Counsel


**March 1, 2020**

**TO: Councilmember Craig Rice, Chair, Education & Culture Committee**

**CC: Carolyn Chen, Legislative Analyst, County Council**

**FROM: Suzan Jenkins, CEO, Arts and Humanities Council of Montgomery County**

**SUBJECT: Public Arts Trust - AHCMC FY20 Overview and FY21 Budget Request**



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**FY20 Public Arts Trust Budget**

**Background**

The Arts and Humanities Council for Montgomery County (AHCMC), Montgomery County's designated local arts agency, administers the Montgomery County Public Art Trust – the county's central program for managing and commissioning all public art on county-owned property. The mission of the Public Arts Trust is to build and inspire communities through place-making, to nurture artists engaged in public art, and care for the county's extensive collection of public art. Montgomery County's public art collection includes over 900 works of art, including over 600 works on paper and over 300 sculpture/murals. Were the Public Arts Trust to receive full funding under the county's public art ordinance, funding would amount to \$300,000 to \$400,000 a year. In FY19 the Public Arts Trust budget was reduced by 10%.

**FY20 Public Art Trust Activities**

The Major initiatives of the Public Art Trust activities for FY20 are:

- Completion or initiation of six (6) assessments of public art in the public art collection and ; the conservation and maintenance on eight (8) public artworks in the public art collection
- The Framing and Exhibition of twenty-seven (27) newly acquired artworks for the Montgomery County Contemporary Works on Paper Program in the County Executives Offices and the Montgomery County Council Building.

- **Conservation & Maintenance – FY20**

Six Assessments

- Kaslow, Lisa                      Crossway Community Center
- Rodgers, Terry                  DOT Service Park/Fleet Management
- Russell, James T.               Brookside Gardens
- Unknown                        19225 Germantown Rd.
- Weitzman, Steven               Judicial Center
- Peck, G. Byron                  Gilchrist Center Headquarters

Eight Conservation Projects

- Plunge                            Western County Swim Center
- Bear and Cub                   Martin Luther King Recreational Park
- Mallards                        Black Hill Regional Park
- Spirit of Freedom               Montgomery County District Courthouse
- Chilkoot Totem Pole           Cabin John Regional Park
- Aspirer #7                       Stella Werner Office Building
- untitled                          Monacacy ES
- Olney Dragon                   Olney E.S.

**Reactivation of The Contemporary Works on Paper Collection - FY20**

The Works on Paper Collection, part of the county's Public Art Collection, consists of more than 550 prints, drawings and watercolors. This project received its impetus with grants from the National Endowment for the Arts in Washington, DC, a Federal agency.

Beginning with prints in 1975, the intent of the Works on Paper Collection was to encourage and support the visual arts in Montgomery County both by the purchase and exhibition of local artists' works. To put these works into a broader context, works by such important American printmakers as Josef Albers, Richard Anuskievicz, Milton Avery, Leonard Baskin, Jack Beal, Ilya Bolotowsky, Jim Dine, Ellsworth Kelly and Peter Milton were acquired. Major prints by members of the Washington Color School including Thomas Downing, Howard

Mehring and Sam Gilliam were added, as well as works in the minimalist tradition by Daniel Brush; thus placing area artists within the perspective of artists of national reputation.

For the first thirty years, the office of the County Executive, the County Council and the Recreation Department gave continuous support to the project. In the early 2000s, however, the budget was cut and the project moved from the supervision of Facilities and Services to the Arts and Humanities Council. Without staffing and funding, the AHCMC was not able to acquire new works and instead turned its focus to maintaining and caring properly for the investment the county has already made. As a result, much of the work prominently displayed in county facilities began to deteriorate.

In FY18, Montgomery County provided a special appropriation of \$50,000 to reactivate this aspect of the County's collection. With these funds, AHCMC managed a call for art process from individual artists around the region. After reviewing more than 500 submissions, a panel of county staff and local professionals selected 68 new works of art to be accepted into the County's Contemporary Works on Paper Collection. With this increased appropriation, AHCMC has initiated efforts to frame and exhibit these works in the County Executives Offices and three floors of the County Office Buildings in FY19.

In FY19 AHCMC received a grant from the National Endowment for the Arts to supplement the collection. With these funds, AHCMC managed a call for art process in FY20 from individual artists around the region. After reviewing more than 300 submissions, a panel of county staff and local professionals selected 27 new works of art to be accepted into the County's Contemporary Works on Paper Collection.

#### **AHCMC FY21 Budget Request for the Public Arts Trust**

We know that arts and cultural organizations are inextricably linked to their communities and that arts and culture also [play a vital role in a city's livability and its social cohesion](#). The County Executive recommended, and the County Council approved a 12% decrease in funding for the Public Arts Trust in FY20. Sec. 8-45 Appropriation for art states:

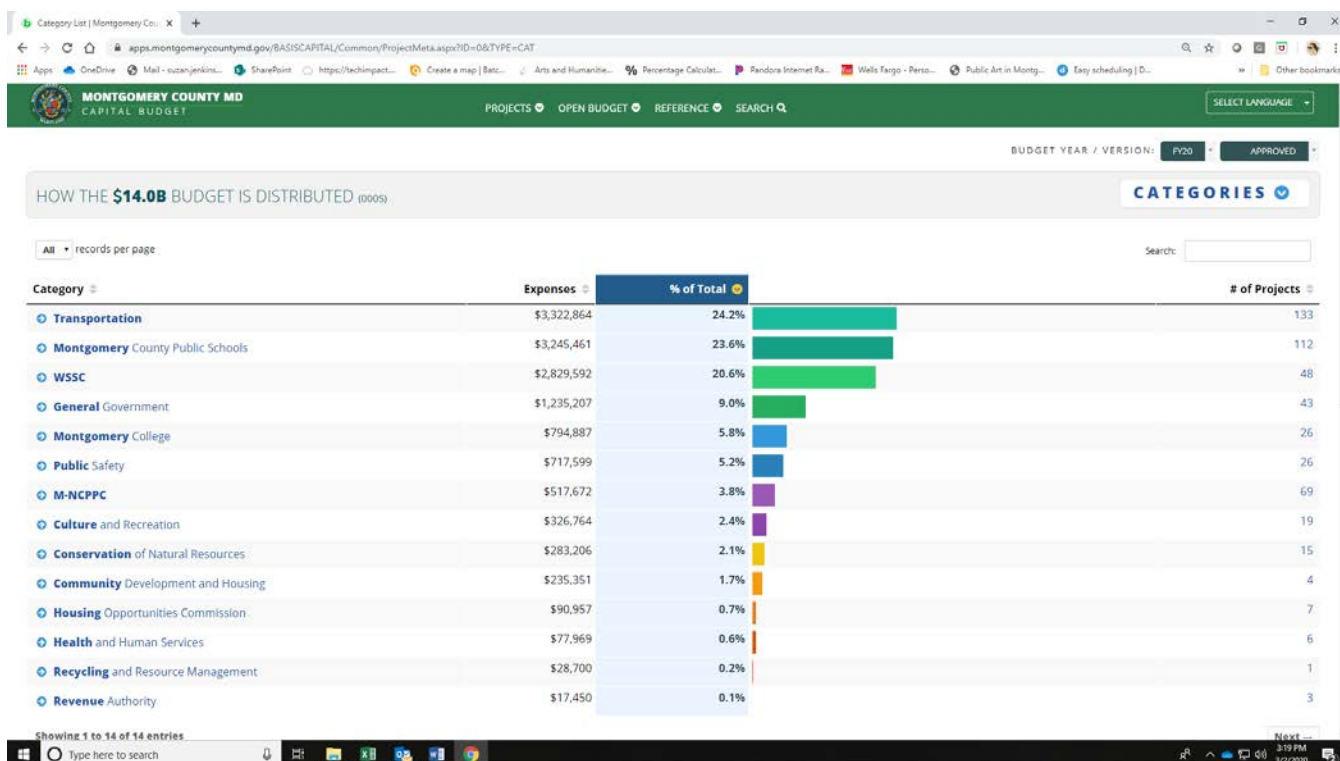
*Each year the County Council should consider appropriating funds for the next fiscal year to the Public Arts Trust in an amount equal to .05% of the combined total approved programmed capital expenditures for the then current fiscal year for County Government, Public Schools, Montgomery College, and Maryland-National Capital Park and Planning Commission. (1984 L.M.C., ch. 1, § 1; 1988 L.M.C., ch. 43, §§ 1--3; 1990 L.M.C., ch. 43, § 1; CY 1991 L.M.C., ch. 9, § 1; 1992 L.M.C., ch. 9, § 1; 1995 L.M.C., ch. 12, §§ 1, 2.)*

**Were the funding to match the language in Sec. 8-45 Appropriation for art, according to Montgomery County's Open Budget site, the FY20 approved appropriation for the Public Arts Trust would have been .05 x \$5,793,227 = \$289,661**

- **AHCMC is requesting an Amendment to Section 8-45 Appropriation for art as follows:**
  - **Sec. 8-45 Recommended Amendment to the Appropriation for art:**

Each year the County Council **will appropriate** funds for the next fiscal year to the Public Arts Trust in an amount equal to a minimum of .05% of the combined total approved programmed capital expenditures for the then current fiscal year for County Government, Public Schools, Montgomery College, and Maryland-National Capital Park and Planning Commission. (1984 L.M.C., ch. 1, § 1; 1988 L.M.C., ch. 43, §§ 1--3; 1990 L.M.C., ch. 43, § 1; CY 1991 L.M.C., ch. 9, § 1; 1992 L.M.C., ch. 9, § 1; 1995 L.M.C., ch. 12, §§ 1, 2.)

- **AHCMC requests an FY21 appropriation of \$290,000 for the Public Arts Trust to address the recommended funding level, to appropriately maintain and care for the county's extensive collection of public art**
- **Additionally, the Public Art Trust requests annual 4% increases to the budget over the previous year's budget, FY22 through FY26 to bring the overall budget closer to recommended funding levels and recognize expenses related to inflation.**





# Public Arts Trust

(P729658)

Category	Culture and Recreation	Date Last Modified	01/08/20
SubCategory	Recreation	Administering Agency	Recreation
Planning Area	Countywide	Status	Ongoing

## EXPENDITURE SCHEDULE (\$000s)

Cost Elements	Total	Thru FY19	Est FY20	Total 6 Years	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	Beyond 6 Years
Planning, Design and Supervision	791	-	191	600	100	100	100	100	100	100	-
Other	1,490	950	-	540	90	90	90	90	90	90	-
<b>TOTAL EXPENDITURES</b>	<b>2,281</b>	<b>950</b>	<b>191</b>	<b>1,140</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>-</b>

## FUNDING SCHEDULE (\$000s)

Funding Source	Total	Thru FY19	Est FY20	Total 6 Years	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	Beyond 6 Years
Current Revenue: General	2,281	950	191	1,140	190	190	190	190	190	190	-
<b>TOTAL FUNDING SOURCES</b>	<b>2,281</b>	<b>950</b>	<b>191</b>	<b>1,140</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>190</b>	<b>-</b>

## APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 21 Request	190	Year First Appropriation	FY96
Appropriation FY 22 Request	190	Last FY's Cost Estimate	1,901
Cumulative Appropriation	1,141		
Expenditure / Encumbrances	950		
Unencumbered Balance	191		

## PROJECT DESCRIPTION

Effective April 12, 1995, the County Council enacted legislation providing for the creation of a Public Arts Trust. The purpose of this program is to incorporate art into public facilities and sponsor privately-funded temporary or permanent displays of art on public property. As written, the County Chief Administrative Officer (CAO) administers the trust in consultation with the Arts and Humanities Council of Montgomery County (AHC MC), Montgomery County Public Schools, Montgomery College, and the Maryland-National Capital Park and Planning Commission. The request for County funds for this project will be determined annually. The guidelines state that the annual request for the next fiscal year will be 0.05 percent of the total approved programmed capital expenditures for the current year Capital Improvements Program of the County Government, Public Schools, Montgomery College, and the Maryland-National Capital Park and Planning Commission. Each year, the County Council should consider appropriating this amount but may appropriate any amount.

## COST CHANGE

Cost increase due to the addition of funding for FY25 and FY26.

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## PROJECT JUSTIFICATION

Bill 12-94, a revision to the Art in Public Architecture law, provides for the creation of a Public Arts Trust. The Public Arts Trust is administered by the County CAO.

## FISCAL NOTE

\$50,000 FY18 Special Appropriation approved by Council in July 2017. The Public Arts Trust is implemented through the Department of Recreation via an outside contract with the AHCMC.

## DISCLOSURES

Expenditures will continue indefinitely.

## COORDINATION

Arts and Humanities Council of Montgomery County, Montgomery County Public Schools, Montgomery College, Maryland-National Capital Park and Planning Commission, Department of General Services, County Executive, and Chief Administrative Officer.