

**MEMORANDUM**

April 19, 2010

TO: Health and Human Services Committee  
FROM: Minna K. Davidson, <sup>MKD</sup>Legislative Analyst  
SUBJECT: Recommended FY11-16 CIP, Culture and Recreation, Public Arts Trust  
(PDF 28-12 on © 4)

The following individuals are expected to attend:

Suzan Jenkins, CEO, Arts and Humanities Council  
Jacqueline Carter, CIP Manager, Office of Management and Budget

The Committee Chair scheduled this review to reconsider the proposed funding level for the Public Arts Trust in light of the Executive's recommended operating budget and the updated County fiscal situation.

**Previous Council Review**

On March 9, the Council tentatively approved the Health and Human Services (HHS) Committee's recommendation to approve the Executive's recommended FY11-16 budget for the Public Arts Trust with one change – to shift \$15,000 between cost elements so that Planning, Design, and Supervision would be increased to \$50,000, and Other would be decreased to \$90,000. The total scheduled amount per year, \$140,000 would remain the same.

| <b>Cost Element</b>               | <b>CE Rec.</b> | <b>HHS Rec.</b> |
|-----------------------------------|----------------|-----------------|
| Planning, Design, and Supervision | 35,000         | 50,000          |
| Other                             | 105,000        | 90,000          |
| Total                             | 140,000        | 140,000         |

At the Committee and Council reviews, the Committee Chair noted that as this project is funded with current revenue, which also funds the operating budget, it may be necessary to revisit this recommendation during review of the operating budget.

The packet from the Council's March 9 review is attached on © 1-16.

### **Executive's Recommendation**

For the FY11-16 CIP, the Executive recommended a total of \$840,000 to fund the Public Arts Trust (PAT) at \$140,000 per year for each of the six years. An appropriation of \$140,000 is requested for FY11, and an appropriation of the same amount is estimated for FY12. The recommended PDF is on © 4.

### **Issues**

**Suspension of the Public Arts Trust program.** In view of the major shortfall in FY11 current revenue and the Executive's extensive proposed reductions in other areas of the budget, Council staff has discussed with AHCMC staff the possibility of suspending the Public Arts Trust for one or two years. While they are reluctant to discontinue the County's public art program even for a short period, they understand the extreme and unusual fiscal situation, and they are willing to accept a suspension of the program if there is an understanding that it will be restored after the suspension period.

#### **Council staff comments:**

**FY11:** Regrettably, given the severe fiscal constraints in FY11, it seems clear that funding for the Public Arts Trust should be completely withdrawn for the year. **Council staff recommends deleting -\$140,000 in current revenue for the Public Arts Trust in FY11.**

**FY12:** It is harder to predict the fiscal situation for FY12, but it also appears to be shaping up as a very difficult year.

#### **Council staff suggests that the Committee choose one of the following options:**

- **Leave the full \$140,000 in the budget for FY12.** Revisit the funding level during the review of the FY12 capital budget. If it is determined that the funding should be reduced at that time, a CIP amendment would be required because the reduction would result in a scope change (fewer Public Arts projects would be programmed). A CIP amendment requires six votes for Council approval.
- **Program a smaller amount for FY12,** for example, \$50,000 for the AHCMC to begin to ramp up to full program activity in FY13.
- **Do not program any funds for FY12.** Since budgetary prospects are not encouraging for FY12, this approach will avoid building any expectations which then will have to be scaled back if funding is not available. If the budget improves, funding could be added back during the review of the FY12 capital budget. Again, a CIP amendment would be required.

**FY13-16:** At this point, hopefully, the fiscal situation will be improved enough to fund the programmed amount for the Public Arts Trust. **Council staff recommends continuing to schedule funding for the Public Arts Trust in FY13-16 at \$140,000 per year, as recommended by the Executive, with \$50,000 for Planning, Design and Supervision and \$90,000 for Other, as requested by the AHCMC.**

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Worksession

MEMORANDUM

March 5, 2010

TO: County Council *MKD*  
FROM: Minna K. Davidson, Legislative Analyst  
SUBJECT: Recommended FY11-16 CIP, Culture and Recreation, Public Arts Trust  
(PDF 28-12 on © 1)

The following individuals are expected to attend:

Suzan Jenkins, CEO, Arts and Humanities Council  
Jeffrey Bourne, Chief, Division of Administration and Capital Programs,  
Department of Recreation  
Suzan Maher, Manager, Community Services, Department of Recreation  
Jacqueline Carter, CIP Manager, Office of Management and Budget

HHS COMMITTEE RECOMMENDATION

The Health and Human Services (HHS) Committee reviewed the Public Arts Trust CIP project on February 25, and unanimously recommends approval with one change. At the Arts and Humanities Council's request, the Committee recommends shifting \$15,000 between cost elements each year as shown in the table below.

| Cost Element                      | CE Rec. | HHS Rec. |
|-----------------------------------|---------|----------|
| Planning, Design, and Supervision | 35,000  | 50,000   |
| Other                             | 105,000 | 90,000   |
| Total                             | 140,000 | 140,000  |

Committee members expressed their continuing support for the Public Arts Trust program, but cautioned that as this project is funded with current revenue, which also funds the operating budget, it may be necessary to revisit this recommendation during Council review of the operating budget.

## Overview

For the FY11-16 CIP, the Executive recommends a total of \$840,000 to fund the Public Arts Trust (PAT) at \$140,000 per year for each of the six years. An appropriation of \$140,000 is requested for FY11, and an appropriation of the same amount is estimated for FY12. The recommended PDF is on © 1.

The Arts and Humanities Council (AHCMC) has provided background information including a memorandum (© 3-4), a summary of PAT activities since February 2008 (© 5-8), a spreadsheet showing PAT revenues and expenditures for FY09 and FY10 (© 9), and a list of current PAT Steering Committee members (© 10).

## Background

The Public Arts Trust was established in 1995 to buy and display works of art on public property in the County, and to sponsor privately-funded temporary or permanent displays of art on public property in the County. The Trust is established under County Code Chapter 8, Article VI, "Works of Art in Public Architecture" (© 12-13).

By law the CAO or a designee must administer the Trust in consultation with the Arts and Humanities Council of Montgomery County, MCPS, Montgomery College, and M-NCPPC. The CAO has designated the Department of Recreation as the County's point of contact with the Public Arts Trust. The County contracts with the Arts and Humanities Council to implement the program.

Code Section 8-45 says:

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.

This non-binding language is intended as a guideline for appropriations, and permits the Council to appropriate at a level other than the formula amount.

## FY11-16 CE Recommendation

The approved FY09-12 PDF included level expenditures of \$140,000 per year for each of the six years in the CIP period. In FY10, the Council approved the Executive's recommendation to reduce PAT funding by \$55,000 for fiscal reasons, leaving a budget of \$85,000 (Approved amended PDF on © 2). For FY11-16, the Executive recommends returning to level expenditures of \$140,000 per year. An appropriation of \$140,000 is requested for FY11, and an appropriation of the same amount is estimated for FY12.

The law says that each year the Council should consider funding the Public Arts Trust at the formula level. Council staff requested, but has not yet received information about the FY11 formula amount. It would probably be in the \$250,000 to \$300,000 range. In view of the current fiscal constraints, Council staff would not recommend funding at the formula level. The Arts and Humanities Council concurs with the Executive's recommendation of \$140,000 for FY11.

**Items for Discussion**

1. On © 4, the memorandum notes that the Arts and Humanities Council hired a consultant to conduct an audit and assessment of the Public Arts Trust. As a result of the recommendations in the consultant's report, the Arts and Humanities Council is reorganizing the program to accomplish several goals. In conjunction with the reorganization, the Arts and Humanities Council plans to recommend a legislative amendment to the Council later this spring. **The Committee may want to ask AHCMC staff to discuss the reorganization in more detail.**
  
2. To accommodate the FY10 funding reduction, several program elements in the PAT were reduced or deferred. The spreadsheet on © 11 highlights the affected items. **The Committee may want to ask AHCMC staff to provide an update on the items that were impacted by the FY10 reduction, especially the Germantown Library project which was listed on last year's spreadsheet but does not appear on the updated spreadsheet on © 9.**

**HHS COMMITTEE DISCUSSION:** Ms. Jenkins requested that the Committee recommend a shift of \$15,000 per year from the "Other" category to "Planning, Design, and Supervision" to enable the Arts and Humanities Council to hire full time staff to manage the Public Arts Trust. She said that the Arts and Humanities Council had determined that the current funding of \$35,000 for a part time Public Arts Trust manager was not sufficient to meet the needs of the Trust including the added responsibility for the "Works on Paper" program. Committee members agreed to support Ms. Jenkins request, but emphasized that funding for the Public Arts Trust may have to be revisited after the Council receives the Executive's operating budget.

Ms. Jenkins clarified that the Germantown Public Library project has been completed.

**This packet contains:**

**circle #**

|  |    |
|--|----|
| FY11-16 CE Recommended PDF                             | 1  |
| FY09-14 Approved amended PDF                           | 2  |
| AHCMC memorandum                                       | 3  |
| Public Arts Trust activities since February 2008       | 5  |
| Public Arts Trust revenues and expenses, FY09 and FY10 | 9  |
| Public Arts Trust Steering Committee                   | 10 |
| FY10 budget revision spreadsheet                       | 11 |
| County Code Chapter 8, Article VI,                     | 12 |
| <i>Works of Art in Public Architecture</i>             |    |

CE Recommended  
FY 11-16

## Public Arts Trust -- No. 729658

Category  
Subcategory  
Administering Agency  
Planning Area

Culture and Recreation  
Recreation  
Recreation  
Countywide

Date Last Modified  
Required Adequate Public Facility  
Relocation Impact  
Status

January 11, 2010  
No  
None.  
On-going

### EXPENDITURE SCHEDULE (\$000)

| Cost Element                      | Total        | Thru<br>FY09 | Est.<br>FY10 | Total<br>6 Years | FY11       | FY12       | FY13       | FY14       | FY15       | FY16       | Beyond<br>6 Years |
|-----------------------------------|--------------|--------------|--------------|------------------|------------|------------|------------|------------|------------|------------|-------------------|
| Planning, Design, and Supervision | 210          | 0            | 0            | 210              | 35         | 35         | 35         | 35         | 35         | 35         | 0                 |
| Land                              | 0            | 0            | 0            | 0                | 0          | 0          | 0          | 0          | 0          | 0          | 0                 |
| Site Improvements and Utilities   | 0            | 0            | 0            | 0                | 0          | 0          | 0          | 0          | 0          | 0          | 0                 |
| Construction                      | 0            | 0            | 0            | 0                | 0          | 0          | 0          | 0          | 0          | 0          | 0                 |
| Other                             | 923          | 0            | 293          | 630              | 105        | 105        | 105        | 105        | 105        | 105        | 0                 |
| <b>Total</b>                      | <b>1,133</b> | <b>0</b>     | <b>293</b>   | <b>840</b>       | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>*</b>          |

### FUNDING SCHEDULE (\$000)

|                          |              |          |            |            |            |            |            |            |            |            |          |
|--------------------------|--------------|----------|------------|------------|------------|------------|------------|------------|------------|------------|----------|
| Current Revenue: General | 1,133        | 0        | 293        | 840        | 140        | 140        | 140        | 140        | 140        | 140        | 0        |
| <b>Total</b>             | <b>1,133</b> | <b>0</b> | <b>293</b> | <b>840</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>0</b> |

**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 (AHCMC), Montgomery County Public Schools, Montgomery College, and the Montgomery County Parks 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 .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**

Increase due to the addition of FY15 and FY16 to this ongoing 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 Chief Administrative Officer.

**FISCAL NOTE**

The Public Arts Trust is implemented through the Department of Recreation via an outside contract with the AHCMC.

**OTHER DISCLOSURES**

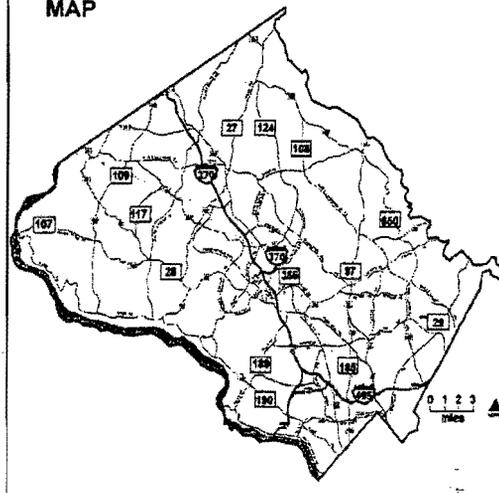
- \* Expenditures will continue indefinitely.

| APPROPRIATION AND EXPENDITURE DATA |      |         |
|------------------------------------|------|---------|
| Date First Appropriation           | FY96 | (\$000) |
| First Cost Estimate                |      |         |
| Current Scope                      | FY11 | 1,133   |
| Last FY's Cost Estimate            |      | 974     |
|                                    |      |         |
| Appropriation Request              | FY11 | 140     |
| Appropriation Request Est.         | FY12 | 140     |
| Supplemental Appropriation Request |      | 0       |
| Transfer                           |      | 0       |
|                                    |      |         |
| Cumulative Appropriation           |      | 293     |
| Expenditures / Encumbrances        |      | 202     |
| Unencumbered Balance               |      | 91      |
|                                    |      |         |
| Partial Closeout Thru              | FY08 | 1,509   |
| New Partial Closeout               | FY09 | 121     |
| Total Partial Closeout             |      | 1,630   |

**COORDINATION**

Arts and Humanities Council of Montgomery County  
Montgomery County Public Schools  
Montgomery College  
M-NCPPC  
Department of General Services  
County Executive  
Chief Administrative Officer

**MAP**



④  
①

Approved  
Amended FY09-14

**Public Arts Trust – No. 729658**

Category **Culture and Recreation**  
Subcategory **Recreation**  
Administering Agency **Recreation**  
Planning Area **Countywide**

Date Last Modified **March 18, 2009**  
Required Adequate Public Facility **No**  
Relocation Impact **None**  
Status **On-going**

**EXPENDITURE SCHEDULE (\$000)**

| Cost Element                      | Total      | Thru FY08 | Rem. FY08  | Total 6 Years | FY09       | FY10      | FY11       | FY12       | FY13       | FY14       | Beyond 6 Years |
|-----------------------------------|------------|-----------|------------|---------------|------------|-----------|------------|------------|------------|------------|----------------|
| Planning, Design, and Supervision | 210        | 0         | 0          | 210           | 35         | 35        | 35         | 35         | 35         | 35         | 0              |
| Land                              | 0          | 0         | 0          | 0             | 0          | 0         | 0          | 0          | 0          | 0          | 0              |
| Site Improvements and Utilities   | 0          | 0         | 0          | 0             | 0          | 0         | 0          | 0          | 0          | 0          | 0              |
| Construction                      | 0          | 0         | 0          | 0             | 0          | 0         | 0          | 0          | 0          | 0          | 0              |
| Other                             | 764        | 0         | 189        | 575           | 105        | 85        | 105        | 105        | 105        | 105        | 0              |
| <b>Total</b>                      | <b>974</b> | <b>0</b>  | <b>189</b> | <b>735</b>    | <b>140</b> | <b>85</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>0</b>       |

**FUNDING SCHEDULE (\$000)**

|                          |            |          |            |            |            |           |            |            |            |            |          |
|--------------------------|------------|----------|------------|------------|------------|-----------|------------|------------|------------|------------|----------|
| Current Revenue: General | 974        | 0        | 189        | 785        | 140        | 85        | 140        | 140        | 140        | 140        | 0        |
| <b>Total</b>             | <b>974</b> | <b>0</b> | <b>189</b> | <b>785</b> | <b>140</b> | <b>85</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>140</b> | <b>0</b> |

**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 (AHCMC), MCPS, Montgomery College, and the Montgomery County Parks 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 .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**

Reduce funding and expenditures for fiscal capacity.

**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 Chief Administrative Officer.

**FISCAL NOTE**

The Public Arts Trust is implemented through the Department of Recreation via an outside contract with the AHCMC.

**OTHER DISCLOSURES**

- \* Expenditures will continue indefinitely.

| APPROPRIATION AND EXPENDITURE DATA  | COORDINATION             | MAP     |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
|---|--------------------------|---------|---------|---------------------|------|-----|---------------|--|--|-------------------------|--|-------|-----------------------|------|----|------------------------------------|--|---|----------|--|---|--------------------------|--|-----|-----------------------------|--|-----|----------------------|--|----|-----------------------|------|-------|----------------------|------|----|------------------------|--|-------|--|--|
| <table border="1"> <tr> <td>Date First Appropriation</td> <td>FY98</td> <td>(\$000)</td> </tr> <tr> <td>First Cost Estimate</td> <td>FY10</td> <td>974</td> </tr> <tr> <td>Current Scope</td> <td></td> <td></td> </tr> <tr> <td>Last FY's Cost Estimate</td> <td></td> <td>1,114</td> </tr> <tr> <td>Appropriation Request</td> <td>FY10</td> <td>85</td> </tr> <tr> <td>Supplemental Appropriation Request</td> <td></td> <td>0</td> </tr> <tr> <td>Transfer</td> <td></td> <td>0</td> </tr> <tr> <td>Cumulative Appropriation</td> <td></td> <td>329</td> </tr> <tr> <td>Expenditures / Encumbrances</td> <td></td> <td>238</td> </tr> <tr> <td>Unencumbered Balance</td> <td></td> <td>91</td> </tr> <tr> <td>Partial Closeout Thru</td> <td>FY07</td> <td>1,424</td> </tr> <tr> <td>New Partial Closeout</td> <td>FY08</td> <td>85</td> </tr> <tr> <td>Total Partial Closeout</td> <td></td> <td>1,509</td> </tr> </table> | Date First Appropriation | FY98    | (\$000) | First Cost Estimate | FY10 | 974 | Current Scope |  |  | Last FY's Cost Estimate |  | 1,114 | Appropriation Request | FY10 | 85 | Supplemental Appropriation Request |  | 0 | Transfer |  | 0 | Cumulative Appropriation |  | 329 | Expenditures / Encumbrances |  | 238 | Unencumbered Balance |  | 91 | Partial Closeout Thru | FY07 | 1,424 | New Partial Closeout | FY08 | 85 | Total Partial Closeout |  | 1,509 | <p>Arts and Humanities Council of Montgomery County<br/>Montgomery County Public Schools<br/>Montgomery College<br/>M-NCPPC<br/>Department of General Services<br/>County Executive<br/>Chief Administrative Officer</p> |  |
| Date First Appropriation  | FY98                     | (\$000) |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| First Cost Estimate   | FY10                     | 974     |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Current Scope   |                          |         |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Last FY's Cost Estimate   |                          | 1,114   |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Appropriation Request   | FY10                     | 85      |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Supplemental Appropriation Request  |                          | 0       |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Transfer  |                          | 0       |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Cumulative Appropriation  |                          | 329     |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Expenditures / Encumbrances   |                          | 238     |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Unencumbered Balance  |                          | 91      |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Partial Closeout Thru   | FY07                     | 1,424   |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| New Partial Closeout  | FY08                     | 85      |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |
| Total Partial Closeout  |                          | 1,509   |         |                     |      |     |               |  |  |                         |  |       |                       |      |    |                                    |  |   |          |  |   |                          |  |     |                             |  |     |                      |  |    |                       |      |       |                      |      |    |                        |  |       |  |  |

County Council

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**MEMORANDUM**

February 17, 2010

TO: George Leventhal, Chair, Health and Human Services Committee  
Montgomery County Council

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

RE: Public Arts Trust CIP Budget FY 2011-2016

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Introduction

Thank you for the opportunity to highlight the contributions and activities of the Public Arts Trust (PAT), a program managed by the Arts and Humanities Council of Montgomery County under contract with the County Department of Recreation. The mission of the Public Arts Trust is to build and inspire communities through placemaking and to nurture artists engaged in public art. Attached is a summary of the projects that have been completed by the Public Arts Trust and those that are in progress.

The Public Arts Trust, in its current form, has been managed by the Arts and Humanities Council since 1995 when the law creating the Trust was enacted. Chapter 8 of the Montgomery County Code, Article VI, "Works of Art in Public Architecture," Section 8-45 states that, "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% of the combined total approved capital expenditures for the then-current fiscal year for County Government, Public Schools, Montgomery College and Maryland-National Capital Park and Planning Commission."

The Public Arts Trust is currently guided by a Steering Committee (see attached list) comprised of private sector representatives, representatives of government agencies including the Department of Recreation, the Department of Housing and Community Affairs, the Department of Public Works and Transportation, City of Gaithersburg, City of Rockville, Maryland-National Capital Park and Planning Commission, and community representatives. New representatives of Montgomery College and Montgomery County Public Schools are being sought.

Recently Completed Pieces

Perhaps the most significant of the Public Arts Trust's recently-completed pieces is the sculpture titled "Watermark" by artist David Hess that now hangs in the lobby of the Montgomery College Performing Arts Center at the Takoma Park/Silver Spring Campus. Designed specifically for this beautiful contemporary building, it represents the audience members as they journey together into a performance.

We also are pleased that the stainless steel sculpture "Petalos Reflejantes" (Reflective Petals), created by area artist Wilfred Villadares, has been installed and was dedicated in August 2009 in the Wayne Avenue Plaza at the intersection of Wayne and Georgia Avenues. Although the sculpture was completed more than a year ago, its installation was contingent upon completion of a water main replacement under the park. This high visibility location with heavy pedestrian traffic creates an excellent opportunity for the community to interact with public art.

Also completed in 2009 and dedicated in January 2010, the mosaic mural at Benjamin Banneker Middle School resulted from the collaboration between 125 students and the artist Arturo Ho. In October 2009, the school organized its first Community Art Day to celebrate the public art project and to engage the school community in the actual fabrication of the final mosaic. Over 150 students, faculty, staff, friends and family participated in the day-long event to help cut, glue, and grout mosaic tile on the final panels. The artist Arturo Ho, art department chair Jennifer Espinoza, and their students gave lessons on mosaic making and directed the many willing volunteers.

We are pleased to note that the sometimes small investment of funds by the Public Arts Trust allows a community-based, place making project to proceed. For example, PAT contributed \$15,500 for the design of public art at the Takoma Piney Branch Park. As a result, M-NCPPC is now working toward construction of "The Takoma Trees," a stainless steel sculpture by artist Judy Sutton Moore that will be included in the construction of the park by the Parks Department.

#### Changes in Public Arts Trust Management and Legislation

In November 2009 AHCMC hired a consultant, Lauren Glover, an expert on the subject of Public Art for the State of Maryland, to prepare an audit and assessment of the Public Arts Trust program. Upon receipt of the report, and as a result the recommendations contained in the report, AHCMC is reorganizing the program to:

- More clearly identify responsibilities of the Public Arts Trust Steering Committee and the various agencies that participate in this program;
- Bring the program in line with its governing legislation;
- Bring the program in line with publically accepted definitions, policies and procedures for public art;
- Strengthen the program to help diversify its funding base; and
- Get broad public buy-in.

As the first step in the reorganization, the AHCMC Board has designated the Public Arts Trust Steering Committee as a standing committee of the Board and has appointed two Board members to serve on the Steering Committee.

Also, based on the consultant's recommendations, feedback from the Steering Committee, and input from the agencies with which we work, AHCMC intends to bring a proposed legislative amendment to the County Council in early spring 2010. We appreciate your patience as we work through the issues raised by the consultant and will share the report with the County Council and Executive when we have solutions to propose.

#### CIP Recommendation

We appreciate the County Executive's recommendation of \$140,000 in the CIP budget. As we continue to implement meaningful CIP public art projects throughout Montgomery County, we anticipate utilizing these funds to encourage economic growth; enhance quality of community and place; promote cultural enrichment; engage diverse communities through projects and dialogue; and foster emerging and established Montgomery County artists.



**Public Arts Trust Activities  
(Since February 2008)**

**COMPLETED PROJECTS FY08**

***Long Branch Village Center***

DC Artist Byron Peck was selected to work with DHCA to outline concepts for improving aesthetics for the pedestrian bridge, wayfinding elements, and creating an identity for the area connecting the library with the community center. Design plans were completed in spring 2008 and provided to DHCA.

*Trust Contribution: \$7,500*

***Silver Spring Transit Center***

Artist Lisa Kaslow was selected to create a public art master plan for the entire Center. She prepared a Design Report including a master plan, an overall preliminary budget, and a menu of possible projects for the site. The plan was completed in March 2008 and is now the property of the County government.

*Trust Contribution: \$10,000 plus travel*

***Two County Turning Point Mural***

The Trust contributed funds to Arts on the Block (aka Artpreneurs) towards materials for this bi-county mural project located at the corner of New Hampshire Avenue and Piney Branch Road.

*Trust Contribution: \$10,000*

**COMPLETED PROJECTS FY09**

***A. Mario Loiederman Middle School***

Silver Spring artist Arturo Ho was selected to create a permanent outdoor piece to adorn the front and side of the school. This fiberglass and steel mural has been completed and was dedicated in October 2009.

*Trust Contribution: \$7,500; School Contribution: \$2,500*

***Child Welfare Services Mural "Blossoming Youth"***

In May 2009, Arts on the Block (aka Artpreneurs) completed a mural in the reception area of the office of the County's Child Welfare Services Office on Piccard Drive in Rockville. The mural was created by high school students who participate in the Arts on the Block training programs for underserved talented youth.

*Trust Contribution: \$10,000*

***Takoma Piney Branch Local Park***

Sculptor Judy Sutton Moore of Silver Spring was selected to create artwork and assist with design of the renovated park. The design has been completed and M-NCPPC is preparing to move into the construction phase.

*Trust Contribution: \$15,500; M-NCPPC Contribution: Construction and installation*

**COMPLETED PROJECTS FY10**

***Benjamin Banneker Middle School Mural***

The Trust hired Arturo Ho for the design, fabrication and installation of the mural. The project included having the artist work with students at the school to design this mosaic mural. The school dedicated the mural in January 2010.

*Trust Contribution: \$10,000*

***Germantown Town Center Urban Park***

David Hess completed the design of three stainless steel pergolas, hand railings and benches for the Town Center Park in Germantown. M-NCPPC Parks Department is responsible for the costs of fabrication and installation.

*Trust Contribution: \$10,000; M-NCPPC Contribution: Construction and installation*

***Montgomery College Performing Arts Center at Takoma Park/Silver Spring Campus***

Maryland artist David Hess was selected to create a site specific piece for the interior space of the performing arts center. The sculpture titled "Watermark" was installed in late July 2009.

*Trust Contribution: \$50,000*

***Silver Spring Wayne Avenue Pocket Park Sculpture***

On August 10, 2009, the stainless steel sculpture "Petalos Reflejantes" (Reflective Petals), created by area artist Wilfred Villadares, was dedicated. The piece is located at the Wayne Avenue Plaza at the intersection of Wayne and Georgia Avenues. It is the result of a partnership between Montgomery County, and Robert Sugar of Auras Design. Although the sculpture was completed more than a year ago, its installation was contingent upon completion of a water main replacement under the park.

*Trust Contribution: \$4,000; Other donors: \$40,000 (Auras Design & Silver Spring Regional Center)*

***White Oak Transit Center Benches***

The PAT, on behalf of the County Department of Transportation, contracted with Arts on the Block (aka Artpreneurs) to create mosaic facing for two concrete benches. The benches are complete and awaiting installation by DOT upon completion of the Transit Center.

*Trust Contribution: \$0; DOT contribution: \$20,000*

**IN PROGRESS/UNDER CONTRACT:**

***East Germantown Fire Station/Chestnut Tree Project***

A champion chestnut tree at the site of the East Germantown Fire Station was removed to make way for the station construction. The tree, measuring 42" in diameter, was salvaged and sawed into pieces suitable for making furniture. The plan is that, after the wood is sufficiently dry, some of it will be used to make furniture for the fire station.

*Trust Contribution: \$2,065*

***Darnestown Square Heritage Park***

The park is undergoing renovation that will integrate public art that interprets local history. The Trust is paying artist Cheryl Foster for the design. M-NCPPC will be responsible for final construction documents, fabrication and installation.

*Trust Contribution: \$6,000*

**STARTED/FUNDS COMMITTED, NOT UNDER CONTRACT**

***Mid-County Recreation Center***

An artist will be selected to create a unique experience along the "main street," the main corridor within the new recreation facility incorporating the themes of exploration and environmental stewardship.

*Estimated Trust Contribution: up to \$25,000*

***Public Safety Training Academy Memorial by Ted Clausen***

The fundraising goal of \$150,000 to match County funds of \$150,000 has been exceeded and funds of \$175,000 were obtained from private donations. In March of 2007, the fundraising committee, in coordination with the Arts and Humanities Council, applied for and was awarded \$150,000 in state bond funds. The project has been on hold pending a final decision on the location of the memorial. The selection of the GE Technology Park in Gaithersburg as the memorial site requires that the bond bill be amended since it stated the funds were for a memorial to be constructed in Rockville. Following a Senate hearing in February, it is anticipated that the amendment will be approved. Construction will begin after that amendment has been approved and other approvals that are necessary due to the change in location have occurred.

*Trust Contribution: \$8,000, up to an additional \$40,000 as needed. The Trust is holding the \$175,000 in reserve for this project.*

***Additional Projects***

The Trust anticipates implementing other projects during FY10 and FY11. However, no commitments have been made pending the reorganization based on the assessment and evaluation of the Trust that has just been submitted by the consultant as explained in the cover memo. Under consideration are Damascus Community Recreation Center, Clarksburg High School, Evans Parkway Park, and the Wheaton Pedestrian Path mural.

**OTHER PROJECTS—oversight and administration (no design or construction funds)**

***Contemporary Art Collection Program***

Staff has suspended work on a comprehensive inventory of the more than 400 pieces in the collection due to FY10 budget reductions. Work continues on reframing pieces that were not in good condition. When requested by County agencies, new pieces were brought in to replace those hung previously. The Trust also rented a climate-controlled storage unit in which pieces not currently in circulation are stored. In March 2009, the Trust sponsored an exhibition of works from the County's collection at the Morris and Gwendolyn Cafritz Foundation Art Center at Montgomery College Takoma Park/Silver Spring. The collection has appreciated in value since it was begun in the 70's and includes work by well-known local artists as well as nationally known artists.

***Visions Exhibition Space***

The Trust continued to curate shows for the Visions Exhibition Space at the North Bethesda Marriott Conference Center until December 2009. Montgomery County artists were selected via juried competition. Exhibits ran for three months. Artists were paid a \$500 honorarium. The relationship with the Marriott Conference Center was terminated at the end of December 2009 due to the staff expense involved in managing these exhibits and the lack of public response to the exhibits. No other exhibits are planned for that location.

**Public Arts Trust Revenues and Expenditures for FY 09 and FY 10**

| REVENUES   | FY 09 allocation | FY 10 allocation |
|--|------------------|------------------|
| Council Allocation FY 2010 Contract No: RQ0724109008                             |                  | \$85,000         |
| Carry over from Council Allocation FY 2009 Contract No: 9725102004               | \$140,000        | \$114,898        |
| Maryland State Arts Council Grant for Takoma Park Piney Branch Park (restricted) | \$5,000          |                  |
| DOT Allocation for White Oak Transit Center (restricted)                         |                  | \$18,000         |
| Holding Private Donations for Public Safety Memorial (restricted)                | \$175,000        |                  |
| <b>Total Un-Restricted Revenue</b>   | <b>\$140,000</b> | <b>\$199,898</b> |
| <b>Total Restricted Revenue</b>  | <b>\$180,000</b> | <b>\$18,000</b>  |
| <b>Total All</b>   | <b>\$320,000</b> | <b>\$217,898</b> |

| EXPENDITURES  |                              | Actual FY 09                | Committed FY 10         |                               |
|---|------------------------------|-----------------------------|-------------------------|-------------------------------|
| Planning, Design & Supervision  |                              |                             |                         |                               |
| Salary for .50 FTE Director of Public Arts Trust                                      |                              | \$35,000                    | \$35,000                |                               |
| <b>Total</b>  |                              | <b>\$35,000</b>             | <b>\$35,000</b>         |                               |
| <b>Public Art Projects Completed - Artist Fees</b>                                    | <b>Total Cost of Project</b> | <b>Actual Paid Out FY09</b> | <b>Committed FY2010</b> | <b>Actual Paid Out FY2010</b> |
| MetroPerforms   | \$900                        | \$900                       | \$0                     | \$0                           |
| A. Loiederman MS Project  | \$3,300                      | \$2,625                     | \$0                     | \$0                           |
| Montgomery College Performing Arts Center   | \$51,000                     | \$35,000                    | \$16,000                | \$15,988                      |
| Takoma Piney Branch Local Park  | \$7,500                      | \$7,500                     | \$0                     | \$0                           |
| Child Welfare Services Mural  | \$10,000                     | \$10,000                    | \$0                     | \$0                           |
| Germantown Town Center Urban Park   | \$11,000                     | \$0                         | \$11,000                | \$10,339                      |
| White Oak Transit Center Mosaic Benches   | \$20,000                     | \$0                         | \$18,000                | \$18,000                      |
| Silver Spring Wayne Avenue Pocket Park  | \$44,000                     | \$0                         | \$5,280                 | \$5,280                       |
| Benjamin Banneker Middle School   | \$10,000                     | \$0                         | \$10,000                | \$10,000                      |
| <b>Public Art Projects In Progress - Artist Fees</b>                                  |                              |                             |                         |                               |
| Mid County Recreation Center  | \$25,000                     | \$0                         | \$25,000                | \$0                           |
| Public Safety Memorial (final cost to be determined)                                  | N/A                          | \$0                         | \$0                     | \$0                           |
| East Germantown Fire Station/Chestnut Tree  | \$11,000                     | \$2,067                     | \$1,000                 | \$0                           |
| Darnestown Square Heritage Park   | \$5,000                      | \$0                         | \$5,000                 | \$0                           |
| <b>Public Art Projects Under Consideration - Artist Fees</b>                          |                              |                             |                         |                               |
| Clarksburg High School -- TBD with MCPS   | \$25,000                     | \$0                         | \$0                     | \$0                           |
| Damascus Community Recreation Center  | \$3,000                      | \$0                         | \$0                     | \$0                           |
| William B. Gibbs, Jr. ES (Germantown) -- TBD with MCPS                                | \$25,000                     | \$0                         | \$0                     | \$0                           |
| Evans Parkway Park  | \$25,000                     | \$0                         | \$10,000                | \$0                           |
| Wheaton Pedestrian Path   | \$8,000                      | \$0                         | \$0                     | \$0                           |
| <b>Other Public Art Projects/Expenditures</b>   |                              |                             |                         |                               |
| Website- PAT interactive database & mapping   | \$40,000                     | \$15,000                    | \$25,000                | \$3,000                       |
| County Art Collection Inventory Project (Consultant, collections management software) | \$37,000                     | \$0                         | \$37,000                | \$0                           |
| Artists Honorariums & Artists Travel  | N/A                          | \$2,995                     | \$2,000                 | \$1,500                       |
| Project related administrative Costs  | N/A                          | \$15,112                    | \$17,500                | \$8,500                       |
| <b>TOTAL</b>  | <b>\$361,700</b>             | <b>\$91,199</b>             | <b>\$182,780</b>        | <b>72,607</b>                 |
|   | <b>FY09 Personnel</b>        | <b>\$35,000</b>             |                         |                               |
|   | <b>FY09 Total</b>            | <b>\$126,199</b>            |                         |                               |
|   |                              |                             | <b>FY10 Personnel</b>   | <b>\$35,000</b>               |
|   |                              |                             | <b>FY10 Total</b>       | <b>\$217,780</b>              |

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## Public Arts Trust Steering Committee

*Updated February 2010*

**Patricia McManus (Chair)**  
Design Section Supervisor  
Park Development Division  
M-NCPPC

**Gabriel Albornoz**  
Director  
Montgomery County  
Department of Recreation

**Joshua Sloan**  
Senior Planner  
M-NCPPC

**Jose Dominguez**  
Executive Director  
Pyramid Atlantic

**Denise Kayser**  
Executive Director  
Council for the Arts  
City of Gaithersburg

**Luann Korona**  
Chief, Community Development Division  
Dept of Housing and Community Affairs

**Erica Leatham**  
Attorney  
AHCMC Board Member

**Suzan Maher**  
Program Manager III  
Community Services and  
The Center for Cultural Diversity  
Montgomery County Department of Recreation

**Hamid Omidvar, AIA**  
AIA Chief, Office of Planning and Development  
Department of General Services

**Gary Rosenthal**  
Rosenthal Glass  
AHCMC Board Member

**Patricia D. Shepherd**  
Senior Planning Specialist  
Department of Transportation  
Division of Transportation Engineering

**Gary Stith**  
Deputy Director  
Department of General Services  
Planning and Special Projects

**Betty Wisda**  
Arts Programs Supervisor  
City of Rockville

**Kenneth A. Lechter (Legal Counsel)**

### STAFF

**Suzan Jenkins**  
CEO  
Arts and Humanities Council  
of Montgomery County

**Shellie Williams**  
Marketing and Program Services Director  
Arts and Humanities Council  
of Montgomery County

**Fran Abrams**  
Grants Director  
Arts and Humanities Council  
of Montgomery County

**Public Arts Trust Revenues and Expenditures for FY 09 and FY 10  
based on OMB budget revisions March 16, 2009**

| REVENUES                    | FY 09 balance    | FY 10 allocation |
|-----------------------------|------------------|------------------|
| Council Allocation FY 2009  | 140,000          |                  |
| Contract No: 9725102004     |                  |                  |
| Council Allocation FY 2008  | 83,323           |                  |
| Contract No: 8725102009     |                  |                  |
| Council Allocation FY 2007  | 807              |                  |
| Contract No: 7725102048     |                  |                  |
| FY 2010 Proposed Allocation |                  | 85,000           |
| <b>Total Revenue</b>        | <b>\$224,130</b> | <b>\$85,000</b>  |

|                               |                  |
|-------------------------------|------------------|
| <b>FY 09 + FY 10 Revenues</b> | <b>\$309,130</b> |
|-------------------------------|------------------|

**EXPENDITURES**

|  | committed for<br>FY 09 | expected payout<br>for FY 10 |
|--|------------------------|------------------------------|
| <b>Administration</b>  |                        |                              |
| Personnel  | 35,000                 | 35,000                       |
| Website- PAT interactive database & mapping                        | 15,000                 |                              |
| Artists Honorariums (for finalist proposals)                       | 750                    | 500                          |
| Visions (honorarium, printing, reception, preparator) <sup>1</sup> | 5,500                  | 5,500                        |
| Works on Paper Program (including catalogue project) <sup>2</sup>  | 10,000                 | 5,000                        |
| Collections Management Software/Training <sup>3</sup>              | 4,000                  | 500                          |
| Computer/Office Equipment  | 1,300                  | 500                          |
| Staff Development/Trade Journals/Conferences                       | 500                    | 500                          |
| Plaques/Supplies   | 1,080                  | 1,000                        |
| Travel/Mileage (staff travel, artist travel)                       | 1,500                  | 2,000                        |
| <b>subtotal</b>  | <b>\$74,630</b>        | <b>\$50,500</b>              |

| Projects <sup>3</sup>                               | committed for<br>FY 09 | expected payout<br>for FY 10 | expected payout<br>for FY 11 |
|---|------------------------|------------------------------|------------------------------|
| MetroPerforms (completed) <sup>4</sup>              | 900                    |                              |                              |
| Loiederman MS Project (completed)                   | 3,300                  |                              |                              |
| Montgomery College/Performing Arts Center*          | 53,000                 |                              |                              |
| Takoma Piney Branch Local Park*                     | 7,500                  |                              |                              |
| Wheaton Pedestrian Path                             | 4,000                  | 4,000                        |                              |
| Mid County Recreation Center **                     | 14,000                 | 13,000                       |                              |
| Child Welfare Offices/AOB project*                  | 11,000                 |                              |                              |
| Public Safety Memorial <sup>5</sup>                 |                        | 15,000                       | 25,000                       |
| East Germantown Fire Station                        | 1,000                  | 8,300                        | 1,700                        |
| Long Branch Pedestrian Bridge project* <sup>6</sup> | 5,000                  |                              |                              |
| Darnestown Urban Park**                             | 5,000                  | 5,000                        |                              |
| Germantown Town Center **                           | 3,000                  | 8,000                        |                              |
| Germantown Library                                  |                        |                              | 10,000                       |
| Damascus Community Center                           |                        | 3,000                        | 8,000                        |
| Benjamin Banneker Middle School <sup>7</sup>        | 2,500                  | 7,500                        |                              |
| Clarksburg High School <sup>8</sup>                 | 2,500                  | 7,500                        |                              |
| New Projects- TBD                                   |                        |                              |                              |
| <b>subtotal</b>                                     | <b>\$112,700</b>       | <b>\$71,300</b>              | <b>\$44,700</b>              |
| <b>TOTAL</b>  | <b>\$187,330</b>       | <b>\$121,800</b>             |                              |

FY 09 + FY 10 Expenditures

\$309,130

## Article VI. Works of Art in Public Architecture. [Note]

### Sec. 8-43. Definitions.

In this Article, *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 temporarily hung works of art, landscaping, or the choice or use of materials in architecture. (1984 L.M.C., ch. 1, § 1; 1995 L.M.C., ch. 12, § 1.)

### 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 works of art on public property in the County; and
    - (B) pay the cost of administering the fund; and
  - (2) sponsor privately-funded temporary or permanent displays of art on public property in the County.
- (b) The Chief Administrative Officer or a designee must administer the trust in consultation with:
  - (1) Arts and Humanities Council;
  - (2) Montgomery County Public Schools;
  - (3) Montgomery College; and
  - (4) Montgomery County Parks Commission.
- (c) The Chief Administrative Officer must report to the County Council:
  - (1) each quarter on:
    - (A) new locations selected for works of art to be funded by the Public Arts Trust; and
    - (B) works of art purchased or displayed with Public Arts Trust funds during the quarter; and
  - (2) each year by January 15 on all other uses of Public Arts Trust funds during the prior calendar year. (1995 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 28, §§ 2, 15 and 16.)

**Editor's note** The effective date of the amendments made to this section by 2001 L.M.C., ch. 28, § 2, is the same effective date as 1999 L.M.C., ch. 24, § 1.

### Sec. 8-45. Appropriation for art.

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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.)

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