

Montgomery County Covernment

ART IN PUBLIC ARCHITECTURE PROGRAM

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I. SUMMARY OF MAJOR CONCLUSIONS AND RECOMMENDATIONS

BACKGROUND

In FY84, the Council enacted legislation which created the County's Art in Public Architecture program and specified that one percent of the construction cost of certain capital improvement projects be set aside for acquiring and installing art in public places. The law was subsequently modified as follows: Emergency Bill No. 15-88, effective May 12, 1988, reduced the percentage required to be appropriated for public art from one percent to one-half percent for those County construction projects receiving initial appropriations for detailed architectural and engineering design during fiscal years 1989, 1990 or 1991; and, Emergency Bill No. 37-90, effective May 4, 1990, reduced the percentage to be appropriated for public art from one-half percent to one-quarter percent henceforth, established a cumulative maximum amount of \$100,000 to be expended for public art at a County facility, and clarified the definition of sites eligible to receive public art to include any County facility.

The Executive branch, Montgomery County Public Schools (MCPS), Maryland-National Capital Park and Planning Commission (M-NCPPC), and Montgomery College each established a public art program component, which has been coordinated with the Montgomery County Arts Council through its participation on art selection panels. The four County agencies independently interpreted and applied the percent-for-art law somewhat differently.

MAJOR CONCLUSIONS

- The County has not adopted standard policies, guidelines or procedures under which all four public art program components must operate. Although four County agencies have developed effective program components, each has operated independently of the others with little coordination or sharing of information among the components. Each agency has operated its program component under a different interpretation for applying the public art percentage and a different policy regarding expenses chargeable to its public art appropriations.
- Since no common interpretation of the percent-for-art law existed, the Office of Legislative Oversight (OLO) examined the law and created a standard interpretation by which each program component could be measured. Based on the OLO interpretation, shortfalls may have occurred in appropriations approved for the County's public art program components. A majority of these shortfalls relate to timing of agency requests for public art appropriations, and represent funding which has not yet been requested by the program components.
- Some County departments and agencies have acquired or are planning to acquire public artworks independently of the Art in Public Architecture program. These placements are not currently required to be coordinated with the County's public art program, nor are placements under the Optional Method reported to the public art program components so that County placements may be coordinated.

• When the original percent-for-art law was enacted, the Council envisioned the Art in Public Architecture program as a long-range program to which the County would have a fairly level financial commitment. However, the art percentage is tied to the Capital Improvements Program (CIP), and there has been substantial growth of the CIP over the past six years. As a result, the Council has twice adjusted the law to bring the County's financial commitment more in line with what was originally planned.

MAJOR RECOMMENDATIONS

- The Council should appoint a task force to develop general guidelines and reporting requirements under which all four components of the County's public art program must operate.
- Within the framework of the general program guidelines, each program component should formally adopt policies and specific procedures for artwork inspection, maintenance and reporting requirements; selection of sites to receive artwork; expenses allowed to be charged to the art project; and any restrictions on the number of artworks or amount which may be expended per commission or site.
- The County should devise a more flexible method of funding the program so that the law need not be amended so often. If the current percentage funding method is retained, the percent-for-art law should be clarified to identify what cost elements are to be included in "construction cost", which CIP projects are to contribute, and at what stage of a CIP project the public art appropriation should be requested.
- The public art law should be amended so that the percent paragraph will not be in effect until the general guidelines, developed by a task force, are approved by the Council. In the interim, the Council should consider funding for the public art program components at levels no less than those approved for FY91.
- The law should also be amended to include a statement that the approved guidelines apply to all County-funded public artworks acquired and placed within the County, to require that all such placements be coordinated with the Executive branch public art program administrator and that privately-funded placements under the Optional Method be reported to the Executive branch.
- The law should be further amended so that CIP projects for garages funded through the Parking Lot Districts (PLDs) contribute either a certain percentage or amount per garage project, to be appropriated and funded by the PLD, for placing public artworks within the Central Business District where these garages will be located. Such artwork placements should be coordinated with Optional Method placements to encourage a balanced program within each of the CBDs.

II. AUTHORITY, SCOPE, METHODOLOGY, AND ACKNOWLEDGEMENT

A. Authority

Council Resolution No. 11-1907, <u>CY 1990 Work Program of the Office of Legislative Oversight</u>, adopted March 13, 1990.

B. Scope

This report describes and evaluates the public art program established pursuant to Montgomery County Code Chapter 8, Article V, Art in Public Architecture. The Article requires that every appropriation for a County construction project be accompanied by an additional appropriation equal to a percentage of the estimated construction cost of the project. The Article further stipulates that this additional appropriation be assigned to an "Art in Public Facilities" capital improvements project to be used for acquiring and installing art in public places.

Bill No. 30-83, effective October 14, 1983, amended Code Chapter 8, Buildings, by adding a new Article V, Art in Public Architecture, which required that every appropriation for a County construction project be accompanied by an additional appropriation of one percent to be used for art in public places. Effective May 12, 1988, Emergency Bill No. 15-88 reduced the percentage required to be appropriated for public art from one percent to one-half percent for those County construction projects receiving initial appropriations for detailed architectural and engineering design during fiscal years 1989, 1990 or 1991.

Subsequent Emergency Bill No. 37-90, effective May 4, 1990, reduced the percentage required to be appropriated for public art from one-half percent to one-quarter percent henceforth, established a cumulative maximum amount of \$100,000 which may be expended for public art at a County facility, and clarified the definition of sites eligible to receive public art to include any County facility.

This report evaluates the Art in Public Architecture program since establishment of the program through June 30, 1990. Although Emergency Bill No 37-90 became effective May 4, 1990, the changes resulting from the bill would not have impacted the County's public art program during the period of this evaluation. The bill, however, is discussed in this report as it relates to the future operation of the Art in Public Architecture program.

C. Methodology

This project was conducted by Joan Pedersen, assisted by Public Administration Interns, especially Paul Coombs and Robert Heckman III, during the time periods of December 1989 - January 1990 and May - October 1990. Research for the evaluation consisted of a variety of fact-finding techniques to include:

¹ Unless otherwise indicated, all Code chapters and sections cited in this report are references to the current Montgomery County Code.

- Review of applicable laws and County legislative files, including minutes of Committee and full Council worksessions, transcripts of public hearings, and budget sessions;
- Review of public documents, such as memoranda, studies, reports, and budget documents;
- Interviews with management and staff of various Executive departments (Facilities and Services, Transportation, Management and Budget, and Finance), and with various Councilmembers and staff;
- Interviews with personnel at other County public agencies (Public Schools, Park and Planning, and Montgomery College), and other jurisdictions (Rockville and Baltimore cities, and Prince George's County);
- Observation of art selection procedures for each County percent-for-art program and visits to sites which have received public art; and
- Analysis of information acquired through survey questionnaires completed by public art program administrators in other jurisdictions.

D. Acknowledgement

The Office of Legislative Oversight (OLO) acknowledges the prompt and courteous cooperation received from management and staff of the County Council, various Executive departments, the Maryland-National Capital Park and Planning Commission, Montgomery College, Montgomery County Public Schools, and the Montgomery County Arts Council, as well as volunteers who served on various art selection panels. During the course of this review, OLO was especially impressed with the dedication of the County agencies' public art administrators and the time and energies contributed by members of the Arts Council and other volunteers associated with the County's Art in Public Architecture program.

III. DEFINITIONS

Revenues and expenditures associated with the Art in Public Architecture program are accounted for through the County's Capital Improvements Program (CIP). Many terms used in relation to the CIP process have unique meaning. Listed below are definitions of terms used throughout this report. Terms defined in Code Chapter 8, Article V, Art in Public Architecture are not included here, but may be found at Exhibit A, and are discussed ahead in Part V, DESCRIPTION AND INTERPRETATION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE LEGISLATION.

<u>Capital Improvements Program (CIP)</u>. A six-year plan or schedule of capital expenditures for public facilities and infrastructure, which shows estimated costs, sources of funding, and expected timing of work by fiscal year. The CIP is updated annually and adopted by the Council as part of the budget process.

Project Description Form (PDF). A one-page form for each capital project included in a six-year CIP. Each PDF contains a project name and identifying number, a narrative description of the project, a listing of funding sources to support expenditures made against the project, and a breakdown of actual or estimated project expenditures, by category and fiscal year. Each PDF includes five cost categories which are explained as follows:

- Planning, Design and Supervision Cost Category: Actual expenditures to date and estimated future expenditures for feasibility studies, architectural fees, engineering design fees, surveys, soil borings, site planning, and staff planning and supervision costs directly attributable to the project.
- Land Cost Category: Actual expenditures to date and estimated future expenditures for land acquisitions or purchases of rights-of-way necessary to accomplish the project. This category would also include costs for appraisals, title searches, and settlement costs associated with land purchases.
- <u>Site Improvements and Utilities Cost Category</u>: Actual expenditures to date and estimated future expenditures for basic site preparation, such as utilities hookup, grading, paving, access roads, sidewalks, drainage improvements, storm water management, fencing, and landscaping.
- Construction Cost Category: Actual expenditures to date and estimated future expenditures to build a structure to completion for occupancy or other final use. This category includes costs for fixed equipment such as central heating and air conditioning units, built-in shelving and counters, etc..
- Furniture and Equipment Cost Category: Actual expenditures to date and estimated future expenditures for furniture and equipment not permanently attached to a building, that is required to make the facility operational, such as appliances, audiovisual equipment, desks, etc.

<u>Project Stage/Phase</u>. The status of a capital project at a specific point in time. Project phases which may be referred to in this report are as follows:

- <u>Conceptual Stage</u>. This phase is the initial concept formulation for a new project, and usually relates to a future project.
- <u>Feasibility Study Stage</u>. This phase includes a formal study which evaluates project alternatives and develops cost/benefit analysis of each scheme.
- Planning Stage. This phase is the formal process for determining a conceptual project scope, and must be accomplished prior to entering the design phase.

- <u>Preliminary Design Stage</u>. During this phase, an architect prepares preliminary drawings and cost estimates of the project, and presents the information for approval prior to preparing detailed design and construction plans.
- <u>Detailed Design Stage</u>. During this phase, an architect prepares detailed design and construction plan documents of the approved project.
- <u>Construction Stage</u>. This phase of a project occurs when the detailed design phase has been successfully completed and an appropriation is approved to cover the estimated construction cost of the project.

Appropriation. Permission or authorization to expend or create a liability on behalf of the County within a specified dollar limit. The County Council appropriates spending authority to County agencies and capital projects for each upcoming fiscal year on or before May 15 of each year. An unexpended and unencumbered CIP budget appropriation at fiscal year—end carries forward each successive fiscal year until such time as the project is officially closed—out.

Supplemental Appropriation/Emergency Supplemental Appropriation. An approval by the County Council of expenditure authority for a specified program or project, which is made for the same fiscal year in which the approval is granted. When a supplemental or emergency appropriation is approved by the Council, the applicable operating or capital improvement program budget is amended. The main distinctions between a supplemental appropriation and an emergency supplemental appropriation are timing and method of adoption by the Council. For purposes of this report, no distinction is made between an emergency supplemental appropriation and a supplemental appropriation. Since the County's public art appropriations are based on capital projects contained in the adopted CIPs, supplemental appropriations and amendments to the CIP should to be taken into consideration when applying the percent-for-art law.

IV. BACKGROUND AND EVOLUTION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE PROGRAM COMPONENTS

This section of the report describes events leading to the creation of the percent-for-art legislation of Montgomery County and establishment of the County's current public art program components.

A. History of Montgomery County Percent-for-Art Legislation

In 1959, the City of Philadelphia, Pennsylvania created the first government supported percent-for-art program in the United States. In 1964, the City of Baltimore, Maryland became the second governmental unit to create a percent-for-art program in the nation, and the first in the State of Maryland.

During a City Mayors' Conference, held in Seattle, Washington in 1977, where an active percent-for-art program had been in effect since 1973, the attending mayors adopted a resolution to incorporate similar public art programs in their jurisdictions. Based on this concept, the City of Rockville, Maryland adopted its percent-for-art legislation in 1978.

When the prior mayor of Rockville, William Hanna, Jr., later became a County Councilmember, he pursued the feasibility of creating a public art program supported by Montgomery County. As a result of his efforts, a bill modeled after the City of Rockville's percent-for-art legislation was introduced to the County Council on April 19, 1983.

Sponsored by the Council President, Bill No. 30-83 proposed to amend Code Chapter 8, <u>Buildings</u>, by adding Article V, <u>Art in Public Architecture</u> to promote the general welfare in the County by requiring and encouraging the use and incorporation of works of art in public architecture and to involve the County in the selection of art to be acquired for public places. Speakers at the public hearing, held May 31, 1983, represented interests of the County Executive, the Maryland-National Capital Park and Planning Commission, the Montgomery County Arts Council, and two individuals, all of whom supported establishing a public art program in the County. In addition, written testimony was received from the Bethesda-Chevy Chase Chamber of Commerce, which supported a voluntary public art policy rather than a mandatory program.

The Council's Government, Structure, and Regulation (GSA) Committee held two worksessions during June 1983, to consider modifications suggested by Councilmembers and Executive staff. One of the main modifications was to segregate the appropriations for public art from the individual CIP projects so that unexpected increases in construction or administrative costs could not "eat up" the art money. The modified bill was enacted July 5, 1983, and became effective October 14, 1983.

Based on FY84 projections of expected Capital Improvement Program (CIP) expenditures, the Office of Management and Budget (OMB) estimated the fiscal impact of Bill No. 30-83 would require total appropriations for the schools, Executive branch, parks, and college public art programs of approximately \$1.3 million over a six-year period, or an average fiscal impact of \$216,000 per year. However, the approved CIPs for FY85 through FY88 were considerably higher than what had been estimated in FY84, and since the public art appropriations were based on elements of the approved CIPs, the fiscal impact for those four years was more than twice the OMB six-year estimate.

The following graphs depict the expected five-year CIP obligations as estimated in FY84 versus the Council approved annual CIP expenditures for the schools, Executive branch, parks, and college. As shown here, by FY88, the County's actual CIP obligations for the schools, Executive branch, parks, and college were three to six times higher than had been estimated in FY84.

SCHOOLS CIP EXPENDITURES EXPECTED VS APPROVED FY85 THROUGH FY89

(Chart 1)

ALL NUMBERS IN MILLIONS 100 80 60 40 20 0 FY88 FY89 FY86 FY87 **FY85** Expected -x 13.907 11.544 13.859 12.254 14.873 Approved --27.478 26.912 65.094 87.655 74.834

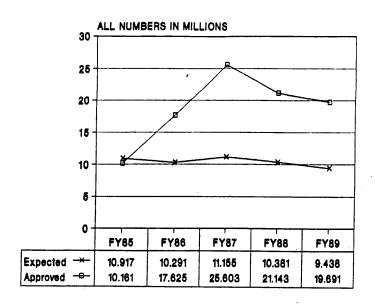
EXECUTIVE BRANCH CIP EXPENDITURES
EXPECTED VS APPROVED
FY85 THROUGH FY89

(Chart 2)

ALL NUMBERS IN MILLIONS 200 150 100 50 0 FY87 FY89 FY85 FY86 FY88 Expected -x 87.844 69.748 65.537 34.204 25.404 Approved --106.216 103.644 136.163 158.741 184.482

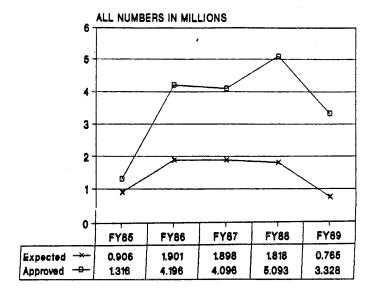
PARKS CIP EXPENDITURES
EXPECTED VS APPROVED
FY85 THROUGH FY89

(Chart 3)



COLLEGE CIP EXPENDITURES
EXPECTED VS APPROVED
FY85 THROUGH FY89

(Chart 4)



During the FY89 CIP budget deliberations, it came to the attention of the Council that CIP obligations were expected to remain unusually high for the next three fiscal years. Thus, under the original percent-for-art law, the required FYs 89-91 appropriations for public art would also be considerably higher than originally anticipated.

Consequently, the Council determined that the percent-for-art law, established by Bill No. 30-83, should be modified for a three-year period to lessen the County's financial obligation for public art during the time of unusually high CIP activity. Introduced March 22, 1988, Emergency Bill No. 15-88 proposed to change the percentage requirement for public art from one percent to one-half percent of capital project construction costs, and specified that the lower percentage be applied to any eligible County construction project receiving an appropriation for its detailed design stage during fiscal years 1989, 1990, and 1991. The bill was enacted May 3, 1988, becoming effective May 12, 1988. See Exhibit A for a copy of Code Chapter 8, Article V, Art in Public Architecture, which is the codified version of these two bills.

When the percentage requirement for public art was reduced from one percent to one-half percent, future CIP requirements were projected to decrease considerably by FY92. Since that time, however, capital improvement requirements have continued to increase. For comparison purposes, the following graphs depict the expected five year CIP obligations as estimated in FY88 versus the Council approved annual CIP expenditures for FYs 89, 90 and 91 and the latest estimates for FYs 92 and 93 for the schools, Executive branch, parks, and college.

SCHOOLS CIP EXPENDITURES EXPECTED VS APPROVED FY89 THROUGH FY93

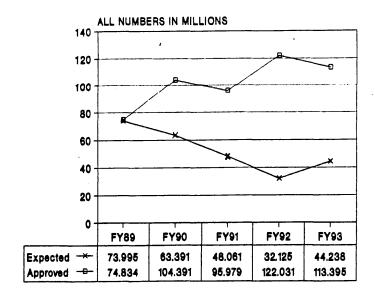
(Chart 5)

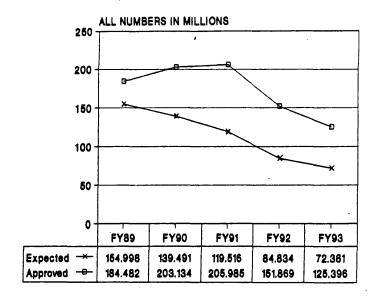
EXECUTIVE BRANCH CIP EXPENDITURES
EXPECTED VS APPROVED
FY89 THROUGH FY93

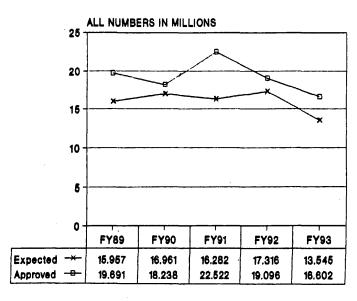
(Chart 6)

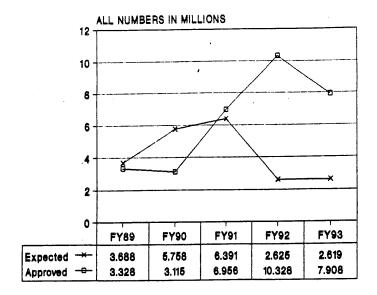
PARKS CIP EXPENDITURES EXPECTED VS APPROVED FY89 THROUGH FY93

(Chart 7)









COLLEGE CIP EXPENDITURES
EXPECTED VS APPROVED
FY89 THROUGH FY93

(Chart 8)

As illustrated in these graphs, the County's CIP obligations are expected to remain considerably higher than earlier anticipated. Because of fiscal constraints associated with the County's continually large CIP obligations, the Council decided in FY90 that the percent-for-art law should be further modified. Introduced March 27, 1990, Emergency Bill No. 37-90 reduced the percentage to be appropriated for public art from one-half percent to one-quarter percent, added a provision to clarify the Council's intent to allow existing County buildings to receive public art, and placed a limit of \$100,000 as the maximum which could be expended for public art at any one site. Enacted April 24, 1990, the bill became effective May 4, 1990. See Exhibit B for a copy of Emergency Bill No. 37-90.

B. Establishment of Montgomery County Public Art Program Components

When Bill No. 30-83 was adopted, the County Council envisioned that the Montgomery County Arts Council (Arts Council) would administer the County's public art program. Over the next year, however, it became apparent that the Arts Council would need to coordinate the program with four separate County agencies.

The four agencies, Montgomery County Public Schools (MCPS), Maryland-National Capital Park and Planning Commission (M-NCPPC), Montgomery College, and the County's Executive branch, each had its own CIP process and managed its own capital projects. Because the percent-for-art law required that appropriations and expenditures relating to the public art program be accounted for through the CIP process, a separate capital project for public art was created and included in the Executive's recommended FY85 CIP for each of the four agencies.

By February 1985, the Arts Council determined that it could not coordinate among the four County agencies and adequately track CIP projects and administer the public art program without hiring professional staff, so it presented a budget to the County Council's GSA Committee for consideration during the FY86 CIP budget deliberations. During this worksession, it came to the attention of the GSA Committee that the MCPS public art program was

already underway with MCPS staff and volunteers being used to administer the program. Because the Arts Council did not feel that the program could be handled entirely on a volunteer basis, it was agreed that representatives of the Arts Council should meet with the County agencies to determine how best to operate and coordinate the public art program.

County administrators believed that each of the four agencies would be able to assign existing personnel to operate its portion of the public art program. These County agencies were already maintaining records relating to their CIPs and were best equipped to track capital projects and approved appropriations. Subsequently, it was agreed that each of the four agencies would administer its own public art program component and the Arts Council would be involved in each component by participating on art selection panels.

As a result of this agreement, four separate public art program components were established for Montgomery County. The Executive branch, MCPS, and Montgomery College each assigned existing personnel to administer its program component and the M-NCPPC eventually hired a part-time public art administrator for its component. Each of the four County agencies independently interpreted and applied the percent-for-art law, developed procedures for selecting and siting public art, and operated its program component apart from the others. These four public art program components are more fully described ahead in Part VI, DESCRIPTION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE PROGRAMS.

V. DESCRIPTION AND INTERPRETATION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE LEGISLATION

The previous section of this report described events leading to the creation of the County's original percent-for-art legislation and subsequent changes to the law, and establishment of the current public art program components. This part describes and interprets the legislation which created the County's Art in Public Architecture program, and examines the effects of subsequent legislative changes.

A. Overview

Modeled after the City of Rockville's percent-for-art legislation, the County's law allowed for some flexibility of application to its public art program. However, due to the larger size and complexity of Montgomery County government in relation to that of Rockville, four public art program components evolved for the County, with each component applying the County's percent-for-art law somewhat differently. These differing applications posed a problem for the OLO evaluation in that none of the public art program components was in complete conformance with the law. Therefore, it was necessary for OLO to develop a common interpretation of the law to use as a standard measure by which each of the four program components could be evaluated.

The Council passed three bills relating to the County's public art program. The following describes the three bills and explains the OLO interpretation of the percent-for-art law which was used as the standard measure for OLO's evaluation of the County's public art program components.

B. Bill No. 30-83 and Emergency Bill No. 15-88

Bill No. 30-83, effective October 14, 1983, created the framework for establishing the Art in Public Architecture program of Montgomery County. This law specified that every appropriation for a County construction project, as defined in the law, was to be accompanied by an additional appropriation for works of art equal to at least one percent of the estimated construction cost of the project as shown in the County's Capital Improvements Program (CIP) budget. The law further specified that appropriations and expenditures for works of art be accounted for through a CIP project titled "Art in Public Facilities".

Emergency Bill No. 15-88, effective May 12, 1988, amended Section 8-46 to temporarily reduce the public art percentage to one-half percent for construction projects receiving initial appropriations for detailed architectural and engineering design during fiscal year 1989, 1990, or 1991. Since this bill served only to change the art percentage for three fiscal years, and made no other changes in the wording of the public art law, the law is examined in this section of the report after Emergency Bill No. 15-88 had taken effect. (See Exhibit A for a copy of Code Chapter 8, Article V, Sections 8-43 through 8-50 as of May 12, 1988.)

Interpretation of the public art law is key to determining the timing and amounts of art appropriations which were to be made and the construction projects eligible to receive public art. Although Code Section 8-44, titled "Definitions" explained the meaning of certain words and phrases which were used in the percent paragraphs of the law, other words and phrases were not defined, and key words and phrases within the definitions were open to interpretation. As a result, four separate applications of the law evolved based on varied interpretations.

Review of the legislative file for full Council and Committee worksessions and public hearings, and interviews with Councilmembers and Executive staff associated with drafting the legislation, served to clarify the County's intent with respect to certain portions of the law. In those cases where an intended definition was still unclear, County documents, such as the CIP budget preparation manual and budget glossaries were consulted, as well as the standard dictionary to determine reasonable and probable meanings.

In the following pages, pertinent sections of the percent-for-art law are quoted verbatim and followed by discussion. The portions of the law which are interpreted here do not represent the only possible interpretations, and variations of the interpretation may be just as valid and correct as the ones included here. Interpretations were found to be necessary because of significant changes in the content of the County's CIP since the original public art legislation was enacted, the varying interpretations of the law applied by the public art administrators, and the necessity for OLO to determine a standard measurement for evaluating the County's public art program components.

Code Section 8-44. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

County construction project means any construction project that is paid for wholly or in part by the County.

Construction cost means those costs generally associated with capital projects, but shall not include land acquisition, legal fees, architectural fees and furnishings.

Construction project means any capital project to construct or remodel any building, park, plaza, bridge, parking facility, or other structure, or any portion thereof, located within the County. The term does not include infrastructure projects, such as sewers, water lines or roads, and projects financed in whole or in part by the levy of special assessments or industrial development bonds, sheds, warehouses, or buildings of a temporary nature. (Emphasis added.)

Project means any construction project subject to the requirements of this chapter.

(NOTE: The legislated definitions for Arts Council and Works of Art are not reproduced here. Both definitions appear to be clearly stated in the legislation and do not require further OLO interpretation.)

Two of the legislated definitions are especially critical in determining to which capital projects the art percentage would be applied and to what categories of cost. The two definitions are "County construction project" and "construction cost".

For 0LO to determine what was intended to constitute a "County construction project" for purposes of applying the public art percentage, it was necessary to interpret the definition of "construction project" contained in the public art law. The stated definition includes several words and phrases which require interpretation (represented by underlining in the text above). The following discussion serves as the 0LO interpretation of these words and phrases.

A "capital project" is commonly defined in County budget documents as the detail of a governmental effort toward the creation of a permanent facility or other public asset having a relatively long life. Each capital project is described on a special form which is adopted by the Council as part of the CIP budget process. Therefore, "capital project" generally means any project described on a Project Description Form (PDF) contained in the County's adopted CIP.

The word "construct" is generally interpreted as meaning to build or create something, rather than to acquire something through gift or purchase. Therefore, capital projects for the purchase of buildings, buses, and fire or police equipment would be excluded from the legislated definition of a construction project.

The word "remodel" is interpreted to mean changing or remaking something as opposed to maintaining, repairing, or restoring something to its original condition. Therefore, capital projects such as replacement or modification of heating and ventilation systems, roof replacement, and athletic field rehabilitation would be excluded from the legislated definition of a construction project.

The term "parking facility" is interpreted to mean a garage, parking deck, or other structure, as opposed to repaying a parking lot.

The phrase "or other structure" implies that any capital project which does not incorporate a structure is not to be included in the definition of a construction project for purposes of applying the public art percentage (except for park projects, which are specifically included). Also, information derived from the legislative file indicates that, with the exception of bridges, the term "other structure" referred to buildings. Therefore, capital projects for energy management programs would be excluded from the legislated definition of a construction project for purposes of applying the public art percentage.

The phrase "or any portion thereof", in combination with the phrase "construct or remodel", is interpreted to mean projects undertaken which add to or change parts of existing buildings and structures.

The word "infrastructure", as used in the public art law, refers to roads, sewers, utility lines, and other supporting networks, rather than buildings, such as police and fire stations. Therefore, capital projects for stormdrains, curbs, sidewalks, landfills, and road buffers would not be included in the legislated definition of a construction project.

Based on these interpretations, the definition of a "County construction project" is here restated to mean: Any capital project, paid for wholly or in part by the County and represented by a PDF contained in the County's adopted CIP, to construct, build, or otherwise create, change, or remake, either a portion of or in entirety, a building, park, plaza, bridge, parking facility, or any other building not specifically named herein, to be

located in the County. The term specifically excludes projects for sheds, warehouses, temporary buildings, sewers, water lines, roads, or other support networks, and capital projects which derive any portion of financing from special assessments or industrial development bonds.

Although the definition for "construction cost" is also somewhat vague, it appears to be more easily interpreted. The definition contained in the percent-for-art law specifically excludes costs for land acquisition, legal fees, architectural fees, and furnishings. These exclusions are found to be associated with three cost categories shown on a standard PDF: Planning, Design and Supervision; Land Acquisition; and Furniture and Equipment. Therefore, these three cost categories would be excluded for purposes of applying the art percentage.

The remaining two cost categories of Utilities and Site Improvements and Construction, since not specifically excluded by the legislation, would be combined to define the term "construction cost". This interpretation is in conformance with the specific inclusion of parks as eligible projects, since the major cost for development of a park is in the Site Improvements cost category. Thus, to restate the definition in clearer terms, "construction cost" is interpreted to include the combined cost of the Utilities and Site Improvements and Construction cost categories shown on a PDF either contained in an adopted six-year CIP or as subsequently amended in conjunction with an approved Supplemental Appropriation.

Code Section 8-45, <u>Interpretation</u>, is a general policy statement modeled after the Rockville public art law. The purpose of the statement is to allow for liberal interpretation of the law to provide maximum involvement by the County in the provision of works of art in conjunction with projects located within the County. The policy also includes a provision that the architect and artists involved in the project should be allowed sufficient flexibility so as to encourage creativity.

In OLO's opinion, this policy statement summarizes the intent of various sections of the public art law. For instance, the reference "works of art to be used in conjunction with projects located within the County", taken with the legislated definition of a project as any construction project subject to the requirements of the public art law, implies that County construction projects were intended as the sites to receive public art.

The policy that the architect and artists involved in the project should have sufficient flexibility so as to encourage creativity summarizes Section 8-49(a) and implies that the artist(s) should collaborate with the architect(s) selected for a County construction project to develop a suitable work of art for the site. To allow for artist selection prior to the design stage of a County construction project would require an appropriation to the public art project early in the construction project process.

Code Section 8-46. County Construction Projects.

Every appropriation for a County construction project as defined herein shall be accompanied by an additional appropriation for works of art equal to at least one-half of one (0.5) percent of the estimated construction cost of the project as shown in the County's Capital Improvements Program budget. This appropriation for works of art shall be assigned to and expenditures for implementation made from a capital improvements project to be titled "Art in Public Facilities".

Every appropriation for a County construction project as defined herein shall be accompanied by an additional appropriation for works of art equal to at least one (1) percent of the estimated construction cost of the project as shown in the County's Capital Improvements Program budget. This appropriation for works of art shall be assigned to and expenditures for implementation made from a capital improvements project to be titled "Art in Public Facilities".

Section 1 [the first paragraph of this Section] takes effect July 1, 1988, and applies to any construction project that receives its initial appropriation for detailed architectural and engineering design during fiscal year 1989, 1990 or 1991. Section 2 [the second paragraph of this section] takes effect July 1, 1991.

(NOTE: In law, this section technically contains only a percentage paragraph which is to be in effect at a particular point in time. For ease of discussion, however, OLO will refer to the section as though it contains three paragraphs. Prior to passage of Emergency Bill 15-88, effective May 12, 1988, the section contained only the reference to one percent for public art.)

The first two paragraphs above are identical except for the percentage requirement. The reference pertaining to "every appropriation" contained in each of the two paragraphs is somewhat ambiguous and requires interpretation.

Interpreted liberally, the instruction that "every appropriation" for a County construction project be accompanied by an additional appropriation for works of art, would mean that each Council approved appropriation, including a Supplemental Appropriation which concurrently amends the adopted CIP for a County construction project, would be accompanied by an appropriation for public art. Under this application, capital projects receiving several appropriations over a period of time could result in a cumulative percentage being appropriated for public art that is higher than the specified one or one-half percent.

There is, however, no evidence to support the notion that the County ever intended the total public art appropriation derived from a capital project to exceed the percentage stated in the applicable percent paragraph. An early draft of the original bill stated that the public art percentage was to accompany every appropriation for a County construction project, as applied to the construction cost when first estimated. The "when first estimated" portion of the sentence was struck because such early estimates are somewhat ambiguous and used for planning purposes only. However, the sentence was not modified to state that the percentage should be applied at one particular time in the life of a CIP project. While the legislative file is otherwise silent on the matter, each Councilmember interviewed during this evaluation expressed that the Council did not intend for the public art program to receive multiples of the art percentage.

The fiscal impact statements provided by the Office of Management and Budget (OMB) for each of the percent paragraphs, were estimated based on a one-time application of the art percentage to each eligible County construction project. Also, the administrators of the County's four public art program components did not interpret the percent paragraphs to mean that the percentage for public art would be applied each time an appropriation was made for an eligible capital project.

Thus, the universal understanding of the appropriation references contained in the percent paragraphs is that the applicable percentage for public art should be appropriated only once. While this understanding has been accepted for purposes of the OLO evaluation, upon further examination of the remainder of the percent paragraphs, a question arises: Concurrently with appropriations for what stage of project completion would the public art percentage be applied and appropriations made to the public art project?

When taken in combination with the percent paragraph which requires that "every appropriation for a County construction project as defined herein shall be accompanied by an additional appropriation for works of art", the third paragraph in Section 8-46 assists in answering the question. The paragraph identifies which construction projects were to contribute one-half percent for public art by specifying the paragraph containing the lower percentage would apply "to any construction project that receives its initial appropriation for detailed architectural and engineering design during fiscal year 1989, 1990 or 1991". Thus, the one-half percent paragraph can be interpreted to mean that an appropriation adopted by the Council during fiscal year 1989, 1990, or 1991 to cover the detailed design stage of a County construction project should be accompanied by a public art appropriation of one-half percent of the estimated construction cost of the capital project.

Along with references contained in Section 8-49(a), the wording in the third paragraph of this section also helps to clarify the intent regarding public art appropriations resulting from application of the one percent paragraph, which was in effect for fiscal years 1985 through 1988. Section 8-49(a) states, in part, that "a description of the proposed work(s) of art, together with an estimate of its cost, shall be developed in coordination with the plans and specifications for County construction projects". In order to

meet this requirement and allow for collaboration between the artist and the architect for a project, the artist would have to be selected at an early stage of the construction project.

Based on these requirements and conditions, the one percent public art appropriation would need to be made prior to the design stage of a County construction project. A search of the legislative files verified that the Council intended for the artists to collaborate with the project architects to develop public artworks. Yet, it was still not clear at what point in the early stages of project development the public art appropriation was to be made.

As previously discussed in <u>Part III</u>, <u>DEFINITIONS</u>, there are four stages of project development prior to reaching the detailed design stage. These four stages relate to project conception, feasibility evaluation, planning, and preliminary design. Prior to completion of the first three stages, there are usually no estimated construction or site improvement costs shown on the project PDF for applying the public art percentage. Therefore, for purposes of this evaluation, the one percent paragraph is interpreted to mean that the first appropriation relating to design of a County construction project should be accompanied by a public art appropriation of one percent of the estimated construction cost of the project.

This interpretation serves to raise a second question: Since the construction cost estimates are not refined until the detailed design stage has been completed, should the appropriations for public art, approved at the design stage, be adjusted at later stages? To answer this question in keeping with the wording in the percent paragraphs, a solution would be to recalculate the public art appropriations every time an appropriation is made to a County construction project.

Thus, for purposes of this evaluation, interpretation of the percent paragraphs is further refined to mean that every time an appropriation is made to a County construction project, the public art percentage should be recalculated and appropriations to the public art project should be adjusted accordingly. This means that every appropriation (either positive or negative) to a County construction project would be accompanied by an appropriation (either positive or negative) for public art. Such application allows for adjustments in the allowances for public art in conjunction with changes in County construction projects.

Code Section 8-47. Property Sold by the County.

All contracts for sale of land owned by the County on which there is to be constructed a project to be used or occupied by any governmental body, agency, or department shall require as a condition of the sale that one (1) percent of the estimated construction costs of the project be appropriated or otherwise set aside for works of art. This section of the law has not been tested to date. However, a problem may arise in application, since the construction cost of a project to be constructed on the purchased land may not yet be estimated, and County follow-up would be required to ensure that the percentage is actually set aside or appropriated.

Code Section 8-49. Recommendations by County Executive.

- (a) A description of the proposed work(s) of art, together with an estimate of its cost, shall be developed in coordination with the plans and specifications for County construction projects. Prior to final approval of the plans and specifications, the County Executive or responsible agency head shall provide a copy thereof to the Arts Council, which shall establish an appropriate jury and, within ninety (90) days, submit recommendations to the County Executive or responsible agency head.
- (b) The County Executive or responsible agency head shall review the recommendations of the Arts Council and forward them to the County Council together with a recommendation for approval or disapproval of the proposed work(s) of art.

This section of the law was worded as recommended by the Executive branch to "allow for the Arts Council to be a participant at the point of preliminary facility design". The wording in the first sentence, requiring that works of art be developed in coordination with the plans and specifications for County construction projects, supports the OLO opinions that County construction projects were implied as the sites to receive public art, and, that artists should be selected prior to the design stage of a project.

The wording in the second sentence of Section 8-49(a) implies that the Arts Council would create appropriate juries to review the plans and specifications of County construction projects (including the proposed art work) and either recommend for or against the proposed project. However, wording in Section 8-49(b) clearly indicates that the County Executive or responsible agency head forward the Arts Council's recommendations to the County Council along with his or her own recommendations pertaining to the proposed art work.

C. Emergency Bill No. 37-90

Bill No. 37-90, effective May 4, 1990, again amended the County's percent-for-art law. Several technical changes were made throughout the law to update the language and three sections were amended significantly, Sections 8-46, 8-47, and 8-49.

In Section 8-46, the first paragraph was amended by changing the public art percentage from one-half to one-quarter percent, and the second and third paragraphs were repealed. As a result of these changes, all future public art appropriations will be based on one-quarter percent of the estimated construction cost of capital projects shown in the County's CIP budget.

In Section 8-47, the requirement that an amount be set aside or appropriated for public art based on one percent of the construction cost of projects to be placed on land purchased from the County was changed to require that only one-quarter percent be set aside for public art.

In Section 8-49, parts (a) and (b) were eliminated and the following paragraph was inserted:

The County Executive or responsible agency head, after consulting the Arts Council, may recommend to the County Council that funds from the "Art in Public Facilities" capital improvements project be spent for a specific work of art at a designated County facility. The [County] Council may approve or disapprove the recommendation. Funds from the "Art in Public Facilities" capital improvements project may be spent for works of art at any County facility, but must not be spent without [County] Council approval. The [County] Council must not approve more than a cumulative total of \$100,000 for works of art at any County facility, unless the [County] Council waives this limit for the facility.

These changes codify the responsibilities of the Arts Council to reflect current practices; clarify the Council's desire that sites eligible to receive public art include existing facilities; and, unless specifically waived by the Council, limits the cumulative total which can be expended for works of art at any one County facility.

VI. DESCRIPTION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE PROGRAM

This part of the report describes each public art program component operated on behalf of Montgomery County. Discussion of the program components are arranged chronologically based on order of implementation:

- A. Montgomery County Public Schools, activated FY85
- B. Executive Branch, activated FY86
- C. Maryland National Capital Park and Planning, activated FY87
- D. Montgomery College, activated FY89

A. Description of the MCPS Public Art Program Component.

The MCPS assigned responsibility for managing its public art program component as a collateral duty to an existing Special Projects Coordinator in its Division of Construction Management. Throughout the OLO report, this manager is referred to as the MCPS public art administrator.

The percent-for-art legislation requires that the percentage for art be appropriated during an early stage of a construction project to allow for collaboration of artists with the architects. However, for ease of implementation, and because the scope and timing of school construction projects would often change during the design process, the MCPS chose to request its public art appropriations when it requested appropriations to cover the construction stage of its CIP projects. The usual construction period to build or renovate a school is one to two years, which allows ample time to plan and acquire artwork for a site after construction appropriations have been approved.

A standing list of school construction projects to which the percent-for-art law applied has not been maintained by MCPS staff. However, each year a list has been included on the approved Project Description Form (PDF) for the MCPS public art project indicating which schools were approved to receive construction appropriations for that fiscal year. The MCPS public art coordinator has worked with the Council's legislative analyst throughout each year's CIP budget process to adjust the list to reflect decisions prior to Council adoption of the CIP.

The entire appropriation derived from applying the percentage to a MCPS construction project has been considered available for expenditures related to acquiring artworks for that particular site. Because each school is expected to be renovated eventually and will receive public art at that time, it has not been the practice of the MCPS to reallocate funding to other schools. Any unexpended appropriation is retained in the MCPS public art project to pay honorariums and cover any unanticipated obligations relating to the public art collection.

While the Board of Education (Board) has not formally adopted art selection procedures, fairly standard procedures have evolved over time. In accordance with these procedures, a separate art selection panel or committee is convened for each school to receive public art. A typical art selection committee is comprised of the receiving schools's principal, the PTA president, two to four parents, sometimes an art teacher, a member of the Arts Council, and the MCPS public art administrator. For secondary schools, two students may also serve on the art selection panel. The MCPS public art coordinator chairs the art selection committee as a voting member.

At the first meeting of the art selection committee, panel members examine building plans for the proposed site and view slides of artworks currently located in County schools and decide suitable locations in or around the school to receive artwork, desired art mediums to be commissioned, and amounts to be allocated for each commission. The intention is to house artworks in the most public areas of the schools where they can be viewed by the most students, teachers, and the visiting public.

During the two-month interim before the second meeting, the competitions are advertised, and notices are sent to the Arts Council for distribution on its mailing list. It has been the practice of the MCPS public art coordinator to conduct open competitions nationally.

At the second art selection committee meeting, panel members review preliminary proposals from interested artists and select two to four finalists by secret ballot. Next, the selected artists are provided with detailed plans of the space where the art is be located and invited to prepare final proposals, including models. The finalists are also provided the opportunity to speak to panel members prior to preparing the detailed proposals.

At the third meeting, the art selection panel hears a twenty to thirty minute presentation by each of the finalists. A secret ballot for selection of a winner is used to ensure voting that is not influenced by the votes of the other committee members. The finalists who are not selected are paid honorariums of from \$200 to \$1,000, depending on the complexity and cost of their project models.

At the conclusion of this selection process, an artwork proposal is prepared and submitted to the Superintendent of Schools for approval. The proposal is then forwarded, along with the Superintendent's recommendation, to the Board for its approval and any additional recommendations. After all MCPS approvals have been acquired, the recommended proposal is presented to the Council Planning, Housing, and Economic Development (PHED) Committee for approval. After PHED Committee approval, the full Council decides final approval for the proposed artwork. Only then is a contract negotiated with the selected artist. The MCPS public art administrator manages the artist's contract, oversees the art project to successful completion, and authorizes payment.

B. Description of the Executive Branch Public Art Program Component

In FY85, The Executive branch assigned responsibility for managing its public art program component as a collateral duty to an existing Arts Coordinator in its Department of Recreation (this position was later transferred the Department of Facilities and Services). The position is also assigned to manage the County's Art Acquisition Fund. Throughout the OLO report, this coordinator is referred to as the Executive branch public art administrator.

The Executive branch capital project, Art in Public Facilities, received a large appropriation in FY85 based on one percent of the estimated construction cost of selected capital projects. Because a clear delineation of responsibilities between the Arts Council and the County agencies was not worked out until FY86, the Executive branch public art program component was not activated until FY86, with the first expenditures charged to the public art appropriation in FY87. Due to delay in activating the Executive branch public art program component and failure to spend against the project's cumulative appropriation, after FY85, appropriations for the program component have been based on the rate of expenditure against the project and budgetary concerns rather than the legislated percentage.

Since subsequent Executive branch public art appropriations have not been based on the legislated percentage of construction projects receiving appropriations, Executive branch capital projects have not been consistently tracked and a standing list of projects which have contributed to the public

art program has not been maintained. However, each year from FY85 through FY88, a list has been included on the approved PDF for the Executive branch public art project indicating which construction sites were planned for receiving public art.

While the Executive branch has not formally adopted art selection procedures, fairly standard procedures have evolved over time and have been documented by the current public art program administrator. In accordance with these procedures, a separate art selection panel or committee is convened for each CIP project to receive public art. A typical art selection committee is comprised of the CIP project manager and/or architect, two members of the Arts Council, a representative of the facility to receive the artwork, and a community representative. The Executive branch public art administrator serves in an advisory capacity as a non-voting member.

At its initial meeting, the art selection panel reviews site plans for the capital project and decides the most appropriate locations and art mediums for the project. Methods of outreach to artists are discussed, amounts to be offered for honorariums are decided, and a timeline for acquiring the artwork is established. The Executive branch public art administrator arranges advertisement of the County's intention to commission an artwork, including the intended amount of the commission and the type of artwork sought, and requests interested artists to submit slides of their work for stylistic overview as expressions of interest.

At its second meeting, the art selection panel reviews the initial artist submissions and selects three or four finalists to present site specific proposals to the committee. Finalists are sent site plans, photographs, and a narrative description of the project, including demographic and user information.

At its third meeting, the selection panel reviews the artist detailed presentations and selects an artwork. The finalists who are not selected are paid honorariums as decided by the art selection panel.

Next, a proposal for the artwork is prepared and submitted to the County Executive for approval. Once approved, the Executive adds his recommendation and the Executive branch public art administrator presents the proposal to the Council PHED Committee for approval. After PHED Committee approval, the full Council decides final approval for the proposed artwork.

Once all approvals have been obtained, a contract is negotiated with the artist. The Executive branch public art administrator manages the contract, oversees the art project to successful completion, and authorizes payments to the artist.

C. <u>Description of the M-NCPPC Public Art Program Component.</u>

In FY88, the Maryland-National Capital Park and Planning Commission (M-NCPPC) created a part-time staff position to manage its public art program component. Throughout the OLO report, this position is referred to as the M-NCPPC public art administrator.

The M-NCPPC interpreted the percent-for-art legislation to mean that the amount to be appropriated for public art was to be calculated as a percentage of the total CIP appropriations for the fiscal year. Under this approach, the M-NCPPC saw no need to track CIP projects or maintain a standing list of projects to which the percent-for-art law applied.

Although formal selection procedures for identifying suitable sites and selecting artworks have not been adopted by the Montgomery County Park Commission, fairly standardized procedures have evolved over time. The Division of Park Planning and Development selects parks to receive public art based on the region, visibility, and public use of the park, and recommends a listing in its CIP budget submission for Park Commission approval.

Prior to convening an art selection panel, the M-NCPPC public art administrator obtains Park Commission approval of a suggested site and panel composition. The Commission has generally approved the suggested sites and composition of the art selection panels without change, but has sometimes suggested that an additional group be represented on a panel. After obtaining approval to proceed from the Park Commission, the M-NCPPC public art administrator convenes an art selection panel which may consist of from five to eight participants. A typical panel is comprised of two representatives of the Arts Council; one representative of the M-NCPPC region; the CIP coordinator for the park under consideration; and two to four community representatives. The M-NCPPC public art administrator serves on the panel in an advisory capacity as a non-voting member.

On occasion, one or two additional persons have been invited to serve on an art selection panel as special interest representatives because of conditions specific to a site or an anticipated artwork. For example, representatives of the figure skating and hockey associations served on the panel to select artwork for the Cabin John ice skating rink; a handicapped person served on the panel to select art for the Martin Luther King, Jr. Park because the artwork was to be designed with blind individuals in mind; and representatives from the County's Library Department served on the panel for Caroline Freeland Park because the park is located in proximity to the Bethesda library.

At its first meeting, the art selection panel visits the park to identify any special characteristics and decides an amount for the public art commission. Depending on the site, the panel may also decide whether an artwork should be commissioned as an interior or exterior piece, and whether a particular medium should be sought. Otherwise, the art mediums and/or locations of artworks within the park are left to suggestion by the artists, subject to acceptance by the art selection panel. The M-NCPPC public art administrator prepares and sends notices to artists and the Arts Council indicating the amount of the commission and any conditions decided by the art selection panel, and invites artists to express interest by a certain date. A second mailing to interested artists includes proposal submission guidelines, an explanation of the art selection process, and an historical background of the park.

At its second meeting, the art selection panel reviews the artists' preliminary submissions (slides, photos, resumes, etc.) and selects three to five finalists for further consideration. The finalists are notified and arrangements are made for the art selection panel to meet with the artists at the park to discuss the commission. Neighborhood associations are invited to send representatives to this meeting, also.

Several weeks later, finalists present their detailed proposals and suggested locations during the fourth meeting of the art selection panel. The panel may agree or disagree with the location suggested by the artist. After the artist presentations, the art selection panel discusses the proposals and suggested locations and selects an artwork for recommendation to the Park Commission. The public arts administrator generally sets aside \$2,000 for honorariums which is divided among three or four finalists.

The public art administrator prepares a proposal containing the art selection panel recommendations and presents the proposal to the Park Commission for approval. Once approved, the artwork recommendation is presented to the Council PHED committee, then the full Council for final approval.

After all approvals have been acquired, a contract is negotiated with the selected artist. The M-NCPPC public art administrator manages the artist's contract, oversees the art project to successful completion, and authorizes payment.

D. Description of the Montgomery College Public Art Program Component

Montgomery College assigned responsibility for managing its public art program component as a collateral duty to an existing Coordinator of Planning and Construction in its Department of Facilities. Throughout the OLO report, this manager is referred to as the College public art administrator.

Although the public art legislation required that the percentage for art be appropriated early to allow for collaboration of artists with the architects, the College has requested its public art appropriations concurrently with the various stages of its CIP projects. Thus far, the appropriations for the College's public art program component have been small, with a cumulative amount of only \$35,000 being appropriated to date and no expenditures charged to the public art project.

Because the College has had few CIP projects, a standing list of construction projects to which the percent-for-art law applied has not been maintained by the College. However, each year a list has been included on the approved PDF for the College's public art program component indicating which construction projects were expected to contribute to the public art program.

In anticipation of acquiring public artwork during FYs 90-91, the Montgomery College Board of Trustees adopted a resolution during FY89 authorizing the President of the College to develop procedures to implement its public art program component. Consequently, the College adopted formal administrative procedures for composition of the art selection panels and selection of artworks for the College.

In accordance with the adopted administrative procedures, a separate art selection panel or committee is to be convened for each construction project receiving public art. A typical art selection panel is to be comprised of representatives of the College's Facilities Department and Central Administrative Offices; the Fine Arts Department, Administration Office, and Student Government of the campus to receive the artwork; and the Arts Council. The construction project architect or a Facilities Office representative is to work with the art selection panel in selecting an appropriate medium and location for the artwork.

Once an artwork has been chosen, the art selection panel is required to prepare a written recommendation to the College's Director of Facilities. The Director of Facilities and the campus provost would then review the report and forward a recommendation to the College President, who would approve or disapprove the proposed artwork. The College President would then forward the proposal, along with his recommendation, to the Board of Trustees. Once approved by the Board of Trustees, the proposal would be forwarded to the County Council for final action. It is anticipated that College staff would present the proposal to the Council's PHED Committee as a preliminary step to acquiring full Council approval, as is done with the other agencies.

Once all the necessary approvals have been acquired, the College would enter into a contract with the selected artist. The College public art administrator would manage the contract, oversee the art project to successful completion, and authorize payment.

VII. PUBLIC ART PROGRAMS IN OTHER JURISDICTIONS

As part of this evaluation, OLO mailed surveys to approximately 120 agencies requesting specific information about their public art programs. Forty agencies responded to the OLO request with responses ranging from somewhat to very informative. Also, in 1987, the Arts Extension Service and the National Assembly of Local Arts agencies conducted a survey of public art programs in the United States. While all information from these surveys cannot be included in the report, this part highlights positive aspects and differences among various public art programs in operation around the country.

A. OLO Survey

In response to the OLO survey, several agencies provided copies of their laws or regulations; adopted guidelines, policies, and procedures; and annual or long-range art plans. Many respondents indicated that they have established art selection procedures similar to those used by the County's program components. Some programs, however, limit artist eligibility to local, in-state, or regional residents. Other programs vary artist eligibility, such as the Seattle Metro Art Program, which requires that 50 percent of selected artists must be state residents, 15 percent selected from racial minorities, and five percent women. Still other programs vary artist eligibility according to the amount of the commissions. For example, the State of Nebraska adopted regulations requiring artists to be selected by open competitions for artwork acquisitions of \$10,000 or more, but allowing for limited competitions or direct purchases for acquisitions under \$10,000.

Created in 1978, the Rockville, Maryland percent-for-art program, Art in Public Architecture, is site-specific to the CIP projects which contribute to the public art appropriations. However, a second public art program, Art in Public Places, funded by a set-aside of \$1.00 per capita, allows for placement of public artworks at existing buildings and public places in the city. Having placed artworks at the most obvious public sites by 1985, the city contracted for development of a master plan to select priority sites for future artwork placements. The six-year plan was adopted by the City Council in 1986, and includes sites identified as major urban focal points, desirable gateway and corridor sites, and neighborhood focal points. Recently, Rockville has also turned its attention to conservation and maintenance of its public artwork collection and plans to develop a comprehensive maintenance plan during FY91.

Several other jurisdictions have adopted formal guidelines, policies, and procedures for selection of sites to receive public artworks; acquisition and deaccession of artworks; composition of selection panels; selection of artists; conservation and maintenance of artworks; annual and long-range planning; and reporting mechanisms. For example, the City Council of Palo Alto, California adopted a Municipal Arts Plan in 1985 as a guideline for acquisition and placement of public artworks. Among other things, the plan included requirements to develop acquisition and deaccession policies; establish a master plan to identify existing public sites which are ideally suited for visual art pieces; educate the public regarding the role, activities, and accomplishments of the public art program; and, continue city funding and seek additional funding sources to support the public art program. Since the plan was developed, Palo Alto has adopted formal acquisition and deaccession policies and procedures and established a method to prioritize and select sites to receive public artworks. The city is also in the process of finalizing educational materials for the public, and will soon consider legislation requiring developer participation in its public art program.

The ordinance for Seattle, Washington requires its Arts Commission to adopt an annual financial plan for its public art program, which must be submitted to the Office of Management and Budget and approved by the Mayor. The plan serves as a budgeting and reporting mechanism which provides a financial summary of the program, updates the status of continuing projects, and establishes budgets for new projects.

The ordinance for Kent, Washington requires that guidelines and procedures for implementation of the public art program be prepared, including a schedule and budget for all projects, updated annually and approved by the City Council. The current art plan establishes policies and guidelines for acceptable artwork mediums; site selection and placement of artworks; allowable expenses of the program; composition of art selection juries, and criteria for selection of arts professionals to serve on juries; acceptable methods of artist/artwork selection; public education and involvement; acceptance of artworks as gifts; reviewing the status of artworks in the collection, and removing or relocating artworks; and responsibility for maintenance and conservation of artworks.

Both the city and county of Santa Barbara, California have adopted guidelines regarding contractual agreements with artists, acquisition and deaccession of artworks, art and artist selection procedures, and maintenance of its public artworks. Guidelines for the Portland, Oregon public art program cover all these areas plus selection committee responsibilities and procedures.

Prince George's County, Maryland went through a planning process prior to activating its public art program. The percent-for-art legislation of November 1988 required that a plan with implementation guidelines be submitted to the Prince George's County Executive and Council for approval prior to implementing the public art program. The plan and guidelines were approved in February 1990 and the public art program was activated. Prince George's County is currently in the process of commissioning four artworks for two sites at a total cost of \$340,000.

The State of Colorado has devised an interesting plan for placing public artwork at correctional facilities. The enabling legislation generally requires one percent allocations for public art, except for correctional facilities, which requires an allocation of not less than one-tenth of one percent. This allocation must be used for purchasing materials to allow inmates to create works of art for inclusion in the construction of the correctional facility or to be placed permanently in such facility. The Department of Corrections is required to administer a competitive program among the inmates to determine which art projects are selected, and inmates are allowed to receive an incentive award not to exceed two hundred dollars each.

From a review of available literature and information received from administrators around the country, it appears that many public art programs were initiated without formal policies, guidelines, or procedures by which the programs were to operate. However, after a period of operation in which the programs matured and artwork collections became sizeable, many administrators recognized the need to develop a comprehensive collection management plan and adopted formal policies, guidelines, procedures, site plans, conservation and maintenance plans, and reporting mechanisms. Yet, many other public art programs have not adopted formal policies, guidelines, or procedures, or operate under a formalized collection management plan. In those programs, like Montgomery County, the care and maintenance of public artworks are the responsibility of whatever department or agency occupies the space where the artworks are located, using whatever money or personnel is available.

The more comprehensive programs are operated under the premise that a public art program should contribute not only to enhancement of specific public spaces, but also to development of the overall design and character of the community. These programs attempt to integrate public art planning with community and urban development in conformance with the philosophy that public artworks are important to the economic vitality of the jurisdiction, making it a more attractive place to live, work and visit.

B. Arts Extension Survey

In 1987, the Arts Extension Service and the National Assembly of Local Arts Agencies conducted a survey of public art programs in the United States. The respondents included governments, nonprofit organizations, educational organizations, and private corporations which have ongoing public art programs or develop public art projects on a regular basis.

Data provided from the survey, as adjusted by OLO to include information obtained during the course of this evaluation, indicates that of the 197 known public art programs, 108 represent programs which were instituted in the last ten years, including 41 established since 1985. A total 138 of the programs are publicly funded or initiated, with a majority of 74 percent, or 101 programs, funded through percent-for-art ordinances or legislation.

In addition to percent-for-art programs, several jurisdictions have established public art programs with other funding mechanisms. These include public grants; private grants; private contributions; mandated contributions from private developers; revenues from special taxes, such as hotel/motel taxes; allocation of Federal revenue sharing funds; amounts set aside based on per capita contributions; a specified dollar amount per square foot of public space in a construction project; appropriations made directly to a capital project; or line item appropriations within an agency budget. Approximately one-third of the 37 agencies which do not use the percentage method of funding provide for their public art programs through line item appropriations within the administering agency's budget.

The following are examples of public art programs which use funding mechanisms other than the percentage method:

- Rockville, Maryland, in addition to its percent-for-art program, sets aside one dollar per capita each budget year to provide funding to augment its percent program, and to acquire public artwork for placement at existing sites within the city.
- Broward County, Florida, computes its public art contribution based on one dollar per square foot of the construction or remodeling project area which is accessible to the public.
- Santa Cruz, California, sets aside its Federal Revenue Sharing funds for acquiring public artworks.
- The State of Michigan, provides funding for its public art program through a line item appropriation to its Parks and Recreation Department.

Since 1959, when the City of Philadelphia adopted the first percent-for-art legislation in the country, the Federal Government and 99 state, county, and city governments or agencies are known to have followed suit. At Exhibit C is a listing of percent-for-art programs, in addition to Montgomery County, which had been established in the United States through 1987 as updated to reflect information received in the course of this evaluation. Of the 100 programs included in the list, 56 were initiated in the 1980s.

Ten of the listed percent-for-art programs are county based, 25 are state based, and 61 are city based. The remaining four programs on the list fall into other governmental agency categories, including two transit programs, one port authority, and the Federal Government's General Services Administration percent-for-art program. The most common percentage designated in percent-for-art legislation throughout the country is one percent, used by 71 programs.

Seven programs restrict artist eligibility to local, in-state, or regional residents, while 12 programs either allow for artist eligibility to vary or do not designate eligibility. The remaining 81 programs allow for commissions to be open to all artists, with 38 of these providing for some preference to local and in-state artists. The following chart summarizes this information:

Artist Eligibility	Number of Programs
Open to all artists without preference Open to all with preference given to	43
local or in-state artists	38
Artist eligibility varies	7
Artist eligibility not specified	5
Restricted to regional artists	3
Restricted to in-state artists	3
Restricted to local artists	<u>1</u>
Total	<u>100</u>

The legislated percentages to be set aside for public art range from two-tenths of one percent for the Wisconsin state program to a full two percent for the city programs of San Francisco and Sacramento, California. Eighty of the programs are mandatory, in that a certain percentage is required to be set aside for acquisition of public artworks. The remaining 20 percent are voluntary.

The following chart summarizes the percentage requirements of percent-for-art legislation in the two categories of mandatory and voluntary, as provided in the source material:

Percentage Category		Number of <u>Mandatory</u>	Programs <u>Voluntary</u>
0.20%		1	0
0.50%		7	4
0.50% with restrictions		2	0
1.00%		54	8
1.00% with restrictions		7	2
1.25%		1	1
1.33%		1	1
1.50%		2	2
1.70%		1	0
2.00%		2	0
Variable %		0	1
Range of 0.25% to 1.00%		2	0
Range of 1.00% to 2.00%		<u>0</u>	_1
	Totals	<u>80</u>	<u>20</u>

The more common restrictions found in percent paragraphs relate to either exempting smaller construction projects or renovations from the percentage requirement; allowing for a lesser percentage to be set aside for certain projects, such as detention centers; and, allowing for adjustment to the amount required to be set aside for public art by specifying a dollar minimum or maximum. Although some percent paragraphs may specify that certain costs or types of projects are to be excluded, this kind of restriction is most often accomplished through definitions of key words and phrases used in the percent paragraph, such as construction cost, project, and public building.

Following are examples of restrictions found in percent paragraphs:

- Sacramento County, California, requires applying one percent to capital building projects which exceed \$100,000 in cost and are to be located in highly visible public areas, but allows only 1/2 percent for detention center projects.
- The State of North Carolina, requires applying 1/2 percent to the construction costs of state building projects which exceed \$500,000 in cost.
- Virginia Beach, Virginia, requires applying one percent to the estimated annual cost of buildings as set forth in its current year's CIP; including buildings only for its "Parks and Recreation" portion and specifically excluding fire stations; all subject to an annual maximum of \$150,000.

• The State of Nebraska, requires applying one percent to the cost of any new construction of (or addition to) a public building or facility in excess of \$500,000 or remodeling or renovation of a public building in excess of \$250,000 to derive a minimum amount for public artwork.

The following are examples of project exclusions provided through restrictive definition of words and phrases:

- Salt Lake City, Utah, provides for exclusion of projects at the discretion of the City Council by defining a construction project to mean "any capital project designated for inclusion under this Chapter by the City Council, and paid for wholly or in part by the City."
- Santa Barbara County, California, excludes small projects by defining a construction project as "any capital project over \$100,000 paid for wholly or in part by the County...".
- Portland, Oregon, excludes certain projects by defining an improvement project to mean "any project paid for wholly or in part by the participating bureau in which the bureau's contribution equals \$100,000 or more...", and specifying that "certain special revenue funded projects (such as sewers, grant funded projects, private development funds) are exempt."

Although most percent-for-art legislation pertains to public construction projects, some jurisdictions have expanded the concept to include private development. The following are examples of percent-for-art legislation which applies to private development:

- Concord, California, requires applying 1/2 percent to the total value of improvements for a project as indicated on the building permit application where the development costs exceed \$40,000 for development of improved or unimproved real property, excluding single family homes.
- Laguna Beach, California, requires applying one percent for new commercial or industrial developments; remodeling, repair or reconstruction of existing commercial or industrial property which exceeds \$250,000 in cost; residential subdivision or development of more than four lots or units, including single family residential units, townhouses, condominiums, and apartments; repair, remodeling or renovation of residential units which exceed \$250,000 in cost; and, public works projects, including bridges, viaducts, elevated ways, gates or other structures which exceed \$25,000 cost. Project applicants may contribute the required one percent to an art in public places fund in lieu of providing the artwork themselves.

• Los Angeles, California Community Redevelopment Agency, requires applying one percent to project costs (excluding the cost of land and off-site improvements) developed within three identified downtown redevelopment project areas. Of the amount derived from applying the percentage, at least 40% is to be contributed to a public art trust fund, with the remainder to be used for acquiring public artwork; or, developers may opt to contribute 0.8 percent of the project cost directly to the public art trust fund in lieu of providing any artworks themselves.

Existing percent-for-art programs demonstrate a range of construction projects to which the percent applies. Some pertain exclusively to the construction of new buildings, while others include renovation projects and may stipulate a minimum budget size. Most programs exclude the cost category of land acquisition from calculation of the public art appropriation. The most inclusive programs stipulate all construction cost categories as applicable and/or all capital improvement projects as subject to the percent requirement.

Some programs recognize that every site having an eligible capital construction project may not be appropriate for a public artwork, and that every site may not generate enough dollars to obtain a quality artwork. Thus, pooling of public art appropriations has been used as a method of eliminating the restriction that works of art must be limited to the actual site generating the funds. Aggregating public art funding for use at any public building or land has enabled several public art programs to address sites which are not under construction or renovation, but have major public access and visibility. The pooling concept allows for consolidation of smaller projects and provides administrative flexibility and options for public art programs.

VIII. EVALUATION/ANALYSIS OF THE MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE PROGRAM

Four separate public art program components have been established under the County's percent-for-art law. In this part of the report, each program component is examined operationally and financially in accordance with the standard OLO interpretation of the percent-for-art law which was developed in Part V, DESCRIPTION AND INTERPRETATION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE LEGISLATION.

A. Evaluation/Analysis of the MCPS Program Component

In this section of the report, OLO evaluates the operation of the County's MCPS public art program component and analyzes MCPS capital projects and related public art appropriations.

1. Evaluation of the MCPS Public Art Program Component

In FY85, the Montgomery County Public Schools (MCPS) was the first of four County agencies to activate a public art program component under the County's percent-for-art law. As previously mentioned, the MCPS assigned

responsibility for managing its public art program component as a collateral duty to an existing position in its Division of Construction Management, who is referred to as the MCPS public art administrator throughout this report.

During FY85, the MCPS public art administrator became aware that the Arts Council did not have adequate paid staff to develop and administer a single public art program which would require tracking hundreds of County construction projects and coordinating art projects among four separate agencies. Since MCPS staff was already managing its own construction projects, the agency could administer a public art program component and avoid duplication of effort by the Arts Council. Therefore, it was agreed between the MCPS and the Arts Council that the MCPS would administer its own public art program component and the Arts Council would oversee the program by participating on the art selection panels. As a result of this agreement, at least one member of the Arts Council has served on each of the MCPS art selection panels. The MCPS public art administrator, who chairs the art selection panels, is also a member of the Arts Council.

Through June 30, 1990, the County Council had approved 122 commissions for 45 artists to create public artworks for 49 schools under the MCPS public art program. Since some commissions resulted in creation of more than one artwork, the number of artworks involved exceeds 160 pieces. At Exhibit D-1 through D-3 is a listing of artwork commissions which have been approved by the Council for the MCPS public art program component. The listing is arranged in alphabetical order by school for each fiscal year through June 30, 1990. The following schedule provides summary information derived from the listing:

Table 1

MCPS Public Art Program Component
Schedule of Council Approved Commissions
As of Type 30, 1990

		As of June 30, 1	<u>990</u>	
Fiscal	Number of	Total	Number of	Number of
<u>Year</u>	Commissions	<u>Commissions</u>	<u>Artists</u>	<u>Schools</u>
85	10	\$ 78,052	8	4
86	12	196,000	9	6
87	19	280,500	11	9
88	34	572,200	23	9
89	25	409,000	19	11
90	_22	<u> 156,500</u>	<u>15</u>	<u>13</u>
Totals	$\overline{122}$	\$1,692,252	*	*
•		4 10 070		•

Average commission \$ 13,870

^{*} Total numbers for artists and schools would not represent meaningful statistics here because commissions were approved for some artists in two or more fiscal years, and for three schools in two different fiscal years. The actual number of different artists and schools approved for public artwork commissions is 45 and 49 respectively.

All commissions approved for the MCPS public art program component have resulted from advertising for artist proposals. No artworks have been acquired by direct purchase, nor have any commissions been awarded for collaborative efforts between artists and architects.

The MCPS policy has been to advertise public artwork commissions nationally, allowing no preferences to local or regional artists. As a matter of operation, however, local artists often have an advantage in that they are more attuned to the tastes in the area and can easily visit the proposed site and surrounding community. The listing which follows shows the artists approved for five or more commissions for the MCPS:

Table 2

MCPS Public Art Program Component

Listing of Artists Approved for Five or More Commissions

As of June 30, 1990

No. of <u>Commissions</u>	Artist Name	<u>Residence</u>	Total <u>Commissions</u>
10	Lilli Ann Rosenberg	Massachusetts	\$114,500
9*	Irene/Azriel Awret	Virginia	144,000
9	Julio Teichberg	Maryland	127,000
9	Marcia Billig	Maryland	111,300
8	Steven Weitzman	Maryland	141,500
6	Lorraine Vail	California	128,000
6	Judith Inglese	Massachusetts	107,500
<u>_5</u>	Evelyn Rosenberg	New Mexico	81,000
<u>62</u>	Totals		\$954,800
	Average commission		\$ 15,400

^{*} Irene and Azriel Awret were approved commissions for MCPS artworks both individually and as a team. The information shown in this listing represent totals for all MCPS artwork commissions approved for the Awrets, either individually or as a team.

As of June 30, 1990, the eight artists shown in the above listing received 62 of the 122 approved MCPS artwork commissions representing 51 percent of the total number of commissions and 54 percent of the total dollar value of commissions. Of these eight artists, four are local Maryland, Virginia, or Washington, D.C. residents, and two are residents of the northeast region of the United States. Overall, the MCPS has awarded approximately 100 commissions to local or northeast regional artists.

The Board of Education has not adopted formal policies, procedures, or guidelines regarding its public art program component. During the period of this evaluation, there were no minimum or maximum dollar limitations per school or per artwork commission, and no procedures for reallocating public art funding from high cost construction projects to low cost construction projects. These matters were left to the discretion of the MCPS public art administrator.

The policy has been to allocate the entire amount derived from applying the art percentage to a construction project to that school for acquiring artwork. Since higher cost construction projects generated more artwork dollars than lower cost construction projects, the lower cost construction projects generally received fewer artworks. Also, schools reaching the construction stage under the one-half percent law generally received fewer artworks than schools reaching the construction stage under the one percent law.

Of 49 schools approved for artwork commissions, a majority of 40 schools were approved for three or fewer commissions, for a total of 79 commissions. Of the remaining nine schools, two were approved for six artwork commissions, three were approved for five commissions, and four were approved for four commissions, for a total of 43 commissions. Because of differing costs for various artwork mediums and sizes, schools approved for the highest dollar amounts were not always commissioned for the highest number of artworks. The listing which follows depicts schools having total Council approved artwork commissions of \$50,000 or more:

Table 3

MCPS Public Art Program Component

Listing of Schools Approved for \$50,000 or More in Art Commissions

As of June 30, 1990

School	No. of Commissions	Total Commissions
Watkins Mill High	6	\$187,000
Quince Orchard High	5	167,000
Paint Branch High	4	69,000
Strawberry Knoll Elementary	6	60,200
Clearspring Elementary	4	57,000
Greencastle Elementary	4	57,000
Rolling Terrace Elementary	5	57,000
Stone Mill Elementary	. 3	56,000
Captain James Daly Elementary	5	55,000
Goshen Elementary	3	53,000
Waters Landing Elementary	3	53,000
S. Christa McAuliffe Elementary	<u>_3</u>	50,000
Totals	<u>51</u>	<u>\$921,200</u>
Average commission		\$ 18,060

As shown in the above listing, 12 schools each received total art commissions of \$50,000 or more. These 12 schools represent 25 percent of the 49 schools approved for artworks, and 54 percent of the \$1.7 million value of approved artwork commissions. The remaining 37 schools approved for artwork commissions under \$50,000 represent 75 percent of the total 49 schools receiving artwork. Twenty-nine of these schools were approved for total commissions under \$30,000, of which 20 were approved for total commissions under \$20,000, and seven were approved for total commissions under \$10,000.

As of June 30, 1990, two schools had been approved to each receive total artwork commissions in excess of \$150,000. Emergency Bill 37-90, effective May 4, 1990, will prevent future total commissions per school from exceeding \$100,000, unless specifically waived by the Council.

The majority of artwork commissions approved for the MCPS public art program component were for interior artworks, including 52 ceramic, mosaic, or painted mural treatments; 26 reliefs; 16 stained glass treatments; five sculptures; and three mobiles. The remaining 20 commissions were approved for exterior artworks, including freestanding sculptures, assemblages attached to the school buildings, and functional seating arrangements.

Potential maintenance of the MCPS public artworks is taken into consideration during the art selection process. It has been the policy of the MCPS to encourage selection of easily maintained artworks, and to assist with installations where necessary to ensure protection of the art pieces. For example, stained glass panels are placed behind existing windows to protect them from weather damage and possible vandalism, and paintings are attached to walls and encased in oak frames with shatterproof glass to protect them.

The MCPS does not have a formal artwork maintenance plan or reporting mechanism to ensure that its public artworks are properly maintained. The public art administrator requires finalists to provide maintenance information which is considered by art selection panels when deciding upon suitable artworks. A majority of selected artworks require very little maintenance beyond occasional dusting, waxing, or washing.

After artworks are selected, maintenance information is forwarded to principals of the individual schools, who are responsible for ensuring the artworks are properly maintained and reporting any unusual conditions to the MCPS public art administrator. The 12 principals interviewed by OLO indicated that they rely on the building maintenance workers to inform them of artwork defects and cleaning personnel to periodically clean the public artworks as necessary. The MCPS public art administrator recently completed a survey to determine the condition of all installed artworks. Although the survey revealed that a few art pieces will need minor attention in the near future, the majority of pieces are currently considered to be in good condition.

Vandalism or defacement of MCPS public artworks has been minimal. Most artworks are either virtually vandal-proof or mar-proof because of the art medium itself or protective coatings have been applied (cast concrete, bronze, stainless steel, ceramic tile) or because they are located in either restricted, highly visible, or well-traveled areas of the school (enclosed courtyards, within protective display cases, hanging above the reach of students). Over the life of the MCPS public art program component, there have been two instances of vandalism and two instances of marring of public artworks. Damage to the artworks was minimal and easily repaired at low cost to the program component.

From reviewing documentation for the 122 artwork commissions approved for MCPS and visiting 15 schools, 0LO determined that many of the public artworks have educational themes or are site specific, and artworks are well located for student and visitor viewing. Preferred locations for interior artworks are main entrances, multi-purpose rooms, auditoriums, media centers, and well-traveled hallways and stairwells. Preferred locations for exterior artworks are central courtyards and near main entrances, either freestanding or attached to the buildings.

OLO interviewed over thirty individuals directly involved with the MCPS system. Those interviewed included principals, teachers, administrators, and Board members. Overall, these individuals expressed enthusiasm for the artworks and the program generally. When asked, "Do you have any comments or suggestions to improve the program", the predominate response was that reinstating the original one percent funding would improve the program. Many of these individuals also expressed a feeling that the public art program is beneficial to students because the artworks often reflect both aesthetic qualities of art and functional elements of education.

Students have worked with artists in creating MCPS public artworks on at least two occasions, and several schools have included elements of the artworks in the school curriculum. For example, the Watkins Mill High School art teacher has used courtyard sculptures as subjects for drawing class; the Jones Lane Elementary School science teacher has used the courtyard dinosaur skeletons in studies of prehistoric animals; and the Daly Elementary School third grade teacher has assigned children to write about their favorite artwork on display in their school.

To encourage use of the public artworks in school curriculums, the MCPS public art administrator hired temporary personnel to assist with compiling an informational report for the schools containing suggested uses of the public artworks as educational themes. Currently in draft, the report is expected to be completed and distributed to schools during the current fiscal year.

2. Analysis of MCPS Capital Projects and Public Art Appropriations

The MCPS identified eligible construction projects and calculated its public art appropriations in full conformance with the OLO interpretation of the percent-for-art law. However, timing of the MCPS requests for its public art appropriations differed from the interpretation. The OLO interpretation requires that the public art appropriation be requested concurrently with design stage appropriations for eligible CIP projects, whereas the MCPS chose to request its public art appropriations at a later stage.

Because the period required to construct or renovate a school building approximates one to two years, and the scope or timing of school construction projects often change during the design process, the MCPS determined that it would request its public art appropriations concurrently with construction appropriations for its capital projects. Under this scenario, the MCPS public art administrator would not need to track capital projects once the construction stage had been achieved and would rarely need to adjust the public art appropriation requests for changes in construction cost estimates.

Although the County's percent-for-art law requires that appropriations for public art be made concurrently with a project design phase appropriation, the MCPS practice of requesting art appropriations concurrently with a project construction stage appropriation, over time, would have netted the same total appropriations for public art, had the percentage remained constant. However, through Bill No. 15-88, the percentage to be set aside for public art was reduced from one percent of an eligible CIP project's estimated construction cost to one-half percent. The reduced percentage was in effect for FYs 89 and 90, and applied to any eligible CIP project receiving an appropriation for its detailed design phase. Through Bill No. 37-90, effective May 4, 1990, the percentage to be appropriated for public art was further reduced from one-half percent to one-quarter percent.

The percent-for-art law required that FYs 89 and 90 appropriations for the public art program be approved concurrently with appropriations for eligible CIP projects which reached the detailed design phase, but the MCPS continued to request its public art appropriations concurrently with its appropriation requests for the construction stage of its CIP projects. As a result of the MCPS timing of public art appropriation requests, several MCPS capital projects which could have contributed appropriations of one percent for public art were requested and approved to contribute appropriations of one-half percent. Also, several capital projects, which had reached the detailed design phase during FYs 89 or 90 and required one-half percent public art appropriations, were requested for FY91 along with CIP construction phase appropriations to contribute one-quarter percent for the MCPS public art program component. Thus, the MCPS received lower total appropriations for its public art program component than it could have under the OLO interpretation of the percent-for-art law.

The following schedule summarizes the amounts which should have been appropriated for the MCPS public art program component in accordance with the OLO interpretation of the percent-for-art law, versus the actual Council approved public art appropriations for MCPS:

MCPS Public Art Program Component
Schedule of Approved Appropriations Versus OLO Estimated Requirements

Table 4

Fiscal <u>Year</u>	Council Approved Appropriation	Estimated Requirement By OLO Interpretation	Approved Over (Under) OLO Estimate
85	\$ 251,000	\$ 584,910	(\$ 333,910)
86	87,000	489,560	(402,560)
87	808,000	517,240	290,760
88	631,000	810,720	(179,720)
89 .	185,000	528,515	(343,515)
90	410,000	667,500	(257,500)
91	170,000	50,155	119,845
Totals	\$2,542,000	\$3,648,600	(\$1,106,600)

NOTE: Since various interpretations of the percent-for-art law are possible, the numbers shown in the above table do not represent agreed upon appropriation shortfalls and should be viewed only as indicators that shortfalls may have occurred.

As mentioned earlier in this report, had the percentage requirement remained constant in the percent-for-art law, eventually the public art appropriation resulting from each MCPS capital project would have been approved at the amount required under the OLO interpretation of the percent-for-art law. In the above chart, numbers in the OLO Estimated Requirement column are based on approval of each public art appropriation concurrently with a design stage appropriation for eligible MCPS capital projects. Since the public art appropriations were actually requested and approved concurrently with the construction stage of MCPS capital projects, the differences between the Council Approved Appropriation and the OLO Estimated Requirement columns from FY85 through FY88 relate only to timing of the approvals for required public art appropriations.

Beginning in FY89, however, the differences are due to a combination of timing and percentage differences. The timing differences relate to when the public art appropriations were requested and approved; that is, (a) concurrently with a CIP project design stage appropriation in accordance with the OLO interpretation of the County's percent-for-art law, versus (b) concurrently with a CIP project construction stage appropriation in accordance with the MCPS application of the County's percent-for-art law. The percentage differences relate to amounts derived from applying different percentages to various CIP projects.

A more restrictive interpretation of the percent-for-art law would exclude site improvements as an eligible cost for applying the art

percentage to determine the amount to be appropriated for public art. Two of the County's public art program components used the more restrictive interpretation of the law when either determining their public art appropriation requests or allocating available art appropriations among eligible CIP projects for acquiring artworks. Application of the more restrictive interpretation would result in reducing OLO's estimate of the MCPS public art appropriation shortfall by approximately \$300,000.

OLO estimates that the total shortfall from applying different percentages to CIP projects when calculating the MCPS public art appropriation is approximately \$500,000 if site improvements are included in the public art calculation, or \$390,000 if site improvements are not included in the calculation. While the shortfalls in public art appropriations due to timing could be made up in future year appropriations, shortfalls from applying different percentages to CIP project construction cost estimates would not.

The MCPS public art program component is accounted for through CIP project #856585, Works of Art in Public Schools. Except for personnel costs for the MCPS public art program administrator, all expenditures relating to the MCPS public art program component are charged to the CIP project. The following schedule shows the appropriation and expenditure activity of the project through June 30, 1990.

Table 5

MCPS Public Art Program Component
Schedule of Appropriations and Expenditures
As of June 30, 1990

Fiscal <u>Year</u>	Appropriations	Expenditures	Unexpended Balance
85	\$ 251,000	\$ 4,531	\$246,469
86	87,000	160,227	173,242
87	808,000	247,694	733,548
88	631,000	519,643	844,905
89	185,000	704,663	325,242
90	410,000	<u>520,307</u> *	214,935
Totals	\$2,372,000	\$2,157,065	\$214,935

^{*} Includes encumbrances as of June 30, 1990.

For FY91, the Council approved appropriations of \$170,000 for the MCPS public art program component, raising cumulative public art appropriations to \$2,542,000 as of this writing. Aside from the cost of artworks, the MCPS reports that expenses have been charged for the following purposes:

•	honorariums to unsuccessful finalists costs for temporary clerical assistance and summer help
	to prepare informational material and conduct the
	artwork survey
\$127,000	minor construction/site preparation work and
	installation of artwork protective display cases
\$ 75,000	protective display cases
\$ 48,000	copy machine, 35 mm camera, VCR camera and player, TV
	monitor, and miscellaneous support materials
\$ 24,000	advertising for art proposals
\$ 14,000	film processing, postage, supplies, and small repairs

These other expenses represent approximately 20 percent of the total expenditures over the life of this program component. The MCPS public art administrator considers the capital outlay items and a majority of personnel costs to be one-time expenses of the program component. These items represent approximately five percent of the total expenditures through June 30, 1990. The MCPS currently sets aside 15 percent of its public art appropriations to cover expenses related to acquiring and installing artworks.

B. Evaluation/Analysis of the Executive Branch Program Component

In this section of the report, OLO evaluates the operation of the Executive branch public art program component and analyzes Executive branch capital projects and related public art appropriations.

1. Evaluation of the Executive Branch Public Art Program Component

In FY86, the Executive branch was the second of four County agencies to activate a public art program component under the County's percent-for-art law. As previously mentioned, the Executive branch assigned responsibility for managing its public art program component as a collateral duty to an existing position in its Department of Recreation which was later transferred to the Department of Facilities and Services. This position is referred to as the Executive branch public art administrator throughout the OLO report.

During FY85, the Council PHED Committee was notified that the Arts Council did not have adequate paid staff to develop and administer a single percent-for-art program which would require tracking construction projects and coordinating art projects among four separate agencies. The PHED Committee also became aware that the MCPS public art program had recently been initiated using existing staff and volunteer art selection panelists. Since the Department of Recreation already had an arts coordinator to administer the Art Acquisition Fund, the Executive branch was requested to meet with the Arts Council to determine how best to establish the Executive branch public art program component.

At this meeting, it was decided that the Executive branch should model its public art program component after the MCPS program by using existing staff and volunteer art selection panels, with the Arts Council fulfilling its obligation to oversee the program by participating on the art selection panels. In accordance with this arrangement, at least two members of the Arts Council have served on each of the Executive branch art selection panels.

Through June 30, 1990, the County Council had approved 43 commissions for 39 artists to create public artworks for 37 sites for the Executive branch public art program component. Since some commissions resulted in creation of more than one artwork, the number of artworks involved exceeds 60 pieces. At Exhibit D-4 is a listing of artwork commissions which have been approved by the Council for the Executive branch public art program component. The listing is arranged in alphabetical order by facility for each fiscal year through June 30, 1990. The following chart provides summary information derived from the listing.

Executive Branch Public Art Program Component
Schedule of Council Approved Commissions
As of June 30, 1990

Fiscal <u>Year</u>	Number of Commissions	Total <u>Commissions</u>	Number of <u>Artists</u>	Number of Sites
85	0	\$ -0-	0	0
86	3	62,000	3	3
87	8	118,100	8	6
88	12	143,200	12	16
89	10	215,450	9	10
90	<u>10</u>	103,000	_9	_6
Totals	43	\$641,750	*	*
Average	commission	\$ 14,925		

^{*} Total numbers for artists and sites would not represent meaningful statistics here because commissions were approved for some artists and facilities in two or more fiscal years. The actual number of different artists and sites approved for public artwork commissions is 39 and 37 respectively.

The majority of commissions approved for the Executive branch public art program component resulted from advertising for artist proposals to produce site-specific artworks, from which art selection panels could choose. Four commissions, however, were approved for direct purchase of five artworks, and one commission was approved for a collaborative effort between artists and architects for a CIP project.

Three commissions for the direct purchase of four artworks were initiated by the Department of Libraries to acquire particular artworks which had been on display and well received by the public in the Wheaton Regional and Davis Special libraries. The other direct purchase was for a wood sculpture currently located in the Rockville courthouse which resulted from an unsolicited offer from the sculptor. All direct purchases were in accordance with the County's purchasing laws and procedures, and placement of the latter artwork was decided by a committee formed to select a location in or near the County's Government Center complex in Rockville.

The approved collaborative effort was for artists to work with architects and engineers to provide an artistic component in the design of two pedestrian bridges for Metro Garage 49 being built in the Bethesda Central Business District. This art project ran into difficulty in negotiating the artist's contract, and has since been assumed by the Department of Transportation, Division of Parking to be completed with Parking Lot District funds.

For advertised commissions, the Executive branch policy has been to advertise public artwork commissions nationally, allowing no preferences to local or regional artists. As a matter of operation, however, local artists often have an advantage in that they are more attuned to the tastes in the area and can easily visit the proposed site and surrounding community. The listing which follows shows the artists approved for Executive branch commissions of \$30,000 or more:

Table 7

Executive Branch Public Art Program Component
Listing of Artists Approved for Commissions of \$30,000 or More
As of June 30, 1990

No. of Commissions	<u>Artist Name</u>	<u>Residence</u>	Total <u>Commissions</u>
1	Steven Weitzman	Maryland	\$ 47,000
2	Joseph McDonnel	Maryland	45,000
1	Ann LaRose	Virginia	45,000
1	Muriel Castanis	New York	40,000
3	Marcia Billig	Maryland	33,000
<u>_1</u>	David Stromeyer	Vermont	32,500
<u>9</u>	Totals		\$242,500
	Average commission	n ·	\$ 26,945

The six artists shown above received 21 percent of the 43 approved Executive branch artwork commissions, and 38 percent of the \$641,750 value of Council approved commissions. Of these six artists, four are Maryland, Virginia, or Washington, D.C. residents and two are residents of the northeast region of the United States. Overall, the Executive branch has awarded approximately 37 commissions to local or northeast regional artists.

Although the Executive branch public art program administrator has documented some aspects of the operation of the program component, the only guidelines formally adopted by the County Executive relate to allocation of public art appropriations to CIP projects. During the period of this evaluation, there were no minimum or maximum dollar limitations per site or per artwork commission, and no procedures for reallocating public art funding from high cost construction projects to low cost construction projects. This matter has been left to the discretion of the Executive branch public art administrator.

Of 37 sites approved for artwork commissions, 30 sites were approved for one commission, including one commission for six sites. Of the remaining seven sites, four were approved for two artwork commissions, two were approved for three commissions, and one was approved for four commissions, for a total of 18 commissions. The listing which follows depicts Executive branch sites having total Council approved artwork commissions of \$30,000 or more:

Table 8

Executive Branch Public Art Program Component

Listing of Sites Approved for \$30,000 or More in Art Commissions

As of June 30, 1990

118 OI OMIC 30 1770				
	No. of	Total		
<u>Site</u>	<u>Commissions</u>	<u>Commissions</u>		
Northwood High School	4	\$ 60,000		
County Government Center	1	47,000		
DOT Service Park	3	45,000		
Regional Indoor Swim Center	1	45,000		
Red Brick/Gray Courthouse	1	40,000		
Silver Spring Garage 7	1	40,000		
Silver Spring Garage 9	_1	32,500		
Totals	<u>12</u>	<u>\$309,500</u>		
Average commission		\$ 25,790		

As shown above, seven sites each received total artwork commissions of \$30,000 or more. These seven sites represent 19 percent of the 37 sites approved for artworks, and 48 percent of the \$641,750 value of Council approved artwork commissions. The remaining 30 sites approved for artwork commissions under \$30,000 represent 81 percent of the Executive branch sites receiving artwork. Twenty-five of these sites were approved for total commissions under \$20,000, of which 15 were approved for total commissions under \$10,000.

Commissions approved for the Executive branch public art program component were almost evenly divided between interior and exterior artworks. The 21 approved commissions for interior artworks included nine ceramic, mosaic, or painted mural treatments; five reliefs; five bronze, steel, wood, or mixed media sculptures; one leaded glass treatment; and one tapestry. The 22 approved commissions for exterior artworks included freestanding bronze, steel, aluminum, wood, or mixed media sculptures; reliefs or assemblages attached to buildings; functional seating arrangements; an earthwork mini-amphitheatre; and an artistic design for pedestrian bridges. Project sites approved to receive the artworks included eight libraries, six government buildings, six residential group homes, four recreation and/or community centers, four parking garages in the CBDs, three fire stations, one swim center, one rail station, one high school under renovation for other uses, the Strathmore Hall Arts Center, the Pre-Release Center, and the County's bus maintenance depot.

The Executive branch does not have a formal artwork maintenance plan in place or a reporting mechanism to ensure that its public artworks are properly maintained. However, potential maintenance of the public artworks is taken into consideration during the art selection process, and the public art administrator requires the selected artists to provide maintenance information prior to approving final payment on their contracts.

After an artwork is selected for a facility, the Executive branch forwards maintenance instructions to an administrator of the agency to occupy the facility. Transmittal of the maintenance instructions is accompanied by a request that any unusual conditions be reported to the Executive branch public art administrator. Thus, reporting on the condition of artworks is done on an exception basis. Although a formal survey of Executive branch public artworks has not been conducted, the current public art administrator has visited all sites within the last year and considers the public artworks to be in good condition.

2. Analysis of Executive Branch Capital Projects and Public Art Appropriations

The Executive branch did not identify eligible CIP projects or calculate its public art appropriations in full conformance with the OLO interpretation of the percent-for-art law. For FY85, the Executive branch requested and received its public art appropriation based on one percent of the estimated construction cost of selected capital projects, but excluded site improvements from its calculation, whereas the OLO interpretation includes site improvements as an eligible cost category.

For FY85, the Executive branch also applied the public art percentage to fewer CIP projects than OLO has identified as being eligible. On subsequent public art Project Description Forms (PDFs), several of the CIP projects identified by OLO were listed as retroactive projects eligible to receive public art. After FY85, the Executive branch public art program component received its public art appropriations based on budgetary concerns and rate of expenditure against the art project rather than the legislated percentage. As a result, the Executive branch received lower appropriations for its public art program component than the OLO interpretation of the percent-for-art law required.

The following schedule summarizes the amounts which should have been appropriated for the Executive branch public art program component in accordance with the OLO interpretation of the percent-for-art law, versus the actual Council approved public art appropriations for the Executive branch:

Table 9

Executive Branch Public Art Program Component
Schedule of Approved Appropriations Versus OLO Estimated Requirements

Fiscal Year_	Council Approved Appropriation	Estimated Requirement By <u>OLO Interpretation</u>	Approved Over (Under) OLO Estimate
85	\$352,000	\$ 592,390	(\$ 240,390)
86	φ332,000 -0-	489,000	(489,000)
87	100,000	548,870	(448,870)
88	100,000	233,160	(133,160)
89	113,000	386,330	(273,330)
90	200,000*	221,770	(21,770)
91	<u>85,000</u>	<u>(11,360)</u>	96,360
Totals	<u>\$950,000</u>	\$2,460,170	(\$1,510,160)

* For FY90, the Executive branch requested no public art appropriation, but transferred a \$200,000 appropriation into the public art project by Executive Order.

NOTE: Since various interpretations of the percent-for-art law are possible, the numbers shown in the above table do not represent agreed upon appropriation shortfalls and should be viewed only as indicators that shortfalls may have occurred.

The Executive branch excluded the site improvements cost category when applying the public art percentage, whereas the OLO interpretation of the percent-for-art law includes the cost category. Also, when calculating its FY85 public art appropriation the Executive branch excluded some CIP projects considered eligible and included some CIP projects considered ineligible under the OLO interpretation of the percent-for-art law. Many of the excluded projects later appeared in PDF listings as eligible projects. However, the Executive branch public art appropriation requests, after FY85, were based on fiscal considerations and expenditure schedules, rather than the applicable legislated percentage.

The differences between the Council Approved Appropriation and the OLO Estimated Requirement columns, shown in the above schedule, represent shortfalls in appropriations for the Executive branch public art program component because the art appropriation requests were not based on the legislated percentage of CIP projects. A more restrictive interpretation of the percent-for-art law would exclude site improvements as an eligible cost

for applying the art percentage to determine the amount to be appropriated for public art. The more restrictive application of the law would reduce OLO's estimate of the Executive branch public art appropriation shortfall by approximately \$200,000.

Since a majority of the Executive branch public art appropriations have not been tied to the CIP, it is unclear which projects have had art percentages appropriated and which have not. Since inception of this program component, there have been three different public art program administrators. Each of the program administrators compiled a list of CIP projects which should have contributed public art appropriations and been eligible to receive public artwork, and allocated available art appropriations to the various projects based on the applicable percentage contained in the percent-for-art law. These listings of eligible CIP projects, however, differed from the listing compiled by OLO.

As part of this evaluation, OLO identified 95 eligible Executive branch CIP projects which had received appropriations after the effective date of the original percent-for-art law (October 14, 1983) through June 30, 1990. An Executive branch listing provided to OLO in the early stages of this evaluation includes 130 projects, based on the published FY84 CIP, with appropriations effective July 1983, through the FY90 CIP, with appropriations effective July 1989. Thus, the Executive branch listing contained some CIP projects which received appropriations effective July 1983 before the percent-for-art law was effective, but did not receive appropriations after the public art law became effective. Some of the projects identified by OLO are: Pre-Release Center Expansion; Cabin John Fire Station 10; Silver Spring Fire Station 1; Bethesda Garages 24 and 47; Silver Spring Garage 2; Potomac Library; Up-County Recreation and Swim Center; Martin Luther King, Jr. Outdoor Pool; Group Residential Facilities; and Strathmore Hall Arts Center. Several of these sites have received public artwork through the Executive branch program component.

Other projects contained on the Executive branch CIP project eligibility listing would not be considered eligible under the OLO interpretation of the percent-for-art law. Examples of these projects are: Cabin John Fire Station 30 (door replacement); Gaithersburg Fire Stations 8 and 28 (door replacement and HVAC work) Bethesda and Silver Spring Garage Repair/Renovation Projects (deck patching, painting, and other maintenance items); and the Liquor Warehouse Expansion (warehouses expressly excluded by law). The current public art administrator has recently prepared a new listing which excludes many of these projects.

The Executive branch public art program component is accounted for through CIP project #851101, Art in Public Facilities. The following schedule shows the appropriation and expenditure activity of the project through June 30, 1990:

Table 10

Executive Branch Public Art Program Component Schedule of Appropriations and Expenditures As of June 30, 1990

Fiscal Year	Appropriation	Expenditures	Unexpended <u>Balance</u>
85	\$352,000	\$ 886	\$351,114
86	-0-	52,137	298,977
87	100,000	57,471	341,506
88	100,000	177,595	263,911
89	113,000	90,881	286,030
90	200,000	<u>312,198</u> *	173,832
Totals	\$865,000	<u>\$691,168</u>	\$173,832

^{*} Includes encumbrances as of June 30, 1990.

For FY91, the Council approved appropriations of \$85,000 for the Executive branch public art program component, raising cumulative public art appropriations to \$950,000 as of this writing. According to detail received from the Executive branch, aside from the cost of artworks, the program component has expended funds for the following purposes:

\$13,450 honorariums to unsuccessful finalists \$ 4,190 advertising for artwork proposals

These other expenses represent approximately three percent of the total expenditures over the life of this program component. Minor miscellaneous costs relating to artwork acquisitions, such as postage and central duplicating are charged to the operating budget of the Department of Facilities and Services. No expenditures for repair of public artworks have been necessary due to vandalism or defacement. The Executive branch public art administrator sets aside approximately ten percent of the public art appropriations to cover expenses related to the program.

C. Evaluation/Analysis of the M-NCPPC Program Component

In this section of the report, OLO evaluates the operation of the County's M-NCPPC public art program component and analyzes M-NCPPC capital projects and related public art appropriations.

1. Evaluation of the M-NCPPC Public Art Program Component

The Maryland-National Capital Park and Planning Commission (M-NCPPC) became the third of four County agencies to activate a public art program component under the County's percent-for-art law. In FY87, the M-NCPPC determined that it did not have either sufficient or knowledgeable staff to operate a public art program component under the County's percent-for-art law. Subsequently, a person having experience with art

selection panels and artist contracts was hired on a temporary basis to initiate the public art program component. This person was later hired part-time to manage the M-NCPPC public art program component, and is referred to as the M-NCPPC public art administrator throughout the OLO report.

As was the practice with the MCPS and Executive branch public art program components, the M-NCPPC arranged to administer its own public art program component with the Arts Council overseeing the program by participating on the art selection panels. As a result of this arrangement, at least two members of the Arts Council have served on each of the M-NCPPC art selection panels.

Through June 30, 1990, the County Council had approved 13 commissions for 11 artists to create public artworks for 12 sites under the M-NCPPC public art program component. At Exhibit D-5 is a listing of artwork commissions which have been approved by the Council for the M-NCPPC public art program component. The listing is arranged in alphabetical order by site for each fiscal year through June 30, 1990. The following schedule provides summary information derived from the listing:

Table 11

M-NCPPC Public Art Program Component
Schedule of Council Approved Commissions
As of June 30, 1990

Fiscal Year	Number of Commissions	Total <u>Commissions</u>	Number of <u>Artists</u>	Number of <u>Sites</u>
87	1	\$ 10,000	1	1
88	6	66,500	6	5
89	5	130,000	4	5
90	<u>1</u>	10,000	_1	_1
Totals	13	\$216.500	*	12
Average	commission	\$ 16,650		

^{*} A total number for artists would not represent a meaningful statistic here because commissions were approved for one artist in two different fiscal years. The actual number of different artists approved for public artwork commissions is 11.

All commissions approved for the M-NCPPC public art program component have resulted from advertising for artist proposals. No artworks have been acquired by direct purchase, nor have any commissions been awarded for collaborative efforts between artists and architects. The M-NCPPC policy has been to advertise public artwork commissions nationally, allowing no preferences to local or regional artists.

As with the MCPS and Executive branch public art program components, local artists may have some advantage in that they are more attuned to the tastes in the area and can easily visit the proposed site and surrounding community. This possible advantage is somewhat offset in the M-NCPPC program component because finalists are required to meet with the art selection panel and interested citizen groups at the selected site to discuss community use of the park and suitable artistic subjects, art mediums, and possible locations for the artworks. The listing which follows shows the artists approved for all M-NCPPC public art commissions:

Table 12

M-NCPPC Public Art Program Component

Listing of Artists Approved for Public Artwork Commissions
As of June 30, 1990

No. of Commissions	Artist Name	Residence	Total <u>Commissions</u>
2	James Russell	California	\$ 50,000
1	Timothy Barnes	Illinois	35,000
1	George Greenamyer	Massachusetts	30,000
1	Nizette Brennan	Maryland	20,000
2	Marcia Billig	Maryland	17,500
1	Ann LaRose	Virginia	15,000
1	Azriel Awret	Virginia	12,000
1	Terry Boquist and	•	•
	Hobart Reitan	Maryland	12,000
1	Robert duBourg	West Virginia	10,000
1	Walter Kravitz	Washington, D.C.	10,000
<u>1</u>	Harry McDaniel	Connecticut	5,000
<u>13</u>	Totals		\$216,500
	Average commission		\$ 16,650

Of the 11 artists shown in the above listing, six are Maryland, Virginia, or Washington, DC residents and two are residents of the northeast region of the United States. The highest single artwork commission was for \$35,000 awarded to Timothy Barnes for artwork at Black Hill Regional Park.

The Park Commission has not adopted formal policies, procedures, or guidelines regarding its public art program component. During the period of this evaluation, there were no minimum or maximum dollar limitations per site or per artwork commission. The public art administrator and the Chief of the

Park Planning and Development Division collaborate to create a list of parks suitable to receive artworks. Decisions are made based on the desire to distribute artworks among the three regions and the public usage of parks within regions. The list of selected parks is included in the CIP submission, and approved by the Park Commission as part of the CIP budget process.

Prior to convening an art selection panel, the M-NCPPC public art administrator acquires Park Commission approval of a suggested site and art selection panel composition. The Commission has generally approved the suggested sites and composition of art selection panels without change, but has occasionally suggested that an additional group be represented on a panel. After obtaining approval from the Park Commission to proceed with a site, the M-NCPPC public art administrator convenes the art selection panel which may consist of from five to eight participants. The policy has been to allow the art selection panels to decide commission amounts, subject to a limit suggested by the public art administrator. The upper limit is based on available public art appropriations and the number of sites planned to receive artworks. The listing which follows depicts sites which have been approved by the Council for artwork commissions totaling \$25,000 or more:

Table 13

M-NCPPC Public Art Program Component

Listing of Sites Approved for \$25,000 or More in Art Commissions

As of June 30, 1990

·	No. of	Total
<u>Site</u>	<u>Commissions</u>	<u>Commissions</u>
Black Hill Regional Park	1	\$ 35,000
Brookside Gardens	1	35,000
Caroline Freeland Park	1.	30,000
Agricultural History Farm Park	<u>2</u>	<u>25,000</u>
Totals	<u>5</u>	\$125,000
Average commission		\$ 25,000

As shown above, four sites were each approved to receive artwork commissions totaling at least \$25,000. These four sites represent 33 percent of the 12 sites approved to receive artworks, and 58 percent of the \$216,500 total amount of commissions approved for M-NCPPC sites.

There are eight sites not included in the above listing which were each approved for total artwork commissions under \$25,000, none of which was approved to receive artworks costing more than \$15,000. These eight sites represent 67 percent of the total 12 sites which have been approved to receive artwork, and 42 percent of the total cost of approved M-NCPPC commissions. The lowest commission was \$7,500 for Woodside Urban Park.

A majority of artwork commissions approved for the M-NCPPC public art program component were for exterior artworks, including five bronze sculptures, three painted steel or stainless steel sculptures, one wood

sculpture, one mixed-media sundial sculpture, and a granite artistic seating arrangement. The two interior artworks were for a mixed media collage mobile at the Agricultural History Farm Park Visitor's Center and ten polycarbonate suspended figures for the Cabin John Ice Rink.

The M-NCPPC does not have a formal plan to ensure that its public artworks are properly maintained. Responsibility for maintaining the artworks currently rests with the Central Maintenance Division for the three regions. Region headquarters staff have responsibility for maintaining the parks, including artworks, in their regions, and periodic examinations are scheduled for each park. While the public artworks are not included on the examination checklist, the M-NCPPC public art administrator is confident that the artworks are examined. As with the other public art program components, reporting on the condition of the M-NCPPC public artworks is done on an exception basis. Although a formal survey of the M-NCPPC public artworks has not been conducted, the public art administrator has visited each site within the last year, and considers each of the artworks to be in good condition.

2. Analysis of M-NCPPC Capital Projects and Public Art Appropriations

Public art appropriations were not calculated by M-NCPPC in accordance with the OLO interpretation of the percent-for-art law. Under the OLO interpretation, the art percentage would be applied to the total estimated cost of the construction and site improvements categories as shown on an approved PDF to determine the required appropriation for public art. Under the M-NCPPC interpretation, the art percentage was applied to the total appropriation request for park development rather than to cost categories of individual CIP projects. The total park development appropriations included three cost categories for land acquisition, planning and design, and furniture and equipment, which should have been excluded before applying the art percentage.

Many M-NCPPC projects receive several small appropriations over the early stages of the project, and projects are often slipped several years. Additionally, the M-NCPPC did not interpret the percent-for-art law to mean that a public art appropriation derived from a CIP project was required to be used to acquire public artworks only for that particular project. For ease of application of the percent-for-art law, therefore, the M-NCPPC linked its annual requests for art appropriations to the appropriation requests for park development rather than to CIP cost categories. Under this application, there was no necessity for the M-NCPPC to track its CIP projects for purposes of determining public art appropriations or amounts for artworks to be commissioned for a site.

Since the M-NCPPC application of the percent-for-art law was based on appropriations without considering the category of cost to which the appropriations applied, the art percentage was applied to a mixture of eligible and ineligible cost categories. Thus, the M-NCPPC practice of requesting art appropriations based on park development appropriations, over time, would have netted higher total appropriations for public art than the percent-for-art law required.

Over the period of this evaluation, for a combination of reasons, the M-NCPPC received lower total appropriations for its public art program component than would have been required in accordance with the OLO interpretation of the percent-for-art law. These reasons are: (1) the M-NCPPC practice of applying the art percentage to park development appropriations netted lower public art appropriations in most fiscal years than applying the art percentage to cost categories would have produced; and (2) even though the M-NCPPC applied the art percentage to ineligible cost categories included in its park development appropriations (which would have provided higher public art appropriations, over time, than required by law), the major impact of this practice was offset by legislated decreases to the public art percentage effected through Emergency Bill Nos 15-88 and 37-90.

The following schedule summarizes the amounts which should have been appropriated for the M-NCPPC public art program component in accordance with the OLO interpretation of the percent-for-art law, versus the actual Council approved public art appropriations for M-NCPPC:

Table 14

<u>M-NCPPC Public Art Program Component</u>

<u>Schedule of Approved Appropriations Versus OLO Estimated Requirements</u>

		Estimated	Approved
Fiscal	Council Approved	Requirement By	Over (Under)
<u> Year</u>	<u>Appropriation</u>	OLO Interpretation	OLO Estimate
85	\$ 49,000	\$295,470	(\$246,470)
86	98,000	171,210	(73,210)
87	101,000	172,130	(71,130)
88	97,000	118,390	(21,390)
89	89,000	105,210	(16,210)
90	40,000	(5,345)	45,345
91	21,000	<u>26,335</u>	(5.335)
Totals	\$495,000	\$883,400	<u>(\$388,400)</u>

NOTE: Since various interpretations of the percent-for-art law are possible, the numbers shown in the above table do not represent agreed upon appropriation shortfalls and should be viewed only as indicators that shortfalls may have occurred.

Because the M-NCPPC applied the art percentage to ineligible costs, eventually the M-NCPPC would have received public art appropriations which exceeded the legislated requirements. This process was delayed due to legislative changes to the percent-for-art law which reduced the applicable percentage. In the above chart, numbers shown in the OLO Estimated Requirement column are based on approval of each public art appropriation concurrently with design stage appropriations of eligible M-NCPPC capital projects. Since the public art appropriations were actually requested and approved based on total appropriations for park development, the differences between the Council Approved Appropriation and the OLO Estimated Requirement columns relate to a combination of: (1) timing of appropriations due to applying the art percentage to different cost elements, and (2) applying different percentages to the different cost elements.

A more restrictive interpretation of the percent-for-art law would exclude site improvements as an eligible cost for applying the art percentage to determine the amount to be appropriated for public art. Two of the County's public art program components used the more restrictive interpretation of the law when either determining public art appropriation requests or allocating available art appropriations among eligible CIP projects for acquiring artworks. Application of the more restrictive interpretation would result in reducing the OLO estimated public art appropriation shortfall by approximately \$365,000.

The M-NCPPC public art program component is accounted for through two CIP projects. The first CIP project was established in FY85 as project #857786, Art in Public Parks. In FY88, this project was split into two projects. As a result, project #857786 was renamed Art in Local Parks and project #888739, Art in Non-Local Parks, was created. For purposes of this evaluation, both CIP projects are considered together as constituting the entire M-NCPPC public art program component.

All expenditures relating to the M-NCPPC public art program component are charged to the CIP projects, including personnel costs for the public art program administrator. The following schedule shows the combined appropriation and expenditure activity of the two projects through June 30, 1990.

Table 15

M-NCPPC Public Art Program Component

Schedule of Appropriations and Expenditures
As of June 30, 1990

Fiscal <u>Year</u>	Appropriation	<u>Expenditures</u>	Unexpended <u>Balance</u>
85	\$ 49,000	\$ -0-	\$ 49,000
86	98,000	6,956	140,044
87	101,000	12,627	228,417
88	97,000	112,377	213,040
89	89,000	67,700	234,340
90	40,000	<u>141,115</u> *	133,225
Totals	<u>\$474,000</u>	\$340,775	\$133,225

^{*} Includes encumbrances as of June 30, 1990.

For FY91, the Council approved appropriations of \$21,000 for the M-NCPPC public art program component, raising cumulative public art appropriations to \$495,000 as of this writing. Aside from the cost of artworks, the M-NCPPC reported it has expended funds for the following purposes:

\$ 85,940 personnel costs for the part-time public art program administrator and chargebacks for the services of M-NCPPC personnel serving on art selection panels

\$ 29,150 honorariums to finalists

\$ 11,020 advertising for art proposals, film processing, postage, and supplies

These other expenses represent approximately 25 percent of the total expenditures over the life of this program component. The M-NCPPC public art administrator generally sets aside \$2,000 for honorariums per commission which is split among three or four finalists. Personnel costs are for staff time of the CIP project manager and other M-NCPPC staff serving on a selection panel, and 75 percent of the public art administrator's part-time salary of approximately \$25,000 per year. There have been no expenditures for repair to artworks.

D. Evaluation/Analysis of the Montgomery College Program Component

In this section of the report, OLO evaluates the operation of the Montgomery College public art program component and analyzes College capital projects and related public art appropriations.

1. Evaluation of the Montgomery College Public Art Program Component

In FY89, Montgomery College was the last of four County agencies to activate a public art program component under the County's percent-for-art law. As mentioned earlier, the College assigned responsibility for managing its public art program component as a collateral duty to an existing Coordinator of Planning and Construction, who is referred to as the College public art administrator throughout this report.

Because the College has had few CIP projects, a standing list of construction projects to which the percent-for-art law applied has not been maintained by the College. However, each year a list has been included on the approved PDF for the College's public art program component indicating which construction projects were expected to contribute to the public art program.

In anticipation of acquiring public artwork during FYs 90-91, the Montgomery College Board of Trustees adopted a resolution during FY89 authorizing the President of the College to develop procedures to implement its public art program component. Subsequently, the College adopted a formal policy for composition of art selection panels and administrative procedures for selection of artworks. Formal policies, guidelines, or procedures have not been adopted regarding site selection for placement of public artworks, conservation and maintenance of artworks, allowable expenses relating to acquisition or installation of artworks, or dollar limits per site or per artwork commission. These matters have been left to the discretion of the Department of Facilities.

The Department of Facilities does not intend to allocate the entire art appropriation derived from a CIP project to that project for acquiring artwork. Public art appropriations related to CIP projects at a particular campus would be used to acquire artworks for that campus and the Director of Facilities and the Campus Provost would select an appropriate site on the campus to receive the artwork. Although the College has not yet acquired any public artworks, an art selection panel is being composed to acquire an artwork for the Rockville campus during FY91.

2. Analysis of Montgomery College Capital Projects and Public Art Appropriations

The College identified eligible CIP projects in conformance with the OLO interpretation of the percent-for-art law. However, calculation of public art appropriations was not in accordance with the interpretation, and timing of College requests for art appropriations also differed from the OLO application. The OLO interpretation of the law includes site improvements as a qualified cost to apply the art percentage, whereas the College application did not include the cost category in its calculations.

The OLO interpretation also requires that art appropriations be requested concurrently with CIP project design stage appropriations, and be based on applying the art percentage to the total eligible cost categories. However, the College requested its public art appropriations concurrently with its CIP project appropriation requests based only on the portion of construction cost included in the appropriation request. That is, when an appropriation was requested for an art-eligible CIP project, the art percentage was applied only to the portion of construction cost included in the CIP project appropriation request, rather than the total construction cost category. Under this application, the College did not need to track capital projects and could adjust the public art appropriation requests for changes in construction cost estimates.

Although the public art legislation required that the entire percentage for art be appropriated early to allow for collaboration of artists with the architects, the College has requested its public art appropriations at various stages of its CIP projects. Bill No. 15-88 reduced the percentage to be set aside for public art from one percent of an eligible CIP project's estimated construction cost to one-half percent for FYs 89 and 90, and Bill No. 37-90 further reduced the percentage to one-quarter percent effective for FY90. Consequently, the College's practice of requesting art appropriations over the life of its CIP projects resulted in applying different percentages to portions of construction cost for each eligible CIP project, which further resulted in smaller public art appropriations than would have been produced under the OLO interpretation of the percent-for-art law. The College also excluded site improvements as an eligible cost category when calculating its public art appropriation. Thus, the College received somewhat lower total appropriations for its public art program component than required by the OLO interpretation of the percent-for-art law.

The following schedule summarizes the amounts which should have been appropriated for the Montgomery College public art program component in accordance with the OLO interpretation of the percent-for-art law, versus the actual Council approved public art appropriations for the College:

Table 16

Montgomery College Public Art Program Component
Schedule of Approved Appropriations Versus OLO Estimated Requirements

Fiscal Year	Council Approved Appropriation	Estimated Requirement By OLO Interpretation	Approved Over (Under) OLO Estimate
85	\$ 6,000	\$82,500	(\$76,500)
86	12,000	-0-	12,000
87	8,000	24,750	(16,750)
88	2,000	10,480	(8,480)
89	2,000	15,065	(13,065)
90	-0-	(37,640)*	37,640
91	5,000	<u>(185)</u>	5.185
Totals	\$35,000	<u>\$94.970</u>	<u>(\$59,970)</u>

^{*} For FYs 90 and 91, the Rockville Campus Renovation project was split into a number of individual projects with cumulative appropriations previously assigned to the Rockville Campus CIP project distributed among the new projects. No individual new project was assigned enough of the cumulative appropriation to cover the detail design stage. Adjustments made to the OLO estimated public art appropriations because of the lower construction and site improvements costs attributable to the Rockville Campus PDF are shown as negative appropriations in the above schedule.

NOTE: Since various interpretations of the percent-for-art law are possible, the numbers shown in the above table do not represent agreed upon appropriation shortfalls and should be viewed only as indicators that shortfalls may have occurred.

In the above schedule, numbers shown in the OLO Estimated Requirement column are based on approval of each public art appropriation concurrently with a design stage of eligible College capital projects. Since the public art appropriations were actually requested and approved over the lives of various College capital projects, the differences between the Council Approved Appropriation and the OLO Estimated Requirement columns relate to timing of the approvals for required public art appropriations, applying different percentages to different cost elements, and applying different percentages to various portions of CIP cost categories.

A more restrictive application of the percent-for-art law was used by the College which excluded site improvements as an eligible cost category when applying the public art percentage. Use of the more restrictive application of the law would result in reducing OLO's estimate of the public art appropriation shortfall by approximately \$2,300.

While a part of the public art appropriation shortages which occurred due to timing would be made up in future year appropriations, the shortfall which occurred from using different cost categories and applying different percentages to portions of CIP project construction cost estimates would not. Although an exact accounting is difficult to determine because of the College's method of applying the art percentage to its CIP projects, OLO estimates that the majority of the shortfall shown in the above schedule relates to percentage differences.

The College public art program component is accounted for through CIP project #856687, Art in Montgomery College. As of June 30, 1990, no expenditures had been charged to the project.

IX. RELATED MATTERS

During the course of the evaluation, OLO became aware that some public artworks were being placed in the County aside from acquisitions accomplished through the Art in Public Architecture program. Many of these public artwork placements are being funded by private developers as part of amenities packages provided through the Optional Method of Development (Optional Method). Other placements are being funded by the County. This part of the report discusses artwork placements of which OLO became aware during the evaluation.

A. Optional Method of Development Public Artworks

Although the Optional Method is not a public art program, several public artworks have been provided as part of public benefits being derived from the development method. The M-NCPPC reports that a total of 28 public art projects have been approved under the Optional Method, of which 15 were approved for the Bethesda Central Business District (CBD), 12 for the Silver Spring CBD, and one for the Friendship Heights CBD. This section of the OLO report briefly describes the Optional Method and discusses the public artwork aspect of the development method.

The Optional Method was created in 1974 as a means of acquiring a number of public facilities and amenities in the intensively developed CBDs of Bethesda, Silver Spring, Wheaton, and Friendship Heights. Section 59-D-2.0 of the County's zoning code provides the M-NCPPC with legal authority to review and approve Optional Method projects.

The public goal of Optional Method is to provide a more attractive urban environment through a package of public amenities provided by private developers in exchange for allowing increased density of a project. To qualify for the Optional Method, a minimum of 20 percent of the project area

must be set aside for public use, wherein a combination of facilities and amenities would be located. Facilities and amenities which could be combined to qualify for increasing density include: recreational areas, parks, gardens, lawns, plazas, fountains, walks, pathways, promenades, arcades, streetscaping, public artworks, and day care or other public use facilities.

Artworks approved through the Optional Method, must be located in publicly accessible and visible on-sight locations or off-sight locations related to the proposed development. These public artworks are subject to the review and approval of the Planning Board in accordance with standards set forth in the zoning ordinance. Although the artworks approved through the Optional Method are public in nature, they are privately owned.

Since several applications for development under the Optional Method in the mid 1980s had included art projects, the Planning Board convened a task force to study issues relating to approval, installation, and maintenance of the artworks. Formed in February 1988, the task force reviewed M-NCPPC procedures for approving public artworks as an Optional Method amenity and recommended new policies and procedures.

In its August 1, 1988 report to the Planning Board, the task force made several recommendations to improve the quality and public nature of artwork in Optional Method projects, ensure adequate maintenance of the artworks, and establish procedures for removal of artworks. The entire recommendations section of the Report by the Study Committee on Artwork in the Optional Method of Development is relevant to public art programs in general, and is attached to this report as Exhibit E.

The M-NCPPC has informed OLO that four County garage projects planned for the Silver Spring CBD are expected to provide artworks as part of amenities packages under the Optional Method. The garage portions of these mixed-use, public-private development projects are County-funded, and art-eligible under the current percent-for-art law.

B. Other County Public Artwork Acquisitions

Some County departments and agencies have acquired, or are planning to acquire, public artworks outside of the Art in Public Architecture program. The Housing Opportunities Commission is currently writing a grant proposal to request funding from the National Endowment of the Arts for a collaborative effort which will result in public artwork for Alexander House in the Silver Spring CBD. The artwork acquisition is planned as part of the Optional Method.

The Department of Transportation (DOT) is continuing the collaborative effort for artistic treatment of pedestrian bridges at Garage 49 in the Bethesda CBD. The project will be funded through the Bethesda Parking Lot District, and was originally planned as part of the Optional Method. Another DOT project included a collaborative effort with artists, whereby artistic treatment of lighting was provided for a pedestrian tunnel accessing the metro station in the Bethesda CBD. This artistic placement was funded through the CIP project for the pedestrian tunnel. DOT has also been involved in installations of artworks at the metro station in the Silver Spring CBD,

and at the station in the Wheaton CBD. Both of these placements were funded through the respective Urban Districts.

As part of the Wheaton CBD Improvement Program capital project, the Department of Housing and Community Development is working with the business community in Wheaton to acquire and install four sculptures as "gateway" artworks at major intersections entering and leaving Wheaton. The project is expected to total approximately \$100,000.

Additional acquisitions by County departments and agencies may have taken place or may be planned. Currently, there is no requirement that acquisition and placement of public artworks within the County be coordinated with the Art in Public Architecture program, or that these acquisitions be reported.

X. CONCLUSIONS

Conclusion 1. Since the original percent-for-art legislation was adopted by the County Council in FY84, through FY90, a total of \$3.7 million has been appropriated to acquire artworks for public placement in the County, and \$3.2 million has been expended.

As of June 30, 1990, the Council has approved 178 commissions for public artworks to be created by 95 artists for 98 sites in the County. The total cost of these approved artwork commissions is \$2,550,502. Many commissions were approved which resulted in more than one artwork to be produced, so that the number of individual artworks exceeds 220. Most of the commissioned artworks have been installed and paid for, but several art projects are still in progress. The following schedule shows the cumulative appropriation and expenditure activity of the Art in Public Architecture program through June 30, 1990:

Montgomery County Art in Public Architecture Program
Cumulative Schedule of Appropriations and Expenditures
As of June 30, 1990

Table 17

Fiscal <u>Year</u>	Appropriation	Expenditures	Unexpended Balance
85	\$ 658,000	\$ 5,417	\$ 652,583
86	197,000	219,320	630,263
87	1,017,000	317,792	1,329,471
88	830,000	809,615	1,349,856
89	389,000	863,244	875,612
90	650,000	<u>973,620</u> *	551,992
Totals	\$3,741,000	\$3,189,008	\$ 551,992

^{*} Includes encumbrances as of June 30, 1990.

NOTE: The Council approved FY91 appropriations of \$281,000 for the public art program, for a cumulative appropriation to date of \$4,022,000.

Conclusion 2. Each of four County agencies has operated a public art program component based on different interpretations of the percent-for-art law.

- A. When Bill No. 30-83 was adopted, the County Council envisioned that the Montgomery County Arts Council (Arts Council) would administer the County's public art program. However, the Arts Council did not have sufficient paid staff to coordinate a program among the four agencies which would be contributing to the public art program. Thus, it was decided that the Montgomery County Public Schools (MCPS), Executive branch, Maryland-National Capital Park and Planning Commission (M-NCPPC), and Montgomery College would each manage its area as a component, and the Arts Council would be involved in each component by participating on art selection panels. Each of the four County agencies activated its public art program component independently of the other, and applied the percent-for-art law differently.
- The County's percent-for-art law contains a mandatory funding arrangement for the program. However, wording in the law is somewhat ambiguous and allows for various interpretations. Since each of the four public art program components evolved independently and no common interpretation of the law existed, each component applied the law differently. To allow for evaluation of the County's public art program, the Office of Legislative Oversight (OLO), found it necessary to create one standard interpretation of the percent-for-art-law by which each program component could be measured (See Part V, DESCRIPTION AND INTERPRETATION OF MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE LEGISLATION). During the evaluation, OLO determined that a shortfall may have occurred in appropriations approved for the County's public art program, and, while stricter interpretation of the law would serve to lessen the amount identified by OLO, the shortfall would not be altogether eliminated. The following table summarizes the cumulative amounts which should have been appropriated for the Art in Public Architecture program in accordance with the OLO interpretation of the percent-for-art law, versus the actual Council approved appropriations:

Montgomery County Art in Public Architecture Program
Cumulative Schedule of Approved Appropriations Versus
OLO Estimated Requirements

	OTO TOCTING	cod redarrements	
		Estimated	Approved
Fiscal	Council Approved	Requirement By	Over (Under)
<u>Year</u>	Appropriation	OLO Interpretation	OLO Estimate
85	\$ 658,000	\$1,555,270	(\$ 897,270)
65			•
86	197,000	1,149,770	(952,770)
87	1,017,000	1,262,990	(245,990)
88	830,000	1,172,750	(342,750)
89	389,000	1,035,120	(646,120)
90	650,000	846,285	(196,285)
91	<u> 281,000</u>	<u>64,945</u>	216,055
Totals	<u>\$4,022,000</u>	<u>\$7,087,130</u>	<u>(\$3,065,130)</u>

NOTE: Since various interpretations of the percent-for-art law are possible, the numbers shown in the above table do not represent agreed upon appropriation shortfalls and should be viewed only as indicators that shortfalls may have occurred.

Conclusion 3. Each public art program component has a different policy regarding expenses chargeable to the public art appropriation.

Aside from the cost of artworks, each component has charged a variety of other expenses to the public art appropriations, including personnel, advertising, postage, central duplicating costs, or honorariums paid to finalists. For example, three of the four public art program components assigned existing personnel to manage their program components and do not charge the public art administrator personnel costs to their public art appropriations; whereas, the M-NCPPC created a position to manage its program component and has charged these personnel costs to its public art appropriation. (Note: The M-NCPPC public art appropriation for FY91, based on the one-quarter percent law, will not be sufficient to cover the salary of this public art administrator.) Besides the cost of the artworks, the Executive branch component charges only honorariums and advertising costs to its public art appropriation; whereas the other three components charge postage, central duplicating, and other miscellaneous costs. Aside from the cost of artworks, other costs charged by a public art program component in relation to its expenditures through June 30, 1990, have ranged from three percent for the Executive branch component to 25 percent for the M-NCPPC component.

Conclusion 4. The County has not adopted standard policies, guidelines or procedures under which all four public art program components must operate.

- A. Each component operates independently of the others and there is little coordination or sharing of information among the components. With four public art program components operating independently of one another, there is no central source from which to obtain information relating to the County's Art in Public Architecture program.
- B. Each public art program administrator has developed standard policies and procedures regarding composition of art selection panels, selection of public artworks, and payment of honorariums. However, some of the policies and procedures have not been documented or approved by the respective agency administrators or boards. None of the program components has developed comprehensive artwork conservation and maintenance plans or reporting mechanisms. As of this writing, the Executive branch was in the process of drafting a maintenance plan for its program component.
- C. The County has not adopted a standard policy regarding the payment of honorariums in relation to artwork competitions. Each of the three public art program components which awarded public art commissions has a different method for deciding amounts to be paid as honorariums. The public art

administrator decides the amounts to be paid for the MCPS component based on the size of the commission and the intricacy of the artist proposals. For the Executive branch component, the art selection panel decides when honorariums are offered and the amounts to be paid. For the M-NCPPC component, a standard amount is shared among three or four finalists.

Conclusion 5. Emergency Bill 37-90 amended certain parts of the percent-for-art law to allow for more flexibility in some areas of the program and limiting other areas; however, some areas of the law remain vague or inflexible.

- A. Although Emergency Bill No. 37-90 clarified the definition of eligible sites for receiving artworks to include existing facilities, the County is still generally limited to placing its public artworks in or near County-owned buildings or structures. The current percent-for-art law does not allow for placing public artworks at "gateway" sites, or other County-owned sites which do not have facilities on them.
- B. With the current definition of eligible sites clarified to include existing County facilities, the agencies having public art program components may need to devise a method for identifying priority sites within their components. All four program components have heretofore operated under the premise that artworks would be located at CIP construction sites. Currently, the MCPS considers new school construction and renovation projects as its priority sites to receive artworks, with a long-term goal of eventually placing public artworks at all existing schools when renovated. The three other agencies operating public art program components have been committed to placing their artworks in connection with the more publicly located CIP projects, but have not developed a formal priority of sites to receive public artworks.
- C. Emergency Bill 37-90 also established a maximum of \$100,000 which may be expended for artworks at any one County site. The four public art program components, however, have not established any self-imposed minimum or maximum number of artworks to be placed at a particular site, or dollar limitations per commission or per site. With existing County facilities now eligible to receive public artworks, a method of allocating the public art appropriations will be necessary so that funds will be available to obtain artworks for existing public sites which may later be identified.
- D. When the original percent-for-art law was enacted, the Council envisioned the Art in Public Architecture program as a long-range program to which the County would have a fairly level financial commitment. However, because the art percentage was based on appropriations, which fluctuate from year to year, it has been difficult to predict accurate fiscal impacts for the percent-for-art law. Public art appropriations required under the law were also much larger than originally anticipated due to substantial growth of the Capital Improvements Program over the past six years. As a result, the Council has twice adjusted the law to bring the County's financial commitment more in line with what was originally planned.

E. Proper application of the law, as currently written, would require a great deal of effort, including annual review of all County CIP projects to determine which are eligible under the percent-for-art law, and a necessity to keep track of the eligible projects so that the percentage can be requested or adjusted as appropriations are approved for the eligible CIP projects. Therefore, a different methodology for determining art appropriations may be more practical.

Conclusion 6. Artwork acquisitions for public placement are occurring which are not coordinated with the County's Art in Public Architecture program.

- A. Some County departments and agencies have acquired or are planning to acquire public artworks independently of the Art in Public Architecture program. These placements are not currently required to be coordinated with the County's public art program, nor are placements under the Optional Method reported to the public art program components so that County placements can be coordinated.
- B. Under the Optional Method of Development, several artworks will be publicly displayed in the County's Central Business Districts (CBDs). Many of the County-owned garages have been constructed, using public funds, as part of the four Parking Lot Districts with boundaries nearly synonymous with the CBD boundaries. In addition, four Parking District garages being built through public-private partnership arrangements, in which the privately developed portions of the projects have qualified for added density will be providing artworks for public view through the Optional Method. The County-funded garage portions of the developments are eligible CIP projects under the percent-for-art law.

XI. RECOMMENDATIONS

The following recommendations are based upon the OLO evaluation of the Montgomery County Art in Public Architecture programs:

Recommendation 1. The Council should appoint a task force to develop general guidelines and reporting requirements under which all four components of the County's public art program must operate.

A. The task force membership should include representatives of each agency currently operating a public art program component, the County Council, the Arts Council, and the public. This task force should develop guidelines and requirements for the areas of expenses chargeable to the public art program, including advertising and honorariums; determination of priority sites to receive artworks and coordination of placements in the County; comprehensive management of the artwork collections, including conservation and maintenance of artworks; acceptance of artwork donations; acquisition and deaccession; reporting on program performance; and, requiring program components to establish formal policies and procedures. An optimum workplan would develop:

- A Statement of Purpose. (To ensure a coherent artwork acquisition program by providing a framework of guidelines which ensure coordination of public artwork acquisitions with a plan for the County as a whole.)
- Guidelines for Identifying Priority Sites. (To establish an approach for selection of specific sites for public art projects. The guidelines should be general in nature and include statements such as: For purposes of the Art in Public Architecture program, the County has identified parks, schools, libraries, government centers, community centers, etc., as the most suitable sites to place public artworks, followed by health centers, fire and police stations, garages, correctional facilities, etc.)
- Implementation Guidelines. (To identify responsible agencies and provide an outline for development of annual public art plans which include specific sites and amounts for public art projects.)
- Standard Operating Guidelines. (To provide an outline of standard operating procedures relating to artist selection, payment of honorariums, and community involvement in the public art acquisition process.)
- Care and Maintenance Guidelines. (To outline maintenance plan requirements and establish lines of responsibility for documentation, routine maintenance, condition monitoring, and repair or relocation of public artworks.
- Guidelines for Reporting Mechanisms. (To establish criteria for reporting progress relating the public art acquisition annual plans and art maintenance plans.)
- Other Guidelines. (To develop criteria and outline procedures for related topics, such as coordinating public artwork placements throughout the County, acquiring artworks through gifts, fundraising and/or accepting funds from other sources, and/or establishing a student art component.)
- B. Each public art program component should be required to develop more specific policies and procedures under which it will operate. The policies and procedures should be in conformance with the guidelines developed by the task force, and include procedures regarding artwork inspection, maintenance and reporting requirements; selection of sites to receive artwork; expenses allowed to be charged to the art project; and any restrictions on the number of artworks or amount which may be expended per commission or site. These policies and procedures should be documented and formally adopted by the agency's respective boards or top administrators.

Recommendation 2. The Council should amend Code Chapter 8, Article V, Art in Public Architecture to either provide for a more flexible funding mechanism or clarify the existing funding arrangement; to provide a requirement that general program guidelines be adopted; and to exclude Parking Lot District garages from the public art program.

- A. The County should view the Art in Public Architecture program as a long-range program and devise a more flexible method of funding the program so that the law need not be amended so often. A new method of determining public art appropriations should be devised which is easily understood, somewhat flexible, and allows forecasting of a more accurate fiscal impact. If a percentage method is desired, one alternative would be to base the percentage on the expenditure schedules of certain departments and agencies. Another method would be to set minimum and maximum appropriation commitments per public art program component. During the time that the task force is developing guidelines, Council staff should investigate other possible methods of funding the program. If the current percentage method is retained, OLO recommends that the law clearly state what is to be included in "construction cost", which CIP projects are to contribute, and at what stage of a CIP project the public art appropriation should be requested.
- B. The Council should amend Article V, so that the percent paragraph will not be in effect until the general guidelines, developed by a task force, are approved by the Council. In the interim, the Council should consider funding for the public art program components at levels no less than those approved for FY91. (Appropriations for FY91 totaled \$281,000.)
- C. The Council should also amend Article V to include a statement that the approved guidelines apply to all County-funded public artworks acquired and placed within the County, to require that all such placements be coordinated with the Executive branch public art program administrator, and that privately-funded placements under the Optional Method be reported to the Executive branch. In conjunction with this recommendation, information regarding all known placements, both privately and publicly funded, should be compiled and reported periodically to the County Council.
- D. The Council should further amend Article V to exclude CIP projects for garages funded through the Parking Lot Districts as eligible projects under the Art in Public Architecture program, and specify that either a certain percentage or amount per garage project be appropriated and funded by the Parking Lot District for placement of public artworks within the CBD where the garage will be located. These placements should be coordinated with Optional Method placements to encourage a balanced program within each of the CBDs.

XII. DEPARTMENT AND AGENCY COMMENTS

On October 19, 1990, OLO circulated a draft of this report to the County's Chief Administrative Officer, the County Attorney, and appropriate Executive branch departments; the Superintendent of Montgomery County Public Schools; the Chairman of the Montgomery County Planning Board; the President of Montgomery College; the Presidents of the Montgomery County Arts Council and the Strathmore Hall Arts Foundation; and the County Council Staff Director. All technical corrections received either orally or in writing have been incorporated into this final report. Written comments are included in their entirety beginning on page 69. Page references in the comments refer to the draft report and may differ in the final version. OLO's responses to specific written comments are inserted as footnotes to those comments.

One issue raised during the comment period was that the OLO report did not include an evaluation of the quality of the County's Art in Public Architecture program. Since viewing of art is a subjective experience, this writer did not attempt to assess the quality of artworks acquired or the cultural value of the County's public art program. In response to the comments, however, OLO requested the administrators of the three components which have acquired public artworks through the program, to provide information addressing the qualitative aspects of their public artwork collections. The information provided by the three components is attached to this report as Addendum I



MENORANDUM

Movember 5, 1990

TO:

Andrew Mansinne, Jr., Director

Office of Legislative Oversight

FROM:

Lewis T. Roberts, Chief

SUBJECT:

DRAFT OLO Report #90-3, A Description and Evaluation of the

Montgomery County Art in Public Architecture Program

Thank you for the opportunity to comment on the Draft OLO Report #90-3, A Description and Evaluation of the Montgomery County Art in Public Architecture Program. The report provides a thorough evaluation of the Montgomery County Art in Public Architecture Program since its establishment in October 1983. The comments from the Department of Facilities & Services, the Office of Management & Budget, and the County Attorney's Office are attached.

The Executive Branch believes it is important that those closest to the administration of the Art in Public Architecture Program develop the guidelines needed to operate it. Therefore, as an alternative to the OLO recommended task force, we recommend a standing Committee on Public Art comprised of the four agency public art administrators and a Council staff person. The public art administrators should consult with their respective management to ensure that their recommendations will be in keeping with other policy goals. The Arts Council and the public should be invited to participate in public hearings during the development of the guidelines. These guidelines could be subject to approval by Council resolution, thus giving the appropriating authority the opportunity to comment on and amend the proposed guidelines.

Regarding the recommendation to temporarily suspend the percentage requirement, we believe it is not necessary and feel such a disruption would be detrimental to the goal of displaying art in public places and hence not in the best interests of the citizens of the County. While we do not dispute the fact that the Executive Branch did not recommend, nor did the Council appropriate the legislated percentage, the Executive did consider what could feasibly be implemented as part of the CIP. The percentage requirement represents the County's financial commitment to public art. The standing committee should recommend changes to the County's formula structure simultaneous to the development of the guidelines.

The Executive Branch looks forward to discussing OLO report #90-3 upon its release by the County Council. Thank you for the opportunity to comment.

Attachments



MEMORANDUM

November 2, 1990

TO:

Andrew Mansinne, Director
Office of Legislative Oversic

FROM:

Graham J. Norton, Bost to

Department of Facilities and Services

RE:

DRAFT OLO Report No. 90-3, <u>A Description and Evaluation</u>
of the Montgomery County Art in Public Architecture Program

This is a very thorough report of the Montgomery County Art in Public Architecture program. You have gone to a great deal of effort in obtaining information regarding public art programs throughout the country in conjunction with a comprehensive overview of Montgomery County's Public Art program.

What this report does not convey are some of the success stories of the program. Montgomery County's Art in Public Architecture program has provided the County and its residents a better place to live by providing artwork in its public spaces. A gazebo was installed as part of the Art in Public Architecture program at Northwood HIgh School. The business manager from the high school called to let me know that the artwork has transformed the courtyard to an active gathering place for the students. Before its installation, the courtyard had been a desolate space. The volunteer fire department is planning to use a photograph of the sculpture from Fire Station 31 on their recruitment brochure and the station users use the sculpture as an educational tool for visiting school groups.

See Addendum I

Conclusions and Recommendations:

I concur with the conclusions which are made regarding the Art in Public Architecture program(s). The four programs have evolved to their current administrative practices for art selection processes based upon the diverse audiences which their respective programs address. A successful public art program should be flexible enough to allow for these differences. More formal procedural and administrative guidelines as well as more formal reporting mechanisms would benefit the program and provide uniformity to four programs under the same legislation.

Department of Facilities and Services, Art in Public Architecture

110 North Washington Screet, Third Floor, Rockville, Maryland 20850-2299, 301/217-6040

Joan Pedersen DRAFT OLO Report No. 90-3

Page 2

We do not concur with Recommendation 2.A. We see no reason to suspend further appropriations to the Art in Public Architecture program while addressing the concerns of this report and to exclude Parking Lot District garages as art-eligible under the program.

OLO Response: OLO does not recommend suspending appropriations for the Art in Public Architecture program. However, since none of the County's public art program components appear to be requesting the appropriations in full conformance with the law, OLO is recommending that the percent paragraph be inactivated for an unspecified period of time, which would end when program guidelines are approved by the Council. Concurrently with development of program guidelines by a task force, OLO is recommending that Council staff examine other possible funding arrangements for the public art program, and recommend either clarifications for the existing percent-for-art law or new funding arrangements. For the interim period, OLO is recommending that the Council approve appropriations for public art at its discretion, which funding would serve to reduce the appropriation shortfalls. While some portion of the shortfalls relate to percentage differences, the major portion relate to timing of appropriation requests and will be made up in future years without special action by the Council. The recommendations have been modified to clarify these points. (Note: Draft report Recommendation 2A has been renumbered as 2B in the final report. See page 67).

This report has made clear that the percentage appropriation requirement for public art has not been followed since the inception of the program. However, the program has been able to function and provide the County with a wealth of artwork following prudent annual appropriations.

To further illustrate the Executive Branch Art in Public Architecture programs prudent fiscal practices regarding the program, the attached graph depicts the difference between the legislative requirement for the Executive Branch Art in Public Places program versus the actual appropriation. (See Attachment A, Chart 1) These figures are taken from this report.

Until the most recent legislation for the Art in Public Architecture program, funding has been interpreted to be tied to the Capital Improvement Project. The most recent legislation for the Art in Public Architecture program keeps the funding base tied to the construction dollars spent but removes the commitment to placing the art in CIP funded sites. Thus it seems that the current funding for the Art in Public Architecture program uses the percentage funding as a basic method of establishing a financial commitment to public art.

If it is the intention of the revised legislation to establish the percentage of construction costs as its basis for funding, but remove the application of public art to CIP projects, then the tracking of what projects has received art appropriations is eliminated. Thus, the annual appropriation for Art in Public Architecture is a financial commitment to public art and would serve as the general fund for the applications of public art throughout the County.

OLO Response: Changes made to the legislation through Emergency Bill #37-90 addressed the extent of the County's financial commitment and made provision for placement of public artwork at existing facilities. These changes did not modify the need to examine CIP projects for application of the percent-for-art law, and to track "County construction projects" receiving appropriations to determine amounts to be concurrently appropriated for public art.

The percentage requirement is the County's financial commitment to public art and the concerns of this report can be addressed without suspending further appropriations in the following manner.

The problems regarding the standardization of the administrative aspects; reporting mechanisms, maintenance, expenses chargeable to the program, should be addressed. As the above mentioned problems are administrative aspects, they would best be handled internally by an Ad dloc committee with input from appropriate County departments, the County Council and the individual public art program administrators, subject to Council approval by resolution.

I see the standardization of the administrative aspects as a separate task from the establishment of a statement of purpose and prioritization of sites for public art placement as well as the coordination of the placement of privately funded art throughout the County. These should be developed by the individual programs as their purposes and audiences are so different. This should be done with input from appropriate County agencies, the Montgomery County Art Council and the public for which the program was designed. The art in public schools program would not have an interest in the Optional Method Development in CBDs whereas this might impact on the placement of art in parks and at County facilities within central business districts.

Without knowledge of the recommendations of this report, the Executive Branch began to establish a "Steering Committee" to develop a long-term master plan for the placement of art throughout the County with input from the following departments: M-NCP&PC, Department of Environmental Protection, Office of Planning Policies, the Department of Transportation, The Office of Management and Budget, the County Council and the Montgomery County Arts Council.

The "Steering Committee" was established in response to Emergency Bill No. 37-90 (Exhibit B, OLO DRAFT Report No. 90-3) which reduced the funding base to 1/4 of one percent of construction costs specifies that art may be placed at non-CIP funded sites in Montgomery County. This legislation allows for flexibility in the placement of art in Montgomery County. This committee was designed to obtain input regarding the County's long-term planning, coordinate the Art in Public Architecture program with the placement of art outside of the Art in Public Architecture program, as well as to explore aspects of alternative applications of public art which would be beneficial to County agencies and their respective missions. The master plan established by this committee would be subject to County approval by resolution and progress reported to Council on an annual basis.

Mith regard to the exclusion of the Parking Lot District Garages as art-eligible under the Art in Public Architecture program:

I do not think that it is appropriate to remove these parking structures from the scope of the Art in Public Architecture program because of the Optional Method of Development. I do think, there should be some coordination of the efforts and perhaps carry the public private venture of this type of Optional Method Development to the public art arena.

Through the Optional Method of Development artwork will be on public display in the County's Central Business Districts (CBD's) this artwork is not County owned and often there is confusion about the ownership and maintenance responsibility for such public artworks which are privately funded and owned. Often the developer believes that the artwork is a trade-off for amenities such as increased density and the maintenance responsibilities end with the installation of the piece.

Public parking garages are often imposing structures which would benefit from the placement and varied applications of public art. Throughout the nation some of the most successful public art applications have been at parking structures. Artwork placed at urban parking structures can serve to soften the garage's otherwise industrial appearance, provide additional lighting in the form of meon artwork, add additional decorative surfaces to the structures or provide environments which soften these often imposing structures.

OLO Response: While OLO has recommended excluding Parking Lot District garages from the Art in Public Architecture program, OLO has not recommended excluding these garage CIP projects from contributing financial support for public art, or from receiving public artworks. The main point of Recommendation 2.D. is that placement of public artwork resulting from a Parking Lot District project should be considered in coordination with other artwork placements within the CBD where the garage will be located, and would not exclude the garage itself from consideration for receiving a public artwork.

Specific Comments Regarding the Body of The Report:

Section VI. B, page 22, paragraph 3.

This report indicates that a standing list of projects has not been maintained by the Executive Branch. Since 1989, a standing list has been established and maintained. (See attachments B and C)

Section VII. A, page 28, paragraph 3.

The maintenance of public artwork commissioned by the County under the Art in Public Architecture program is the responsibility of the Department of Facilities and Services, not the responsibility of whatever department or agency occupies the space where the artworks are located, using whatever money or personnel is available.

Page 28 Paragraph 4

For the artists listed in the table with multiple commissions it is not clear that the commission amount represents the combined total of the individual artists commissions for multiple projects. Breaking out the dollar amounts for each commission for these artists would make this point clearer.

Page 44 - Bottom

Section VIII. B.2., page 46, Table 9.

The figures represented for FY91 in this Table for the third and fourth columns in the amounts of (\$11,360) and \$96,360 respectively appear to be reversed.

Page 47 - Top

Attachment A

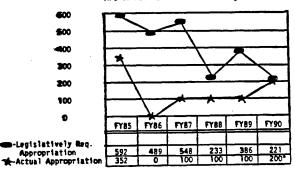
Thank you for your efforts. Contact me or Shella Haggerty at 217-6040 or 217-6004 if you should have any questions about these comments.

GN:SH:fm/1500K

Attachments

Chart 1.

Aegislatively Required Appr.—V—Actual Appr. Exec. Branch Art in Public Architecture Program



*No dollars were appropriated for Art in Public Architecture for FY90 this figure represents an executive transfer of funds to the program.

PROJECTS ELIGIBLE FOR PUBLIC ART THROUGH FY 91

PDF#/AUTH.YR.	ELECTIONS—OFFICE AND STORAGE SILVER SPRING POLICE STATION ANNEX GELN ECHO FIRE STATION ADDITION MATKINS MILL ROAD BRIDGE RIDE/ON SILVER SPRING OPERATIONS PARKING BETHESDA EDGEMOOR G-49 LONGBRANCH RECRECAITON CENTER DAY CARE CENTER RENOV. MODERNIZA. EMERGENCY COMMUNICATIN CENTER DAY CARE BUILDING RENOVATION GARAGE RENOVATIONS SM/COB SHADY GROVE LIFE SCIENCE CENTER UNIV. OF MD. EDUCATION CENTER FIRE TRAINING FACILITY BETHESDA POLICE STATION POLICE CENTER PROCESSING MHEATON STATION RENOVATION DETENTION CTR. SPECIAL MANGT. NEW DETENTION CENTER AVERY ROAD BRIDGE 49 BRIDGE RECONSTRUCTION/REVOLVING BRIGHTON DAM BRIDGE BE SEVEN LOCKS TECHNICAL CENTER PARKING BETHESDA GARAGE 47 PARKING BETHESDA GARAGE 47 PARKING BETHESDA GARAGE 40 RESTORA. PARKING SILVER SPRING GARAGE 60 EAST COUNTY PARK & RIDE FAIRLAND PARK & RIDE SCAGGSVILLE PARK & RIDE GLEMMONT METRO PARKING GARAGE COUNTY RECYCLING CENTER DETOX & INTERMEDIATE CARE FACILITY HALFWAY HOUSE FOR MOMEN DAY CARE: SCHOOLS FAIRLAND LIBRARY METRO STATIN KIOSK GOOD HOPE MODERNIZATION MARTIN LUTHER KING OUTDOOR POOL OLNEY INDOOR SMIM CENTER ROSS BODD MODERNIZATION DAMASCUS MASTEWATER TREATMENT PLANT KENSINGTON LIBRARY MED. EVAC KENSINGTON LIBRARY SANDY SPRING STA. #4 BURTONSVILLE COMMUNITY CENTER BURTONSVILLE FIRE STATION 15 POLICE CENTRAL PROCESSING	ART BUDGETS	
961104 _ 96	ELECTIONS_DEFICE AND STORAGE	4,190	1
951124 - 05 952124 - 85	STIVER SPRING POLICE STATION ANNEX	7.980	1
852139 - 85	SELN ECHO FIRE STATION ADDITION	2,000	1
823754 - 85	-MATKINS MILL ROAD BRIDGE	15,450	1
853116 - 85	RIDE/ON SILVER SPRING OPERATIONS	2,480	1
783019 - 85	PARKING BETHESDA EDGEMOOR G-49	156,890	1
867137 - 86	LONGBRANCH RECRECATION CENTER	3,300	3
861166 - 86	DAY CARE CENTER RENOV. MODERNIZA.	26,220	1
871129 - 86	EMERGENCY COMMUNICATIN CENTER	13,300	1
881188 - 87	DAY CARE BUILDING RENOVATION	7,850	1
901123 - 90	GARAGE RENOVATIONS SH/COB	70,925	1/2
8 05550 - 8 0	SHADY GROVE LIFE SCIENCE CENTER	1,400	1
9 01158 - 9 0	UNIV. OF MD. EDUCATION CENTER	B,670	1/2
8 92156 - 8 9	FIRE TRAINING FACILITY	1,200	1/2
872146 - 87	BETHESDA POLICE STATION	25,000	
8 52158 - 8 5	POLICE CENTER PROCESSING	6,190	1 /2
8 92120 - 8 9	WHEATON STATION RENOVATION	1,950	1/2
872127 - 87	DETENTION CTR. SPECIAL MANGI.	2,93U	1 /2
902106 - 90	NEW DETENTION CENTER	324,000	3/4
913127 - 91	AVERY ROAD BRIDGE 49	2,430	1/5
883111 - 88	BRIDGE KECONZIKACIIONAKEANTAINA	2,230	3/4
913153 - 91	RKIGHIUN DAM RKINGE DECK	2 040	1/4
913124 - 91	SOMMIT WASHING BETARE OF	52 230	1
B33890 ~ B3	Statut Beanstor Ceuter	14.350	i
012126 - 01	PARKING BETHESNA GARAGE AN DESTABLE	5.137	1/4
913130 - 91	DABYTHE CTIVED CODING CAPAGE AN	53.610	1/2
873100 - 83	FACT PRINTY DADY 1 DIRE	23.510	1/2
012100 - 61	EATDIAND DADY & DIRE	4.500	1/4
012170 - 91	SCACCEVILLE DARK & BINF	3,125	1/4
201777 - 21	SI FUMONT METRO PARKING SARAGE	31,670	1/2
#05115 - On	COUNTY RECYCLING CENTER	26.640	1/2
905153 - 90	DETOX & INTERMEDIATE CARE FACILITY	10,740	1/2
905117 - 90	MALFWAY HOUSE FOR WOMEN	11,640	1/2
915187 - 91	DAY CARE: SCHOOLS	3,520	1/4
867158 - 86	FAIRLAND LIBRARY	18,250	1
857174 - 86	SERMANTOWN LIBRARY	11,500	1
907146 - 90	METRO STATIN KIOSK	694	1/2
917103 - 91	GOOD HOPE MODERNIZATION	542	7/4
747939 - 89	MARTIN LUTHER KING OUTDOOR POOL	6,000	1/2
887170 - 89	OLNEY INDOOR SWIM CENTER	20,675	1/2
867136 - 8 6	ROSS BODY MODERNIZATION	9,540	1
874840 - 87	DAMASCUS WASTEWATER TREATMENT PLANT	92,000	1
897154 - 89	KENSINGTON LIBRARY	5,000	1/2
8 92133 - 8 9	MED. EVAC	2,500	1/4
8 97154 - 8 9	KENSINGTON LIBRARY	5,000	1/2
8 92148 - 8 9	SANDY SPRING STA. #4	2,000	1/2
6 92134 - 8 9	BURTONSVILLE COMMUNITY CENTER	1,224	1/2
872158 - 87	BURTONSVILLE FIRE STATION 15	13,000	į
8 52158 - 8 5	POLICE CENTRAL PROCESSING	<u>5,190</u>	1
1354K		\$ 1,063,774	

(OLO Note: This schedule is a listing of construction projects identified by the Executive branch public art administrator as eligible under the County's percent-for-art law, for which public art appropriations have not yet been approved.)

Projects Completed:

PROJECT NAME	APPROPRIATION	CONTRACT VALUE	HONORARIA	ADVERTISEMENT	EXPENDITURES	BALANCE
Wheaton Library	20,000	12,000	1,000	477	13,477	6,523
Wheaton Library		4,300			4,300	2,223
Potomac Library	12,000	5,000	500	477	5,977	6,023
Potomac Library		3,000	600		3,600	2,423
Equip. Maint. Oper. Ctr.	53,500	10,000	100	514	10,614	42,886
Equip. Maint. Oper. Ctr.		10,000			10,000	. 32,886
Equip. Maint. Oper. Ctr.		25,000	500		25,500	7,386
Up Cty. Comm. Ctr. & Pool	32,000	23,000	460 ·	, 411	23,937	0,063
Garage 7	82,250	40,000	1,000	477	41,477	40,773
County Government Center	47,000	47,000			47,000	000,00
2ilver Spring Gov't. Ctr.	16,700	15,500	500	535	16,535	165
Potomac Community Center	17,800	2,000	400	189	2,589	15,211
Potomac Community Center		15,000	700		15,700	-489
Gaithersburg Library	20,000	18,840	600	559	19,999	
Olney Library	13,000	10,000	200	559	10,759	2,241
Davis Library	7,900	5,000	400	559	5,959	1,941
Special Needs Library		800				000
Special Needs Library		750				000
Cabin John Fire Station #10	13,700	12,000	1,000	655	13,655	45
Stella Werner Off. Bldg.	30,000	26,000 592	1,000	655	27,655	2,345 1,753
(Change Base Costs)	E 000	4,000	500	655	5,155	-155
Fleet Street Annex	5,000		1,000	327	13,327	673
Kensington Fire Sta. #25	14,000	12,000	1,000	327	14.027	673
Rockville Fire Sta. #31	14,700	12,700		255	6,255	14.095
Leland Comm. Rec. Ctr.	20,350	5,000	1,000	233	15,000	-905
Leland Comm. Rec. Ctr.	. 0.000	15,000	1.000	83	7,083	917
Silver Spring Library Renov	7. 8,000 49,000	6,000 45,000	1,500	83	46,583	2,417
Regional Indoor Swim Ctr.			1,300	03	7,700	-1,140
Stratmore Hall Art Center	6,560	7,700	1 000	269	18,969	731
Pre-Release Cener	19,700	17,700	1,000	203	101303	171
	\$503,160	\$410,882	\$15,960	\$8,132	\$434,974	\$195,083
				•		-2,689
						\$192,394

PROJECT NAME	APPROPRIATION	CONTRACT	VAL. PAYMENTS	HONORARIA	ADVERTISEMENT	EXPENDITURES	BALANCE
Garage 49	39,690			1,000	513	1,513	38,177
Grey/Red Brick Courthouses	51,250	40,000	26,667	1,000	250	27,917	23,333
Group Residential Homes	20,000	18,000	12,000	1,000	327	13,327	6,673
	36,250	32,500	21,666	1.000	125	22,792	13,459
Garage 9	24,400	22,000	14,667	1,000	125	15,792	8,608
Garage 45	5,000	7.000	3,666	1,000	250	4,916	84
Germantown Rail Station	28,800	26,800	17,866	1,000	250	19,116	9,684
Up.Cty.Govt.Ctr/Germ.Lib.	B,200	6,500	2,166	1,500	83	3,749	4,451 .
White Oak Library	62,350	60,000	48,440	3.000	255	51,695	10,655
Northwood High School		15,500	40,440	4,555	507	507	17,043
Damascus Lubrary/Comm. Ctr.	8,500	6,500		1,500	598	2,098	6,402
Little Falls Library	6 ,000	5,000		450	•••	450	5,550
Lone Oak Community Center		18,000		750	355	355	22,145
Western County Swim Center	22,500	4,500			•••	•••	6,000
Aspen Hill Library	6,000	19,000			554	554	21,796
Germantown Fire/Police Sta	. 22,350				337	004	55,000
Garage 1A	55,000	40,000					33,000
Pleasant View Housing	33,000	20,000					00,000
Pleasant View Housing		7.000					
	\$446.840	\$348,300	\$147,138	\$13,450	\$4,192	\$164,780	\$282,060
GRAND TOTAL	1950,000						

(OLO Note: This schedule is a detailed accounting of activity for Executive branch public art projects to which the component's public art appropriations have been allocated.)

MENORANDUM

November 1, 1990

TO:

Andrew Mansinne, Jr., Director

Office of Legislative Oversight

FROM:

Robert K. Kendal, Director
Office of Management and Budget best K. Kendar

SUBJECT: DRAFT OLO Report No. 90-3, <u>A Description and Evaluation of the Montgomery County Art in Public Architecture Program</u>

Thank you for the opportunity to respond to this DRAFT report. As usual, your staff has provided a comprehensive analysis of the issues including a thorough review of programs conducted by other jurisdictions.

Under Section VIII. B2. page 45 and again on page 46 of the DRAFT. the statements about the post-FY 85 period do not tell the full story regarding Executive Branch consideration of public art appropriations. addition to budgetary concerns and rate of expenditure against the art project, the Executive also considered <u>implementation experience</u> in considering recommended appropriations. While we do not dispute the fact that the Executive did not recommend, nor did the Council appropriate the legislated percentage, the Executive did consider what could feasibly be implemented as part of the CIP. It should be noted that appropriation authority does not necessarily equal expenditures. Often, because of practical considerations, a program cannot expend its entire appropriation, as is demonstrated in the "Unexpended Balance" column in Table 10 on page 48 of the DRAFT.

Regarding Recommendation 1, QMB would recommend that a standing Committee on the County's Art Program be established, comprised of the four agency public art administrators and a Council staff person to be appointed by the Council Staff Director. I believe it is important that those closest to administration of the program develop the guidelines needed to operate it, in consultation with their respective agencies. The Arts Council and the public should be invited to participate, with the most efficient mechanism being public hearings held before and after guideline development. The recommended guidelines could be subject to approval by Council resolution, thus giving the appropriating authority the opportunity to comment on and amend the guidelines as proposed. As with the process used to approve Executive Regulations, this would allow the subject agencies to propose appropriate mechanisms for operating programs while allowing the Council to review these guidelines for consistency with other County goals and policies.

Regarding Recommendation 2a (page 66). I believe it is not necessary to suspend the requirement for public art appropriations, nor to allocate appropriations to eliminate the shortfalls. I do not believe that it is in the County's best interest to attempt to make up shortfalls that occurred prior to the OLO evaluation by using criteria that were not clearly delineated at the time of the original appropriations. I would of course defer to the County Attorney's original regarding the obligation of the County to make up the shortfall, but would hope that the Council would consider all possible alternatives to determine those that would be least disruptive to the County in its current fiscal climate.

At the same time, I would also recommend against suspending the formula-driven appropriation. While I agree that there is much that needs to be clarified regarding definitional issues (see below), such a disruption would be detrimental to the goal of displaying art in public places, and hence not in the best interests of the citizens of the County.

Regarding Recommendation 2D. I agree that a more flexible method of funding the program may be necessary. A formula that is clear cut and beyond interpretation, or a process for establishing same, should be built into the County Code. The method of funding and the timing of the funding should resolve all outstanding definitional issues discussed throughout the report (e.g., whether site improvement costs should or should not be included). The Committee on the County's Art Program, recommended above as an alternative to a task force to develop guidelines, should recommend changes to the County's formula structure simultaneous to the development of guidelines. As with the guidelines, the arts administrators should consult with their respective management to ensure that their recommendations will be in keeping with other policy goals.

Office of Management and Budget Director's Office/Interagency Analysis & Review Division/Budgets Division

101 Monroe Street, 14th Floor, Rockville, Maryland 20850, 301/217-2789, 2820, 2800

Pages 46 and 47

Recommendation 2B Page 67

Recommendation 2A

MEMORANDUM

October 30, 1990

Andrew Mansinne, Jr., Director Office of Legislative Oversight TO:

Karen L. Federman Benry Haven J. Sederman Steing Associate County Attorney FROM:

Draft OLO Report No. 90-3, A Description and Evaluation of the Montgomery County Art in Public Architecture Program RE:

. Please be advised that I have reviewed the above-referenced OLO Report No. 90-3 and have found no legal issues which require comment. As a result, I have no changes or additions to recommend.

If you have any questions, please do not hesitate to contact me.

KLFH:kh 0984:90.08280

Mr. Andrew Mansinne, Jr. Director Office of Legislative Oversight 100 Maryland Avenue Rockville, Maryland 20850 Joan M. Pedersen
Program Evaluator
Office of Legislative Oversight
100 Maryland Avenue
Rockville, Maryland 20850

RE: Comments on "A Description and Evaluation of the Montgomery County Art in Public Architecture Program"

Dear Mr Mansinne and Ms. Pedersen:
Thank you for giving me the

Thank you for giving me the opportunity to review "A Description and Evaluation of the Montgomery County Art in Public Architecture Program" prepared by the Office of Legislative Oversight. The detail and clarity shows the hard work and thought that was put into preparing this report.

M-NCPPC has only one public art program, placing artwork in Montgomery County Park facilities. However, the Montgomery County Planning Department takes an active role of reviewing and approving artwork through the Optional Method of Development Artworks which is described on page 58 of your report.

Pages 59 and 60

Page 24 - Top

I would like to comment on some areas addressed in the report.

Section VI.C. (page 23) refers to our interpretation of the percent-for-art legislation to mean that the amount to be appropriated for public art was to be calculated as a percentage of the total CIP appropriations for the fiscal year. If one thing is clear, it is that the definition of the base construction costs used to calculate the amount of funding for public art is totally ambiguous. OLO interprets this to be the gross project total cost as shown on the project description form, even though this may include costs incurred as much as twenty years ago, when the current CIP system was inaugurated. Some of our ongoing projects date that far back. Moreover, some of our PDFs include projected costs beyond the six year program, which in most cases are highly conjectural.

OLO Response: The public art percentage was applied by OLO to the combined total of the construction and site improvements cost categories shown on PDFs contained in the County's adopted CIPs; and, was applied only to projects which received appropriations during the evaluation period. The Council does not approve appropriations for future projects, and very few of the M-NCPPC projects to which OLO applied the art percentage were long-term enough to include projected costs beyond the six-year program. However, some regional and special parks were long standing projects, and removal of prior expenditures before applying the public art percentage would serve to reduce the OLO estimated shortfall for the M-NCPPC public art program component by approximately \$150,000.

We have based our funding for the art projects on the costs for new park development being funded out of that fiscal year's capital budget, in other words as a percentage of the appropriation for development in that fiscal year. No money approved for acquisitions were included in our calculations for public art. We believe that this is in compliance with the intent of the public art legislation, even though, as we all well know, the bill could easily be interpreted otherwise. We feel quite strongly that our approach is appropriate and responsible, since it tracks arts funding directly to the development expenditures driving that fund, and avoids funding based on prior expenditures, expenditure slippages, and estimates of future expenditures.

OLO Response: OLO agrees that the M-NCPPC approach to funding for its public art has worked well for the component. Normally, OLO would evaluate current practices and procedures of one program for compliance with one or more laws and recommend changes to program procedures and/or laws to achieve the best workable combination. For funding of the Art in Public Architecture program, however, there are four separate program components which have applied the public art law differently. While individual application of the law may prove to be appropriate for a particular program component, it may not be appropriate for other components. Therefore, OLO has recommended that the funding mechanism be examined and possibly changed to address the following three conditions.

- the public art law is not in accord with current practices of one or more program components;
- (2) the funding mechanism currently employed by one component may not be appropriate for other components; and,
- (3) Council has twice amended the percentage to be appropriated for public art because the funding requirements in the law have not allowed for sufficient flexibility.

Our art fund calculations are based on the total appropriation for development. We have close to 120 active development projects in our capital improvements program, and we have no means to cull our ineligible cost elements (the report identified "planning and design" and "furniture and equipment") other than through project by project analyses. Considering the small scale of the arts program, we do not feel that such an analysis would be cost effective. Perhaps 10-15% of the program could be disqualified, amounting to a 1-2 thousand dollar adjustment. This is comparable to the rounding criteria used in the CIP!

An independent determination of the appropriate level of arts programming would be welcome. By doing so, each program can be assessed according to its own merits, without the destructive cross-linking between the large and small programs that we all have been experiencing.

In section VIIIc.1,2 (pages 48-52) the report refers to Pages 49 - 56 administrative expenses charged to the Art in Public Places CIP account. This section shows that 25 percent of the total expenditures is for "other expenditures" such as personnel costs, honoraria to finalists, advertising costs, etc. Almost two-thirds of all the personnel costs in the Park Planning and Development division are CIP chargebacks so if we did not employ a part-time person to administer the program, the chargebacks would still remain for compensation for existing staff.

For clarification, I suggest eliminating the third paragraph in Section IX-B, (page 59), since the Silver Spring arts amenities are private optional method artworks and are not a part of the county public artwork acquisitions. These are discussed in Section IX-A.

OLO Response: This paragraph has been moved to Section IX-A.

I agree with the OLO findings that a task force should develop guidelines and reporting requirements for the areas of expenses chargeable to the public art program (page 64). I feel this will be a difficult yet necessary task. I appreciate the observations that each public art program component should develop more specific policies and procedures and agree to comply with the guidelines which will be developed by the task force.

Page 65

Another clarification is in Section 10 Conclusion 6-B (page 64). Page 65 There is only one parking garage, Garage 49 in Bethesda, with artworks by public funds in addition to artwork provided by the private funds of an Optional Method of Development.

In Recommendation 2-B, (page 66) reference is made to "placement be coordinated with the Executive branch public art program administrator". I feel strongly that the administrators of all four public art programs and a representative from the Montgomery County Planning Department representing Optional Method of Development Public Artworks should meet regularly to discuss possible locations of installations on County property, and in private development. These discussions would not only reduce poor distribution of public art in Montgomery County, but would attempt to assure aesthetically acceptable collections of art. In the context of such coordination, we would have no objection to reporting privately funded art placement to the Executive Branch, Recommendation 2-B, (Page 66).

Recommendation 2C, Page 67

I am in agreement with Section XI, Recommendation 2-C, (page 66) if my interpretation is correct that the intention to allow artwork associated with garages be located on appropriate sites within the CBD other than specific garage site. However, I disagree that the regular county program funds should be used predominately outside the CBD, since there will not be many future OMD's given the traffic limitations. This policy would seem to short change the CBD's. Public facilities within the CBD's should continue to provide artwork for the benefit of residents and employees in the area.

Recommendation 2D, Page 67

OLO Response: Based on the information provided here, and recognizing that coordination of artwork placements should accomplish a balanced distribution of public artwork, OLO has withdrawn that portion of the recommendation which suggested concentrating artwork placements funded through the Art in Public Architecture program in non-CBD areas of the County.

I commented on issues relating to the Executive Branch of the Public Architecture Program since the Montgomery County Planning Department works closely with the Executive Department in the design of the public garages and the acquisition of much of the artwork.

Sincerely

Gus Bauman Chairman

Montgomery County Park Commission

₩ovember 4, 4990

Morrigomery
College
Maryland's Largest
Community College

Air. Andrew Mansime, Jr., Director Office of Legislative Oversight Montgomery County Covernment 100 Maryland Avenue Bockville, Maryland (20850

-Re: Braft GLO Report No. 90-3
-Art in Public Architecture Program

Dear Mr. Mansinne:

Thank you for the opportunity to comment on the Office of Legislative Oversight's report on the Art in Public Architecture program. The Gollege is very supportive of this program, particularly as the project complements in a positive way the various endeavors of the Gollege's own Fine Arts programs. I'd appreciate it if the final report would state that based on the direction provided by the Office of Management and Budget during the preparation of past capital budgets, the College has requested and received appropriations totalling \$35,000 during the FY 1985-1990 period for the Art in Montgomery College project. This fall the College has initiated its first art acquisition under the Art in Montgomery Gollege project. With the accumulation of a reasonable level of funding in the College's project, we are now in a position to acquire art work for the newly renovated Technical Genter on the Rockville Campus.

Again, thanks for the chance to comment. Should you have any questions, please let me know.

Sincerely,

Robert E. Parilla President

ÆEP: ja

#498G/9

Central Administration 900 Hungerland Drive Rockville MD 20850 (301:279-5000 Germantown Campus 20200 Observation: Drive Germantown, MD 20874 (301) 972-2000 Rockville Campus 51 Mannakee Street Rockville MD 20850 (301) 279-5000 Tekoma Park Campus Tekoma Avenue al Fenior Street Tekoma Park WD 20912 (301) 587-4090

Bethesda Center 7815 Woodmont Avenuc Bethesoa, MD 20814 (301) 656-6777



850 Hungerford Drive . Rockville, Maryland . 20850-1747 Telephone (SOI) 279-3381

**Slovember 21, 1990

Ms. Joan M. Pedersen Program Evaluator Office of Legislative Oversight Montgomery County Government 100 Maryland Avenue Rockville, Maryland 20850

Dear Ms. Pedersen:

Thank you for the opportunity to review the draft of <u>A Description</u> and Evaluation of the Montgomery County Art in Public Architecture <u>Program</u>, OLO report No. 90-3. I understand that our staff has contacted you with minor comments on the information in your report.

We look forward to receiving a copy of the full report.

arry Pirt Superintendent of Schools

HP: 1bc

Copy to: Dr. Vance

Dr. Rohr

Dr. Smith Mr. Wilder Mr. Mansinne, Jr.



Fovember 26, 2990

ard of Directors Mary D. Amberson President Deane Sherman 1st Vice Presiden Ernest E. Wolfle, Jr. 2nd Vice President Odessa Shannon Secretary John Tyner II Treasurer William H. Berman Stephen R. Creyke Bonnie Fernebok Edith Gates Susan K. Gell Beverley Ann Hill Anne B. Lee Mary Jane Lynch Eileen L. Mader Arthur J. Phelan, Jr. Ellouise Schoenler Francoise Yohalem Barbara Howard Executive Director

А почучоби. Вис-езетря Франция

#10701 Rockville Pike #Lockville, Maryland 20852 (301) 530-6744 Wis. Joan M. Pedersen, Program Evaluator Office of Legislative Oversight 100 Maryland Avenue Bockville, Maryland 20850

Dear Ms. Pedersen:

Regarding your office's Report No. 90-3, the Arts Council of Montgomery County would be pleased to support a plan to standardize the policies and procedures used by the four County agencies in making their selections of public art.

We also feel that all four divisions of the program would be better able to defend their selections if each panel - not just a couple - had two professional artists on it. This would seem to strengthen their positions at those times when it became necessary to counteract adverse publicity, and would also guarantee a higher quality of art than panels consisting of chiefly laymen. The Arts Council has been fulfilling its obligation, according to Article V, Art in Public Architecture, to supply such panelists for the past five years, and has an extensive list of highly qualified professionals to call upon. We will have no problem in securing two such artists for every panel. As you know, we also mail notices of all APA commissions from the three agencies currently participating to our large mailing list that ranges throughout the United States.

We will also appreciate your including our staff member who handles APA matters, Haura Boern, Projects Coordinator, in any future meetings to discuss the proposals you so kindly brought to our attention. Please call Maura (530-6744) or Barbara Howard, our executive director, if you have any questions.

Thank you.

Sincerely,

STRATHMORE HALL ARTS CENTER

December 10, 1990

Mr. Andrew Mansinni, Jr., Director Office of Legislative Oversight Montgomery County Government 100 Maryland Ave. 5th Floor Rockville, MD 20850

RE: OLO Rpt. 90-3

Dear Mr. Mansinni,

As an arts administrator based in Montgomery County for the past fifteen years I am a firm believer in the power of public art. I am also quite realistic about its virtues and weaknesses.

Therefore, having reviewed Office of Legislative Oversight's report 90-3 on the Art-in-Public Architecture Program of the County, I wish to add my voice to those who have taken the time to read the whole report and to respond.

1. I support recommendations which seeks to tighten up the admittedly highly individualistic administrative procedures currently exercised by the three independent agencies of the Schools, the Parks and the Department of Facilities.

Born under three separate agencies, it is not surprising such discrepancies occurred, however it is now time to establish a unified County procedure which will make life simpler for the artists who apply to the different programs, the volunteer committees who jury the works, and the public officials who appropriate funds for (and must defend the program to) the public.

2. I congratulate the authors on an excellent analysis of how the three programs came about, how they are run and their comprehensive review of comparable program throughout the nation. In fact, it is such a superb piece of arts research that I believe it to be meritorious of distribution far beyond the somewhat limited readership of Montgomery County Government personnel.

STRATHMORE HALL POUNDATION, INC., 10701 ROCKVILLE PIKE, ROCKVILLE, MARYLAND 20852, 301/530-0540

Page Two

3. I must, however, take strong issue with any suggestion that funding be suspended, deferred, delayed, reduced or altered while such administrative remedies are studied or taken.

Public art has always been an easy target for the fiscal critic, the conservative politician or the single-issue constituent, yet it is indisputably the single lasting story of this civilization and it will inevitably outlive today's most popular headline, crisis or hero.

Thus, the only way to make sure art continues to appear is to fund it on an annual, if incremental basis. (Anyone who tells you they'll "just defer it this tight year and, perhaps, appropriate larger amounts in future fiscal years to compensate" is either insincere or naive. There is never a "good budget year" for the arts...only bad ones.)

It is the continuing responsibility of our municipal governments - every year - to appropriate and subsequently expend some equitable portion of whatever money is available upon the only lasting legacy of our civilization...its art.

4. I disagree with the report's suggestion that parking garages are somehow inappropriate sites for public art. On the contrary, they are excellent sites with high public visibility, they can only be enhanced by art, they generate especially creative design solutions from the artists and they inevitably demonstrate, simply by their presence, the true power and spirit of art in public places. What else can make the even the most mundane of life's activities...parking a car...a meaningful moment?

More practically speaking, garages are also one of the very few sites available in most over-built, under-humanized central business districts. There are not many choices in a CBD.

5. I would place less emphasis on creating a "Master Plan" for public art and focus more on developing a Master Procedure for its selection and care. Master Plans in this arena are impractical because the various public facilities in which such art is placed bear little or no relation to each other (schools, libraries, parks, garages, etc.) Funding follows opportunistic public facility construction or enhancements driven by politics and growth, not need or aesthetic opportunity.

Page Three

In short, it does little good to try to "spread it out evenly" across the County landscape since such is not the normal pattern of development throughout the County. The presence of a piece of art inside a school which happens to be across the street from a park sculpture or a garage with art on the wall has no adverse impact on any of the projects.

- 6. That said, it may be better to bring these programs under one roof and into one office to force coordination of their activities, budgets and planning. The collegial sharing and support created would benefit all program staff which, to date, have been very Lone Rangers. If so, I suggest that such a coordinated office should be placed in the Executive Branch where it is given the widest possible overview of the County's opportunities.
- 7. Finally, we should spend what we appropriate and stop the budget game which has been played with this program. Despite various percentage formulas being publicly manipulated in the headlines "to save the taxpayers money" the truth is that over the past six year history of the program, about 1.6 million dollars of funding approved by the Council for eligible projects has never been spent. OMB has quietly eliminated funding for several projects long after the Council's public action. Such percentages (1%, 1/2%, 1/4% etc.) have been largely academic.

This fact, somewhat lost in the various budget tables of even this fine report, greatly mitigates the outcry of critics who only look at the simple math of the headlines. Perhaps, it's better that way.

In conclusion, I hope this exemplary program lives on even if it must take its fair "hit" along with other projects in the coming years of austerity. No argument - not fiscal, not aesthetic, not moral - justifies the elimination of this program in a society which calls itself civilized. And, we are nothing if we are not civilized.

Eliot Franstiehl
Executive Director

Epf:bma

ARTICLE V. WORKS OF ART IN PUBLIC ARCHITECTURE.†

Sec. 8-43. Purpose.

The purpose of this article is to promote the general welfare by requiring and encouraging the use and incorporation of works of art in public architecture and to provide for the involvement of the county in the selection of the art to be used. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-44. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Arts council means the Montgomery County Arts Council.

County construction project means any construction project that is paid for wholly or in part by the county.

Construction cost means those costs generally associated with capital projects, but shall not include land acquisition, legal fees, architectural fees and furnishings.

Construction project means any capital project to construct or remodel any building, park, plaza, bridge, parking facility, or

Cross reference—New home warranty and builder license, ch. 31C. †Cross reference—Arts, ch. 5A.

Supp. No. 5

972

^{*}Editor's note--Article IV: §§ 8-30-5-42. relating to licensing of building contractors. was repealed by 1986 L.M.C., ch. 49, § 2. The article was previously derived from 1969 L.M.C., ch. 12, § 1; 1972 L.M.C., ch. 16, § 5; 1975 L.M.C., ch. 1, § 4; 1977 L.M.C., ch. 28, § 4: 1981 L.M.C., ch. 47, §§ 1-4: 1983 L.M.C., ch. 22, § 12: 1984 L.M.C., ch. 24, § 10; 1984 L.M.C., ch. 27, § 9.

other structure, or any portion thereof, located within the county. The term does not include infrastructure projects, such as sewers, water lines or roads, and projects financed in whole or in part by the levy of special assessments or industrial development bonds, sheds, warehouses, or buildings of a temporary nature.

Project means any construction project subject to the requirements of this chapter.

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 shall not include temporarily-hung works of art, landscaping, or the choice or use of materials in architecture. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-45. Interpretation.

The provisions of this article shall be liberally interpreted so as to effectuate the purposes of this article and to provide maximum involvement by the county in the provision of works of art to be used in conjunction with projects located within the county, while allowing the architect and artists involved in the project sufficient flexibility so as to encourage creativity. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-46. County construction projects.

Every appropriation for a county construction project as defined herein shall be accompanied by an additional appropriation for works of art equal to at least one-half of one (0.5) percent of the estimated construction cost of the project as shown in the county's capital improvements program budget. This appropriation for works of art shall be assigned to and expenditures for implementation made from a capital improvements project to be titled "art in public facilities."

Every appropriation for a county construction project as defined herein shall be accompanied by an additional appropriation

Supp. No. 6, Rev.

for works of art equal to at least one (1) percent of the estimated construction cost of the project as shown in the county's capital improvements program budget. This appropriation for works of art shall be assigned to and expenditures for implementation made from a capital improvements project to be titled "art in public facilities."

Section 1 [the first paragraph of this section] takes effect July 1, 1988, and applies to any construction project that receives its initial appropriation for detailed architectural and engineering design during fiscal year 1989, 1990 or 1991. Section 2 [the second paragraph of this section] takes effect July 1, 1991. (1984 L.M.C., ch. 1, § 1; 1988 L.M.C., ch. 43, §§ 1—3.)

Sec. 8-47. Property sold by the county.

All contracts for sale of land owned by the county on which there is to be constructed a project to be used or occupied by any governmental body, agency, or department shall require as a condition of the sale that one (1) percent of the estimated construction costs of the project be appropriated or otherwise set aside for works of art. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-48. Construction projects funded by any government.

It is the policy of the county executive and the county council that works of art be included in the construction or remodeling of any building or decorative or commemorative structure within the limits of Montgomery County that is paid for in whole or in part by any federal, state, regional, bi-county or local government. Private donations of works of art are strongly encouraged, but may not be substituted for the requirements of this article. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-49. Recommendation by county executive.

(a) A description of the proposed work(s) of art, together with an estimate of its cost, shall be developed in coordination with the plans and specifications for county construction projects. Prior to final approval of the plans and specifications, the county executive or responsible agency head shall provide a copy thereof to the arts council, which shall establish an appropriate jury and,

Supp. No. 6, Rev.

within ninety (90) days, submit recommendations to the county executive or responsible agency head.

(b) The county executive or responsible agency head shall review the recommendations of the arts council and forward them to the county council together with a recommendation for approval or disapproval of the proposed work(s) of art. (1984 L.M.C., ch. 1, § 1.)

Sec. 8-50. Evaluation of program.

The office of legislative oversight shall evaluate this program and issue a report to the council on the evaluation. This shall be done every five (5) years pursuant to criteria presented to and approved by the county council as part of the work program of the office of legislative oversight for the period in which the work is to be performed. (1984 L.M.C., ch. 1, § 1.)

Emergency Bill No.: 37-90 Concerning: Art in Public Facilities Draft No. & Date: 4 - 4/24/90 Introduced: March 27, 1990 Enacted: April 24, 1990 Executive: May 4 1990 Effective:_ May 4 1990 Sunset Date: None Ch. 43, Laws of Mont. Co., FY on

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice-President Leggett, Council President Pro Tem Crenca, and Councilmembers Subin and Potter

AN EMERGENCY ACT to:

- (1) reduce the percentage of the estimated construction cost of a County construction project that must be appropriated for works of art;
- (2) allow funds from the "Art in Public Facilities" capital improvements project to be spent for works of art at any County facility;
- (3) establish a maximum amount that can be spent for works of art at each County facility; and
- (4) generally amend the law relating to works of art in public construction projects.

By amending Montgomery County Code Chapter 8, Buildings Section 8-46, 8-47, and 8-49

EXPLANATION: Boldface indicates a heading or a defined term.

Underlining indicates text that is added to existing law

by the original bill.

[Single boldface brackets] indicate text that is deleted

from existing law by the original bill.

Double underlining indicates text that is added to the

bill by amendment.

[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment. * * * indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

	Sec. 1. Secreous and and and ere emplose an initialis.
2	8-46. County construction projects.
3	Every appropriation for a County construction project (as
4	defined herein shall] must be accompanied by an additional
5	appropriation for works of art equal to [at least one-half of one
6	(0.5)] 1/4 percent of the estimated construction cost of the
7	project as shown in the County's capital improvements program
8	budget. [This] An appropriation for works of art [shall] must be
9	assigned to [and expenditures for implementation made from] a
10	capital improvements project [to be] titled "Art in Public
11	Facilities."
12	8-47. Property sold by the county.
13	All contracts for sale of land owned by the County on which
14	there is to be constructed a project to be used or occupied by any
15	governmental body, agency, or department [shall] must require as a
16	condition of the sale that [one (1)] 1/4 percent of the estimated
17	construction costs of the project be appropriated or otherwise set
18	aside for works of art.
19	Sec. 2. Section 8-49 is amended as follows:
20	8-49. Recommendation by County Executive or agency head.
21.	[(a) A description of the proposed work(s) of art, together
22	with an estimate of its cost, shall be developed in
23	coordination with the plans and specifications for County
24	construction projects. Prior to final approval of the
25	plans and specifications, the County Executive or
26	responsible agency head shall provide a copy thereof to
27	the Arts Council, which shall establish an appropriate

Emergency Bill 37-90

1	jury and, within ninety (90) days, submit recommendations
2 .	to the County Executive or responsible agency head.]
3	[(b) The County Executive or responsible agency head shall
4	review the recommendations of the arts council and
5	forward them to the County Council together with a
6	recommendation for approval or disapproval of the
7	proposed work(s) of art.]
8	The County Executive or responsible agency head, after
9	consulting the Arts Council, may recommend to the County Council
10	that funds from the "Art in Public Facilities" capital improvements
.1	project be spent for a specific work of art at a designated County
.2	facility. The Council may approve or disapprove the
13	recommendation. Funds from the "Art in Public Facilities" capital
4	improvements project may be spent for works of art at any County
.5	facility, but must not be spent without Council approval. The
.6	Council must not approve more than a cumulative total of
17	[[\$40,000]] \$100,000 for works of art at any County facility.
18	unless the Council waives this limit for the facility.
19	Sec. 3. Sections 2 and 3 of Chapter 43 of the 1988 Laws of
20	Montgomery County are repealed.
21	Sec. 4. Emergency effective date.
22	The Council declares that an emergency exists and that this
23	legislation is necessary for the immediate protection of the public
24	health and safety. This act takes effect on the date on which it
25	becomes law.
26	

27

Emergency Bill 37-90

1	Approved:	
2	Oller. Q 1/	1.1. 6.
3	William C. House	4/37/90
4	William E. Hanna, Jr., President, County Council	Date
5		
6	Approved:	
7	Didney Kramer	5/4/90
8	Y	Date
9	Sidney Kramer, County Executive	Date
10		
11		
12	This is a correct copy of Council action.	
13	Latter Otallana	5/4/90
1.4	Hamaland Marian	<u> </u>
15	Kathleen A. Freedman, CMC	Date
16	Secretary of the Council	
17		
18		
19		
20	·	
21	•	
22	'. . ••	
23		
24		
25	•	
26		

- 1975 State of Alaska
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- 1978 'City of Anchorage, Alaska
 Mandatory 1% construction costs
 Open to all artists
- *1985 State of Arkansas

 Voluntary .5% construction costs

 Open to all artists-preference to local or in-state
- 1986 City of Casa Grande, Arizona
 Mandatory 1% construction costs
 Restricted to in-state artists
- *1983 City of Chandler, Arizona

 Mandatory 1% construction costs

 Open to all artists
- 1983 City of Glendale, Arizona

 Mandatory .5% construction costs

 Open to all artists-preference to local or in-state
- 1987 City of Phoenix, Arizona

 Mandatory 1% construction costs

 Open to all artists
- 1985 City of Tucson, Arizona
 Voluntary 1% construction costs/max. \$25,000
 Open to all artists-preference to local or in-state
- 1985 City of Berkeley, California
 Mandatory 1% construction costs
 Artist eligibility not designated
- *1975 City of Brea, California

 Mandatory from .25%-1% construction costs of private development projects over \$500,000

 Open to all artists
- 1985 City of Carlsbad, California
 Voluntary 1% construction costs
 Artist eligibility varies
- *1986 City of Concord, California

 Mandatory .5% of private development costs in

 excess of \$40,000, deposited to public art fund

 Artist eligibility varies

- 1974 City of Davis, California
 Mandatory 1% construction costs
 Open to all artists
- *1987 City of Garden Grove, California

 Mandatory 1% construction costs

 Artist eligibility varies
- *1986 City of Laguna Beach, California

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
 - *1985 City of Los Angeles, California

 Mandatory minimum of 1% private development
 costs downtown area; or contribute to trust fund
 Open to all artists
 - 1986 City of Palm Desert, California
 Mandatory .5% construction costs
 Open to all artists
 - *1979 City of Sacramento, California

 Mandatory 2% public construction costs and private
 developments on Redevelopment Agency land
 Artist eligibility varies
 - *1982 County of Sacramento, California

 Mandatory 1% construction costs on buildings over
 \$100,000; only .5% for detention center

 Artist eligibility varies
 - *1969 City and County of San Francisco, California

 Mandatory maximum 2% construction costs

 Open to all artists-preference to local or in-state
 - 1984 City of San Jose, California

 Mandatory 1% construction costs

 Open to all artists—preference to local or in-state
 - *1978 County of Santa Barbara, California

 Mandatory 1% construction costs on buildings over

 \$100,000 cost

 Artist eligibility varies
 - 1984 City of Santa Monica, California

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
 - 1983 City of Walnut Creek, California

 Mandatory 1% of construction costs for public projects over \$250,000; varied % for private projects

 Open to all artists

- 1986 City of Thousand Oaks, California Mandatory 1% construction costs Artist eligibility varies
- *1977 State of Colorado

 Mandatory 1% total project costs; with

 only .1% for correctional facilities

 Open to all artists-preference to local or in-state
- 1987 City of Denver, Colorado

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- 1984 City of Loveland/High Plains, Colorado Mandatory 1% construction costs Open to all artists
- 1978 State of Connecticut

 Mandatory 1% construction costs

 Open to all artists
- 1983 City of New Haven, Connecticut

 Mandatory .25% to 1% construction costs

 Open to all artists-preference to local or in-state
- *1986 City of Washington, D.C.

 Mandatory 1% construction costs

 Open to all artists
- *1972 GSA Washington, D.C.
 Voluntary .5% construction costs
 Open to all artists
- 1981 City of Wilmington, Delaware

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- *1979 State of Florida

 Mandatory .5% construction costs

 Open to all artists-preference to local or in-state
- 1973 County of Dade, Florida

 Mandatory 1.5% construction costs

 Open to all artists
- 1983 County of Lee, Florida
 Voluntary 1.5% construction costs
 Open to all artists-preference to local or in-state
- *1983 City of Orlando, Florida

 Mandatory 1% construction costs

 Open to all artists

- 1986 County of Clarke, Georgia

 Voluntary variable % construction costs

 Open to all artists-preference to local or in-state
- 1967 State of Hawaii
 Mandatory 1% construction costs
 Open to all artists
- 1968 City of Honolulu, Hawaii
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- *1977 State of Illinois

 Mandatory .5% construction costs

 Restricted to in-state artists
- 1978 City of Chicago, Illinois

 Mandatory 1% construction costs

 Open to all artists
- 1974 State of lowa

 Mandatory .5% construction costs

 Open to all artists-preference to local or in-state
- 1985 City of New Orleans, Louisiana

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- 1979 State of Maine
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- *1964 City of Baltimore, Maryland
 Mandatory 1% construction costs
 Open to all artists
- *1987 County of Prince Georges, Maryland Mandatory 1% construction costs Open to all artists
- *1978 City of Rockville, Maryland
 Mandatory 1% construction costs
 Open to all artists
- 1983 State of Massachusetts
 Mandatory 1% construction costs
 Open to all artists
- 1979 City of Cambridge, Massachusetts

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state

- State of Michigan
 Voluntary 1% construction costs
 Open to all artists-preference to local or in-state
- *1983 State of Minnesota
 Voluntary 1% construction costs
 Open to all artists-preference to local or in-state
- 1986 City of Duluth, Minnesota

 Mandatory 1% construction costs

 Artist eligibility not designated
- 1986 City of Kansas, Missouri

 Mandatory 1% construction costs

 Artist eligibility not designated
- 1983 State of Montana
 Voluntary 1% construction costs
 Open to all artists
- *1979 State of Nebraska

 Mandatory minimum 1% new construction over \$500,000 and renovations over \$250,000

 Open to all artists
- 1979 State of New Hampshire

 Mandatory .5% construction costs

 Restricted to regional artists
- 1978 State of New Jersey
 Voluntary 1.5% construction costs
 Open to all artists
- *1969 States of New Jersey & New York (Port Authority)
 Voluntary 1% construction costs

 Open to all artists-preference to local or in-state
- 1983 County of Cape May, New Jersey
 Voluntary 1.25% construction costs
 Open to all artists-preference to local or in-state
- *1986 State of New Mexico

 Mandatory lesser of 1% new construction costs
 or renovations exceeding \$100,000; or \$200,000

 Open to all artists-preference to local or in-state
- *1979 City of Albuquerque, New Mexico Mandatory 1% total project costs Open to all artists
- 1982 City of Buffalo, New York
 Voluntary 1–2% construction costs
 Open to all artists

- 1983 City of New York, New York
 Mandatory 1% construction costs
 Open to all artists
- *1985 City of New York, New York (Metro Transit)
 Voluntary 1% construction costs
 Open to all artists
- 1987 County of Rockland, New York
 Mandatory 1% construction costs
 Open to all artists
- *1988 State of North Carolina

 Mandatory .5% construction costs on projects

 over \$500,000

 Open to all artists
- 1977 City of Toledo, Ohio

 Mandatory 1% construction costs

 Open to all artists
- 1969 City of Tulsa, Oklahoma
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- 1975 State of Oregon

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- 1985 City of Beaverton, OregonMandatory 1% construction costsOpen to all artists
- 1971 City of Eugene, Oregon

 Mandatory 1% construction costs

 Open to all artists
- *1980 City of Portland, Oregon

 Mandatory 1.33% construction costs

 Open to all artists
- 1980 County of Multnomah, Oregon Voluntary 1.33% construction costs Open to all artists
- 1959 City of Philadelphia, Pennsylvania
 Mandatory 1% construction costs
 Open to all artists
- 1959 City of Philadelphia, Pennsylvania

 Mandatory 1% private development funds
 to Redevelopment Authority
 Open to all artists

- 1978 City of Pittsburgh, Pennsylvania
 Mandatory 1% construction costs
 Restricted to local artists
- 1988 City of Warwick, Rhode Island
 Mandatory 1% construction costs
 Open to all artists
- 1981 State of South Carolina
 Voluntary .5% construction costs
 Open to all artists
- 1979 State of Texas

 Voluntary 1% construction costs for select
 public buildings

 Open to all artists-preference to local or in-state
- 1985 City of Austin, Texas

 Mandatory 1% construction costs

 Open to all artists
- 1987 City of Corpus Christi, Texas

 Mandatory 1.25% construction costs

 Open to all artists-preference to local or in-state
- 1988 City of Dallas, Texas

 Mandatory 1.5% construction costs

 Open to all artists
- State of Utah
 Voluntary 1% construction costs
 Open to all artists-preference to local or in-state
- *1979 City of Salt Lake, Utah

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- *1986 City of Virginia Beach, Virginia
 Mandatory 1% construction costs for annual
 maximum of \$150,000

 Open to all artists-preference to local or in-state
- 1974 State of Washington
 Mandatory .5% construction costs
 Open to all artists
- 1987 City of Bellevue, Washington
 Mandatory 1.7% construction costs
 Artist eligibility not designated

- 1979 City of Edmonds, Washington
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- 1976 City of Everett, Washington

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- 1973 County of King, Washington

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- 1976 City of Mountainlake Terrace, Washington
 Mandatory 1% construction costs
 Restricted to regional artists
- 1975 City of Renton, Washington
 Mandatory 1% construction costs
 Restricted to regional artists
- 1973 City of Seattle, Washington
 Mandatory 1% of all capital construction and bond issues
 Open to all artists
- *1985 City of Seattle, Washington (Transit)
 Voluntary .5% construction costs
 Open to all artists
- 1982 City of Spokane, Washington
 Mandatory 1% construction costs
 Open to all artists-preference to local or in-state
- 1977 City of Wenatchee, Washington Mandatory 1% construction costs Artist eligibility not designated
- 1979 City of Milwaukee, Wisconsin
 Voluntary 1% construction costs
 Restricted to in-state artists
- State of Wisconsin
 Mandatory .2% construction costs
 Open to all artists-preference to local or in-state
- 1985 State of Wyoming

 Mandatory 1% construction costs

 Open to all artists-preference to local or in-state
- SOURCE: Going Public: A field guide to developments in art in public places, Jeffrey L. Cruikshank and Pam Korza, Arts Extension Service, Division of Continuing Education, University of Massachusetts, Amhurst, MA., 1988, in cooperation with the Visual Arts Program of the National Endowment for the Arts.

DOCUMENT: ARTLOTUS4: GOVTLIST

Additional information received through OLO survey.

SCHOOLS

ΕY	LOCATION	ARTWORK	SIZE	AMOUNT	*1 OP E	ARTIST
85	Bradley Hills E.S.	Painted canvas mural	5 X 8	8,600	TONE	Rodgers
85	Bradley Hills E.S.	Fiberglass relief	8 X 20	8,000	i	Carter
85	Bradley Hills E.S.	Bronze sculpture	2'	3,800	i	Billig
85	Gaitherburg H.S.	Painted canvas mural	4 X 24	10,000	i	Fairlamb
	<u> </u>	2 Painted aluminum			•	
85	Gaitherburg H.S.		20 X 25	19,000	Ε	Teichberg
		reliefs	20 X 58	-		-
85	Washington Grove E.S.	Steel/glass sculpture	4 X 8	3,000	l	Teichberg
85	Washington Grove E.S.	Acrylic painted mural	9 X 15	6,000	1	English
85	Washington Grove E.S.	Stained glass panel	4 X 8	8,270	1	Melville
85	Woodlin E.S.	Hand cast glass panel	6' diameter	7,000	1	Teichberg
85	Woodlin E.S.	Stained glass panel	4 X 5	4,382	, E	Anderson
		TOTAL FY85		78,052	J	
86	Clopper Mill E.S.	Ceramic mural	8 X 42	17,000	1	Inglese
86	Clopper Mill E.S.	2 Bronze sculptures	4' & 5'	23,000	E	Awret
86	Flower Hill E.S.	2 Bronze sculptures	5'each	23,000	Ε	Billig
86	Flower Hill E.S.	Ceramic mural	8 X 20	17,000	1	Awret
86	Lake Seneca E.S.	Acrylic relief	8 X 44	12,000	1	Flood
86	Lake Seneca E.S.	2 Cast stone sculptures	5' each	27,000	Ē	Weitzman
86	Montgomery Blair H. S.	6 Composite mosaics	2,000 sq ft	34,000	1&E	Johansen
86	Oak View E.S.	Oak carved relief	4 X 5	7,000	1	Weitzman
86	Oak View E.S.		4 X 15	5,000	1	Sanabria
		Bronze/copper/brass relief		•	1	
86	Oak View E.S.	Ceramic mural	8 X 36	7,000	1	Smith
86	Woodfield E.S.	Painted canvas murai	10 X 20	10,000	1	Courbois
86	Woodfield E.S.	2 Cast stone sculptures	5' each	14,000	. E	Weitzman
		TOTAL FY86		196,000	ļ	
87	Bannockburn E.S.	Acrylic mural	5 X 8	8,000	ı	Bartman
87	Bannockburn E.S.	Bronze sculpture	5'	15,000	E	Awret
87	Cedar Grove E.S.	Wood sculpture	5'	7,000	1	Weitzman
87	Cedar Grove E.S.	Ceramic mural	5 X 12	14,000	i	Awret
87	Clopper Mill E.S.	Bronze relief	4 X 6	8,500	1	Billig
87	Goshen E.S.	2 Ceramic murals	8 X 20	23,000	i	Inglese
87	Goshen E.S.	Painted canvas mural	6 X 9	10,000	i	Moy
87	Goshen E.S.	Mobile and painted	2 X 4	20,000	ı	Teichberg
		metal sculpture	12'	=		
87	Jones Lane E.S.	3 Painted canvas murals	6 X 12 ea.	15,000	ı	Bittinger
87	Jones Lane E.S.	2 Painted steel	12 X 20	28,000	Ē	Gary
•	2.0.	scuiptures	4 X 15	-	_	,
87	Springbrook H.S.	2 Stained glass panels	3 X 6 ea.	6,000	1	Rebold
87	S. Christa McAuliffe E.S.	Painted canvas mural	6 X 12	14,000	i	Bittinger
87		2 Stained glass	2 X 4	6,000	i	Reboid
٠.		treatments	2 X 6	-	•	
87	S. Christa McAuliffe E.S.	Ceramic mural and	8 X 32	30,000	E	Teichberg
0,	O. Omisia Mordinis L.O.	2 composite sculptures	16' & 18'	-	_	reichberg
87	Twinbrook E.S.	Ceramic mural	8 X 20	11,500	1	Inglese
87	Twinbrook E.S.	Fiberglass relief	5 X 8	11,500	ı	Weitzman
87	Waters Landing E.S.	Bronze/stone relief	5 X 8	10,000	ı	Boggs
	_			•	a 2	
	Waters Landing E.S.	Aluminum/glass mobile	12 X 16 6'	20,000	! E	Teichberg Weitzman
6/	Waters Landing E.S.	Stainless steel cylinder		23,000	E	AAAIIZMAN
		and inlaid cast stone	30 X 48	000 500	1	
		TOTAL FY87		280,500	l	

SCHOOLS CONTINUED

ΕY		ARTWORK	SIZE	AMOUNT	1 OR E	ARTIST
88		Stoneware relief	4 X 17	15,000	t	Vail
88	Clearspring E.S.	2 Painted mobiles	8 X 22 ea.	16,000	1	Kravitz
88	Clearspring E.S.	2 Bench sculptures	9 X 18 ea.	12,000	Ε	Sherman
	•	_3 Bench sculptures	5 X 18 ea.	-		
88	Clearspring E.S.	Mixed media mosaic mural	65 sq ft	14,000	1	Rosenberg, L
88	Gaitherburg J.H.S.	Ceramic mural	6 X 26	15,000	I	Awret
88	Gaitherburg J.H.S.	Metal composite relief	4 X 9	12,000	1	Rosenberg, E
88	Gaitherburg J.H.S.	Painted aluminum shapes	9 X 9	10,000	1	Teichberg
. 88	Gaitherburg J.H.S.	Ceramic/copper mural	9 X 19	10,000	I	Johansen
88	Greencastle E.S.	Steel spatial treatment	14 X 16	20,000	1	Weitzman
88	Greencastle E.S.	Ceramic/wood relief	10 X 12	10,000	1	Billig
88	Greencastle E.S.	Stained glass treatment	6 X 14	7,000	ł	Lawrence
88	New Hamp Estates E.S.	4 Painted aluminum figures	12' diameter	23,000	E	Sherman
88	New Hamp Estates E.S.	Ceramic mural and	6 X 27	22,000	i	Awret
		ceramic tile frieze	2 X 16	-		
88	Paint Branch H.S.	Bronze sculpture	3.5'	10,000	1	Heginbotham
88	Paint Branch H.S.	Ceramic/glass mosaic mural	e 90 sq ft	18,000	I	Rosenberg, L
88	Paint Branch H.S.	Painted wall mural	6 X 80	5,000	ł	Carter, D.
88	Paint Branch H.S.	2 Ceramic	6 X 18	36,000	ı	Esser
		murals	6 X 24	•		
88	Quince Orchard H.S.	Stainless steel sculpture	20°	60,000	ŧ	Ccopacatty
88	Quince Orchard H.S.	5 Fiberglass/steel sculptures	4' each	15,000	ł	Vail
88	Quince Orchard H.S.	Ceramic/copper/alum relief	13 X 52	30,000	ı	Johansen
88	Quince Orchard H.S.	Ceramic mural	4 X 52	30,000	8	Inglese
88	Quince Orchard H.S.	2 Cast stone reliefs and	7 X 9	32,000	1	Weitzman
		stainless wall treatment	4 X 18	-		
88	Rosemary Hills ES	Cast stone sculpture	5°	8,000	i	Litofsky
88	Rosemary Hills ES	Bronze relief	3 X 8	10,000	į	Billig
88	Rosemary Hills ES	2 Ceramic and venetian	4 X 9	16,000	į	Rosenberg, L
		glass mosaic murals	4 X 10			
88	Stone Mill E.S.	Copper/brass/steel relief	6 X 9	18,000	1	Rosenberg, E
88	Stone Mill E.S.	Painted canvas mural	10 X 50	20,000	į	Peck
88	Stone Mill E.S.	2 Ceramic/venetian glass	4 X 12	18,000	I	Rosenberg, L
		mosaic murals	8 X 8	-		
88	Strawberry Knoll E.S.	3 Ceramic/glass mural	545 sq ft	9,000	1	Carter, J
88	Strawberry Knoll E.S.	Bronze sculpture	6°	20,000	E	Billig
88	Strawberry Knoll E.S.	Stained glass treatment	9 X 11	7,000	Ε	Melville
88	Strawberry Knoll E.S.	2 Acrylic on birch murals	6 X 12 ea.	15,000	1	English
88	Strawberry Knoll E.S.	Painted canvas mural	5 X 9	6,000	1	Fairlamb
88	Strawberry Knoll E.S.	5 Stained glass panels	1.6' each	3,200	ı	Wheeler
		TOTAL FY88		572,200		
80	Parales October F.O.		- V A			
89	Brooke Grove E.S.	Ceramic mural	7 X 8	8,000	!	Rosenberg, L
89	Brooke Grove E.S.	3 Painted	8 X 17	17,000	i	Courbois
	•	canvas	8 X 15	-		
	Onntain James Batte E C	murals	6 X 12	-		14
89	Captain James Daly E.S.	Steel sculpture	8 X 16	20,000	E	Kaslow
89	Captain James Daly E.S.	Stained glass treatment	4° radius	5,000	!	Michael
89	Captain James Daly E.S.	Ceramic mural	6 X 12	15,000	. !	Awret
	Captain James Daly E.S.	Stained glass treatment	4' radius	5,000	!	Rebold
89	Captain James Daly E.S.	Aluminum/glass stabile	15' diameter	10,000	ŀ	Teichberg

SCHOOLS CONTINUED

ΕY	LOCATION	<u>ARTWORK</u>	SIZE	AMOUNT	*I OR E	<u>ARTIST</u>
89	Cloverly E.S.	Painted canvas mural	6 X 30	12,000	ł	Fichter
89	Greencastle E.S.	6 Painted canvas murals	4 X 8 ea.	20,000	1	Courbois
89	Luxmanor E.S.	2 Ceramic murals	7 X 9 ea.	14,000	1	Inglese
89	Richard Montgomery H.S.	Fiberglass sculpture	15'	15,000	E	Greene
89	Rock Creek Forest E.S.	Bronze relief	4 X 8	9,000	ı	Rosenberg, E
89	Rolling Terrace E.S.	Painted aluminum sculpture	9.5'	18,000	E	Awret
89	Rolling Terrace E.S.	5 Ceramic reliefs	3 X 6 ea.	9,000	ı	Schulman
89	Rolling Terrace E.S.	2 Ceramic/glass murals	6 X 10 ea.	10,000	1	Rosenberg, L
89	Rolling Terrace E.S.	Painted canvas mural	8 X 8	3,000	1	Fichter
89	Rolling Terrace E.S.	Painted steel sculpture	7 X 12	17,000	1	Martens
89	Thomas S. Wootton H.S.	Painted canvas mural	5 X 9	7,000	. 1	Fairlamb
89	Watkins Mill H.S.	Acrylic on birch mural	6 X 24	20,000	t	English
89	Watkins Mill H.S.	Stained glass panel	8 X 25	16,000	E	Holl
89	Watkins Mill H.S.	Bronze relief	4 X 7	20,000	1	Billig
89	Watkins Mill H.S.	4 Bronze/copper murals	4 X 10 ea.	36,000	1	Rosenberg, E
89	Watkins Mill H.S.	Stained glass panel	5 X 24	20,000	1	Lawrence
89	Watkins Mill H.S.	Courtyard treatment of	various	75,000	E	Vail
		sculptures and reliefs	various	-		
89	Woodlin E.S.	Ceramic tile images	9 X 42	8,000	_ 1	Teichberg
		TOTAL FY89	Į	409,000		
90	Broad Acres E.S.	Ceramic mural	8 X 14	12,000	I	Inglese
90	Cabin John M.S.	Painted fiberboard relief	5 X 7	1,500	i	Kaslow
90	East Silver Spring E.S.	Composite mural	8 X 20	4,500	1	Rosenberg, L
90	Highland E.S.	12 Stained glass treatments	40 sq ft	5,000	1	Melville
90	Highland E.S.	Ceramic mural	5 X 6	5,000	ı	Awret
90	Highland E.S.	Composite mosaic mural	5 X 8	7,000	1	Rosenberg, L
90	Laytonsville E.S.	6 Stained glass panels	3 X 3 ea.	4,000	1	Melville
90	Laytonsville E.S.	Ceramic/glass mural	5 X 10	10,000	1	Rosenberg, L
90	Monocacy E.S.	Painted aluminum relief	8 X 20	12,000	ŧ	Sherman
90	Montgomery Knolls E.S.	Painted canvas mural	5 X 14	8,000	ł	Fairlamb
90	Montgomery Knolis E.S.	Composite relief	4 X 5	6,000	ı	Rosenberg, E
90	Olney E.S.	Stained glass panel	2 X 4	3,000	ı	Holl
90	Olney E.S.	Reinforced concrete sculptur-	3 X 12'	9,000	ı	Vail
90	Oiney E.S.	Fiberglass relief	3 X 10	8,000	. 1	Vail
90	Phoenix II	Acrylic painted mural	4 X 6	1,500	ı	Chung
90	Sequoyah E.S.	2 Painted canvas murals	7 X 17 ea.	14,000	1	Hynes
90	Sequoyah E.S.	4 Stained glass panels	2 X 4 ea.	5,000	<u>.</u> 1	Lawrence
80	Sequoyah E.S.	Ceramic mural	4 X 8	8,000	<u> </u>	Billig
90	Stedwick E.S.	2 Ceramic murals	45 sq ft	9,000	: 1	Rosenberg, E
80	Westbrook E.S.	Acrylic on birch relief	8 X 9	8,000	i	Billig
90	Westbrook E.S.	Colored fiberglass relief	3 X 8	6,000	1	Vail
90	Whetstone E.S.	Ceramic mural	6 X 12	10,000	1	McCroskey
		TOTAL FY90	į	156,500		
					_	

COMPONENT TOTAL - SCHOOLS

1,692,252

EXECUTIVE BRANCH

ΕY	LOCATION	ARTWORK	SIZE	AMOUNT	·IORE	ARTIST
86	County Gov't Center	Elm carved sculpture	16'	47,000	ı	Weitzman
86	Potomac Library	2 Charcoal/oil paintings	3 X 4 ea.	3,000	I	Antholt
86	Wheaton Library	Metal/colored glass stabile	17'	12,000	. 1	Teichberg
	•	TOTAL FY86		62,000		
87	DOT Service Park	Welded steel/braized relief	4 X 20	10,000	ı	Rodgers
87	DOT Service Park	Acrylic painted mural	4 X 16	10,000	1	Kopriva
87	DOT Service Park	Stainless steel sculpture	18'	25,000	E	Gardner
87	Potomac Library	Wood sculpture	4 X 5	5,000	ı	Bodnarchuk
87	Silver Spring Garage 7	Granite fountain	10 X 14	40,000	E	McDonnell
87	Special Needs Library	Watercolor painted mural	2 X 2	800	1	Mohn
87	Upper County Rec. Center	Earthwork mini-amphitheatre	50 X 100	23,000	E	Dolega
87	Wheaton Library	2 elm carved sculptures	4' each	4,300	l l	Fisher
	:	TOTAL FY87		118,100		
88	Bethesda Garage 49	Phase I pedestrian bridges	n/a	10,000	E	Posner/Mack
88	Cabin John Fire Station #10	Painted mural	5 X 30	12,000	1	Blodgett/Crim
88	Fleet Street Annex	Stainless/aluminum relief	6 X 8	4,000	E	Moring
88	Gaitherburg Library	Painted aluminum sculpture	8 X 12	18,000	E	Unger
88	6 Group Residential Homes	19 Formed benches	2 X 8 ea.	18,000	Ē	Wolk
88	Olney Library	Ceramic/glass mosaic mural	50 sq ft	10,000	1	Rosenberg, L
88	Potomac Community Cntr	Acrylic painted mural	3 X 6	2,000	i	Kern
88	Potomac Community Cntr	2 Ceramic reliefs	4 X 18 ea.	15,000	1	Pagen
88	Silver Spring Center	2 Acrylic painted murals	3 X 30 ea.	15,500	i	Fichter
88	Special Needs Library	Bronze relief sculpture	3 X 5	5,000	1	Billig
88	Stella Werner Office Bldg.	Bronze sculpture	7'	26,000	Ε	Razvan
88	Strathmore Hall Arts Cntr	Bronze sculpture	4'	7,700	E	Duffy
		TOTAL FY88		143,200	_	
					· 	_
89	Gray/Red Brick Courthouses		6'	40,000	E	Castanis
89	Kensington Fire Station #25	•	14'	12,000	E	Askman
89	Pre-Release Center	Welded steel sculpture	6 X 6	17,700	E	Lonn
89	Regional Indoor Swim Cntr	Bronze sculpture	6 X 10	45,000	E	LaRose
89	Rockville Fire Station #31	Stainless steel sculpture	25°	12,700	E	Suchman
89	Silver Spring Garage 9	Painted steel sculpture	17 X 20	32,500		Stromeyer
89 89	Silver Spring Library Special Needs Library	Bronze sculpture Carved alabaster sculpture	4' 2'	6,000 75 0	E	Billig Bartley
89	Up-County Gov't Center	Painted steel sculpture	14 X 22	26,800	Ė	Greenamyer
		Bronze sculpture	7'	22,000	E	Billig
		TOTAL FY89	•	215,450	_	
90	Germantown Rail Station	Painted metal sculpture	8 X 12	5,000	E	Shaffer
90	Leland Recreation Center	Linen/wool tapestry	6 X 11	15,000	1	Heyden
90	Leland Recreation Center	Painted aluminum mural	4 X 9	5,000	Ţ	McDonnell
90	Little Falls Library	20 Leaded glass panels	3 X 4 ea.	6,500	E	Housberg
90	Lone Oak Community Cntr	Painted steel gate sculpture	8 X 10	5,000	E	Kaslow
90	Northwood High School	Ceramic/flagstone relief	9 X 14	6,000		Johansen
90	Northwood High School	Brass/copper/alum. relief	6 X 8	14,000	 	Rosenberg, E.
90 90	Northwood High School	Stainless steel figures	12 X 70	28,000	E	Ccopacatty Kaslow
	Northwood High School White Oak Library	Painted steel gazebo Marble relief sculpture	12 X 12 4 X 6	12,000 6,5 00	E	duBorg
-	THE CON LIVING	TOTAL FY90	770	103,000	_	Lubvig
		IAIUPLIA	•	.30,000		
	COMPONENT TOTAL - E	XECUTIVE BRANCH		641,750		

COUNCIL APPROVED PUBLIC ART COMMISSIONS AS OF JUNE 30, 1990

PARKS

<u>FY</u> 87		ARTWORK Bronze sculpture	<u>SIZE</u> 5'	<u>AMOUNT</u> 10,000	*IORE E	ARTIST Billig
		TOTAL FY87		10,000	_	
88	Agricultural History Farm Pk	Mixed media mobile	12'	5,000	ı	McDaniel
88	Agricultural History Farm Pk	•	8 X 20	20,000	Ε	Brennan
88	Camp Seneca Park	Cedar totem pole sculpture	22'	12,000	Ε	Boquist/Reita
88	Martin Luther King, Jr. Pk	Bronze sculpture	3 X 4	12,000	E	Awret
88	Rockwood Conference Cntr	<u>-</u>	10'	10,000	E	duBourg
88	Woodside Urban Park	Bronze sculpture	5'	7.500	Ē	Billig
		TOTAL FY88		66,500]	3
89	Black Hill Regional Park	Bronze sculpture	4'	35,000	E	Barnes
89	Brookside Gardens	Stainless steel sculpture	12'	35,000	Ε	Russell
89	Caroline Freeland Park	Painted iron sculpture	9 X 10	30,000	Ε	Greenamyer
89	Lake Needwood Visitors Cnti	Bronze sculpture	4 X 6	15,000	Ε	LaRose
89	Olney Manor Park	Stainless/granite sculpture	12'	15,000	Ε	Russell
		TOTAL FY89		130,000]	
90	Cabin John Ice Rink	10 Polycarbonate figures	6' each	10,000	_ 1	Kravitz
		TOTAL FY90		10,000]	
	COMPONENT TOTAL - P		216,500]		
	GRAND TOTAL - ALL PROGRAMS			2,550,502]	

DOCUMENT:LOTUS5:EXSYR

^{*} I = Interior location

E = Exterior location

Excerpt from Report Study Committee on Artwork in the Optional Method of Development, August, 1988.

RECOMMENDATIONS

In making recommendations to mitigate some of the problems and address the issues, the committee has attempted to look at these concerns from all points of view. The rights of the artist, the owner/developer, and the general public are all legitimate and important factors to be considered and were. A unique consensus regarding recommendations has emerged from our discussions. The first and foremost was a confirmed support for the arts. The following recommendations are simed at improving the quality of art and the likelihood that it will be appreciated as a public benefit.

RECOMMENDATION #1: ESTABLISH A GENERAL PLANNING BOARD POLICY ON ARTWORK.

The committee strongly recommends that the Planning Board adopt a written policy which endorses artwork as a desirable amenity to be included in optional method projects for the CBD Zones. The committee suggests that the Board continue to view artwork as a cultural enrichment which can help promote central business districts as cultural and social centers for the community. Although artwork is only one of many features in a proposed plan, it can, if successful, make a substantial difference in one's enjoyment of public use space. Potentially, it can communicate joy, delight, and wonder, promote positive contact among members of the community, and even, stimulate curiosity and interest in the community's heritage.

The Board should continue to be receptive to the broadest possible definition of art, supporting the development and creation of all innovative programs, facilities, and art amenities which encompass a variety of artistic expressions.

RECOMMENDATION #2: ESTABLISH GOALS AND REVIEW OBJECTIVES FOR PROPOSED ARTWORK.

The committee recommends that the Planning Board clarify its goals and objectives for proposed artwork. With respect to goals, the committee suggest that the Planning Board support artwork which produces over time a diverse collection of artwork, achieves aesthetic excellence, establishes over time a sense of community identity and is potentially reflective of the community. In short, approved artwork should help improve the quality of life in the central business districts.

In order to effectively integrate artwork into the public use space and achieve the goals stated above, the committee specifically recommends the following review objectives:

- Achieve aesthetic excellence in approved artwork.
- o Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context.
- Ensure public access and invite public participation.
- Encourage the developer to initiate collaborative planning at the earliest possible time among artists, architects, landscape architects, and engineers.
- o Ensure the long-term durability of permanent artwork by approving work which does not require excessive maintenance.

- o Encourage a rich variety of the arts including permanent as well as temporary pieces; objects as well as programmed special events.
- o Increase public understanding and enjoyment of the art through interpretive information and/or programmed events.
- o Achieve a collection of commissioned art which is unique and potentially contributes in a positive way to the identity of the community.

RECOMMENDATION #3: ESTABLISH AN ART REVIEW PANEL TO ADVISE THE PLANNING BOARD AND ITS STAFF.

The study committee recommends that an on-going Art Review Panel should be established in order to provide an independent, professional review of proposed artwork, and to assist in achieving the Board's goals and objectives. Such a review panel should be considered only as an advisory group to the Planning Board and its staff. All CBD optional method projects proposing art would be required to be reviewed by the Art Review Panel.

The Art Review Panel should be comprised of no less than five voting members appointed by the Director of Planning. Each member's term would run approximately one year and would extend longer if actively engaged in the review of a particular development. Members should be required to remain on the Panel for the entire review process of a specific project.

Representation of diverse interests on the Arts Review Panel should be achieved by selecting one business/development representative, one community resident, and three local arts professionals. Art professionals who are recognized and respected in their fields may include the following arts related professionals: artists, architects, landscape architects, art critics, curators, and historians. Members should be selected on the basis of their (a) knowledge and expertise of contemporary visual or performance art, as related to the public outdoor context, (b) willingness to fully participate in a review process, and (c) knowledge of or involvement with the local resident community. In special circumstances, the Panel may invite or consult with additional expert professionals or community participants to advise them in the evaluation of a proposed work of art.

The study committee strongly recommends that the Art Review Panel's work should be integrated into the current review time frame for project plans and site plans without extending the required length of review time. This can be accomplished at the time of project plan review by transmitting the proposed project plan application with the conceptual art proposal directly to the Art Review Panel, just as staff transmits the applications to other outside agencies. The Art Review Panel would be required to review the plans within 30 days of receiving the submittal, well within the Commission's required 90 day review limit for project plans.

The study committee recommends a 30 calendar day review period for the art proposal for project plans in order to permit Commission staff time to evaluate their comments and respond to them prior to the Planning Board's hearing. For site plan review, the Art Review Panel should respond with the comments no later than 21 calendar days due to the required 45-day review requirements for site plans. If the Planning Board reviews project plans prior to the formation of the

Art Panel, the study committee urges the Planning Board to condition their approval of project plans to require applicants to submit their art's program to the Arts Review Panel, should it be established prior to submitting a site plan application.

During the course of their review, the Art Review Panel should hold at least one review session for the purpose of hearing the applicant's presentation and for providing preliminary review comments. If necessary, a second session may be held to allow the applicant to respond to preliminary comments and submit final art proposals. The committee feels strongly that the Art Review Panel's review sessions should not be considered as a "public hearing." The study committee believes that the proper forum for general public comments and debate is during the Planning Board's official public hearing for the project. The primary purpose of the Art Review Panel is to provide an experts' evaluation of the proposed artwork. The Panel's report to the Commission staff will be included in the staff report to the Planning Board.

RECOMMENDATION #4: ESTABLISH REVIEW CRITERIA TO GUIDE THE ART REVIEW PANEL'S EVALUATION OF PROPOSED ARTWORK.

The study committee believes that the Art Review Panel will better achieve the Commission's art policy and objectives if they apply consistent review criteria in their evaluations. The criteria should reflect the Commission's goals and objectives but in more specific terms. Also, such criteria can provide applicants and the community with a greater understanding of the Commission's expectations, reducing somewhat the uncertainty associated with art proposals. The committee recommends that the following criteria should be used by the Art Review Panel as guidelines assisting their evaluation.

- o The proposed artwork achieves the highest quality of excellence.
- o The proposed artwork shall be the result of a process initiated by the developer which will result in a collaborative effort among the project's artists, architects, landscape architects, developer, and possibly other related arts professionals such as art consultants.
- The proposed artwork shall be located on-site in a publicly accessible and visible location. Off-site locations can be considered if the proposed location is related to the proposed development such as adjacent sidewalks, traffic medians, bridges, and adjoining parks and plazas. Artwork can be integrated into floors, walls, and even ceilings within the public areas of the projects. Sites within private space such as office lobbies are not eligible for location of artwork as public amenity.
- o The artist and other design professionals shall be required to demonstrate how the proposed artwork effectively interacts with the specific site and public users of the space, and responds to the urban design relationships of the surrounding area.
- o The artist shall be required to demonstrate the <u>public</u> nature of the artwork. The artwork should be capable of engaging the public interest in a positive way by the work's imaginative concept, form and scale, color, content, and/or choice of media.

- The artist shall submit a descriptive text, drawings and/or a maquette with sufficient detail in order to provide clear understanding of the proposal.
- The majority of artwork shall be permanent in nature so as to be enjoyed on a continuous basis. Programmed arts events, however, are also encouraged to add vitality and generate new public interest.
- e Proposed artwork should be a commissioned work for the specific site and shall not be mass produced or standardized in its design.
- The artist shall be required to submit a detailed maintenance specification at the time of site plan review to ensure that the developer and the Commission understand the maintenance requirements and consider the specifications to be adequate.
- The developer shall demonstrate that he/she has contractual agreements with the artist and other design professionals which ensure that the artist is aware of and involved in any required changes in site design which may affect the artwork and which ensure that the artist's proposed work is technically feasible.

RECOMMENDATION #5: CONTINUE TO CONDUCT, ON AN ON-GOING BASIS, THE STAFF'S ANNUAL REVIEW OF THE STATUS OF OPTIONAL METHOD PROJECTS.

Proper maintenance of installed artwork is a significant concern of this committee to help ensure that artwork maintains its value as a public amenity and its original integrity as a work of art. It is also a concern of the owners/developers of optional method artwork as well as the Commission. The committee recommends that the Planning Board continue to conduct an annual review on the status of Optional Method Projects which would include the status of the artwork as was done in January of this year. An annual review would help identify maintenance-related problems and recommend proper maintenance operations as necessary. When special problems occur, requiring a more specialized knowledge of certain materials, the staff should seek the necessary professional expertise to assist them in recommending appropriate maintenance solutions.

The study committee did consider recommending that the Board hire a professional conservator to annually review the artwork. A minority of the committee supports this approach and believes an arts expertise is needed to evaluate the condition of artwork and to help prevent maintenance problems from occurring. Upon closer review, the committee became aware that, due to the diversity of pieces, a number of conservators with different art specialities would be necessary, that consulting fees typically exceeded \$100 per hour, and that more extensive staff management would be required than originally anticipated. For these reasons, a majority of the committee does not support hiring conservators. The committee is in agreement that the responsibility for adequate maintenance rests squarely on the shoulders of owners/developers. If a piece begins to show signs of deterioration, malfunctions, or is repeatedly vandalized, it is the Commission's responsibility to require the owner/developer to promptly rectify the situation.

RECOMMENDATION #6: REQUIRE NEW PROPOSED OPTIONAL METHOD ARTWORK TO INCLUDE MAINTENANCE SPECIFICATIONS DEVELOPED BY THE ARTISTS AND OTHER TECHNICAL CONSULTANTS FOR STAFF REVIEW AND APPROVAL.

The committee recommends that all proposed optional method artwork should include maintenance specifications which are tailored to the specific needs of the artwork. The specifications could then be referenced in the site plan enforcement agreement, legally requiring the owner/developer to abide by the specifications. The committee views proper maintenance to be in the owner's best interest as much as it is in the public's interest. For approved artwork, which is already installed in many sites in Bethesda and Silver Spring, the committee recommends that owner's voluntarily provide maintenance specifications to Commission staff in order to provide inspection guidance for the future and assist the developer in maintenance.

RECOMMENDATION #7: ESTABLISH REMOVAL PROCEDURES FOR ARTWORK, IN ACCORDANCE WITH EXISTING PROCEDURES.

The committee recognizes that there are parameters under which the Planning Board approves and monitors optional method projects. If an artwork has been approved, as a part of an optional method project, this means that the Planning Board has made a finding that the project, including the artwork, meets the requirements of the Zoning Ordinance. Thereafter, the Planning Board can review a proposal to remove art under two scenarios:

- an application by the property owner/developer to remove the art by amendment to the approved project plan and site plan,
- 2) as a site plan violation proceeding held by the Planning Board to address alleged violations which may have been brought to the Board's attention by the staff, other agencies or members of the public.

In reviewing proposals to remove artwork under either scenario, the committee recommends that the Board consider the following:

- The artwork is deteriorating, requires excessive maintenance, or has flaws in design or workmanship.
- o The artwork creates a public safety hazard which was unforeseen at the time of approval.
- o The owner/developer wishes to replace the artwork with a different yet comparable public amenity.
- o Significant changes in the use, character, or physical design of the site create a less than desirable setting for the artwork.
- o The security of the artwork cannot be guaranteed and it is subject to repeated vandalism.

The committee understands the sometimes stormy public reaction to artwork and hopes that new artwork which is evaluated under the recommended criteria will better address public concerns. However, continued public controversy over approved artwork in the optional method projects cannot be a legitimate basis for removal if the artwork remains in conformance with the approved site plans. If

the Planning Board faces the question of removal under the scenarios identified above, the committee recommends that the Board take a cautious approach before requiring or approving removal of art in order to gain perspective over time on the validity of the piece in terms of its relationship to the site, and its contribution to the overall collection of artwork in public use spaces.

CONCLUSIONS

The committee believes that the recommendations embodied in this report will have a positive affect upon the quality of future artwork considered by the Planning Board in the optional method projects. Although we can not guarantee that future artwork will be less controversial given the subjective nature of art, we believe that the recommendations will improve the likelihood of technically and aesthetically successful work which is a public benefit.

ADDENDUM I

QUALITATIVE ASPECTS OF THE MONTGOMERY COUNTY ART IN PUBLIC ARCHITECTURE PROGRAM

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PUBLIC ART IN THE PUBLIC SCHOOLS

The aesthetic education program of the Montgomery County Public Schools assumes that children need to develop their artistic, intuitive, and imaginative abilities if they are to fully understand themselves and their environment. In many ways, the public art commissioned for the schools under the auspices of the Art In Architecture program contributes to these goals.

Works commissioned to date include: sculptures that range in size from a 2-foot high bronze in a media center to larger than life size sculptures in interior courtyards; ceramic tile murals ranging in size from 4-feet high by 5-feet long to 12-feet high by 58-feet long; painted murals from 3-feet high by 5-feet long to 8-feet high by 80-feet long; stained glass windows from 3-feet square to 4-feet high by 25-feet long; and assemblages up to 25-feet high by 58-feet long.

Selected in unrestricted open competitions in which any working artist can compete, the works are all examples of good art, and some are of museum quality. A number of the pieces have been featured in national publications and on network TV.

In the schools, the commissioned art works help to create a sense of place and to impart the knowledge of the importance of art and culture in our society. For students, spending the instructional day in a building in which original works of art produced by working artists are installed in prominent places may help create lasting impressions about aesthetics that can be retained over a lifetime.

This type of enriched environment can benefit not only those students who are artistically gifted and culturally aware, but also those who might not otherwise experience fine art in the normal course of events.

The commissioned works are colorful and dynamic. Their installation in the most public places in the public schools, such as entrance lobbies, auditoriums, multipurpose rooms, and interior courtyards, helps establish an environment that says school is an exciting, important, and fun place to be. The topics and themes of some of the pieces express important societal values, such as murals that show multiethnic and multiracial groups of students cooperatively engaging in meaningful intellectually stimulating activities.

Some examples of successful installations are:

Sculptures in elementary and secondary school courtyards that students use as models in developing their own sculptures, drawings, and paintings. Many of these sculptures also provide inspiration for creative writing classes.

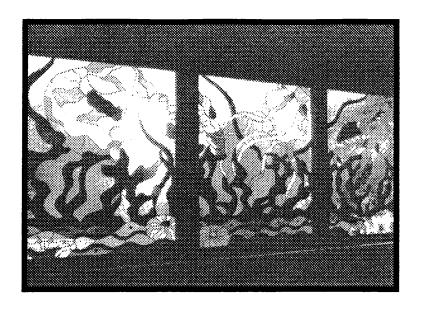
Bas-reliefs from which elementary school students can take rubbings to produce their own copies and then write stories of the art.

In general, principals and staff in schools in which art has been installed are enthusiastic about the works. There are many examples of unanticipated benefits occurring from exposing students to fine art. Perhaps the most heartwarming occurred at an elementary school where students in a special education class became so enthusiastic about an abstract courtyard sculpture that they produced surprisingly sophisticated sketches based on it.

Recent experience has demonstrated that it is possible to maintain the quality of the program at the present reduced funding levels, but the scale of individual works and the number of pieces possible in a given location have been severely limited. An eventual return to the original funding criteria would be beneficial.

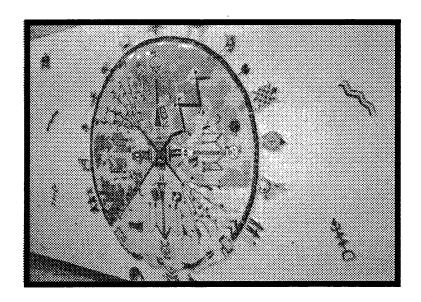
Under The Chesapeake 6 Stained Glass Windows, each 3'x3' Maureen Melville Laytonsville Elementary School

Multicolored windows show some of the variety of flora and fauna in the Bay, including a blue crab, jellyfish, stingray, and sea anemone.
(3 windows shown)



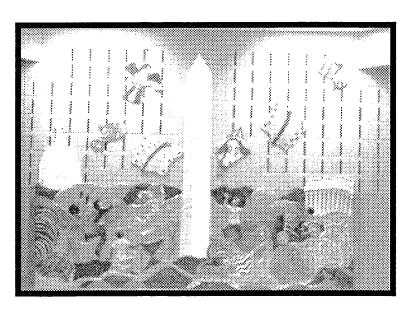
The World Ceramic Tile Mural, 8' diameter Julio Teichberg Woodlin Elementary School

Composed of images derived from Navajo sand paintings, this circular mural is divided into four parts, four directions. On the perimeter are symbolic representations of people, animals, plants, birds, and fish.



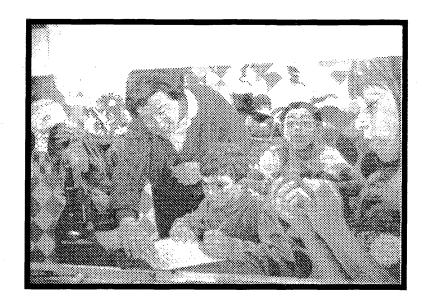
Kite Flying On the Mall Ceramic Tile, Painted Wood 10'hx 12'w Marcia Billig Greeencastle Elementary School

Brightly colored high relief mural of a multiracial group of students flying kites on the Washington Monument grounds.



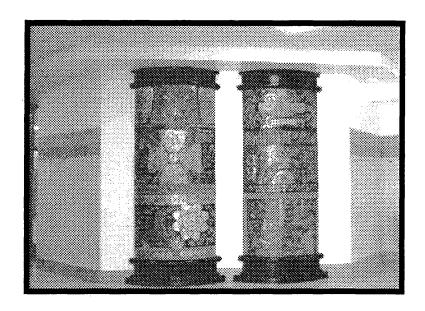
When All knowledge Is Delight Painted Canvas Mural, 8'hx 30'w David Fichter Cloverly Elementary School

Series of scenes showing a multiracial, multiethnic group of students engaged in and enjoying a variety of academic and intellectual activities. (detail shown)



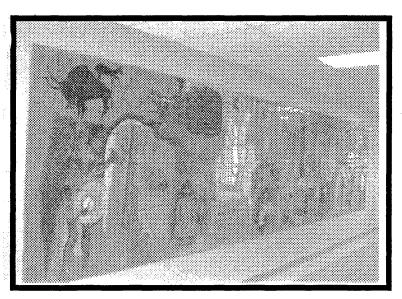
Curricula Columns Bronze, Copper, Stainless 10'hx 4'dia Evelyn Rosenberg Watkins Mill High School

Four columns, two on each side of the entry lobby, symbolize major areas of knowledge: history, physical sciences, biology, and language.
(Physical sciences & language shown)



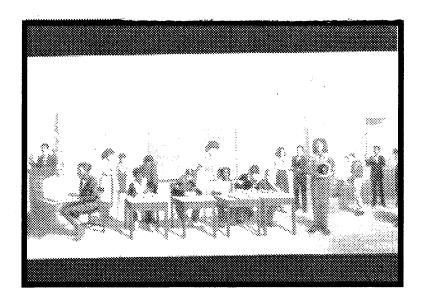
History of Writing Ceramic Tile Mural, 6'hx 28'w Irene & Azriel Awret New Hampshire Estates Elementary

The development of techniques for recording ideas, from prehistoric to the present, shown in a series of scenes, from cave paintings and the invention of cuneiform to the invention of the printing press and children using word processors.



Dreams
Painted Canvas 6'hx 11'w
Ned Bittinger
S. Christa McAullife Elementary

A multiethnic, multiracial group of students studying in the foreground is surrounded by images of what they might become when they grow up, including astronaut, doctor, analyst, contruction worker and politician.



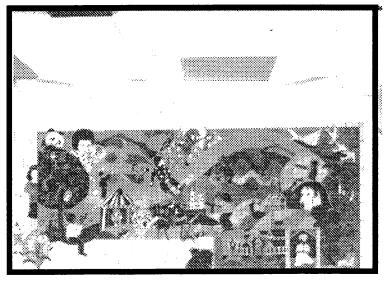
Backstage Painted Canvas 5'hx 7'w Terry Rodgers Bradley Hills Elementary School

Scenes backstage where a multiracial, multiethnic group of students is preparing for a theatrical production.



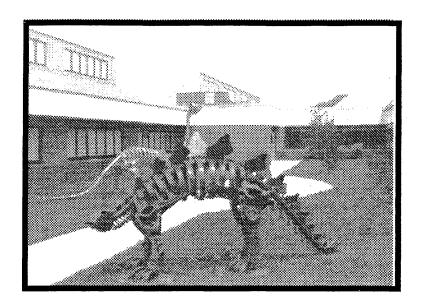
Folklore Ceramic Tile Mural 8'hx 20'w Judith Inglese Twinbrook Elementary School

Montage of images from folktales of various cultures intermixed with realistic images of children. The first lines of a number of the tales are engraved in yellow bricks at the lower left.



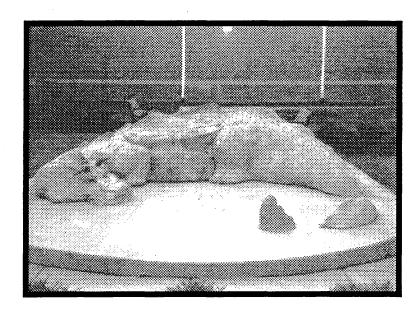
Dinosaurs
Steel Sculptures 12'hx 25'wx4'd
4'hx 8'wx4'd
Jim Gary
Jones Lane Elementary School

Anatomical representations of a stegosaurus and a brontosaurus sculpted from car parts.



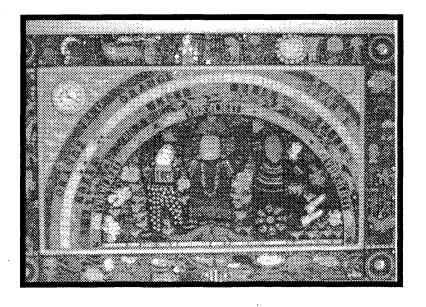
The Olney Dragon Bonded Bronze Sculpture 3'hx30'wx2'd Concrete Seating Area 3'hx12'wx24'd Lorraine Vail Olney Elementary School

This sculpture of the school mascot nestled against an expanded seating area adds an extra dimension of utility to the courtyard. The Dragon is visible from the reading alcove inside the building and from classrooms.



Rainbow Ceramic Tile, Concrete, 4'hx9'w Lilli Ann & Marvin Rosenberg Rosemary Hills Elementary School

The rainbow is the school's symbol for its diverse multiracial and multiethnic student body. Ceramic figures made by students to represent this disversity are arrayed under the rainbow.



THE MARYLAN

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks, Montgomery County, Maryland 9500 Brunett Avenue • Silver Spring, Maryland 20901

All of the artwork installed in the Montgomery County Department of Parks is of high quality, both in materials and in workmanship. Some of the pieces have been photographed and published in national and/or local publications.

Public Art serves many functions in the community. The following is a list of functions public art serves to the community.

The artwork installed in the parks either serves most or all of these capacities: (1) Public art educates. It may introduce people to the community's past or to a type of artwork that people would never see unless they are regular guests of an art museum. (2) Public art can create a landmark. (3) Public art can create a congenial social space. (4) Public art improves the look and cultural climate of the area. (5) Public art provides citizens a means for dialogue through involvement in the public art process. This is especially true when members of citizens associations who participate on selection panels become interested in a public art project. (6) Public art gives artists a new source of income and an avenue for becoming involved in the community's functions.

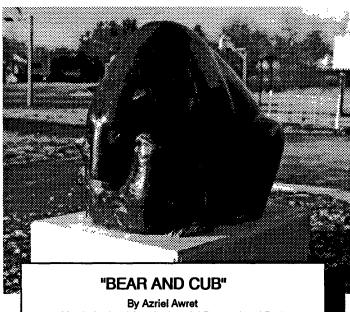
The following six pieces of artwork are examples of the quality of art that has been installed in different parks throughout the system.

- (1) James T. Russell's "Satori", located at Brookside Gardens, is a polished stainless steel sculpture which creates a harmonious relationship between the sculpture and the environment. The artwork has been complimented by several members of the art community and has been a popular attraction to the many guests of Brookside Gardens. Mr. Russell, a non-local artist, has used this particular sculpture for his post cards and stationary, and has created a national interest for Brookside Gardens and the Montgomery County Parks system that may not have otherwise existed.
- (2) "The Camp Seneca Totem Pole", located at Camp Seneca Special Recreational Park, has become a very popular work of art. Local artists Terry Boquist and Hobart Reitan sculpted figures and carved a seat for the story teller in the trunk of the wood of a Western cedar. The artists utilized a chainsaw to carve 80 percent of the design. When reporters from the Montgomery Journal visited the park, young guests described the totem pole with visions of the historical past carved in the wood. The totem pole has been pictured or mentioned in several local publications.

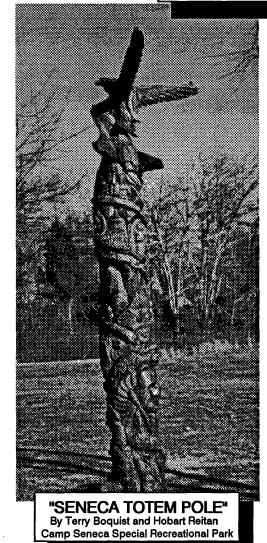
- (3) "Bear and Cub", located at Martin Luther King, Jr.
 Recreational Park, is a bronze cast sculpture of a mother bear
 with her cub. Local artist Azriel Awret has created a popular
 example of public art at a playground regularly visited by able
 and disabled children. The Montgomery Journal has published a
 photo of young girls posing and "riding" the sculpture.
 A visually impaired artist participated in the selection process
 of this artwork for tactile effectiveness.
- (4) "Made in the Shade" is a bronze cast sculpture designed and sculpted for the Lake Needwood area of Rock Creek Regional Park. Artist Ann LaRose, who at the time of contract negotiation lived in Arlington, Virginia, has enjoyed many compliments for her whimsical bronze cast bear. The artist created the artwork for the area where crowds gather in summer for picnics, fishing, boating, and other popular activities. Again, this artwork has become Apopular site for photographs, including a local newspaper.
- (5). Artist George Greenamyer created the "Bethesda Walkaround" for the Caroline Freeland Urban Park in Bethesda, Maryland. The welded steel sculpture has figures "walking around" a round rail welded onto 9 foot high columns. The figures are likenesses of people who would frequently visit the park, such as people pushing children in strollers, patrons of the local stores and library walking through the park to their homes, or commuters passing through the park to and from the nearby Metro.

Developers in Bethesda have installed several quality pieces of public art in buildings close to the park, and the "Bethesda Walkaround" is now listed along with those pieces in the walking tour of Bethesda. Quite a bit of citizen involvement took place when this piece was being built. Neighbors were asked to submit photographs of themselves, family, and friends to be included as figures of the artwork. Important dialogue also included vocal concern of the community when a street person was included as one of the figures. A neighborhood respresentative on the selection panel was also a visual arts program director for the National Endowment for the Arts.

(6) The Juggler created by local artist Marcia Billig has provided enjoyment for visitors of Woodside Urban Park. The cast bronze sculpture of "The Juggler" livens up the atmosphere of this park near downtown Silver Spring. A local newspaper has photographed this artwork with one local resident who is an avid supporter of the public art program and served on the selection panel. She calls regularly to tell of the popularity of the artwork with children as well as adults.



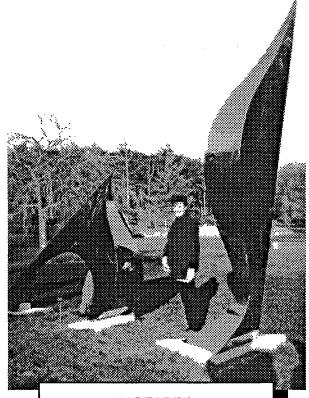
By Azriel Awret Martin Luther King Jr. Special Recreational Park



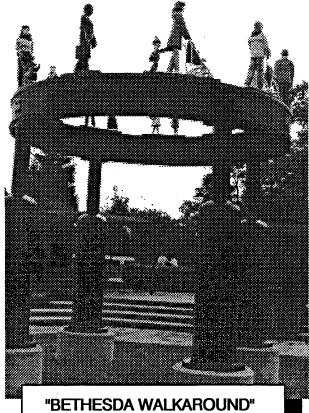




"MADE IN THE SHADE"
By Ann LaRose
Lake Needwood Area of Rock Creek Regional Park



****SATORI****By James T. Russel Brookside Gardens



By George Greenamayer Çaroline Freeland Urban Park

SUCCESS STORIES EXECUTIVE BRANCH ART IN PUBLIC ARCHITECTURE

THE RESCUE, by Hy Suchman Rockville Fire Station #31

"The Rescue" by Hy Suchman. This 10' by $25' \times 6'$ welded stainless steel sculpture was commission by Montgomery County Government in 1988 and installed in 1989 in front of Rockville Fire Station #31 on Darnestown Road.

When the artist brought the sculpture to the fire station on a flatbed truck the firemen at the station were very fearful that the artwork would create a "Darth Vador" syndrome for school children who often tour the fire station. They feared that the hollow eyes of the fire rescue person represented in the sculpture would work against one of their major educational efforts to instill trust in children toward fire rescue people dressed in full rescue equipment. The fire rescue people try very hard to educate children on not only fire prevention but they also go to great lengths to remove any fear that children may have toward a fire rescue person in full rescue equipment so that they can effectively perform their rescue mission.

Both the artist and the public art coordinator felt the fear that this sculpture would create a "Darth Vador" syndrome was based upon viewing the sculpture out of context. They saw the sculpture from 18" away reclining on a flatbed truck without the other figure to be included in the sculpture. After several meetings with the fire station representatives and the artist it was agreed to let the piece be installed "as is" and if then the sculpture presented a "Darth Vador" syndrome the artist would work to remedy the situation.

The fire station representatives, the artist and the public art administrator met at the sculpture after it had been installed to view the piece in its intended context. The fire station representatives overwhelmingly agreed, once the sculpture was erected to its full 18' and the face they were concerned about had as a point of focus another figure and the rescue of a child, what they had feared as a representation of a "Darth Vador" syndrome had vanished.

The fire station representatives at Rockville Station #31 now use this sculpture as an educational tool for the many classes of students who tour their facility. It has become a landmark to many residents in the area due to its high visibility and relationship to the function of the facility. The Department of Fire and Rescue Services now has plans to use a photograph of this sculpture on their volunteer recruitment brochure.

SUCCESS STORIES EXECUTIVE BRANCH ART IN PUBLIC ARCHITECTURE Page 2

<u>COGI-GATE</u>, by Lisa Kaslow Northwood High School

"Cogi-Gate" by Lisa Kaslow is a painted stainless steel gazebo with the words, IMAGINATION, LOVE, COOPERATION, KNOWLEDGE, FRIENDSHIP, PEACE, UNDERSTANDING AND FREEDOM represented under the top band encircling the gazebo. The gazebo was designed by the artist with benches on the inside of the gazebo and to be placed in the interior courtyard of the high school. Ms. Kaslow intended to provide a contemplative gathering place for the students of Northwood High School.

The sculpture was installed in the summer of 1990. I received a call from Linda McCone, the business manager of Sherwood at Northwood complimenting with pride the gazebo in the courtyard. She explained that previously the courtyard had been simply an empty lot which was rarely used by the students. After the installation of "Cogi-Gate" the courtyard had been transformed into a lively gathering place for students during their breaks and lunch hour. The school had even taken the trouble to place hanging baskets of plants on the gazebo giving it added life and indicating the sense of pride for the piece.

<u>ULTIMATE SWIMMERS</u>, by Ann La Rose Montgomery Aquatics Center, Bethesda

"Ultimate Swimmers" by Ann La Rose is a cast bronze sculpture measuring 14' \times 4' \times 6' depicting dolphins frolicking in the water. The piece was commission by Montgomery County Government for the Montgomery Aquatics Center and was installed on the patio just outside of the swim center near the children's pool.

"Ultimate Swimmers" has received many compliments from the community and the facility users. It's location just outside of the children's pool although initially perceived of as a location with poor public visibility has turned into an ideal location for the facility users. Children in the warmer months are often found outside playing with the dolphins.

SUCCESS STORIES
EXECUTIVE BRANCH ART IN PUBLIC ARCHITECTURE
Page 3

TAKING OFF, by Marcia Billig Davis Library

"Taking Off" by Marcia Billig is a cast bronze wall relief sculpture measuring 3' \times 18" \times 5 1/2' depicting a boy perched in a tree reading a book. The sculpture was a site specific commission for the Davis Library.

The artist, a longtime Montgomery County resident, felt a special affinity to the Davis Library as it was the library she and her children patronized for years. The title "Taking Off" can refer either to the airplane depicted on the cover of the book the boy is reading or to the flight of the imagination through books.

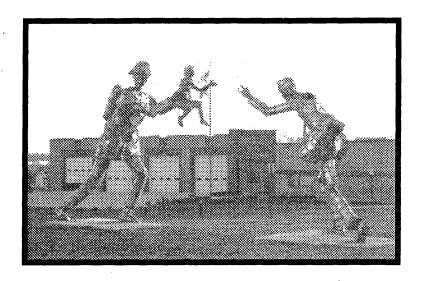
The bronze wall relief has been very well received by Davis Library patrons and staff as well.

HOMAGE TO AN ERA, by Mike Shaffer Germantown Rail Station

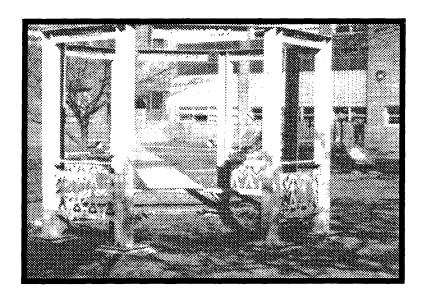
"Homage to an Era" by Mike Shaffer is a painted metal sculpture of found objects which was designed as an homage to the agricultural roots of Germantown. Painted bright red and perched upon railroad ties on the passenger platform of the Germantown Rail Station, this sculpture looks like a cross between a tractor and a locomotive.

The success of this sculpture lies not only in its obvious reference to the function of the train station but also in the fact that this sculpture was met with overwhelming support by the community. The Germantown Citizen's Association acted as a separate fund raising entity and raised and additional \$2,000 to see this piece of public art realized. The community's support and the support of the local business community are a testimony to the pride which they hold for their historic roots as well as to the pride which they hold for their public spaces today.

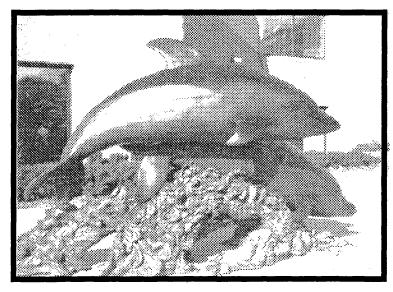
"The Rescue" Stainless Steel Sculpture By Hy Suchman Rockville Fire Station #31



"Cogi-Gate" Stainless Steel Gazebo By Lisa Kaslow Northwood High School



"Ultimate Swimmers"
Cast Bronze Sculpture
By Ann La Rose
Montgomery Aquatics Center



"Taking Off" Cast Bronze Wall Relief By Marcia Billig Davis Library



"Homage To An Era" Painted Steel Sculpture By Mike Shaffer Germantown Rail Station

