

# 2023 Arts & Humanities Council of Montgomery County Public Art Guidelines





## ABSTRACT

These policies and procedures establish the guidelines for implementing the County's 1995 restoration of the public art program as per Chapter 8 of the Montgomery County Code, Article VI. Works of Art in Public Architecture, Sections 8-43 to 8-45 and Chapter 59 of the Montgomery County Zoning Ordinance.

These guidelines serve as an update to the Montgomery County Public Art Guidelines previously adopted in 2012. They were written by Todd W. Bressi, with assistance from AHCMC CEO Suzan Jenkins, the AHCMC staff and the members of the Public Arts Trust. This document was adopted by the Public Arts Trust in June 2022.

**Online at:**

<https://www.creativemoco.com/experience-art-culture/public-art/>



COVER

**Brookside Gardens Mural Project**

Osbel Susman-Peña  
Brookside Gardens  
Wheaton, Maryland  
In partnership with M-NCPPC 2023  
Photo courtesy of AHCMC

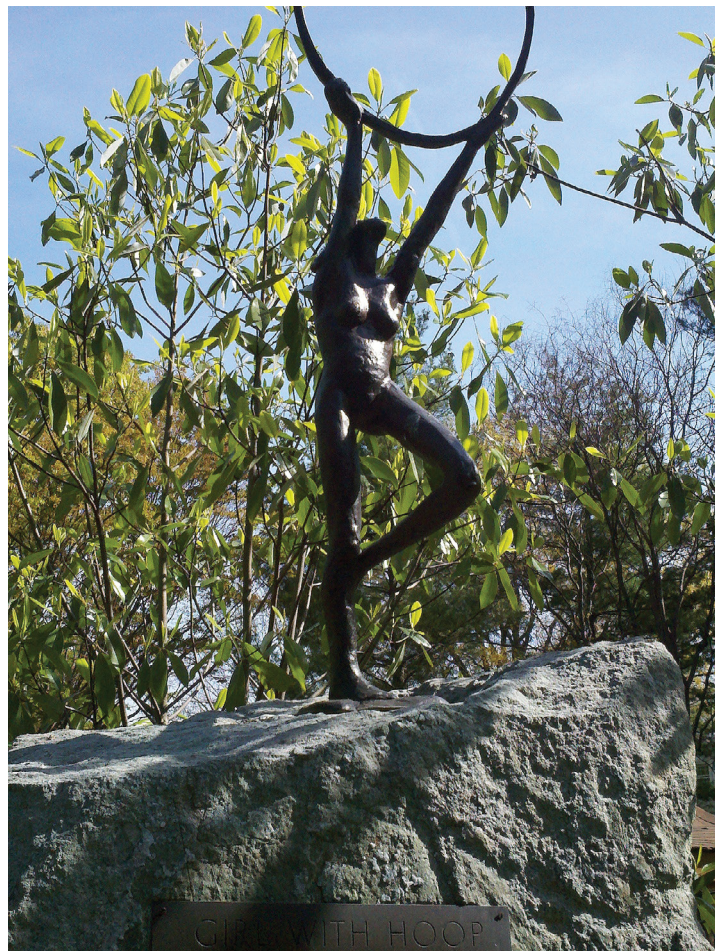
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**Red Orchard Wall**

by Michael Enn Sirvet  
Fenton Street Urban Park, 2016  
Photo by Sirvet Studios LLC

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## INTRODUCTION

**Montgomery County’s public art program** was launched nearly 40 years ago, one of the earliest in the region and in the nation. The County’s public art collection has grown to include more than 400 artworks commissioned by County agencies and more than 600 works on paper acquired by the County. In addition, developers have commissioned more than 80 works of art under the “Optional Method” process in the County’s zoning code.<sup>1</sup>

This extensive and diverse collection includes work in traditional media such as sculptures, reliefs and murals; newer media such as light; and integrated and functional works. The artworks can be seen throughout the County — in public schools, parks, recreation facilities and office buildings — as well as in public spaces in highly-developed areas such as Bethesda, North Bethesda and Silver Spring. They have been created by a cross-section of artists whose work has achieved distinction in the County, the region and the nation.

The County’s Public Arts Trust (the Trust), managed by the Arts and Humanities Council of Montgomery County, was designated by legislation in 1995 as the lead entity for facilitating public art projects created by County agencies and for managing artworks in the County’s collection.

These guidelines provide the Public Arts Trust, County agencies, other project partners and the broader community with a consistent set of goals, policies and procedures for creating and maintaining public art. This update is grounded in nearly forty years of experience in Montgomery County, current public art best practices, and the recognition that the values and priorities that drive public art, and the ways that artists approach public art, have changed considerably since the County began its public art program decades ago. Much of the Trust’s current outlook is shaped by the Public Art Roadmap, adopted in 2014, and more recently by the equity frameworks established by the County and by AHCMC. This update also addresses new issues that have emerged related to donations, loans and new partnerships with non-County entities.

This new edition of the guidelines also includes procedures for reviewing proposed donations of artworks, loans of artworks and the creation of commemorative artworks and memorials. While the County’s legislation does not specifically reference the Trust’s role in these processes, these guidelines are offered in the encouragement that County agencies collaborate with the Trust when opportunities for donations, commemorative artworks and loans arise. County agencies are required to follow these guidelines when they wish for new artworks to be added to the Public Art Trust’s collection, which incorporates them into the inventory and maintenance and conservation program.

The goal of these guidelines is not only to provide for the careful stewardship of this important public trust, but also to ensure that public art resources meet needs of the County’s increasingly diverse communities, supports the growth of artists and remains a living resource for County residents, workers and visitors for generations to come.

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**“Joy” Back 2 Life** by Dinah Myers Schroeder.  
Sandy Spring Museum, 2021  
Dina Myers Schroeder installing her work as a part of *Art Happens Here*.  
In an effort to promote the safe reopening of Montgomery County’s creative economy and cultural industry, AHCMC commissioned eight local artists to mount temporary public art murals to encourage residents and visitors to reengage with the arts and humanities sector.  
Photo courtesy of AHCMC

**Danger Lurks** by Steven Muñoz  
4-Color Reduction Woodcut, 2019  
Part of the County’s Contemporary Works on Paper Collection.  
Photo courtesy of Steven Munoz

**Girl with Hoop** by Jenny Reed  
Elm Street Urban Park, Bethesda, 1981  
Photo by Amina Cooper, AHCMC

**Certain Party or Parties Unknown Installation**  
Tim Davis  
County Courthouse, Rockville, MD, 2021  
Certain Party or Parties Unknown (CPPU) was a temporary multi-media public art exhibition furthering community dialogue about racial justice in Montgomery County. As a member of Montgomery County’s Remembrance and Reconciliation Commission (Commission), the Arts and Humanities Council of Montgomery County (AHCMC) launched this project in support of Remembrance and Reconciliation Month and this time of reflection to better understand the County’s full history.

This social justice art exhibition brought awareness to the three African American men who were victims of racial terror lynchings in Montgomery County in the late 1880s: Mr. John Diggs-Dorsey, Mr. Sidney Randolph, and Mr. George Peck. AHCMC commissioned six regional artists to project temporary public art installations onto eight county sites in downtown Rockville over three evenings in November 2021. The six artists included: Alix Lambert, Curtis Woody, LaShell Rivers, Liz Miller, Nikki Brooks, and Tim Davis.  
Photo by André Chung

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<sup>1</sup> Developer projects are not considered part of the County’s public art collection. Though created as a public benefit, they are owned and maintained privately.

## HISTORY OF MONTGOMERY COUNTY'S PUBLIC ART PROGRAM



**Montgomery County established** its first public art program under the leadership of County Council member William Hanna. In 1978, while Hanna was Mayor of Rockville, that city adopted a percent for art program. In 1983, when he became a Councilmember, he pursued a similar Countywide program.

In 1983, Council Bill No. 30-83 established an Art in Architecture program, which mandated that one percent of the budget of certain County government capital projects be set aside for acquiring and commissioning artworks (see Appendix 1).<sup>2</sup>

At the same time, independent public agencies — Montgomery County Public Schools, the Maryland–National Capital Planning Commission (M-NCPPC) and Montgomery College — were operating their own “percent for art” programs. From 1983 to 1991, the four separate programs collected and commissioned more than 200 works, ranging from small pieces for various recreation centers, public schools and libraries, to larger and highly visible pieces.

Though the intent of Bill No. 30-83 was that the Arts and Humanities Council of Montgomery County (AHCMC) would administer the Art in Architecture program, in 1985 it was determined that without additional professional staff, AHCMC could not coordinate the four agencies and adequately track the CIP. However, AHCMC did participate in the selection of artists for projects.

A 1991 report analyzed these programs and found that each one had its own set of procedures and each applied the legislation differently. There was little or no coordination between the programs or with the public art generated through Optional Method development. The report recommended creating a task force to establish general guidelines and reporting requirements, as well as policies for artwork inspection, maintenance, site selection, allowed expenses, and any restrictions on the number of artworks or the amount to be expended per site. The report recommended suspending the percent for art program while these guidelines were established.

The program was suspended and, in 1993, a bill was introduced in the County Council to eliminate it completely for budgetary reasons. However, in 1995 a new program was proposed (in part by AHCMC) and approved by the Council. That legislation established a single public art program, The Public Arts Trust, which consolidated all four programs into one.

<sup>2</sup> This amount was amended twice — to 0.5 percent in 1988 and then to 0.25 percent in 1990 because approved budgets were much higher than anticipated. The percent for art amount was adjusted to be more in line with what the Council had intended to dedicate to public art.





Since 1997, the Trust has been overseen by AHCMC on behalf of the Department of Recreation. The County’s Public Art Collection has continued to grow, today numbering more than 400 pieces. The County has also collected more than 600 pieces for its Contemporary Works on Paper Collection.

In 2016, the Trust completed the Montgomery County Public Art Roadmap, a strategic plan for guiding the Public Arts Trust. The Roadmap outlined five over all campaigns for diversifying public art, building the audience for public art, strengthening the ecosystem of artists and organizations that create public art, and aligning public art with the County’s broader planning and development processes. One of its focal considerations was to make public art a resource that is available more equitably to artists and communities throughout the County.

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**Certain Party or Parties Unknown Installation**

County Courthouse, Rockville, MD, 2021  
Projected Works by Curtis Woody and Liz Miller  
Montgomery County County Courthouse, Rockville, MD, 2021  
Photo by André Chung

ABOVE

**Meet Me At The Triangles**

Norie Sato in collaboration  
with Adrienne Moumin, Eric B. Ricks,  
Maritza Rivera and Achamyeleh Debela  
Wheaton Town Square,  
Wheaton, MD, 2020  
Photo courtesy of AHCMC



# COMPONENTS OF PUBLIC ART IN MONTGOMERY COUNTY

## INTRODUCTION

Today, **Montgomery County government** creates public art in several ways:

- Public art can be commissioned as part of County capital projects. These projects are funded through the CIP, commissioned under the auspices of the Public Arts Trust and client agencies, and usually added to the County's public art Collection.
- Public art can be commissioned through partnerships between the Public Arts Trust and County agencies. These projects can include permanent art installations at County facilities, temporary art projects in public spaces, and other approaches. They may be initiated by the Public Arts Trust or other County agencies. They may be funded through a variety of sources, including funds from the Public Arts Trust, other County agencies, grants and private sources if available. Depending on the nature of the project, it may or may not be added to the County's public art collection.
- The Public Arts Trust can initiate public art projects on its own. These projects can include partnerships with other County agencies and /or other organizations, and can be permanent or temporary. Depending on the nature of the project, it may or may not be added to the County's public art collection.
- The Public Arts Trust can acquire two-dimensional works for its Contemporary Works on Paper Collection, which is displayed in public galleries and County office buildings. There are a separate set of guidelines for the stewardship of the Contemporary Works on Paper Collection.
- Public art can be incorporated into private development through the Optional Method Zoning process, which follows guidelines adopted by the Montgomery County Planning Board.

In addition, the Arts and Humanities Council can create public art through partnerships with other organizations, such as independent arts groups, other non-profits, businesses and developers. When developing these projects, AHCMC adheres to the processes outlined in these guidelines as closely as possible; however, the artworks generally are not added to the County's public art Collection if no public funding is involved and if they are not on sites owned by the County.

## PUBLIC ART IN COUNTY CAPITAL PROJECTS

The **Public Arts Trust** coordinates public art projects within parks, buildings, infrastructure and other facilities the County builds. The Trust's public art professionals work with County agencies to identify the best opportunities for public art, establish budgets, recruit artists and develop concepts for projects. They provide guidance about how public art will best integrate into projects, assist with artist contracting and integration into design processes, monitor projects throughout the design and construction processes, and generally ensure that artworks are developed in a way that meets the goals of the artist, the Trust, the partnering County agency and the public.

Public art in County capital projects is funded from several sources. Agencies usually include funding in the CIP budgets for specific projects where they would like to see public art. In some cases, the Trust can also dedicate money from its annual budget or from the Public Art Fund.

Public art in County capital projects is accessioned into the County's public art Collection at the recommendation of the Public Arts Trust Steering Committee.

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### **Juan Pineda installing three murals**

at Dewey Local Park in Silver Spring, MD  
Commissioned by M-NCPPC 2020  
Photo courtesy of M-NCPPC

### **Second Wednesdays: Jazz at the Kramer**

concert series featuring Allyn Johnson on Piano and Amy Shook on bass  
Ongoing temporary public art program by AHCMC taking place  
at the Betty Mae Kramer Gallery & Music Room in Downtown Silver Spring  
in partnership with Paul Carr's Jazz Academy of Art  
Photo courtesy of AHCMC

## PARTNERSHIP PROJECTS

### COUNTY AGENCIES

The Public Arts Trust can enter into partnerships with County agencies to develop projects outside of the CIP process. The Public Arts Trust staff and the Public Arts Trust Steering Committee must determine that there is an alignment between the goals of the project and the goals of the Public Art Roadmap. The benefit of these collaborations include the potential to leverage funding, professional, artistic and community resources; guidance on best and equitable practices; tracking of artworks and project records through the Public Arts Trust's centralized database and a commitment to ongoing collection management and maintenance.

The Trust works with agency partners to develop and implement strategies for the projects, including the articulation of goals, locating sites, establishing artist scopes and budgets, recruiting and selecting artists, contracting with artists, reviewing design concepts and supporting project implementation. In the past, these projects have included art commissions incorporated into existing facilities and temporary artworks that are related to an agency's mission.

Permanent public artworks created through County agency partnerships are accessioned into the County's public art Collection at the recommendation of the Public Arts Trust Steering Committee and approval of the AHCMC and the partnership organization. Temporary artworks are documented by the Public Arts Trust.

Partnership projects are funded through a variety of sources, including funding from the capital or operating budgets. In some cases, at its discretion, the Trust can provide funding from its annual budget. They can also be externally funded through grants.

### OTHER ORGANIZATIONS

The Public Arts Trust can also enter into partnerships with other organizations, such as non-profit organizations and developers. The Public Arts Trust staff and the Public Arts Trust Steering Committee must determine that there is an alignment between the goals of the project and the goals of the Public Art Roadmap, and that the partnership is consistent with the equity frameworks established by the County and by the Arts and Humanities Council of Montgomery County.

The Public Arts Trust's role in the project should be commensurate with the degree to which the Trust's involvement is necessary to ensure the project advances the Public Art Roadmap and that it is consistent with the County's and AHCMC's equity frameworks. As with County partnership projects, its role can include participating in the development and implementation of strategies for the projects, including the articulation of goals, locating sites, establishing artist scopes and budgets, recruiting and selecting artists, contracting with artists, reviewing design concepts and supporting project implementation.

Permanent public artworks created through these partnerships can be accessioned into the County's public art Collection if there is an overwhelming importance for the artwork to be owned and maintained by the Trust, at the recommendation of the Public Arts Trust Steering Committee. In all other cases, partnership projects should be owned by the other organization and documented by the Public Arts Trust.

Partnership projects are funded through a variety of sources, generally external to the Public Arts Trust, such as contributions by the organizations or by grants. In some cases, the Trust can, at its discretion, provide funding from its annual budget.

## PROJECTS INITIATED BY THE PUBLIC ARTS TRUST

The **Public Arts Trust** can initiate public art projects on its own, when the project would not occur but for the Trust playing a leadership or catalytic role. The Public Arts Trust staff and the Public Arts Trust Steering Committee must determine that there is an alignment between the goals of the project and the goals of the Public Art Roadmap, and that the project is consistent with the equity frameworks established by the County and by the AHCMC.

The projects the Public Arts Trust initiates should be focused on the goals and opportunities outlined in the *Public Art Roadmap*. They can focus on supporting County artists at various levels of public art practice, providing resources to underserved areas of the County, and supporting public art approaches and media that are not well-represented in the County's collection.

Permanent public artworks created by the Public Arts Trust are accessioned into the County's public art Collection at the recommendation of the Public Arts Trust Steering Committee. Temporary artworks are documented by the Public Arts Trust.

Projects led by the Public Arts Trust are funded through a variety of sources, including the Public Arts Trust's annual budget. They can also be externally funded, including through grants, sponsorships or earned revenue.

## THE CONTEMPORARY WORKS ON PAPER ART COLLECTION

**Collection (originally called the "Works of Art in Public Places" program)** was started in 1975 and has since grown to more than 600 artworks. New pieces are purchased periodically through a juried or selective process. Currently, the Trust focuses on collecting contemporary pieces from Montgomery County artists. Pieces from the collection are exhibited in public buildings throughout the County and rotated periodically.

The Collection began with \$7,000 from County bond money and matching funds from the National Endowment for the Arts, which the County used to purchase works of art from local, area and national artists. Most pieces purchased were prints, drawings or collages, including works by noted artists Jim Dine, Sam Gilliam, Sam Francis and Milton Avery, as well as local artists such as Joseph Craig English, Raya Bodnarchuk and Mark Leithauser.

The Trust manages the Collection, with some assistance from the County's Department of General Services. In 2012, the Trust completed an assessment of the Collection and incorporated that documentation into a database. The Trust uses maintenance funds allocated each year from the County's operating budget to provide long-term storage for pieces not currently on exhibit and to frame, maintain and repair pieces as needed.

Guidelines for managing the Public Arts Trust's Works on Paper Collection are published in a separate document.



## PUBLIC ART IN PRIVATE DEVELOPMENT

**Private developers** in certain areas of the County can provide public art in exchange for increased density through the County’s Optional Method zoning process, which was established in 1974 and has been updated several times since.<sup>3</sup>

Public art is one of many amenities that developers can provide to fulfill Optional Method development standards; they may choose to provide the artwork on their site as part of their public space requirement or to pay a fee to the Public Art Fund. Although the artworks approved through the Optional Method are public in nature, they are privately owned and maintained. Optional Method projects are subject to the Commercial/Residential Zone Incentive Density Implementation Guidelines, approved by the Planning Board.

Originally, Optional Method development only applied to central business district zoning in Bethesda, Silver Spring, Wheaton and Friendship Heights. To this day, Bethesda and Silver Spring are the areas of the County where the most developer-sponsored public art can be found. These provisions have since been expanded; as of the 2014 comprehensive rezoning, the Optional Method is now available in a variety of zoning districts that are mapped throughout the County, which means that a growing number of communities will benefit from Optional Method art projects.

M-NCPPC staff guide the process as part of the overall development review process; art projects are reviewed by the Montgomery County Planning Board, with guidance from an Art Review Panel that it appoints, as well as M-NCPPC staff. These artworks remain in private ownership and are not part of the County’s official collection, though the Public Arts Trust and M-NCPPC retain an inventory of these projects.

<sup>3</sup> Article 59 of the County Code

# GOVERNANCE OF PUBLIC ART IN MONTGOMERY COUNTY

## INTRODUCTION

**This section explains** the entities that are responsible for managing the County’s primary public art processes and resources: The Public Arts Trust, the Contemporary Works on Paper Collection, and artworks created by developers through the Optional Method.

These governance processes are important because all of these resources are either public resources or meant to benefit the public at large (even if created through private funding sources and processes). Therefore, these resources must be developed with the overall public good in mind, as expressed by the policies and plans of the County Legislature and County agencies; the processes must be accountable to the public and the resources must be accessible to the public.

## THE PUBLIC ARTS TRUST

The Public Arts Trust was established in 1995 under Chapter 8 of the Montgomery County Code, Article VI, Works of Art in Public Architecture, Section 8-45, which states:

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

The Trust was created to consolidate public art initiatives that had been previously managed separately by the County, the M-NCPPC, Montgomery County Schools and Montgomery College.

### Public Arts Trust Mission and Vision

The Trust’s mission is to build and inspire communities through placemaking and to nurture artists engaged in public art.

The Trust’s vision is to enhance the quality of community and place through public art projects that:

- Promote cultural enrichment,
- Engage diverse communities through projects and dialogue, and
- Foster emerging and established Montgomery County artists

## Public Arts Trust Goals

The Trust’s goals are to:

- Foster community identity and spirit, encourage dialogue and promote cultural enrichment.
- Celebrate our community’s heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between artists and Montgomery’s diverse community.
- Place public art where it will be enjoyed by numerous people, particularly in parts of the County where there is less public art.
- Create exciting, appealing and harmonious public spaces by integrating art into architecture, landscape and the urban fabric and through planning of infrastructure at the earliest design stage.
- Encourage economic growth through public art that is stimulating and accessible.
- Foster the public’s understanding and enjoyment of public art.
- Enhance Montgomery County’s image locally, regionally and nationally by insuring the creation of the highest quality public art.
- Encourage federal, state, and private support for the County’s public art program.

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### Meet Me At The Triangles

Norie Sato in collaboration with Adrienne Moumin, Eric B. Ricks, Maritza Rivera and Achamyelah Debelan, 2020  
Wheaton Town Square, Wheaton, MD

Meet Me At The Triangles is a uniquely bold sculpture created by lead artist Norie Sato in collaboration with local artists Adrienne Moumin and Eric B. Ricks. Commissioned by Montgomery County, this artwork stands at nearly 17ft tall and serves as a public gathering place in the heart of Marian Fryer Town Plaza in Wheaton, Maryland. The exceptional creative placekeeping design of this piece incorporates elements of significance to the residents of Wheaton resulting in a more inclusive and community-centered approach to public art.  
Photo courtesy of AHCMC

## **PUBLIC ARTS TRUST ADMINISTRATION AND GOVERNANCE**

By law, the County Chief Administrative Officer or a designee must administer the Public Arts Trust in consultation with the AHCMC, Montgomery County Public Schools, Montgomery College and the M-NCPPC, the agencies whose independent public art programs were consolidated into the Trust.

### ***The Arts and Humanities Council of Montgomery County (AHCMC)***

In 1997, the County contracted with the Arts and Humanities Council of Montgomery County (AHCMC) to administer the Public Arts Trust. AHCMC is a non-profit agency that is designated by law to administer the County's grant funds for arts and humanities programs. The Trust is overseen by the AHCMC Chief Executive Office. As an AHCMC program, the Trust has access to broad administrative and marketing resources. The AHCMC provides staff, to the Trust, including a Public Arts Trust Manager, along with marketing and administrative assistance as needed. The Collection and the Trust are featured on AHCMC's website and in most marketing materials.

### ***The Public Arts Trust Steering Committee (PATSC)***

The Public Arts Trust Steering Committee (PATSC) is a committee that serves as an advisory board to the AHCMC Chief Executive Officer and Public Arts Trust Manager in implementing the public art program. The PATSC has between 11 and 15 members.

- The Chair of the PATSC shall be a member of, and appointed by, the AHCMC Board.
- The PATSC also includes representatives of:
  - o Montgomery County Public Schools
  - o Montgomery College administration
  - o M-NCPPC-Parks
  - o M-NCPPC-Planning
  - o Department of Recreation
  - o Department of Transportation
  - o Department of General Services
  - o Other invited community representatives and art and design professionals, including at least one artist.

PATSC members from public agencies shall be nominated by the directors of those agencies. PATSC members who leave the employment of the department they represent shall be replaced by a new representative of that department.

At-large members to the PATSC shall be solicited through a public application process, be recommended by the standing PATSC members, and approved by the AHCMC board.

At-large members shall be appointed for a three-year term and may be re-appointed for a second three-year term.

The PATSC meets on an as-needed basis to review the annual Public Arts Trust budget, project initiation, artist selections, concept proposals and other matters.

## **PUBLIC ARTS TRUST GUIDELINES**

The Public Arts Trust Manager shall assist in the development, and the PATSC shall approve, guidelines for the management of the Public Arts Trust. The guidelines shall address, at a minimum, processes for commissioning and purchasing public art, the acceptance of gifts, conservation and maintenance, and the de-accessioning of public art. The guidelines shall apply to the County departments and agencies that are represented on the PATSC and to all projects that the Public Arts Trust undertakes. The guidelines can be amended by recommendation of the PATSC and approval of the AHCMC.

### **Public Art Roadmap**

In 2016, the Trust completed the Montgomery County Public Art Roadmap, a strategic plan for guiding the Public Arts Trust. The Trust provides guidance and outlines priorities for the types of projects, the locations of projects, audience development work and field development work that the Public Arts Trust takes on.

The Roadmap outlined five overall campaigns for diversifying public art, building the audience for public art, strengthening the ecosystem of artists and organizations that create public art, and aligning public art with the County's broader planning and development processes. One of its focal considerations was to make public art a resource that is available more equitably to artists and communities throughout the County.





### CONTEMPORARY WORKS ON PAPER COLLECTION

The Works on Paper Collection is managed by the Trust and are subject to these Guidelines. New pieces are purchased periodically through a juried or selective process, and pieces from the collection are exhibited in public buildings throughout the County on a rotating basis. The Trust uses maintenance funds allocated each year from the County's operating budget to provide long-term storage for pieces not currently on exhibit and to frame, maintain and repair pieces as needed.

### PUBLIC ART IN PRIVATE DEVELOPMENT

Public art in private development is funded by developers pursuing Optional Method Zoning process, through a process managed by M-NCPPC and using guidelines adopted by the Montgomery County Planning Board. Art projects are reviewed by the Montgomery County Planning Board, with guidance from an Art Review Panel that it appoints, as well as M-NCPPC staff. These artworks remain in private ownership and are not part of the County's official collection, though the Public Arts Trust and M-NCPPC maintain an inventory of these projects.

The guidelines related to the Optional Method can be found in Commercial/Residential and Employment Zones: Incentive Density Implementation Guidelines, published by the Montgomery County Planning Department in 2017.

The guidelines governing the rules, procedures and activities of the Art Review Panel are provided in Montgomery County Art Review Panel: Policies and Procedures for the Optional Method of Development, created by the Montgomery County Planning Department in 2017.

ABOVE

#### **Panels of Hope**

Joey Tomassoni, 2007  
MCPS, Silver Spring, MD  
4 over-life portraits based on photos of inmates  
at correctional facility  
Photo courtesy of AHCMC



## PUBLIC ARTS TRUST FUNDING

### Annual Public Arts Trust Budget

Montgomery County’s public art ordinance recommends (but does not require) that the County Council consider an annual allocation of up to 0.05 percent of the capital budget for public art. The budget is established each year when the County Council approves its capital and/or operating budgets. The Trust’s operating budget peaked in FY 2002 at \$201,000, declined to \$140,000 a year from FY 2007 through FY 2020, but was increased to \$408,000 in FY 2021.

Each year, the Public Art Manager shall assist in the development of a budget for the Public Arts Trust. The budget should be submitted to the PATSC for its review and recommendation. The CEO of the AHCMC shall approve the budget. Amendments to the budget shall similarly be proposed by staff, recommended by the PATSC and approved by the CEO.

### Use of Funds

County-appropriated funds and any other funds held by the Trust can be used to support the commissioning and acquisition of temporary and permanent artworks, as well as for related activities. The following types of expenditures are eligible:

- artist selection processes, including jury selection, artist travel costs and artist fees for concept development
- artist services, including design fees and the preparation of models or maquettes
- sub-consultant fees such as engineering or other specialty consulting
- materials, fabrication, delivery and installation related to artworks
- site preparation, landscaping and lighting related specifically to the installation of an artwork

For integrated artworks and for site preparation costs, only the incremental costs of integrating or siting the artwork, above the base project budget, shall be eligible for Public Arts Trust funds.

- identifying plaques/markers
- conservation and maintenance of the Collection, including repair, replacement of works damaged beyond repair and not covered by insurance, surveys, curatorial services, re-siting and other conservation work necessary to keep all works of art in the Collection in good condition
- relocation and/or removal of artworks
- program administration and planning
- community education programs, outreach and dedications
- collection management, including software and database training and photo documentation
- purchase of artworks for the Contemporary Works on Paper collection
- costs of framing, exhibition and storage of artworks in the Contemporary Works on Paper collection

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#### **A collage of sunflowers**

by Marcie Wolf Hubbard

Countryside Artisans, Beallsville, MD, 2021

In an effort to promote the safe reopening of Montgomery County’s creative economy and cultural industry, AHCMC commissioned eight local artists to mount temporary public art murals to encourage residents and visitors to reengage with the arts and humanities sector.

Photo Courtesy of AHCMC

#### **Certain Party or Parties Unknown Installation**

by Robin Bell

Projection onto the Silver Spring Civic Building, 2022

The Certain Party or Parties Unknown gallery exhibition gave space to the physical materials and artifacts each artist created when developing outdoor projection artworks as a part of the 2021 CPPU Outdoor Public Art Project. It offered audiences an extended opportunity to experience these works, gain insight into the creative process, and reflect on this horrific part of Montgomery County’s history during Remembrance and Reconciliation Month.

#### **Resist, Assist, Exist**

by Julie Dickerson-Thomson

Mixed Media Collage on Rag Paper, 2019

Part of the Montgomery County Contemporary Works on Paper Collection

Exhibited at the Betty Mae Kramer Gallery & Music Room, 2022

The Works on Paper Collection, part of the county’s Public Art Collection, consists of more than 550 prints, drawings and watercolors. The art is exhibited in public buildings throughout Montgomery County for the educational and cultural enrichment of its citizens and workforce.

Photo Courtesy of AHCMC

## PROJECT FUNDING

### Capital Projects

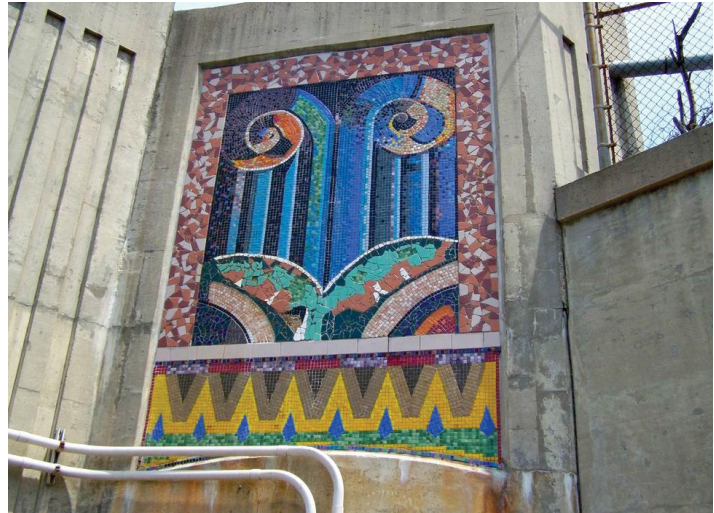
For County capital projects, the first source of funding should be the CIP budget for the project itself.

County agencies are encouraged to work with the Trust Manager and the PATSC to determine as early as possible, potentially during the facilities planning process, which projects are the most viable for public art, according to the criteria outlined in Section 6 of these guidelines. For projects where public art is desired, funding should be included in the CIP budgets. The Trust Manager can assist the project manager in identifying an appropriate budget level.

### Partnership Projects

For Partnership Projects, funding can come from the Partner Organization and, if appropriate, contributions from the Public Arts Trust budget.

The Public Arts Trust prioritizes opportunities in which Partner Organizations can contribute resources to the planning, commissioning and installation of the artworks. Public Arts Trust funds can only be considered for projects that help achieve the goals of the Public Art Roadmap. The Trust can collaborate with partnering organizations to seek other funds for projects, such as agency budgets for community education, or external grants or sponsorships.



For projects that involve Partner Organizations who are not County agencies or non-profits, the Public Arts Trust may assess project management and administrative fees according to a schedule that is set by the AHCMC. Such fees are placed in the Public Arts Trust fund to support other public art projects, programming and planning, as outlined in the section "Use of Funds" above.

### CONSERVATION ENDOWMENT

Conservation projects are generally funded through the annual funding the PATSC receives from the County. In addition, three percent of the total budget for any project the Trust manages must be set aside by the contracting agency into a Conservation Endowment Fund that is administered by the Trust. Such funds shall be transferred to the Trust for the sole purpose of conservation and ongoing maintenance of the Collection.

ABOVE

#### **Silver Pass**

Downtown Silver Spring, 2006  
By Arts on the Block lead artist G. Byron Peck, contributing artist,  
Carlen Quiroga, and assistant artist LaToya Middleton.  
Photo Courtesy of AHCMC



ABOVE

**Certain Party or Parties Unknown**  
Red Brick Courthouse, Rockville, MD, 2021  
Photo by André Chung

# PLANNING AND COMMISSIONING PUBLIC ART

## INTRODUCTION

This section outlines processes by which artworks are created by the Public Arts Trust, either as the lead entity or in collaboration with other County agencies or partners.

It is important to follow these processes to ensure that:

- Public art projects support goals and policies articulated by:
  - The County, through its legislation, policies and plans;
    - o Communities, through their own identification of needs and priorities
    - o The Trust, through the Public Art Roadmap; and
    - o Project partners, through their own missions, visions and strategic goals.
- Public art projects are developed through processes that reflect:
  - o Professional best practices, as understood by the field of public art administration,
  - o Equitable approaches to working with artists and communities
- Stakeholders who have interest in the outcome of public art processes and projects are appropriately involved in the decision-making

## THE PUBLIC ART PROJECT PLAN

Public art projects require careful planning to ensure that they are well conceived and enduring. A key tool for keeping the planning on track is a Public Art Project Plan. The Project Plan serves as a foundational tool for planning and managing the project; it documents the processes that stakeholders have agreed upon, provides for continuity when stakeholders and circumstances change, establishes a framework for accountability and evaluation, and helps ensure the equitable involvement of all stakeholders.

Any project undertaken by the Public Arts Trust (such as a capital project, partnership project, or project initiated by the Trust), should start with a Project Plan. The plan should be developed by the Public Art Trust Manager and/or the partnering agency, working with other stakeholders, reviewed by the PATSC and approved by the AHCMC.

Each Project Plan can be more or less detailed, depending on the circumstances. A plan might also be developed in phases and updated as needed, with revisions or additional information, after the project is underway. A plan could cover a variety of topics:

- A statement of project goals, including a reference to how the project relates to the Public Art Roadmap, any relevant County plans, and the mission and goals of other stakeholders, including funders,
- A description of the project location and other information about the proposed siting,
- A plan for project management,
- A list of project partners (including a lead Organizational Partner) and their roles,
- A list of stakeholders and a plan for engaging them in a meaningful way,
- A recommended artist selection process,
- Criteria against which the artist selection and artistic concept can be evaluated,
- A budget and funding sources,
- A project schedule,
- A scope of work for the artist, and
- Strategies for audience engagement, marketing, documentation and evaluation.

For partnership projects, a Project Plan should also consider:

- Responsibilities of the Trust and the Partner Organization
- Decision-making responsibility
- Any administrative or project management fees that should be paid to AHCMC.

A Project Plan should not determine the concept for the project, although in some circumstances the goals might include a theme to which artists are asked to react.

For Partnership Projects, a Project Plan may be documented an attachment to a memorandum of understanding or a contract, depending on the nature of the partnership.

## EQUITY AND ACCESS

At all stages of project development, the Trust shall implement efforts to reduce barriers to access for artists and to increase the diversity of artists that are selected. This generally means creating a “laddered” approach to the Trust’s project portfolio, creating opportunities for artists at all levels of experience and with a variety of artistic backgrounds. Depending on the nature of the project and the process, these efforts can include steps such as:

- Creating reasonable timeframes that allow ample time for recruiting arts and for artists to develop their work collaboratively and thoughtfully,
- Providing budgets that fairly compensate artists and selection panel members, and which provide for robust public engagement,
- Creating projects that draw on artistic and creative genres that are inclusive of artists who may not consider themselves public artists,
- Creating projects at multiple scales, so that they are accessible to artists with experience at different scales of projects,
- Creating multiple opportunities within a project that allow artists of differing creative backgrounds and experience to collaborate,<sup>4</sup>
- Separating projects into design and fabrication components, and providing support to artists with less fabrication experience, and
- Establishing peer programs in which artists with less public art experience can be teamed with seasoned public artists who are selected for large commissions.

## CAPITAL IMPROVEMENTS PROGRAM (CIP) PROJECTS

### Identifying Projects through the CIP

The Capital Improvements Program (CIP) is one of the main tools for identifying and developing public art projects. Montgomery County plans its CIP on a bi-annual basis and adjusts its CIP at the midpoint of each two-year cycle.

Every two years, as the County plans its next CIP cycle, the Trust works with its representatives in County agencies and the M-NCPPC to review CIP projects that are potential candidates for public art, using criteria elsewhere in these guidelines. These are typically new construction projects or renovations of existing facilities and are brought to the attention of the Trust Manager by members of the PATSC or by other agency representatives. The Trust Manager should also review draft CIP documents and mid-cycle revisions to monitor potential opportunities for public art.

After potential projects are presented by an agency representative, the PATSC identifies a potential project scope and appropriate artwork budget to be included in the project cost estimate at the facility planning stage. Ultimately, the agency’s project manager and the Trust’s staff determine the nature and the location of the project, with review and recommendation by the PATSC.

Because the Trust believes public art projects should be considered at the earliest stages of the planning and design process for capital projects, opportunities that are in the facilities planning and design stages are preferred and will be given priority over projects that are in later stages of design.

<sup>4</sup> A variation of this approach was followed with the *Meet Me at The Triangle* public art commission in Wheaton (2020), and the *Certain Party or Parties Unknown* exhibition in Rockville (2021).

## Developing CIP Public Art Projects

The Trust should be involved at each step in planning and completing a public artwork commissioned as part of a County capital project. The Trust's role is to ensure that public art best suits the goals of the project, the community where it is located and the agency that is sponsoring it, and that the highest public art professional standards are followed. Some steps involve the Public Arts Trust Manager and some steps involve the PATSC.

At the facility planning phase of a capital project, a Client Agency representative will present the project to the PATSC to determine if it is an appropriate opportunity for public art. If the PATSC approves the project, the Public Art Trust Manager and the agency representative will develop Project Plan that. At a minimum, the Project Plan shall recommend:

- a potential project scope and location,
- an artist selection process,
- an appropriate budget for the artwork,<sup>5</sup>
- needs for coordination with the design team.

If public art funds are included in the capital project budget, at the concept design phase of the capital project, the Public Arts Trust Manager will begin the artist selection process, using the approach outlined in the Project Plan. The Public Arts Trust and Client Agency work together to identify members of an Artist Selection Panel, which will review portfolios, interview artists and review concepts, as required by the artist selection process that has been determined for the project. The Trust convenes and facilitates the Panel and documents the process. The artist selection must be recommended by the Selection Panel, reviewed and recommended by the PATSC, and approved by the AHCMC and the Client Agency.

The Public Arts Trust Manager will advise the agency on contracting with the Artist, helping to ensure that the contract balances the Artist's creative process with the community engagement, design coordination and installation approach to the project. AHCMC will be a party to the contract in regard to review and approval of deliverables. Contracts should contain the standard public art contracting provisions outlined in the appendix to these guidelines, particularly related to copyright.

During the design phase of the capital project, the Public Arts Trust Manager helps to facilitate the artist's concept development process. The artist's concept approval must be recommended by the Selection Panel, reviewed and recommended by the PATSC, and approved by the AHCMC and the Client Agency.

During the fabrication and installation phase of the capital project, the Public Art Trust Manager serves as a resource to and liaison between the artist and the Client Agency. The Public Arts Trust Manager helps ensure that there are proper lines of communication among the Client Agency, artist and design team, and serves as an independent observer of fabrication progress and installation. The Manager advises the Client Agency on budget and schedule issues that may arise.

The Trust is also responsible for ensuring that the materials, fabrication method and installation method for the artwork are reviewed and vetted by a conservator, hired as a consultant either to the artist, the agency or the Trust.

## PARTNERSHIP PROJECTS

### Identifying Partnership Projects

Partnerships can be initiated by AHCMC, by other County agencies, non-profit arts or community organizations, or developers (Partner Organization). If initiated by a Partner Organization, that entity should submit an initial inquiry, outlining the goals, scope, schedule, budget, funding and stakeholders for a project to the PATSC.

Upon review of the inquiry, the PATSC may recommend that a partnership be initiated, that further exploration take place, or that the partnership be declined. Final decisions about entering into partnerships are the responsibility of the AHCMC.

In reviewing a proposal for a partnership project, the PATSC should use the criteria outlined below in "Project Selection Criteria."

### Developing Partnership Projects

As with County Capital projects, The Trust's role is to ensure that public art best suits the goals of the project, the community where it is located, the Partner Organization and other stakeholders, and that the highest public art professional standards are followed.

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<sup>5</sup> Currently, because of the level of funding that the Public Arts Trust receives, projects must be funded entirely through the client Agency's project funding.



The Public Arts Trust's role in the project should be commensurate with the degree to which the Trust's involvement is necessary to ensure the project advances the goals of the Public Art Road Map, follows the processes in these guidelines and is consistent with the County's and AHCMC's equity frameworks.

The Trust's role can include participating in the development and implementation of projects, including the articulation of goals, locating sites, establishing artist scopes and budgets, recruiting and selecting artists, supporting public engagement, contracting with artists, reviewing design concepts and supporting project implementation.

At the outset of the project, the Public Art Trust Manager will meet with representatives of the Partner Organization to assess the roles and responsibilities of each entity and what project management and administrative costs, if any, would be paid to AHCMC. This will be documented in a Project Plan, memorandum of understanding or contract, which will be submitted to the PATSC for review. Final approval of the Project Plan is the responsibility of the AHCMC CEO.

#### **CRITERIA FOR PUBLIC ART DECISION-MAKING**

The following criteria should be used in selecting public art projects, developing Project Plans and managing projects.

#### **Types of Public Art**

The Trust uses the following definition for public art:

An original, site-specific artwork created by an artist, or a design element created by an artist collaborating with a design team, that is visually and/or physically accessible to the public. The artwork can be created in a variety of media, may be permanent or temporary, and may possess functional as well as aesthetic qualities. Public art must be located in places where public life occurs, including streets, plazas, parks and open spaces, as well as facades, lobbies, atria, courtyards and similar spaces that are openly accessible and visible to anybody who is interested.

The Public Arts Trust recognizes that the field of public art is constantly evolving and that artists are taking increasingly diverse approaches to creating public art. In general, it supports artistic approaches that reflect the interests of County artists and meet the needs of communities where projects are located. The Public Art Roadmap outlines specific priorities for the PATSC in terms of the types of projects it seeks to commission.

#### **Public Art in Capital Projects**

In capital projects, the focus shall be on artworks that are durable, can withstand the rigors of placement in public space, and provide a long-term benefit to the public. Forms can include, but are not limited to:

- three-dimensional work, including sculpture in the round, bas-relief, mobiles, fountains and environmental artworks, created in any durable material or combination of such materials, including stone, metal, composites, ceramic, textiles, wood or glass.
- two-dimensional work, including painting, drawing and photography, presented in a durable format such as murals, frescoes, tile or mosaics.
- dynamic work, such as video, film, audio, light and data-driven works,
- functional artworks, or elements of the built environment created by artists, and
- integrated artworks, which are incorporated into the architecture, landscape architecture or infrastructure of a project.

#### **Public Art in PATSC, Partnership and other Public Art Projects**

For other types of projects, the Trust can commission the following types of artworks, in addition to those listed above.

- temporary or time-limited artworks,
- event-based artworks, such as installations, projections and performative works, that are original and site-specific
- tactical urbanism and placemaking projects, when they are led by an artist, and
- social engagement artworks where the art is embedded in the process of engagement with the audience and where the outcomes include cultural and social benefits as well as tangible artworks.

### Contemporary Works on Paper Collection

For the Contemporary Works on Paper Collection, the Trust can acquire artworks in the following media, as long as they are original artworks or limited editions:

- drawing, painting, printmaking, photography, graphic arts, calligraphy, collage and mixed media.

### Site Selection Criteria

Sites for permanent projects should be:

- property owned by County agencies or M-NCPPC,
- suitable for the incorporation of permanent works of art, including accessibility, functional and public safety considerations,
- suitable for the long-term siting of public art, not susceptible to modification, deterioration or redevelopment,
- consistent with community needs and goals, as expressed in officially adopted plans or identified through other community processes
- visible and accessible at least twelve hours a day.

Sites for temporary projects should be:

- publicly accessible, whether owned by County agencies or other entities,
- suitable for the display of temporary artworks, including accessibility, functional and public safety considerations,
- consistent with community needs and goals.

Priority for siting should be given to areas in the County that are identified as a priority in the Public Art Road Map. However, in certain situations, a partnership or thematic opportunity might require consideration of locations that would not otherwise be a priority.<sup>6</sup>

### Project Selection Criteria

The following criteria should be used to evaluate potential projects, whether they are CIP projects, other types of partnerships, or initiated by the Public Arts Trust:

- the project should be in keeping with the mission, vision and priorities of the Trust,
- the project should address a priority of the Public Art Road Map, in regard to its location, partnering agency or potential medium for the artwork,
- the project provides an opportunity that helps the Trust engage with wider variety of artists, in terms of their career status, artistic interests, and personal and cultural backgrounds,
- there is an opportunity to form a strong partnership with another agency or jurisdiction, and
- the project can catalyze financial and other support for public art from the private and public sector.

For capital projects, these additional criteria should be used to evaluate potential projects:

- opportunities that are in the facilities planning stage are preferred and will be given priority over projects that are in later stages of design,
- the project and design process present a unique opportunity to include the work and/or thinking of visual artists in the design and construction,
- the host agency supports including an artist in the project design,
- the host agency will provide funding for the artist and the artwork,
- there is an opportunity to plan for the inclusion of public art during the facilities planning and/or design phases, and
- the budget is appropriate for the type of art and/or artistic process envisioned.

For partnership projects, these additional criteria shall be used to evaluate potential projects

- there is an alignment between the goals of the project and the goals of the Public Art Roadmap,
- the partnership is consistent with the equity frameworks established by the County and by the Arts and Humanities Council of Montgomery County, and
- partners can contribute resources to the planning, commissioning and installation of the artwork.

<sup>6</sup> As an example, the temporary exhibition *Certain Party or Parties Unknown* (2021) was located in downtown Rockville. This area would not ordinarily be a priority for Public Arts Trust funding, because of the other resources available there, but was chosen because it was intrinsic to the subject matter of the exhibition, which was a priority for the Public Arts Trust.



### Artist Selection Criteria

Criteria for selecting artists are outlined in the next section.

### Criteria for Reviewing Artist Concepts

Once the site and project are determined, the artist shall develop a design concept. The design concept shall be reviewed according to the following criteria general criteria, as well as any project-specific criteria that have been established:

- Respond to the character, culture and history of the area.
- Reflect a creative exchange between the artists and the community.
- Create no negative impacts upon the surrounding environment or resources
- Be fabricated using the best possible materials and professional standards.
- Require reasonable maintenance.

The concept review shall include the Public Arts Trust Manager, the artist selection panel, a professional public art conservator, and other stakeholders as necessary. Based on these reviews, the Public Arts Trust Steering Committee shall make a recommendation on the approval of the concept.

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ABOVE

#### Let's Promote the Vote Murals Project

by Brian Williams

Mayor's Alley, Downtown Silver Spring, MD, 2020

In an effort to increase voter turnout and local civic engagement in the 2020 federal elections, AHCMC commissioned seven local artists to mount temporary public art murals that encourage Montgomery County residents in traditionally marginalized 'hard to count' communities to VOTE!

Photo courtesy of AHCMC

# ARTIST SELECTION AND CONTRACTING PROCESSES

## INTRODUCTION

This section outlines processes by which the Public Arts Trust can select artists for projects.

As with the project guidelines, it is important to rely on these processes, which are common throughout the public art field, for several reasons. They help to ensure that:

- projects are developed through professional best practices.
- decisions involve a cross-section of stakeholders, are informed by people with a curatorial experience,
- processes provide artists with equitable access to opportunities, and
- processes support the Trust's artist selection objectives, outlined below.

## ARTIST SELECTION GOALS

In establishing an artist selection process for a project, the Public Arts Trust will consider the following goals:

- foster a competitive application environment,
- reduce barriers to access, inclusion and participation for artists,
- select artists who have the abilities deemed necessary to successfully complete the project,
- select artists who are sensitive to the communities in which they will be working, and
- support an efficient workload for staff, artists and design teams.

For capital projects, these additional goals should be considered:

- conduct artist selection early in the project to maximize the artist's impact on the project, and
- foster the development of design teams that support artists and select artists who are compatible with the other team members.

The preference shall be to select artists on the basis of qualifications as demonstrated by past work and

other accomplishments and the likelihood that they will successfully complete the project. Artist qualifications will also be evaluated using specific criteria established for each project.

Alternatively, artists can be selected on the basis of both qualification and concept proposals. Generally, this approach will involve a two-stage process in which artists are first considered on the basis of qualifications and then finalists are asked to submit proposals. In a proposal-based process, artists shall be compensated for their work.

## ARTIST SELECTION METHODS

In most cases, an open call for artists is recommended. In this approach, a Call for Artists is developed and circulated, and any artist may submit qualifications subject to any project-related limitations established in the Call for Artists. This call may be distributed locally, nationally or internationally, depending on the needs of the project.

In cases that warrant a specific artistic vision or where a more renowned artist is desired, an invitational call may be used. The list of artists to whom the invitational call is circulated can be developed through an artist registry or a curatorial process. In conducting an invitational call, the Trust shall rely on an outside art advisor. The list of artists invited to submit should be reviewed by the Selection Panel.

In highly unusual cases, an artist can be recommended directly by a curator or the Trust's director, based on the artist qualifications that are being sought, and reviewed by the Selection Panel. Generally, direct selection will not be employed except on those projects where an open call or invitational call would be impractical.

## ARTIST SELECTION PANELS

For each project, the Trust will establish an Artist Selection Panel, which makes recommendations to the PATSC about artist selections and the approval of artist concepts.

A Selection Panel should consist of five to seven members; including at least two members who have a professional background in the visual arts (artist, arts administrator, curator, art historian, art educator), at least one project stakeholder, and at least one community stakeholder. At least one of the members should also be a member of the PATSC. The client agency's project manager and design consultants may participate in Panel meetings as non-voting members. Trust staff will coordinate the artist selection process and will advise the Panel, but will not be voting members of the Panel.

Artist and community representatives on Artist Selection Panels should be compensated for their time.

## ARTIST REGISTRIES

The Trust can create an Artist Registry that is open to local and national professional artists, and which would be used as a resource for the PATSC and developers in identifying artists for public art projects. The Registry would be created through an open call, in which artists are invited to submit their portfolios and added to the Registry on the basis of their qualifications. The registry would be vetted periodically by a panel convened by the AHCMC.

The Trust can create a general registry, or one that is specific to particular medium or group of projects that are anticipated.

## MULTIPLE COMMISSIONS

To ensure that the Trust supports a diversity of artists and artistic expression, multiple artworks awarded to the same artist should be minimized. Any artist receiving a PATSC or Optional Method commission shall not be eligible for another PATSC or Optional Method commission for two years from the date they were selected for that commission. Commissions of under \$5,000 are excluded from this policy.

## ARTIST CONTRACTS

Contracts that are entered into by the Public Arts Trust on behalf of any County agency, or by any agency using resources from the Public Arts Trust, should follow the model of the Public Art Network "Annotated Model Public Art Commission Agreement," particularly in regard to the provisions below. These provisions can be amended only with the approval of the AHCMC:

- Artist warranties of originality, title, quality and condition,
- Ownership and use of the artwork and of intellectual property
- Artist rights (Visual Artist Rights Act)
- Alterations of artwork or site, relocation or removal of artwork
- Artist provision of instructions for maintenance and conservation

In addition, artist contracts should generally include the following components:

- A scope of work, outlining the artist's tasks and deliverables
- Outline of the responsibilities of the artist, AHCMC and other parties to the project
- Outline of the process for approving deliverables

In some circumstances, County agencies may be required to use their own standard forms of agreement for artist contracts. In those cases, the above considerations should be included to the fullest extent possible.

## EQUITY AND ACCESS

At all stages of an artist recruitment and selection processes, the Trust shall implement efforts to reduce barriers to access for artists and to increase the diversity of artists who are encouraged to apply and who are selected. Depending on the nature of the project and the process, these efforts can include steps such as:

- providing ample time for responses to RFQs,
- providing information sessions and individual consulting to support artists preparing their applications,
- providing alternative opportunities for submissions other than Internet submissions
- providing alternative options for written components, such as video statements
- requesting biographies as an alternative to resumes
- requesting references that speak to a person's abilities and likelihood of completing a project, rather than their professional experience, and
- allowing for video interviews rather than requiring in person interviews.

In contracting with artists, the Trust shall implement efforts to reduce barriers to access for artists. These can include:

- making contract samples available to artists during the artist selection process, so artists can consider their ability to contract as a factor in applying,
- considering payment schedules that are flexible enough to meet an artist's business models / needs, and
- reconsidering insurance and certification requirements that are arbitrary or unrelated to the core purpose of the contract at hand.



## COLLECTION MANAGEMENT

The Public Art Trust is responsible for the stewardship of the Collection so that it is available for the enjoyment of the public at large and a part of the record of the County's cultural legacy. These guidelines provide for the creation of an inventory of the County's artworks, for the systematic evaluation of the condition of its artwork and for a regular maintenance and conservation program.

### PUBLIC ART INVENTORY

The AHCMC maintains a database that includes information and images of all artworks in the Collection. For informational purposes, the inventory also includes works that are on view in public institutions but which have not been officially accessioned into the Collection, as well as artworks that were commissioned by private developers under the Optional Method but are also not formally part of the Collection.<sup>7</sup>

### MAINTENANCE AND CONSERVATION

The acquisition of artwork(s) carries with it the responsibility for and commitment to maintaining the condition in which it was meant to be enjoyed by the public.

#### Planning for Maintenance and Conservation

Periodically, but preferably at least every five years, the Trust will undertake a Conservation Review of the Collection that provides an overview of the conditions of artworks in the Collection and also review the Trust's priorities for conservation efforts.

The Conservation Review shall be led by a professional conservator.

The Conservation Review can consider the entire Collection or a subset of the Collection, such as a type of artwork or geographic area, if that meets the needs of the Trust. The review can begin with a visual inspection that allows the conservator to triage the need for deeper evaluation of the artwork.

Based on the findings of the review and ongoing consultation with a conservator, the Public Arts Trust will prepare a Conservation and Maintenance plan and budget each year, to address the Conservation priorities that have been identified

#### Implementing Maintenance and Conservation

The Trust recognizes the following types of maintenance and conservation activities:

#### Emergency Maintenance and Conservation

This occurs in response to situations that require immediate attention because of the risk posed to the public, the artwork or the public's enjoyment of the work. This can involve conditions created by vandalism,

accidents and extreme weather. Reports of emergency situations should be reported to the Trust and assessed by a conservator before action is taken, if possible.

#### Scheduled Maintenance Cycle

All of the artworks in the Collection should be placed into a cycle Scheduled Maintenance, or preventative maintenance. The actual protocol for each artwork would depend on its nature, its materials, instructions that were provided when the artwork was added to the collection and the assessment of a conservator.

Examples of scheduled maintenance could include:

- Regular inspection and cleaning cycle for painted surfaces, stone surfaces, or other durable materials.
- Regular cycle of biocide and water repellent for wooden sculptures or other organic materials.
- Regular renewal of sacrificial coatings such as wax coatings on bronze, clear coating on murals, and biocides and water repellents on organic substrates (e.g., totem poles or similar).

#### Routine Maintenance

Routine maintenance means work that is undertaken on a routine and as-needed basis. This can include cleaning the artwork and upkeep of the site, such as mowing grass and cutting back vegetation.

FACING PAGE

#### The Burden Trophy

Jung Min Lee, 2018

6-Color Reduction Woodcut

Part of the County's Contemporary Works on Paper Collection.

Photo courtesy of AHCMC

<sup>7</sup> All inventory numbers for public artworks in the collection begin with PA. All inventory numbers for artworks in the Contemporary Works on Paper collection begin with WP. Artworks that are in other institutions are designated as ZZ, and Optional Method artworks are designated with the suffix DV at end of inventory number.

## EVALUATING PROPOSED ARTWORKS

A good conservation and maintenance protocol involves assessing new artworks while they are being commissioned or acquired, or considered as donations. Artists, fabricators and donors should provide:

- Technical specifications of materials fabrication and installation of all artworks. Include names of vendors and materials / product specifications where appropriate. Include shop drawings or permit drawings as appropriate.
- An estimate of the life-span of the artwork.
- Maintenance recommendations for the life of the artwork.

Professional conservators should be retained to review prospective artwork acquisitions, donations and maintenance reports from artists.

## RESPONSIBILITIES

Client Agencies are responsible for:

- emergency maintenance of the artworks, with guidance from AHCMC and/or professional conservators, and
- ordinary maintenance of the artworks, following the protocols established by the artist.

The Trust is responsible for:

- oversight of the Public Art Inventory,
- preparation of a periodic Conservation Review of the Collection,
- preparation of a Conservation and Maintenance plan for PATSC review every year, and
- capital maintenance and conservation of permanent artworks that have been formally accessioned into the Collection as well as the Works on Paper Collection.

The artist is responsible for:

- guaranteeing and/or securing manufacturers' warranties for the artwork against all defects of material or workmanship for a period of two years following installation,
- providing Trust staff with installation diagrams detailing hardware and foundation structures and detailed instructions regarding routine maintenance of the artwork, which shall become part of the AHCMC Collection Archives and Database, and
- responding to opportunities to accomplish necessary repairs and preservation or consulting on such repairs, as appropriate.

## CONSERVATION ENDOWMENT

Three percent of total budget for new commissions shall be set aside in the Conservation Endowment Fund that is administered by the Trust at time contract is signed with the artist. This has applied to all projects commissioned after the fall of 2012.



# DONATIONS, COMMEMORATE ARTWORKS AND MEMORIALS

## INTRODUCTION

From time to time, individuals and organizations may wish to donate artworks, commemorative artworks or memorials to the County. Although the County is not actively pursuing gifts of art, it welcomes the opportunity to enrich the quality of the visual environment and strengthen communities through the addition of appropriate artworks.

The County must act with the broad public interest in mind when considering such donations, particularly in regard to the fiscal impact of such donations, the general public's use and enjoyment of public space, the aesthetics of the County, and consideration of whose and which narratives are prioritized in public space.

In order to facilitate a fair and consistent assessment of proposed donations of public art, commemorative artworks and memorials, the Public Arts Trust should coordinate the review of all aspects related to the acceptance of such donations, consulting with other County agencies as appropriate and conducting appropriate community engagement.

Donations will be accepted, and artworks will be accessioned into the Collection only upon recommendation of the PATSC and approval of the AHCMC and the County agency on whose site the artwork would be located. Donors must also complete any other applicable County permitting processes.

Due to limited maintenance budgets, limited space and other concerns, the County may not accept all donations. Proposed donations of artworks that require the County to pay for transportation, installation, storage, framing, restoration or repair are discouraged. In addition, artwork(s) requiring high or excessive maintenance are discouraged and are likely to be declined. The Trust will evaluate these factors as part of the donation review process.

In this section of the guidelines, the term "donations" is used to refer broadly to donations or public art, commemorative artworks and memorials proposed for public property. This section also includes specific guidelines for commemorative artworks and memorials.

## REVIEW PROCESS

### Coordination of Proposal Review

Any County agency receiving a proposal for a donation of an artwork, commemorative artwork or memorial to be located on public property should forward the proposal to the Public Arts Trust, which will collaborate with that agency on the review of the proposal.

The Public Arts Trust Manager will facilitate an evaluation of the proposed donation to determine whether it is in keeping with the County's overall goals and expectations, as well as the criteria listed below under technical review, aesthetic review and social and special considerations

for commemorative artworks and memorials. In conducting its evaluation, the Trust will consult with the agency that is responsible for the site where art is proposed to be located, as well as other stakeholders, such as users of the space where the artwork would be located.

Upon completion of the evaluation, the Public Arts Trust Manager will make a recommendation to the PATSC. The PATSC's recommendation will be forwarded to the AHCMC and to the agency where the artwork is located for approval. The donor must also obtain all other necessary County permits, permissions and approvals for installation.

The Trust requests at least six months to thoroughly review applications and consult with other County agencies and other stakeholders as necessary.

### Application Requirements

Any party interested making a proposal for a donation of an artwork, commemorative artwork or memorial to be located on County property will be required to submit the following information in writing to the Trust:

- Name, address, phone number and e-mail address of the donor or donor's agent
- Motivation/intent of the donor for offering the artwork(s) to the County
- Artist's name, resume, birthplace and date, current address if known, gallery representation if any, and examples of artist's previous work
- Artwork description, including medium, dimensions, weight (if applicable), date created, and description of signature/inscriptions
- Artwork title, including proof absence of liens
- Current location
- Current condition including conservation history or a conservator's report
- Maintenance manual and schedule prepared by professional conservator, including an estimate of the annual cost of maintenance

- Estimated value, as determined by a professional art appraiser (if the artwork is existing)
- Photographs of proposed donation
- Estimated cost and commitment to funding installation and contribution to Conservation Endowment Fund
- Proof of insurance sufficient to meet the requirements of the County, if applicable

### Final Approval and Acceptance

Donations will be accepted, and artworks will be accessioned into the Collection, only upon recommendation of the PATSC, approval of the AHCMC and the County agency on whose site the artwork will be located, and receipt of documentations and funding for the Conservation Endowment Fund. Final acceptance of donated artwork(s) will be acknowledged through a written statement to the donor or donor’s agent. Final acceptance will require an Acceptance Agreement.

### Tax Deduction

If a value is to be placed on the donated artwork(s) for tax purposes, it is the donor’s responsibility to establish that value.

### REVIEW CRITERIA

Proposals for Donations will be subject to the technical and aesthetic review criteria below.

Proposals for Commemorative Artworks or Memorials will also be subject to the additional considerations outlined below.

### Criteria for Technical Review

Technical review should be coordinated by the Public Arts Trust Manager, in consultation with staff from the agency that manages the site where the artwork would be located. The review should consider factors such as:

- **Ownership:** The Artwork can be legally given to the County.
- **Financial Costs:** The financial costs associated with the Artwork have been adequately anticipated and the donor can provide funding to cover those costs. Costs include, but are not limited to, shipping, insurance, site preparation, installation, dedication, signage and lighting. Costs also include a contribution to the maintenance endowment.
- **Safety and Liability:** The Artwork and its installation are durable, meet applicable codes, and do not pose any safety or liability concerns.
- **Durability, Maintenance and Conservation:** The artwork(s) must demonstrate structural soundness and surface integrity; and inherent resistance to theft, vandalism, weathering and excessive maintenance.
- **Availability of Site:** The proposed site available for the installation of Artwork. Any necessary electrical, plumbing or other utility requirements have been defined and are available.
- **Appropriateness of Site:** The proposed siting respects existing officially adopted County plans as well as documented intentions of the community, and is consistent with the current and anticipated use of the site.
- **Permitting:** The donor has outlined the other permits that are necessary for the Artwork’s placement and installation.

Each donated artwork should be assessed for its likely lifespan. For artworks that are expected to be added permanently to the Collection, regular procedures for identifying maintenance protocols and funds for the Conservation Endowment Fund should be followed. For artworks that are expected to be time-limited, a de-installation and de-accessioning plan should be created in consultation with the artist.

FACING PAGE

#### Certain Party or Parties Unknown Gallery Exhibition

Paintings by LaShell Rivers

2021

The Certain Party or Parties Unknown gallery exhibition gave space to the physical materials and artifacts each artist created when developing outdoor projection artworks as a part of the 2021 CPPU Outdoor Public Art Project. It offered audiences an extended opportunity to experience these works, gain insight into the creative process, and reflect on this storific part of Montgomery County’s history during Remembrance and Reconciliation Month.

#### Three murals at Dewey Local Park

by Juan Pineda

Silver Spring, MD

Commissioned by M-NCPPC, 2020

Photo courtesy of M-NCPPC



### Criteria for Aesthetic Review

Aesthetic review shall be undertaken by and the PATSC, in consultation with staff from the agency that manages the site where the artwork would be located, and shall consider the following criteria:

- **Artistic Merit:** The Artwork must meet the definition of Public Art, and the Artist must meet the definition of Artist, as included in these guidelines.
- **Context:** Artwork(s) must be compatible in scale, material, form and content with the proposed location, and compatible with existing approved community or area plans, especially public realm strategies. Consideration should also be given to the architectural, historical, geographical and social/cultural context of the site or community, as well as the way people may interact with the artwork(s).
- **Diversity:** The artwork will result in an improvement of the Collection as a whole, and improve the Collection's reflection of the artistic traditions and practices of the community.

### Additional Considerations for Commemorative Artworks and Memorials

The PATSC shall also consider the following criteria in reviewing Commemorative Artworks and Memorials that are proposed for public property.

- Proposals must have cultural significance to the general public, not just one individual or an interest group. The subject will be commemorated only if it is generally accepted that its long-term impact has uniquely shaped Montgomery County's history.

- Proposals must concern subjects that have been tangibly and directly associated with the County. In the case of contributions of an individual or a particular group of people, for example, strongest consideration will be given to those who have had an impact on the history of the County, rather than the state or the nation.
- Proposals that recognize individuals should not be considered until at least five years after the death of the individual. Proposed donations of artworks or memorials that commemorate events should not be considered until at least ten years after the occurrence of the event. Where an overwhelming and undisputed community consensus exists, proposals may be considered before these periods have passed.
- Proposals that recognize organizations in general, or specific topics including but not limited to historical events, disasters or health-related themes, should not normally be considered, unless it can be demonstrated that there are circumstances particular to Montgomery County.
- Proposals must not duplicate the themes or subject matter of an existing commemorative artwork or memorial in the County.
- Proposals shall not in any circumstances depict subjects that are trademarked or commercially licensed, nor shall any type of acknowledgment, including plaques, include logos or other commercial graphics.

### Priorities

In assessing donations, the Trust will consider the following priorities:

- Ease of public access to the location of the donated artwork, particularly for underserved communities.
- Expanding the distribution of the locations of public art, particularly to underserved communities.
- Increasing the variety of media of public art in the County, especially to include the priorities of the Public Art Roadmap.
- Improving the Collection's reflection of the artistic traditions and practices of the community.

In assessing memorials and commemorative artworks, the Trust will consider the following priorities:

- Projects that explore the histories and narratives of communities that are under-represented in the County's existing commemorative artworks,

## INTRODUCTION

From time to time, the Public Arts Trust, an organization or an individual might seek to borrow or loan an artwork for display in a location managed by a County agency.

Typically, in a loan arrangement, the artwork is not owned by the County, and the artwork will be returned to owner when it is removed for display. The loan period is usually fixed, but can be indeterminate

Loans of artwork should be accepted for display only when there is an over-riding public interest in doing so. An example might be when the Trust would like to exhibit an artwork in conjunction with an important event. Another example might be when the Trust would like to commission an original artwork from an artist, and in order to reduce the cost of the project to the Trust, the artist creates an original artwork, loans it to the Trust for exhibition, then sells it at the end of the exhibition.

Loans, however, should be carefully considered to ensure that the public's interest is maintained. As with a donation, this can involve consideration of technical, aesthetic and cost matters, as well as consideration of the Trust's priorities.

## REVIEW PROCESS

Any County agency receiving a proposal for the loan of an artwork to be located on public property should forward the proposal to the Public Arts Trust, which will collaborate with that agency on the review of the proposal.

The Public Arts Trust Manager will facilitate an evaluation of the location of the proposed loan to determine whether it is in keeping with the County's overall goals and expectations, as well as the criteria listed below under technical and aesthetic review. In conducting its evaluation, the Trust will consult with the agency that is responsible for the site where art is proposed to be located, as well as other stakeholders, such as users of the space where the artwork would be located.

Upon completion of the evaluation, the Public Arts Trust Manager will make a recommendation to the PATSC. The PATSC's recommendation will be forwarded to the AHCMC and to the responsible official in the agency that controls the property. The entity proposing the loan must also obtain all other necessary County permits, permissions and approvals for installation.

## Application Requirements

Any party interested proposing the loan of an artwork for exhibition on County will be required to submit the following information in writing to the Trust:

- Name, address, phone number and e-mail address of the donor or donor's agent
- Motivation/intent of the donor for loaning the artwork(s) to the County
- Artist's name, resume, birthplace and date, current address if known, gallery representation if any, and examples of artist's previous work
- Artwork description, including medium, dimensions, weight (if applicable), date created, and description of signature/inscriptions
- Artwork title, including proof absence of liens
- Current location
- Current condition including conservation history or a conservator's report
- Maintenance manual and schedule prepared by professional conservator, including an estimate of the cost of maintenance for the duration of the loan
- Estimated value, as determined by a professional art appraiser (if the artwork is existing)
- Photographs of proposed loan
- Installation and de-installation plan
- Estimated cost and commitment to funding installation and deinstallation of the artwork
- Proof of insurance sufficient to meet the requirements of the County, if applicable

## REVIEW CRITERIA

### Criteria for Technical Review

Technical review should be coordinated by the Public Arts Trust Manager, in consultation with staff from the agency that manages the site where the artwork would be located. The review should consider factors such as:

- **Ownership:** The Artwork can be legally loaned to the County.
- **Financial Costs:** The financial costs associated with the loan have been adequately anticipated and the donor can provide funding to cover those costs. Costs include, but are not limited to, shipping, insurance, site preparation, installation, signage and lighting, deinstallation. Costs also include a contribution to the maintenance endowment.
- **Safety and Liability:** The Artwork and its installation are durable, meet applicable codes, and do not pose any safety or liability concerns.
- **Durability, Maintenance and Conservation:** The artwork(s) must demonstrate structural soundness and surface integrity; and inherent resistance to theft, vandalism, weathering and excessive maintenance.
- **Availability of Site:** The proposed site available for the installation of Artwork. Any necessary electrical, plumbing or other utility requirements have been defined and are available.
- **Appropriateness of Site:** The proposed siting respects existing officially adopted County plans as well as documented intentions of the community, and is consistent with the current and anticipated use of the site.
- **Permitting:** The donor has outlined the other permits that are necessary for the Artwork's placement and installation.

### Criteria for Aesthetic Review

Aesthetic review shall be undertaken by and the PATSC, in consultation with staff from the agency that manages the site where the artwork would be located, and shall consider the following criteria:

- **Artistic Merit:** The Artwork must meet the definition of Public Art, and the Artist must meet the definition of Artist, as included in these guidelines.
- **Context:** Artwork(s) must be compatible in scale, material, form and content with the proposed location, and compatible with existing approved community or area plans, especially public realm strategies. Consideration should also be given to the architectural, historical, geographical and social/cultural context of the site or community, as well as the way people may interact with the artwork(s).
- **Diversity:** The artwork will result in an improvement of the Collection as a whole, and improve the Collection's reflection of the artistic traditions and practices of the community.

### Priorities

In assessing loan proposals, the Trust will consider the following priorities:

- Ease of public access to the location of the loaned artwork, particularly for underserved communities.
- Expanding the distribution of the locations of public art, particularly to underserved communities.
- Increasing the variety of media of public art in the County, especially to include the priorities of the Public Art Roadmap.
- Improving the Collection's reflection of the artistic traditions and practices of the community.

## DE-ACCESSION, RELOCATION, REMOVAL

### RELOCATION AND DE-ACCESSIONING OF ARTWORKS IN THE COLLECTION

The Trust retains the right to relocate any artwork in the Collection, or to de-accession any artwork in the Collection — acknowledging, however, that the relocation or de-accession of an artwork before the end of its anticipated lifespan should be a rare and unusual measure.

An individual artwork may be relocated or de-accessioned from the Collection only upon recommendation of the PATSC, recommendation approval by the AHCMC, and approval of the Director of the Department of Recreation, after careful consideration of the following criteria.

#### Conditions for Relocation

Artworks can be recommended for relocation from their site only if reasonable cause has been established by one or more of the following conditions:

- the site of the Artwork is no longer owned by the County,
- the architectural support (building, wall, plaza) is to be altered or removed,
- the use or function of this particular public space may have changed, and/or the artwork may have lost its contextual meaning, interferes with the operation of the site or poses a public hazard,
- the condition or security of the artwork cannot be reasonably guaranteed in its present location, or
- relocation has been requested by the artist or the agency displaying the artwork.

#### Conditions for De-accessioning

Artworks can be recommended for de-accessioning only if reasonable cause has been established by one or more of the following conditions:

- one or more of the criteria for relocation above has been met, but re-siting the artwork would not be possible because the artwork would lose its contextual meaning, because the artist will not approve relocation, or because relocation would otherwise be inappropriate;
- the artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork,
- the artwork has been damaged or has deteriorated, or has inherent faults of design or workmanship, such that the expense of restoring it exceeds fifty percent of the appraised value of the artwork,
- the architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation,

- the artwork is not, or is rarely, on display because of lack of a suitable site;
- the condition or security of the artwork cannot be reasonably guaranteed in its present location;
- the County wishes to replace the artwork with a work of more significance by the same artist;
- the artwork no longer meets the mission of the Collection;
- removal has been requested by the organization displaying the artwork or by the artist;
- the artwork is proved to be inauthentic or in violation of existing copyright laws; and
- the artwork has received documented and unabated adverse reaction from a measurably large number of citizens and/or organizations based within the community where the artwork is located over at least five years and modifications of the artwork as per discussions with the artist are not possible.

### PROCEDURES FOR RELOCATING OR DE-ACCESSIONING AN ARTWORK

#### Initiating the Process

Any request for relocating or de-accessioning an artwork shall be submitted to the Public Arts Trust Manager, who shall take the following steps to inform stakeholders of the request and to develop a report and recommendation for the review and approval of the PATSC, the Executive Director of the AHCMC and, in the case of de-accession, the director of the Department of Recreation.

#### Informing Stakeholders

The Public Arts Trust staff will ensure that all necessary stakeholders are aware of the process to relocate or de-accession an artwork by:

- consulting with the artist about the artist's intentions for the work and, in the case of a de-accessioning, the artist's interest in reclaiming the work,

- consulting with the affected County agency/ agencies,
- consulting the donor of the artwork, if it was a gift, and
- providing appropriate notification to project stakeholders and the public at large.

The Public Arts Trust staff shall collect and record feedback from the artist, the donor, stakeholders and the public at large.

### **Report and Recommendation**

The Public Arts Trust Manager will prepare a report that includes a staff evaluation and recommendation along with the following information:

- background on the artwork, including the artist and origin of this artwork, the original acquisition circumstances and purchase price, and any written commentary on the artwork;
- analysis of the reasons for relocation or de-accessioning;
- in cases where de-accessioning or removal is recommended due to deterioration, threat to public safety, ongoing controversy, or lack of artistic quality, the opinions of independent professionals qualified to comment on the concern prompting review (conservators, engineers, architects, critics, safety experts etc.);
- review of any restrictions that may apply to the disposition of the artwork, based on contract review or the condition of the artwork, and opinion of legal council;
- appraised value of the artwork, if obtainable;
- feedback from the artist, the donor, stakeholders and the public at large;
- in the case of relocation of an artwork, a recommendation for the new location for the artwork or for storing the artwork, and
- in the case of de-accessioning an artwork, a recommendation for the disposition of the artwork.

### **Approval**

The Public Arts Trust staff will send the report to the PATSC for its review.

The PATSC may seek additional information from artists, galleries, conservators and other artist professionals prior to its recommendation.

The PATSC then makes a recommendation to the AHCMC and, in the case of a relocation, the affected County agency.

The Trust may remove an artwork for storage, conservation or maintenance, or relocate an artwork in the collection, in accordance with the criteria in these guidelines, upon recommendation of the PATSC and with the agreement of the agency that is responsible for the site where the artwork is located.

The Public Art Manager will present recommendations for de-accessioning, or removing an artwork from County ownership, to the Public Art Trust Steering Committee for its recommendation. AHCMC will relay the Trust's recommendation to the Montgomery County CAO for a final approval.

### **Disposition of De-accessioned Artworks**

When an artwork meets the criteria for being removed from the collection, the following procedure should be followed, in the order listed:

- Offer the work to a museum, to be held on loan
- Offer the work to other public facilities or schools, to be held on loan
- Offer the work to the artist at price or for an exchange
- If the artwork is refused by museums, other public facilities and the artist, it should be sold or auctioned, and funds from the sale of artworks should be deposited into a fund held by the Trust and earmarked for new acquisitions or maintenance.

Destruction is considered a last resort, primarily when an artwork is deteriorated or damaged beyond repair and/or loaning, donating or selling the artwork is not possible.

### **VISUAL ARTISTS RIGHTS ACT**

All relocations and de-accessions must be undertaken in conformance with the Visual Artists Rights Act, which offers the artist a protection of his or her right of integrity and right of attribution.

### **RECORDKEEPING**

In the event of a relocation or de-accession, the Trust shall keep pertinent records about the artwork, with information on the object and donor history, photographs, published articles, conservation/ restoration records, appraisals, and other relevant records. The Trust shall also document the process and outcome of the relocation, removal or de-accession, including full information about the disposition of the artwork.



## PLACEMENT PUBLIC ART ON PUBLIC PROPERTY



Currently, Montgomery County has no direct process for approving the permanent or temporary installation of public art on a public right of way.

The process for permitting temporary or permanent closure of or obstruction of the right of ways is managed by the Department of Permitting Services, either through a Mandatory Referral, via Site Plan approved by the M-NCPPC and/or by public utility entities when constructed on Public Utility Easements.

The process can also be used to permit temporary installations, such as portable storage containers, tents and outdoor seating for restaurants. There does not appear to be a designated process for public art.

The placement of permanent artworks in the public right of way should be governed by the process explained above, Donations.

The placement of loaned artworks in the public right of way should be governed by the process explained above, Loans.

The placement of artworks not considered to be Donations or Loans should be governed as above.

The Public Arts Trust bears no responsibility for artworks acquired or permitted by other agencies on their property, unless the artwork has been accepted through the donation or loan process outlined in these guidelines.

—  
ABOVE

**Rock Creek Trail Pedestrian Bridge by Vicki Scurri**

Rockville, MD  
2011

Photo courtesy of AHCMC

## ROLES AND RESPONSIBILITIES

### OFFICE OF THE COUNTY EXECUTIVE

As the executive authority for Montgomery County government, the County Executive:

- Proposes funding for the Public Arts Trust and for public art in capital project budgets

### COUNTY COUNCIL

As the legislative authority for Montgomery County government, the County Council:

- Approves funding for the Public Arts Trust and for public art in capital project budgets

### ARTS AND HUMANITIES COUNCIL OF MONTGOMERY COUNTY (AHCMC)

As the designated entity for managing the Public Arts Trust, the AHCMC has the following public art responsibilities:

- Appoints the PATSC Chair and nominates non-agency members to the PATSC
- Manages the Public Arts Trust budget
- Provides a manager for the Public Arts Trust as well as administrative, communications, grant writing and marketing support
- Reviews and approves the acceptance of donations, commemorative artworks and memorials
- Reviews and approves the relocation or de-accessioning of artworks in the Collection
- Identifies partnerships for public art

### PUBLIC ARTS TRUST MANAGER

An employee of the AHCMC with the following public art responsibilities:

- Coordinates the Public Arts Trust Steering Committee
- Works with PATSC members and County agencies to identify opportunities for public art in CIP projects
- Coordinates public art projects initiated by or support by the Public Arts Trust
- Coordinates Public Art Collection management, including documentation, maintenance and conservation

- Coordinates Contemporary Works on Paper Collection, including acquisitions, loans and conservation
- Coordinates donations, relocation and de-accessioning processes

### PUBLIC ARTS TRUST STEERING COMMITTEE (PATSC)

A standing committee that provides oversight for the activities of the Public Arts Trust, with the following responsibilities:

- Assists the Public Arts Trust Manager in identifying opportunities for public art in CIP projects
- Reviews and recommends Public Arts Trust budgets
- Reviews and recommends Project Plans
- Approves artist selections and concepts
- Reviews and recommends the acceptance of donations, commemorative artworks and memorials
- Reviews and recommends the relocation or de-accessioning of artworks in the Collection
- Advises the Public Arts Trust manager on other Program activities
- Adopts by-laws, operating procedures and guidelines that support its operation

### ARTIST SELECTION PANEL

An an-hoc committee established specifically for each public art commissioning project, with the following responsibilities:

- Recommends artist selections
- Recommends artist concepts

### Client Agencies

A County agency that is commissioning a public artwork with the assistance of the Public Arts Trust, with the following responsibilities:

- Provides funding for project
- Collaborates on development of Project Plan
- Recommends members of Artist Selection Panel
- Participates in artist selection process
- Contracts with artist
- Coordinates public engagement process
- Participates in concept review process
- Facilitates design development, design approval and installation processes
- Supports documentation and marketing of project



## PARTNER ORGANIZATIONS

An organization, such as a County agency, a non-profit organization or a business, that collaborates with the Public Art Trust on the creation of a public artwork, with the following responsibilities:

- Recommends artist selections
- Recommends artist concepts
- Contributes funding to the project
- Collaborates on development of Project Plan
- Collaborates on identifying members of Artist Selection Panel
- Participates in artist selection process
- Collaborates with AHCMC on public engagement process
- Participates in concept review process
- Supports documentation and marketing of project

ABOVE

### Let's Promote the Vote Murals Project

by Dinah Myers Schroeder  
Silver Spring Civic Building,  
Downtown Silver Spring, MD, 2020  
Photo courtesy of AHCMC

## ARTISTS

The artist's roles and responsibilities vary depending on the nature of the project, and are always documented in a scope of work that is part of the artist's agreement.

## DEFINITIONS

For the purposes of this document, the following terms are defined

### Accessioning

The formal process used to accept an artwork into the County's Collection.

### Artist

An individual who meets one or more of the following criteria:

- realizes income through the sale, performance, publication or commission of original works of art;
- has previously exhibited, presented, performed or published original works of art in museums, galleries or other recognized art venues and publications;
- has formal training or education in a field of art; and/or
- has received awards or other forms of recognition from arts juries, arts grant panels, and similar entities for his/her artistic abilities or accomplishments.

Environmental design professionals, such as architects or landscape architects, can be considered artists if they otherwise meet the criteria in this definition

### Artist Registry

A list of artists interested in creating public art within Montgomery County.

### Art Review Panel

A panel of at least five people convened by the Planning Board to review public art proposed by developers a condition of approval under the Optional Method development process as outlined in the Montgomery County Zoning Code.

### Artwork

An original creation by an artist. May be one-of-a-kind or one of a limited edition, functional or purely aesthetic, exterior or interior, integrated or stand-alone, temporary or permanent. For the purposes

of this definition, artworks do not include landscaping, grates, lighting, benches, fences or other design features, unless designed by an artist as a unique feature for the project. (See also Montgomery County Code, Sec. 8-43 for definition of work of art.)<sup>8</sup>

### Artist Selection Panel

A panel of five to seven members convened by the Public Arts Trust to review a County-initiated project and select an artist(s) to be commissioned or an artwork(s) to be purchased. If a new artwork is being commissioned, the Panel will review the artist's (artists') concept proposal and recommend it to the Public Arts Trust Steering Committee for approval.

### Arts and Humanities Council of Montgomery County (AHCMC)

Represents the Department of Recreation as the administrative contractor that provides day-to-day management and oversight of the Public Art Trust.

### AHCMC Public Art Collection Database

The collection management tool that contains written and visual documentation pertaining to every artwork in the County's Public Art Collection or commissioned by a private developer under the Optional Method development process for the County.

### Client Department

The County department or agency hosting a public art project.

### Commemorative Artwork

An Artwork that commemorates an individual, idea or event that has shaped or impacted the County.

### Conservation Endowment Fund

A fund held by the AHCMC on behalf of the Public Art Trust, into which contributions for conservation from new project budgets are placed.

### Contemporary Works on Paper Art Collection

All framed and unframed works of art purchased with County funds and exhibited in public buildings throughout the County.

### County

The government of Montgomery County, Maryland.

### County Capital Improvements Program (CIP)

A biennial six-year plan that outlines capital investments that the County plans to make.

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

**De-accessioning**

The permanent removal of an artwork from the Public Art Collection.

**Department of Recreation**

The County agency that provides oversight for the Public Arts Trust, as administered by the AHCMC.

**Design Collaboration**

The collaboration of an artist(s) with the other design professionals who are working on a project. Usually, this begins as the concept planning phase.

**Design Team**

A group of design professionals (such as an artist, architect, engineer, landscape architect, lighting designer, graphic designer, or others) who collaborate as equal contributors to a specific project.

**Donation**

An artwork that is proposed to be donated to the County by an individual or organizational donor. They are only proposals until reviewed and accepted by the Public Arts Trust for inclusion in the County's Collection, according to the processes and criteria outlined in these guidelines.

**Integrated Artwork**

An artwork that is specifically planned for and executed as component of the overall design of a larger capital project. Artworks can be integrated into architecture, landscape design, streetscape or infrastructure projects.

**Maryland–National Capital Park and Planning Commission (M-NCPPC)**

A bi-county agency covering Montgomery and Prince George's Counties that oversees parkland and planning at the County level.

**Memorial**

A design feature that is proposed to commemorate an individual, idea or event that has shaped or impacted the County, but does not meet the definition of Artwork.

**Optional Method Development**

The development process outlined in the County Code, Article 59, Zoning, and administered by the M-NCPPC through the Commercial/Residential Zone Incentive Density Implementation Guidelines.

**Partner Organization**

An organization that the Trust works with to develop a partnership project. A Partner Organization can be a County agency, other public entity, a non-profit organization or a private-sector organization.

**Project Plan**

A document that guides the planning and execution of a specific public art project. It sets out the basic framework of the project, such as goals and location; budget and funding; timeline; the artist selection process and community engagement process; a marketing plan; a list of internal and external stakeholders; and partner roles and responsibilities.

**Public Art**

An original, site-specific artwork created by an artist, or a design element created by an artist collaborating with a design team, that is visually and/or physically accessible to the public. The artwork can be created in a variety of media, may be permanent or temporary, and may possess functional as well as aesthetic qualities. Public art must be located in places where public life occurs, including streets, plazas, parks and open spaces, as well as facades, lobbies, atria, courtyards and similar spaces that are openly accessible and visible to anybody who is interested.

**Public Art Collection (Collection)**

The entire body of public art that is acquired by, commissioned by, or donated to Montgomery County, as reviewed and approved by the Public Arts Trust Steering Committee. Artworks in the Collection are owned by the County, and the County is responsible for maintenance, conservation and interpretation of the artworks. The Collection also includes the Contemporary Works on Paper Collection, which is administered in accordance to policies described in a separate guidelines document.

**Public Art Collection Survey**

An ongoing survey of the Collection to prioritize conservation needs and ensure maintenance.

**Public Art Fund**

An account in which the contributions to the Public Arts Trust, including donations from Optional Method developers who contribute cash, are held.



### Public Art in Private Development

Artworks that are commissioned by a private developer under the Optional Method development process, and approved by the Art Review Panel and the Planning Board.

### Public Art in Public Projects

County-initiated public art projects on sites owned by County departments or agencies, including Montgomery County government, Montgomery County Public Schools, the Maryland-National Capital Park and Planning Commission, and Montgomery College.

### Public Art Road Map

A document that augments but does not amend the County's General Plan and identifies appropriate and significant sites or site-selection criteria for the location of permanent, semi-permanent and temporary public art throughout Montgomery County.

The Road Map assists the Trust and Planning Board in guiding privately- and publicly-funded public art projects.

### Public Arts Trust (Trust)

Montgomery County's public art program, designed to receive, hold and pay out public and private funds to acquire, commission, display, relocate and conserve public artworks on County property.

### Public Arts Trust Manager (Manager)

The manager of the day-to-day affairs of the Public Arts Trust.

### Public Arts Trust Steering Committee (Committee)

A committee appointed by the AHCMC that serves as an advisory board to the AHCMC Chief Executive Officer and Public Arts Trust staff in implementing the public art program.

### Scope of Work

A document that explains the role that an artist will play in a project, outlining specific responsibilities and deliverables that are expected of the artist, and outlining to the extent necessary work that is excluded from the artist's responsibilities. The Scope of Work is usually incorporated into the artist's contract.

### Temporary Artwork

An artwork that is created to be presented for fixed period of time usually less than a year, which is established at the time of the commission or load.

ABOVE

#### Meet Me At The Triangles

A project by Norie Sato in collaboration with Adrienne Moumin, Eric B. Ricks, Martiza Rivera and Achameyeh Debela, 2020  
 Pictured (left to right): The project team including: Eric Ricks, Norie Sato, Todd Bressi, Adrienne Moumin, Suzan Jenkins, and Kevin Maag

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

[Note] \*Editor's note-Sections 1 and 2 of 1995 L.M.C., ch. 12, repealed §§ 8-43, 8-45, 8-46(note), 8-47--8-50, renumbered § 8-44 as 8-43 and § 8-46 as 8-45, and added a new § 8-44.

Note-Renumbered from art. V to art. VI by 1993 L.M.C., ch. 46, § 1.

Cross reference-Arts, ch. 5A.

**Sec. 8-43. Definitions.**

In this Article, work of art means an object, objects or surface embellishment produced with skill and taste. A work of art should generally be an original creation, rather than a mass-produced item, generally expressing, but not limited to, a social, cultural or historical theme. Works of art include, but are not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, drawings, stained glass, fountains, or other decoration, either exterior or interior. The term does not include temporarily hung works of art, landscaping, or the choice or use of materials in architecture. (1984 L.M.C., ch. 1, § 1; 1995 L.M.C., ch. 12, § 1.)

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

(a) There is a Public Arts Trust fund within County Government to:

(1) receive, hold, and pay out public and private funds to:

(A) buy and display works of art on public property in the County; and

(B) pay the cost of administering the fund; and

(2) sponsor privately-funded temporary or permanent displays of art on public property in the County.

(b) The Chief Administrative Officer or a designee must administer the trust in consultation with:

(1) Arts and Humanities Council;

(2) Montgomery County Public Schools;

(3) Montgomery College; and

(4) Montgomery County Parks Commission.

(c) The Chief Administrative Officer must report to the County Council:

(1) each quarter on:

(A) new locations selected for works of art to be funded by the Public Arts Trust; and

(B) works of art purchased or displayed with Public Arts Trust funds during the quarter; and

(2) each year by January 15 on all other uses of Public Arts Trust funds during the prior calendar year. (1995 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 28, §§ 2, 15 and 16.)

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

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

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





**Racial Equity Principles  
A Framework and Shared Commitment**

**As adopted by the Board of the  
Arts and Humanities Council of Montgomery County, MD**

**December 18, 2018**

The arts have a unique power to inspire, to bring people together, to help us all imagine different possible worlds, to illuminate and amplify diverse experiences, to catalyze transformation, and to allow us all to build empathy and connection. As stakeholders of cultural organizations, we are all leaders; this means we have a powerful responsibility to engage in the urgent, essential, and nuanced work to build a more equitable world for us all through building racial equity. We recognize that we have a special responsibility to do this work in ways that welcome others to join us, because fighting oppression and making change requires both leadership and broad participation.

We commit to engaging in this incredibly important work with humility, commitment, integrity, accountability, patience (for ourselves and others), courage, and joy, because we believe that a world which acknowledges past injustice and builds authentic and meaningful equity into organizations and systems will be a richer, more vibrant, more powerful, and more just world. We believe in working toward this world, and that by pursuing racial equity, we will create more just and inclusive organizations and communities, open our institutions to more people, right historical wrongs, deliver more impactful arts and cultural programming, and become stronger, more resilient and more vital organizations.

The social construct of race in the US is deeply and painfully ingrained in our national and personal psyches. The long journey of equity analysis and reflection will reveal how we're all affected by the divisive ideology of race and how we can begin the individual and group work needed to proactively counteract inequity.

To guide us in creating more equitable workplaces and communities, we've crafted the following three principles:

1. Brave conversations
2. With us, not for us
3. Power sharing

## **Brave Conversations**

### **Equity Principle #1**

We commit to having brave conversations. The path to racial equity is fraught with deep-seated emotion and conflicting perspectives. As leaders, we will create cultures where learning is valued above being right and where individuals are invited to bring their whole, vulnerable selves to the conversation. We will model this by engaging in deep listening, asking questions, and not being afraid of acknowledging tension in a conversation. We will actively seek disconfirming information to challenge our own assumptions. We use the term “conversation” but know that this journey to equity has a longer timeline and more complex dynamics than a single meeting or discussion.

We commit to:

- Using our positional power to call others into our racial equity work
- Speaking up when we identify racist structures and actions and engaging in conversations around them
- Creating an inclusive (but not conflict-averse) space for every person and every perspective
- Leaving combative debates and point-scoring behind in favor of getting curious
- Getting below the surface to what is real, honest, difficult and sometimes deeply troubling
- Emphasizing the importance of ‘going on together’
- Acknowledging that a really brave conversation will not be finished, completed or concluded in a single gathering. Instead, the gathering should begin the relational work that’s foundational for continuing collaboration, by opening the members of the group up to one another’s underlying aspirations
- Listening deeply to identify potential alignment instead of seeking to antagonize
- Actively seeking disconfirming information to challenge our own assumption
- Adopting grace on this sometimes messy, sometimes awkward, never linear journey to understanding

## **With Us Not For Us**

### **Equity Principle #2**

We commit to the creation, implementation, and transformation of programs with – not for – the people we serve. The path to racial equity is a continuous effort that must actively facilitate self-representation, meaningful input, leadership, and shared decision-making with those who have lived the experience of being in the groups we seek to know and serve through partnership. We recognize that we cannot and should not assume that one under-represented community speaks for all communities, nor assume that one member of a community represents all members of their community. We understand that diversity is complicated, multifaceted, inelegant and iterative, but pursuing inclusive and equitable practices is critical to building organizations that connect with their communities in authentic, responsible and sustainable ways.

We commit to:

- Acknowledging the power dynamics at play in our organizations between various groups of people and identities, and working to make visible and mitigate the disparities
- Acknowledging the biases we hold, being willing to listen and change our perspective

- Managing the vulnerabilities and emotions we experience in order to give space for the voices of others
- Creating space for the diversity of opinions and beliefs in any conversation
- Affirming intersectionality (understanding that people are made up of many different identities) and supporting the expression of complex identities
- Paying attention to who is at the table, asking who is missing and why they are missing; finding ways to bring them into the conversation
- Ensuring that the decision-making power dynamic is shared with the community/communities that is/are being impacted by those decisions – not only through opportunities to represent their own voices, but also by raising their voices, ideas, and concerns to others who hold power
- Enhancing our understanding of how systems of power and oppression operate in both daily and larger societal contexts and using this understanding as the lens through which we interpret the context of our programs.

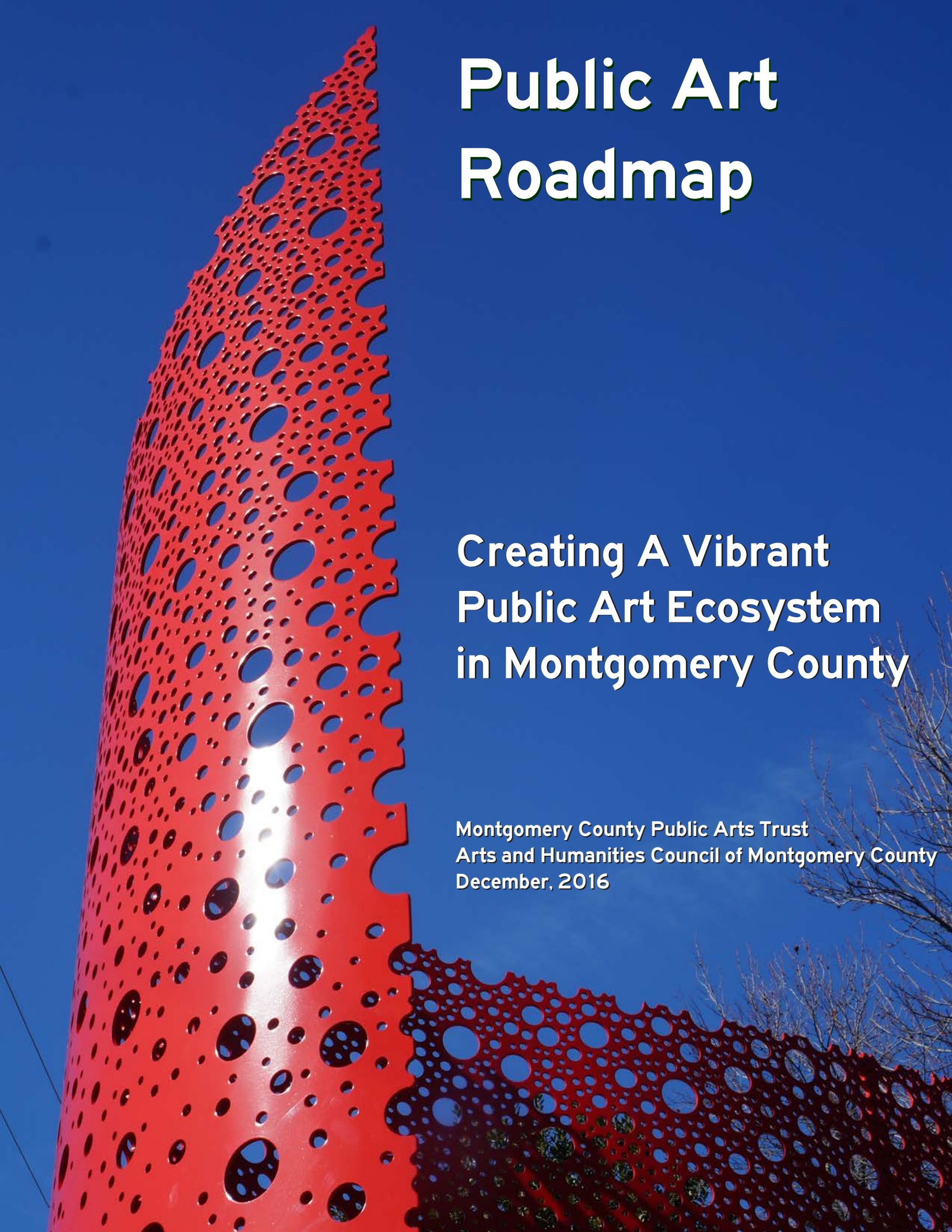
### **Power Sharing** **Equity Principle #3**

We commit to engaging in power sharing. Reaching racial equity cannot be possible unless we recognize and challenge power imbalances within our communities and professional structures. We must recognize that racial inequality is one of the greatest injustices of all time and work toward more balanced power dynamics. We will question socio-historical contexts and structural factors that will hopefully lead to community-driven, shared leadership with a balance of power amongst all partners.

Many of us inherited structures and systems that do not serve our power sharing principle. As we commit to the below points, we acknowledge that much of this will feel like uncharted territory and mistakes will undoubtedly be made. Our intention is to continue working towards these commitments, despite any missteps we experience along the way.

We commit to:

- Using our power to empower others, as opposed to a “command and control” approach
- Nurturing an environment and creating processes where all voices can be heard
- Acknowledging that great leaders come in all forms, races, ages and backgrounds; they use different styles and approaches; and can be found in any position in an organization’s hierarchy
- Distributing power through cooperative decision-making processes, when appropriate
- Building awareness of how our own privileges influence how we experience the world as leaders
- Analyzing how perspective is different between those in formal positions of authority and those who are not
- Acknowledging that we all have implicit biases, and that as leaders we need to check our biases by inviting other voices and perspectives to the table
- Acknowledging and messaging that dismantling the racial power structure has to be intentional



# Public Art Roadmap

## Creating A Vibrant Public Art Ecosystem in Montgomery County

Montgomery County Public Arts Trust  
Arts and Humanities Council of Montgomery County  
December, 2016

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# About the Public Art Roadmap

Montgomery County, Md., was an early adopter of the idea that local government should incorporate public art into facilities that are used and enjoyed by people throughout the county — libraries, parks, schools, urban places.

In 1983, it became the first locality in the Washington, D.C., metropolitan area to create an “Art in Architecture” program, based on models that were taking root at the time in communities around the country and in federal agencies. And it was one of the first communities anywhere in the U.S. to ask developers to provide public art, through a mechanism that has since become common, making public art an amenity in exchange for zoning benefits.

These commitments, dating back some forty years, have resulted in significant public art investments from many County departments and developers, with more than 350 permanent pieces now on view.

In recent years, however, the County’s funding of public art have wavered, and its approaches to public art have not kept pace with the changes that have occurred in this dynamic field. Once a leader, the County now lags its peers in the region, in terms of both its financial commitment to public art, and the innovation it brings to that work.

This Public Art Roadmap is intended to chart a course for what the Public Arts Trust should do next.

The Roadmap process took place from October 2014 through June 2015. It involved a review of program documentation; numerous interviews with staff of County agencies engaged with public art, infrastructure development and planning; visits to most of the non-school artworks in the collection; a public internet survey; “lunch and learn” presentations with planning and transportation staff; review of numerous County planning documents, including the general plan, growth management plan, and area or sector plans; and monthly meetings with either the full Trust Steering Committee or a special Roadmap committee.

The first half of this Roadmap is devoted to raising the creative ambitions for public art in Montgomery County, and identifying projects that are likely candidates for success.

The second half is devoted to discussing how the Trust can shift from a reactive to a pro-active posture — how it can start the long and patient process of working strategically and public agencies and communities with the most innovative practices that can be found in public art.

Jim Sanborn, *Alluvium*, North Bethesda Marketplace



# Key Findings and Recommendations

## Montgomery County's Public Arts Trust is at a turning point.

- The County's commitment to funding public art is minimal, a fraction of what its ordinance allows.
- The County's public art approach, once a national leader, is lagging in terms of the innovation it is bringing to its work and in terms of some of its internal practices.
- The County's public art collection is lagging in genres of artworks that are at the forefront of current public art practice.
- The County's public art collection is not widely understood or appreciated by the public at large.
- The County's approach to incorporating public art in planning and private development has been relatively passive. There should be a closer linkage between urban design and public realm priorities and public art opportunities and priorities.
- The County's "public art ecology" – its network of artist and arts organizations that produce public art – is not strongly developed for a municipality of its size and resources.

## The Public Arts Trust has key resources it can build on.

- A vision for public art, as expressed by the public and stakeholders, aligns with the development and infrastructure opportunities that exist in the County.
- The Trust has strong relationships with several County partners, including the Maryland–National Capitol Parks and Planning Commission, the Department of General Services and Montgomery County Public Schools.
- The Trust has a great deal of flexibility in how it can work, which provides it with more options for shaping its future.

## The Public Arts Trust can take the following key steps.

- The Trust should focus its efforts on new types of artworks that create excitement and energy and get attention for public art again.
- The Trust should be strategic in the partnerships that it prioritizes, focusing on those that best help it achieve the goals of the Roadmap.
- The Trust should work with M-NCPPC's planning division to strengthen linkages between public art, planning and development.
- The Trust should look toward building a "public art ecosystem" that extends beyond the focused role it plays in managing the County's public art collection. It should strengthen the County's "public art ecology" through information, networking and support of public art practices.
- The Trust must re-build the public case for public art through outreach and engagement with County agencies, public art stakeholders and the community at large. This constituency should be mobilized to advocate for funding the Trust at the full level contemplated by the County's public art ordinance.

Ray King, *Luma Wave*, Marriott Conference Center, North Bethesda





# Montgomery at this Moment

Montgomery County, part of the Washington, D.C., metropolitan area, long ago evolved beyond its role as a bedroom community to the nation's capital, becoming a diverse, dynamic jurisdiction in its own right.

Economically, the County is a net importer of workers. Its economy is based on knowledge-based businesses, with a high concentration in research and development as well as government contracting, and it is one of the nation's leading bio-tech centers. However, while long-run projections are for steady population and employment growth, in terms of job growth, the County has been recovering more slowly from the recession than the nation as a whole.

Environmentally, Montgomery County has charted a steady path of growth management over the last half century, focusing development in corridors separated by green "wedges" and surrounded by an agricultural reserve. This pattern has been reinforced by investment in parks and open space, transportation infrastructure and policies that concentrate growth around transit nodes and urban centers. However, continued growth is outpacing past infrastructure investments, particularly in transportation.

Proposed Wheaton Town Square. This major new open space in the Wheaton Arts and Entertainment District will feature public art by artist Norie Sato.

Demographically, the County's population is remarkably diverse; it is now a "majority-minority" jurisdiction. County residents are among the most highly educated in the country, and their per capita income is one of the highest. Yet disparities exist: a surprisingly large percentage of school-age children in the County are eligible for free and reduced meals assistance.

## Montgomery's Road Ahead

One of the County's key challenges is that it is running out of fresh land to develop. Development is spreading eastward and pushing against the fringes of its developed corridor, into places where few transit options exist. At the same time, development is turning inward into already-built areas.

The County's challenges now are to focus development on infill sites, to expand its sub-regional transit infrastructure and to refine its urban development patterns so they reflect the quality of life that people are seeking, particularly denser, mixed-use, pedestrian-oriented areas.

A second challenge is that most of the County's residential fabric is single-family homes, which may not be adequate for either its aging population or the young professionals it seeks to attract. Meanwhile, new development in urban corridors is expensive, creating a "reverse generification"



effect. This means the County will be focusing on diversifying its housing stock (creating places for “active and creative living”) and refining its urban development patterns so they reflect a finer-grained mix of jobs and housing and provide affordable housing accessible to transit.

In terms of infrastructure, this means the County is likely to be investing more in urban open space; alternative transportation modes, such as bus rapid transit, bicycling and walking; and “smart” infrastructure that is optimized by data-driven strategies. Investment in higher education research and teaching facilities is also likely, and investment in senior services and facilities can be anticipated.

Demographically, the County – already a minority-majority community – is expected to continue its diversification, though the ultimate geographic distribution of various populations is difficult to project. The County will also see an aging population — the ratio of senior citizens to working-age population is expected to grow by 50 percent in the next fifteen years. A third trend is income stratification — if trends nationally and in Bethesda and Silver Spring are borne out elsewhere, the County can expect concentrations of higher-income households in urban cores, and the pushing of lower-income households into rings around the urban cores.

Since development will trend toward denser, mixed-use developments, generally in urban cores and areas served by transit, there will likely be a stronger emphasis on urban design and placemaking in area plans. The Art Review Committee can expect that more developments will come through Optional Method processes and are likely to include public art that supports placemaking goals. One concern is that the denser, mixed-use, transit-oriented developments that are likely to provide public art opportunities may in fact serve the most affluent members of the community.

At the same time, the Trust can expect to see the County grappling with social dynamics related to cultural diversity, income inequality, aging populations and suburban gentrification, suggesting new opportunities for artists interested in engaging with these issues.

All of these conditions — the County’s economic base, its planning directions and its demographic trends — suggest fresh contexts and fruitful directions for public art projects. These projects can both support the urban fabric that the County believes it needs to be successful, and can stretch the definition of how artists work in the public realm.

Mark Parsons, *Big Burr*  
Temporary installation in Little Bennett Regional Park





# Public Art in Montgomery County

Today Montgomery County builds its public art collection in two ways — through a framework that dates back more than 40 years.

Public art in County facilities, such as parks, schools and recreation centers, is commissioned collaboratively by County agencies and the Public Arts Trust, a committee of the Arts and Humanities Council of Montgomery County. Generally, projects have been initiated and funded by the agencies that host them, and the Trust has facilitated the commissioning process. In many cases, the scope and relationship of the art to the facility is determined through the agency's planning process, with oversight by the Trust Steering Committee but minimal involvement from professional public art staff.

Public art in private development is commissioned voluntarily by developers through provisions of the zoning code that require them to provide amenities related to their development. These projects are directly by developers and guided by M-NCPPC staff, with oversight by the Art Review Panel, which includes representatives of the Trust as well as local artists and designers.

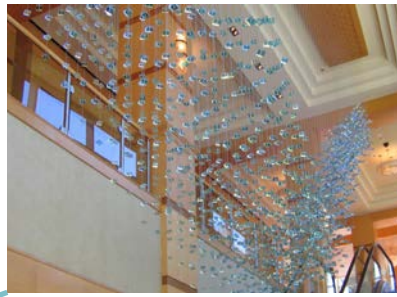
This approach to working with developers dates back to 1974, when the County established a process by which

developers in certain areas could commission public art as a way of fulfilling their open space requirements. At the time, this was a highly innovative twist on policies being experimented with in other jurisdictions, such as New York City, which instead offered generous zoning bonuses to developers who included public art.

A decade later, the County established its own public art program at the urging of Council member William Hanna, who had been mayor of Rockville when that city created its public art program in 1978. By then, other public agencies — Montgomery County Public Schools, M-NCPPC, and Montgomery College — were already operating their own percent for public art programs.

In 1995, all of the programs were consolidated under the umbrella of the Public Arts Trust, which was funded at a level of up to 0.05% of the County's capital budget, though agencies were welcome to include public art costs in their own project budgets. A comprehensive set of guidelines was completed in 2012.

Montgomery County's public art approach is decentralized in comparison to most programs elsewhere. In most places, the majority of the funding for public art and the respon-



Top row, left to right:  
 Charles Strain, *Inner Being*, Gaithersburg (private commission); Brower Hatcher, *Flower of Rebirth*, Rockville (private commission); Ray King, *Luma Wave*, North Bethesda (Public Arts Trust); mosaic staircase, Quebec Terrace Apartments, Arts on the Block (community project).

Center row, left to right:  
 Heidi Lippmann, *Connections* (Public Arts Trust); mural at Pike and Rose development (private commission); Ray Kaskey, *The Hand* (private commission).

Bottom:  
 Alison Boliek, Nicole Hinkle, Carolina Uechi, *Blossoms*, University of Maryland Long Branch Studio (community project); Silver Spring Placemaking Plan (M-NCPPC).

sibility for commissioning projects is put in the hands of a professional public arts staff, with public art curatorial and project management backgrounds. While Montgomery County's approach is derived from decades of tradition, it makes it more difficult for the AHCMC to keep Montgomery County's public art program responsive to broad opportunities and community needs, and current in terms of public art practices.

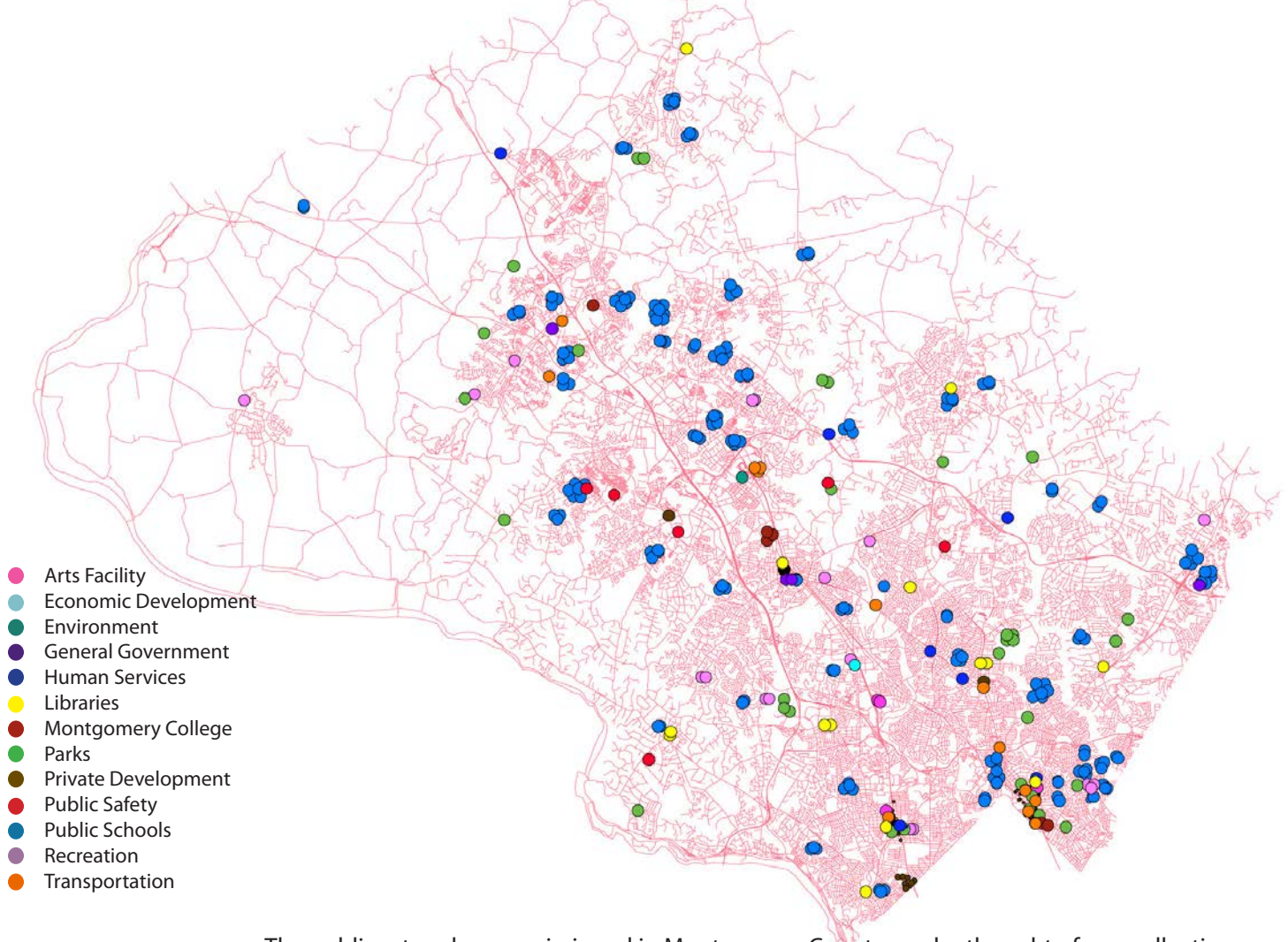
It also is important to note that Montgomery County's public art infrastructure also extends beyond the efforts of County government and developers.

- The cities of Rockville and Gaithersburg both facilitate their own public art programs, commissioning new work and managing extensive collections.
- The Arts and Entertainment Districts in Bethesda and Silver Spring actively promote public art in their service areas and have facilitated small-scale projects such as murals.
- The non-profit organization Arts on the Block has produced several projects in the Silver Spring/Takoma Park area, including an ongoing series of projects at Carroll Gardens–Quebec Terrace.

- Long Branch: Exploring Sites in Transition is an ongoing initiative headed by three artists and University of Maryland faculty members, in collaboration with business and civic groups in Long Branch. The group has initiated small-scale, community-based projects for about two years.
- Silver Spring Placemaking, a partnership of M-NCPPC and Council Member Hans Riemer, has organized charrettes to study placemaking and public art strategies for various sites in Silver Spring over the last year. It has influenced thinking about how “creative placemaking” relates to long-term planning throughout the County.
- The Purple Line, a light-rail line that the state is building to connect Bethesda, Silver Spring and Prince George's County, will have a public art program.

Today, the evolution of public art beyond traditional percent for art or developer programs is the rule, not the exception. The breadth and strength of related public art organizations in Montgomery County is weak, compared to peer communities of comparable size and demographics. That sector should be nourished to advance the creation of public art in the County.

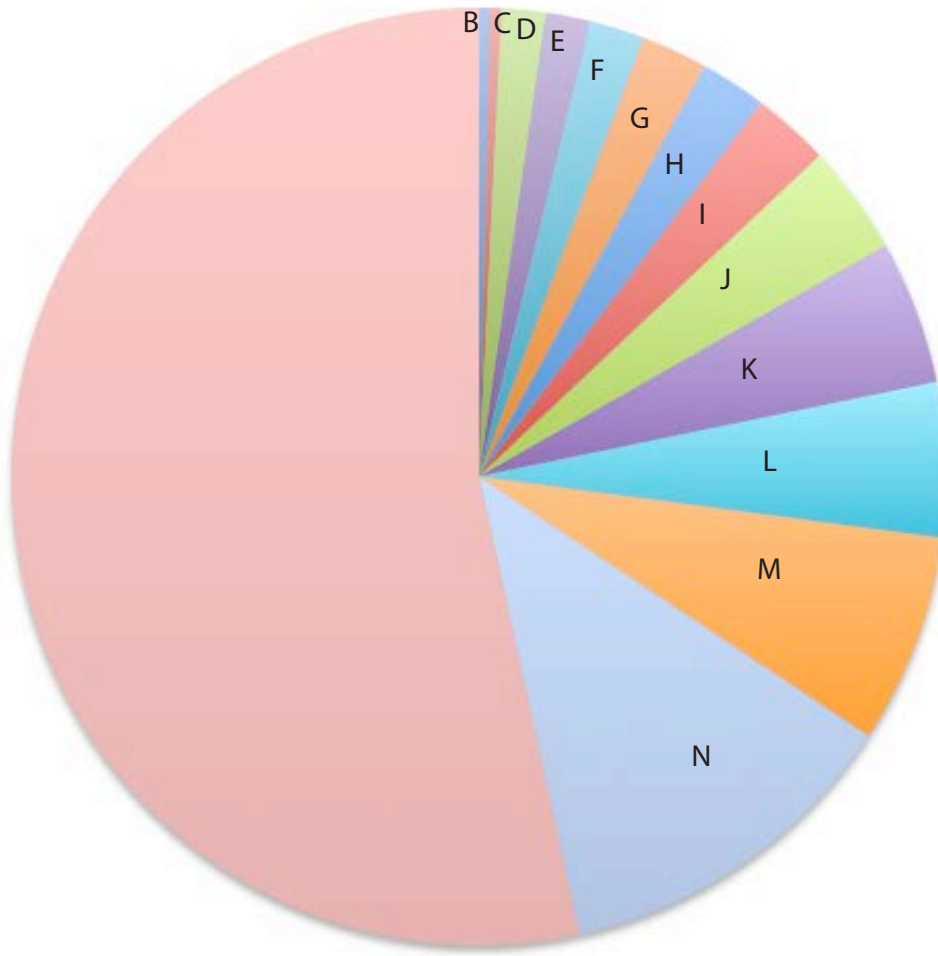
# The Public Art Collection



The public artworks commissioned in Montgomery County can be thought of as a collection, just like the artworks that are owned and shown by a museum. In that light, we can consider the mix of artworks that have been commissioned, their location throughout the County, and how they relate to current ideas about public art and urban design.

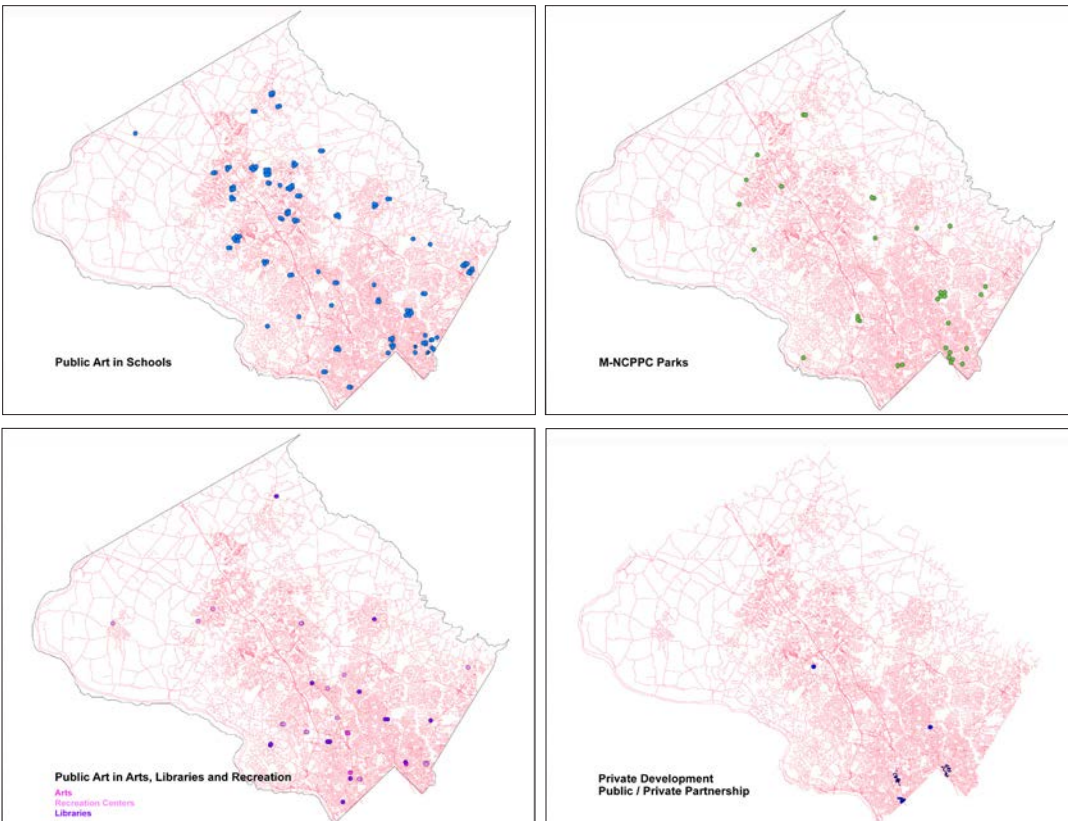
Montgomery County's public art collection includes 258 artworks, not including its substantial collection of works on paper. In addition, 86 projects have been commissioned by private developers or through public-private partnerships. Though they are not part of the formal collection, they are considered in this analysis. These are some of the highlights:

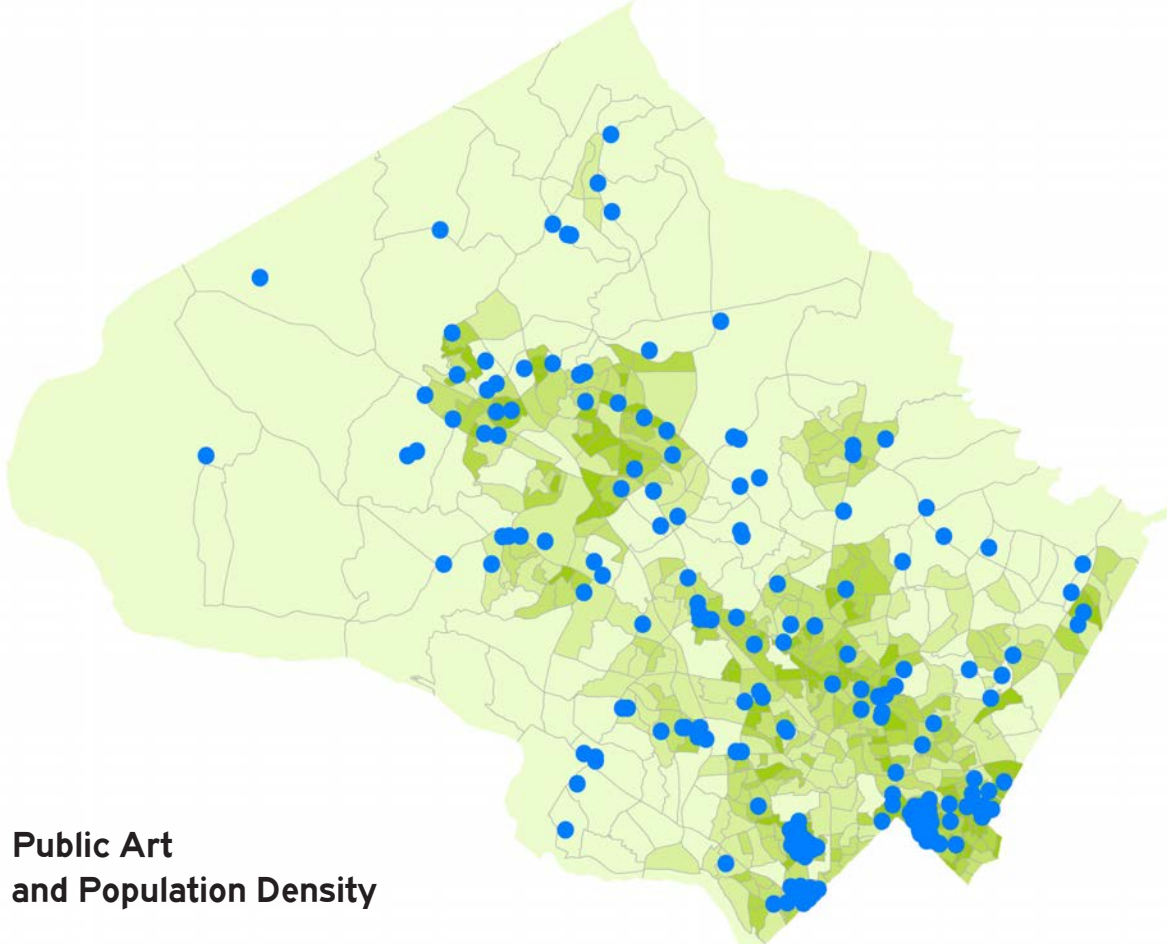
- The County's artworks speak largely of a particular period in time, dating back to a quarter-century ago. The bulk of them, about 60 percent, were commissioned in the late eighties or early 1990s. There has been a smaller but steady pace of new commissions recently; about 15 percent of the collection dates from the last decade.
- More than 75 percent of the County's public art (both the County's collection and private developer projects) is clustered in three types of places: public schools, parks and recreation facilities, and the urban centers of Bethesda and Silver Spring. Beyond that, the collection is fairly well dispersed throughout the urbanized areas of the I-270 corridor, less well represented on older arterial corridors in East County and in second-ring residential areas just outside the Beltway.
- The artworks commissioned by the County have largely been traditional in their approach, with about 70 percent being sculpture, statues, murals or other wall-mounted art. Among developer projects, there has been a significantly higher percentage of fountains, functional artworks, light works, new media and urban space projects.



- A Public Schools (140)
- B Economic Development (1)
- C Environment (1)
- D Arts Facility (4)
- E Urban Space (4)
- F General Government (5)
- G Public Safety (6)
- H Montgomery College (6)
- I Human Services (7)
- J Unknown (12)
- K Transportation (13)
- L Libraries (14)
- M Recreation (19)
- N Parks (32)

### County Agencies that have Commissioned Public Art





## Public Art and Population Density

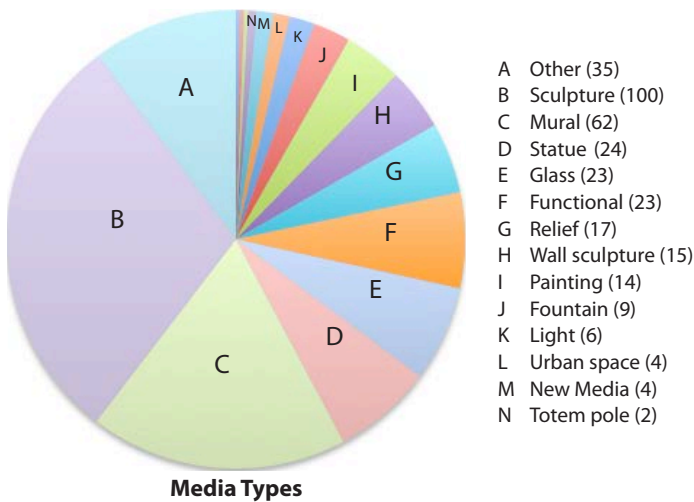
This map compares the distribution of public art in the County to the distribution of population. Each colored area represents a quarter-mile radius around artworks in the County's collection.

The map indicates that relative to population, "second ring" suburbs along the Beltway, areas between the cores of Bethesda and Silver Spring, and growing suburbs in East County are among the least served by public art.

Also, the municipalities of Gaithersburg, Rockville, Kensington and Takoma Park have fewer County public art projects, relative to population. (Projects created through Gaithersburg's and Rockville's processes are not mapped.)

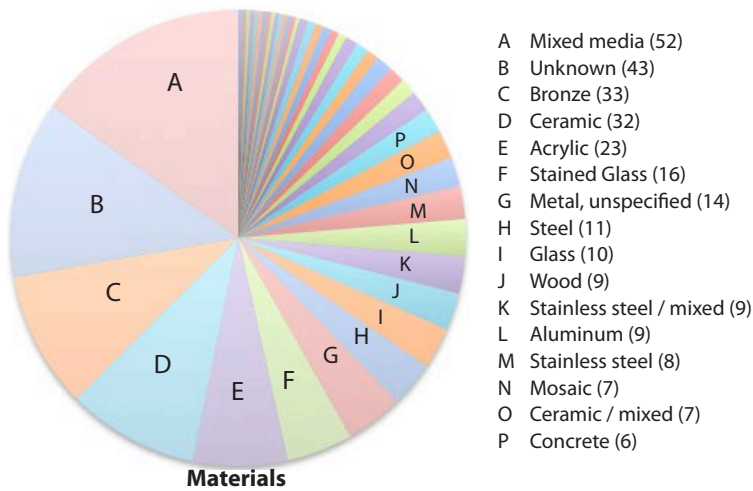
- 
- There is a diverse range of materials, consistent with the genres of work (sculpture, mural) predominant in the County. However, the materials tends towards traditional and conventional in the practice of public art (such as bronze, steel, stainless steel, glass and aluminum sculpture; acrylic, ceramic tile and mosaic murals). While light and digital media projects are slowly coming into the collection, there are other new media genres, such as video, that are not represented.
  - There has been little exploration of integrated / functional works, environmental works, natural materials, text-based projects or those that incorporate dynamic elements (sound, motion, light). Social practice, temporary or time-based pieces are not well-represented or well-documented in the collection.
  - These are some other observations about the collection.
    - Compared to other municipalities the size of Montgomery County, there is a preponderance of projects at schools and fewer projects incorporated into infrastructure.
    - There are relatively few projects related to environmental systems or transportation systems.
    - There are few projects at Montgomery College, given the scale of its current capital development program and its founding role in the County's public art program.
    - There has been little experimentation with temporary projects, especially those that cross genres with performing arts, or projects that are a way of testing new media work.
    - Developers have taken on the most ambitious projects, in terms of scale, media and integration with public space.
    - The collection is under-represented in East County and "second-ring" suburbs along the Beltway. The municipalities of Gaithersburg, Rockville, Kensington and Takoma Park also have fewer County public art projects, relative to population. (Projects created through Gaithersburg's and Rockville's processes are not considered in the analysis.)

## What Artistic Media Are Represented in the Collection?



By far the most prevalent type of artwork in the collection is sculpture, including statuary (124). Murals are next most prevalent (62). Functional artworks (23) and glass artworks (23) follow. The rest of the artworks are spread over a variety of media/genres. Uniquely, there are two totem poles, one roof installation, one temporary project location, one environmental sculpture and one sound sculpture.

## What Materials Are Montgomery County's Public Artworks Made of?

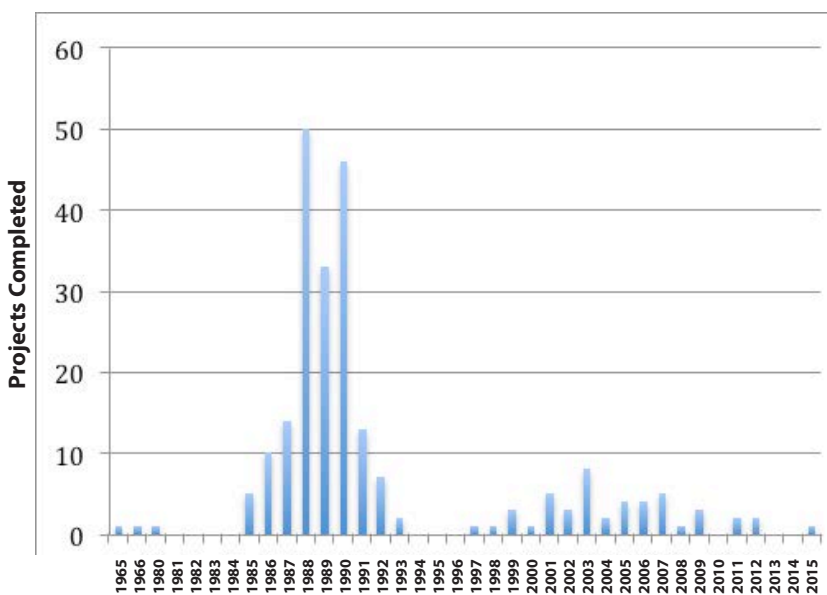


The County's collection comprises a diverse range of materials, consistent with the genres of artworks that are predominant in the County.

The preponderance of materials tends towards traditional and conventional, such as bronze, steel, stainless steel and aluminum sculpture; acrylic, ceramic tile and mosaic murals.

There has been little exploration of integrated / functional works, environmental works, natural materials, text-based projects, or those that incorporate dynamic elements (sound, motion, light).

## When Was Montgomery County's Public Art Commissioned?



The bulk of Montgomery County's artworks, about 60 percent, were commissioned in the late eighties or early 1990s, largely in conjunction with an aggressive building program at Montgomery County Public Schools. There has been a smaller but steady pace of new commissions recently; about 15 percent of the collection dates from the last decade. This means that much of the County's public art collection reflects a particular time and place, and that the collection has been slow at diversifying. It also means that the collection can expect increasing maintenance and conservation expenses related to its aging collection.



# What People Say about Public Art



Deirdre Saunder, *Silver Creek*, Silver Spring

## What the Public Art Trust Steering Committee Says About Public Art

During the development of the Road Map, the Public Art Trust Steering Committee met several times to discuss the priorities it saw for public art in Montgomery County.

### Genres of Public Art

The PATSC members recommended the prioritization of projects that helped create gathering places around the County, continued emphasis on artworks integrated into County infrastructure, new attention to projects related to environmental issues and stormwater management systems, and more experimentation with temporary projects.

### Goals for Public Art

Reviewing the existing collection, PATSC members noted that Montgomery County's most successful public art has these qualities:

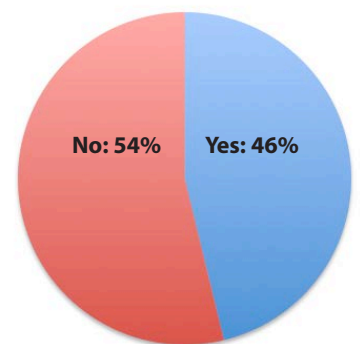
- Well integrated into site (architecturally or outdoors) in terms of scale, material.
- Demonstrates care in design and maintenance.

- Engages multiple senses, not just sight –sound, feel.
- Transforms the site into a place that can be inhabited by people, that provides a unique experience in that place.
- Located in a place that is activated by people, that allows for multiple use, both special and everyday activities.
- Visually memorable as a landmark, relating to the scale of the place and the way it is experienced.
- Has a storyline / backstory the community can recognize, is important and is engaging.

### Program Priorities

Two priorities stood out prominently, “develop a collection management plan” and “raise public awareness about public art through educational programs and activities,” in that order. The third priority was commissioning temporary artworks, and creating opportunities for local artist, which scored similarly.

Did you know that Montgomery County has a public art program?

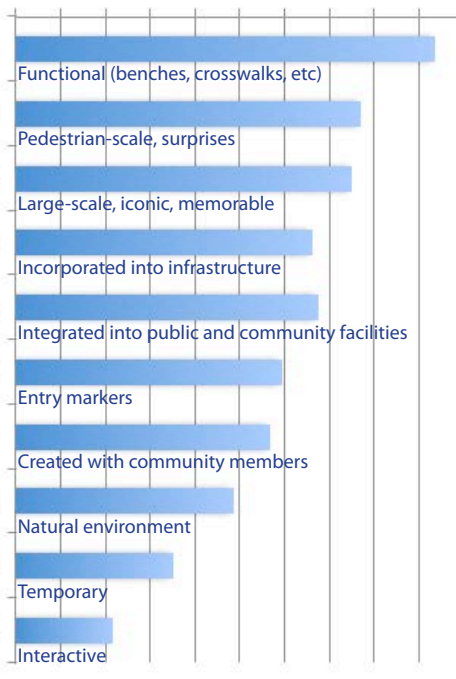


# Why?



**What impact should public art have in Montgomery County?**

# What?



**What approaches to public art would you like to see?**

# Where?



**What are the priority locations for public art?**

## What the Public Says About Public Art

Montgomery County's public art collection is at a crossroads, judging by the responses to an online survey conducted over the winter and spring as part of the Roadmap research process.

On the upside, survey respondents expressed the belief that public art had positive impact on the County's urban cores because it brings color, beauty and energy to the streets, making ordinary places a bit more lively. They said that public art made Montgomery County's urban centers inviting, interesting, attractive and vibrant, and conveyed the impression that art, artists and the public realm are valued.

But that is counterbalanced with the finding that many people don't have much awareness of the public art in the County. Only about half the survey respondents said they knew there is a public art program, and of 31 representative artworks shown, only one artwork was recognized by at least half of the respondents. This may be related to the finding that half of the County's collection is in Bethesda or Silver Spring, which might not be visited by most people in the County, or at schools, where artworks are not highly visible to the general public.

Respondents also expressed mixed feelings about the quality: Nearly half the people answering a question about how Silver Spring's public art affects their impression of the area said that the art was too much part of the background, not

of high enough quality or not cohesive enough. This may be related to the genres of work that are on view or to their scale or siting relative to surrounding development.

While Montgomery County consists of a wide variety of landscapes, from suburban cores to agricultural reserves, a strong majority of respondents urged that public art continue to be focused on the urbanizing areas of the County. Beyond that, respondents urged a focus on community and civic facilities, and on gateways to the County and its various subareas.

The most important goals for public art, respondents said, would be to "create memorable, meaningful people places throughout the County" and "support the local arts community." The next group of goals received about the same weighting: "Enhance the appearance of parks, recreation centers, libraries, schools," "increase awareness of arts districts," "create whimsy and delight in everyday places" and "create community interaction, strengthen social networks and connections."

## The Upside

People prefer to see public art in urban cores, where art can be engaging and interactive and enhance the experience of the streetscape. They would be interested in projects that strengthen the local arts community, social networks and community connections. Secondly, they are interested in projects that enhance community and civic facilities and arts districts.

# Roadmap: Artistic Focus



Judy Sutton Moore, *Art Alley*, Silver Spring



Vicki Scuri, *Rock Creek Trail Pedestrian Bridge*. Photo © Roger Foley



Mark Parsons, *Big Burr*

## Placemaking

### Examples:

*Art Alley* (Judy Sutton Moore)  
*Silver Creek* (Deidre Saunder)

### Why:

Placemaking projects are popular with the public, a priority for the PATSC, and of interest to M-NCPPC. Placemaking projects can attract outside funding. They can cross-pollinate with many art forms, such as performance. There are many artists interested in this work.

### Opportunities:

Urban Cores  
Urban Parks  
Optional Method Projects

### Who:

M-NCPPC Parks and Planning  
M-NCPPC Parks  
Developers  
Arts Districts

## Infrastructure

### Example:

*Rock Creek Pedestrian Bridge*  
(Vicki Scuri)

### Why:

The public is interested in functional projects, especially those that enhance the streetscape in pedestrian areas. Integrated projects can stretch public art budgets and have a strong visual impact.

### Opportunities:

Transit, streetscape, trails  
Urban parks  
Stormwater systems  
Optional Method Projects

### Who:

MC-DOT  
M-NCPPC Parks

## Temporary

### Example:

*Big Burr*  
(Mark Parsons)

### Why:

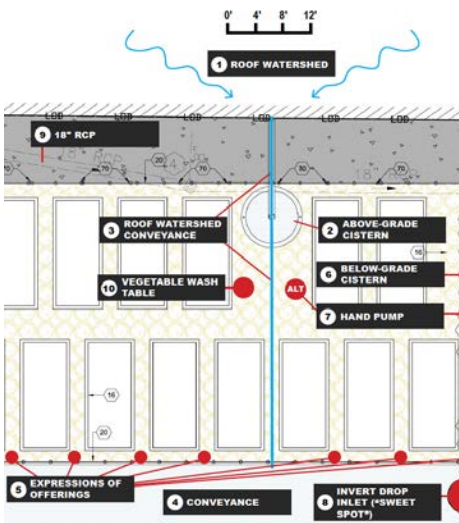
Can address goals of placemaking, supporting local artists, and strengthening community connections.  
Can allow for cross-disciplinary work, which allows for more innovation  
Can be flexible in location.  
Can be inexpensive.  
Can engage new audiences and partners.

### Opportunities:

Anywhere

### Who:

AHCMC  
Arts Districts  
Arts non-profits  
M-NCPPC Parks and Planning



Buster Simpson,  
Concept for Woodside Urban Park, Silver Spring

## Environmental

### Example:

Woodside Urban Park  
(Buster Simpson)

### Why:

Can connect people with critical public issues.  
Can strengthen County's existing commitments to park and stream corridors and agricultural landscapes.  
Can contrast with urbanizing landscapes.

### Opportunities:

Parks  
Stormwater management

### Who:

M-NCPPC Parks  
Environment



Matthew Mazzotta,  
Wheaton Outdoor Living Room

## Social Practice

### Example:

Outdoor Living Room, Wheaton  
(Matthew Mazzotta)

### Why:

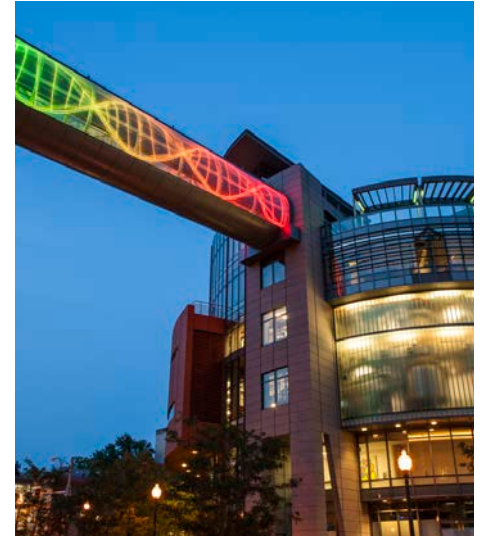
Can address issues, such as aging, health, housing, refugee resettlement, that are important to the County.  
Can allow for cross-disciplinary work, which allows for more innovation.  
Can be flexible in location and inexpensive.  
Can engage new audiences and partners.

### Opportunities:

Recreation, health and senior centers  
Immigrant and refugee services  
Criminal justice system

### Who:

Culture and Recreation  
Health and Human Services  
Arts Districts  
Arts non-profits



United Therapeutics pedestrian bridge,  
Silver Spring

## Science, Tech

### Example:

Coastline (Jim Sanborn),  
United Therapeutics

### Why:

Represents an important part of the County's economy that is not reflected very strongly in public art.  
Represents a genre that is popular with artists but under-represented in the collection.  
Projects at Discovery Channel and United Technologies popular in Silver Spring

### Opportunities:

Great Seneca Science Center  
White Oak Science Center  
Montgomery College  
Optional method projects

### Who:

Montgomery College  
Economic Development  
Developers



Deirdre Saunder, *The Wave*, Germantown Aquatic Center

# Horizon: Public Art in Capital Projects

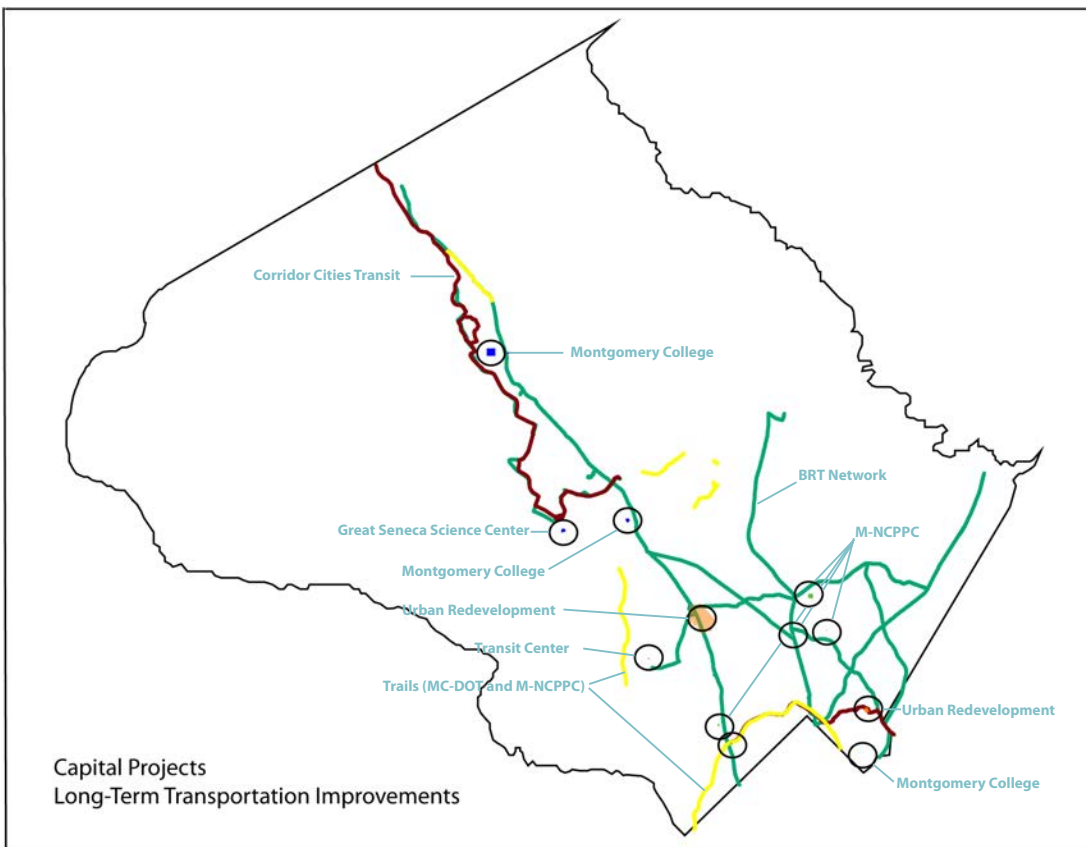
The Public Arts Trust was created in 1995 as an umbrella entity to advise the Arts and Humanities Council and other County agencies on the development and stewardship of the County's public art collection. Those agencies include departments directly managed by the County as well as quasi-independent entities such as the M-NCPPC, Montgomery County Public Schools and Montgomery College.

The Trust is structured as a steering committee of representatives of these agencies. It also includes several at-large members, including representatives of the Gaithersburg and Rockville public art programs.

The County does not have a formal percent-for-art program; therefore, County agencies take on projects voluntarily. Capital budget staff and agency project managers identify potential projects and bring them to the Trust Steering Committee for consideration, using criteria in the Montgomery County Public Art Guidelines. Then, agency project managers initiate, plan and manage the projects, with assistance from the Trust in artist selection. The Trust does not have full-time professional staff, and therefore it does not have the resources to track the Capital Improvement Program, develop projects or manage them once the artist has been selected.

In the future, the Public Arts Trust should be more proactive in urging departments to take on projects that meet its goals, more selective in taking on projects, and more active in managing the public art component of County projects. Generally, projects should be undertaken with County agencies if:

- the project can help the agency advance its mission and achieve its goals for the project,
- there is expressed community interest for public art as part of the project,
- the projects can help the Trust meet its goals of expanding the distribution of public art into under-served areas,
- the project can help the Trust meet its goals of developing work in new genres, and
- the agency is willing to maintain the artwork.



## Potential Opportunities for Public Art in Capital Projects

### Montgomery County Public Schools

- Focus on the maintenance, conservation and de-accession of artworks in the existing collection, as appropriate.

### M-NCPPC / Planning

- Develop tools for incorporating public art recommendations in area plans.
- Incorporate public art in the Wheaton Headquarters project. This is a private development being developed as a turnkey property for the County.

### M-NCPPC / Parks

- Provide guidance in identifying opportunities and priorities, and technical support in developing projects. Look for opportunities to do placemaking and environmental projects, particularly in underserved areas, and for opportunities related to M-NCPPC priorities of urban parks and trails.
- Collaborate on incorporation of public art into Woodside Urban Park, Caroline Freedland Urban Park and Hillandale Local Park.

### Montgomery College

- The College has not commissioned new works for several years, but there are large capital projects and potentially interesting public art opportunities in the works: Germantown Student Center, Rockville Student Center, Takoma Park Math and Sciences Center. These could be some of the more significant commissions in the coming years, and potentially could be linked to the goal of developing projects related to the County's science and technology sector.
- The College has also raised questions about conservation and maintenance that need to be addressed.

### MC-DOT

- Short-term opportunities for pedestrian and bike zones have been identified. The Trust will have to play a strong hands-on role for these to happen.
- Near-term possibility for a two-dimensional work along the Met Branch Trail.
- The best opportunities are bus-rapid-transit corridors, because they connect communities in areas of the County that are underserved by a public art. The Trust should position public art to be a component of these projects.

### Economic Development

- The Public Arts Trust has not typically collaborated with Economic Development. However, areas such as the Great Seneca Science Corridor, the Universities at Shady Grove and the White Oak Science Gateway are attracting businesses in the research and life sciences sector. The Trust should explore partnerships with the Economic Development Corporation to develop artworks that speak to that sector of the County's economy.

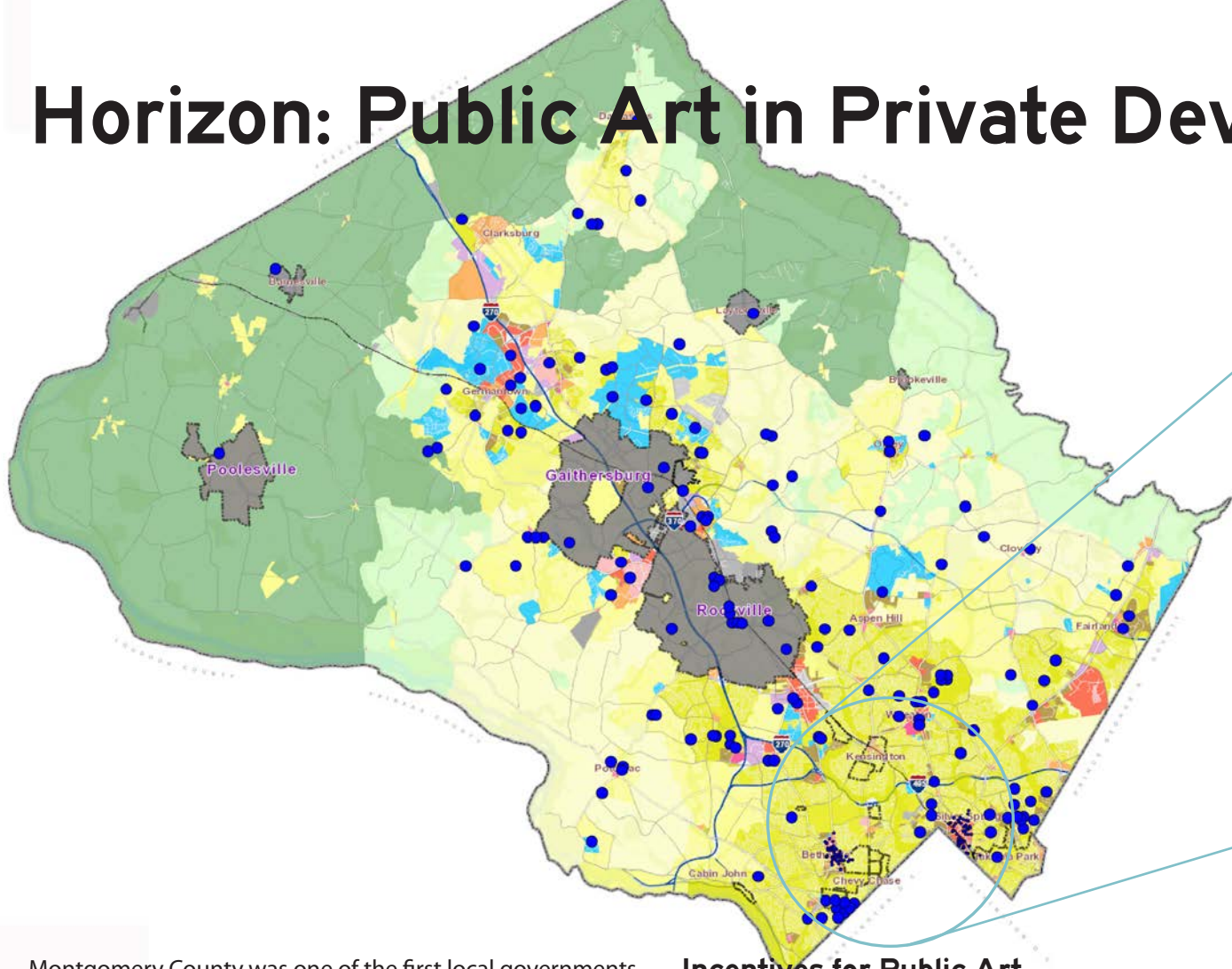
### Culture and Recreation

- Two current capital projects are in areas that are underserved by public art: Wheaton Library and Good Hope Road Recreation Center. The library is also adjacent to the Wheaton Arts and Entertainment District.

### Health and Human Services

- The Public Arts Trust has not collaborated recently with the Department of Health and Human Services. The Trust should consider exploring a partnership with Health and Human Services to develop artworks that speak to the issue of the County's aging population.

# Horizon: Public Art in Private Development



Montgomery County was one of the first local governments in the U.S. to encourage developers to create public art in exchange for zoning benefits — a process that has been in place for one way or another for more than forty years.

This process, called the Optional Method of development, is managed by M-NCPPC planning staff and advised by the Art Review Panel, which consists of planners, architects, artists, developers, and curators. Optional Method developments are approved by the County's Planning Board. The role of the Art Review Panel, which is appointed by the Planning Board, is to make recommendations that "ensure that public art provides an appropriate public art amenity for the private development project."

Over the years, the process has resulted in significant additions to the County's public art collection. More than 70 artworks are completed or in process, most of them in the urban cores Bethesda or Silver Spring.

While the Optional Method has been around long enough for developers, planners and artists to feel comfortable with how it works, the process has not kept up with best practices elsewhere and new issues have surfaced. Generally, these relate to ensuring that the public art is a public amenity, and to the management of an aging collection.

## Incentives for Public Art

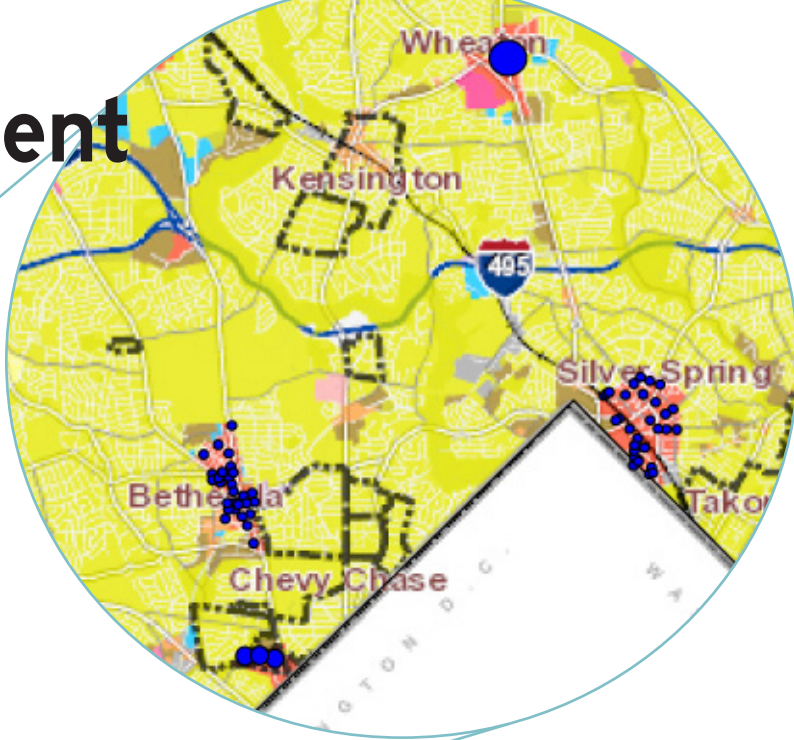
Developers using the Optional Method have many options for providing public benefits. Public art is not always as advantageous as other options.

- *Strengthen incentives for public art in the Optional Method point system. Consider making public art a mandatory amenity in priority areas, or link public art to other options, such as urban spaces or parking garages, where it would make sense.*

## Project Review Issues

There is no requirement for exactly when a development team must meet with the Art Review Panel and what facets of the project the panel should comment on. The panel does not necessarily have input into key early decisionmaking. Thus the panel's role in guiding any given project is unpredictable, and its role as an overall steward of public art is inconsistent.

- *Goal setting.* The broader context for any particular developer's public art contribution – for how the public will actually benefit from the artwork – is not always clear. The examination of the public art component in the context of the site plan, of the overall public realm strategies for the district in which the project is located, and of the overall goals for public art in Montgomery County, is largely left to the development team.



## Optional Method Outcomes

Until recently, all of the artworks commissioned through the Optional Method were in Bethesda, Chevy Chase and Silver Spring. Recently one was commissioned in Wheaton.

The County's new zoning ordinance opens potential in the East County, Germantown, Great Seneca Science Center, Twin Brook and Wheaton areas.

- *Artist selection.* The County has no guidelines for artist selection for developer projects. Some municipalities require developers to use consultants, use competitive processes, involve members of the oversight committee in their selection process, and/or have artist selections approved. Some localities restrict artists from receiving multiple commissions within a period of time. These considerations are important to building a fresh and vibrant collection, providing opportunities for a wider variety of artists, ensuring that artists with an established and distinguished artistic practice are selected, and maintaining a proper distance between public art, commercial expression and branding.

## Collection Management Issues

- As Optional Method projects age, and as the ownership of the properties changes, questions about ownership and maintenance of the public art have arisen. Sometimes subsequent owners aren't always aware they own the artwork, why it was created or how to maintain it. County records of the public art amenity have not been created, recorded or archived in a systematic way, and the County does not have a clear position for intervening in issues that arise.
- Processes for relocating or removing Optional Method projects are not clearly articulated. There is no requirement for a property owner to provide compensation, or a corresponding public benefit, for removing an artwork.

## How the Optional Method Process Works

The County receives public artworks as an amenity provided by private developers in exchange for increased density through the Optional Method zoning process. Developers may choose public art from among many possible public benefits; their choices are to provide the artwork on their site as part of their public space requirement or may pay into the public art fund. Although the artworks approved through the optional method are public in nature, they are privately owned and maintained.

Proposals for these artworks have typically been reviewed by an Art Review Panel established by the Planning Board. The panel includes planners, architects, artists, developers, and curators who encourage place-making techniques within public spaces.

The panel's recommendations must be approved by the Planning Board in accordance with standards and findings set forth in the Zoning Ordinance, and are incorporated into the conditions for development.

## The Upshot

Montgomery County's approach to encouraging developers to include public art was groundbreaking when it was created, and has helped enrich public spaces in the densest urban centers. Clearly, public art that enriches the pedestrian environments of urban areas remains a high priority for County residents. However, to keep pace with these expectations, and to ensure sound management of artworks going forward, the Trust should consider the following:

- Include public art recommendations in area plans, to provide guidance in areas where Optional Method zoning is allowed.
- Involve the Public Art Trust in the interagency review phase of Optional Method projects and to submit recommendations.
- Develop clear coordination between the public art review process, the development approval process, and the emerging urban design review process.
- Standardize documentation of Optional Method projects and agreements between the County and the developer, and maintain records at both M-NCPPC and AHCMC.
- Require AHCMC or PATSC comment on removal or relocation of Optional Method artworks. Require compensation, such as a contribution to the Public Art Fund, if a project is removed.





# Horizon: Montgomery County's Public Art Ecosystem

When Montgomery County began laying the groundwork for its public art programs in the 1970s and 1980s, the field was driven by public agencies that were establishing “percent for art” programs. These included cities such as Philadelphia, federal agencies such as the General Services Administration, and regional entities such as the New York Metropolitan Transportation Authority.

Today, the field of public art has expanded vastly. It has generated great interest not only in the arts and culture community, but also among designers and planners of all sorts, public-private partnerships that manage areas like downtowns and parks, and developers and property management companies. Museums, universities and galleries are programming art in the public realm. Artists in an increasingly wide range of disciplines – including music, dance, spoken word, literature and theatre – are developing public work. Public art curating is a fresh new field.

In short, the field of public art has evolved beyond public agencies including public art in their projects; it now embraces all manner of artists and arts organizations who consider work in the public realm as an integral part of their practice.

Compared to localities its size, Montgomery County’s public art ecosystem is still in a nascent stage. And our public survey indicated that public awareness of and support of public art is not at the level that might be expected after having programs in place for as long as Montgomery County has.

Not surprisingly, County funding for public art falls far below the amount permitted in the County’s public art ordinance.

In building its roadmap for the future, the Arts and Humanities Council and the Public Arts Trust should consider not only how to re-invigorate County government and developer public art initiatives, but also consider how to can cultivate the health of the County’s broader public art ecosystem.

The first step is to recalibrate and re-inspire relationships with County agencies by changing the way the Trust works. The Trust should orient itself toward pushing the message out and meeting agencies and communities on their turf.

- Continue ongoing direct consultations with key partners: M-NCPPC Planning, M-NCPPC Parks, Transportation, Schools, General Services
- Develop new lines of communication with agencies like Montgomery College and Economic Development, where new opportunities may be found.
- Organize periodic “lunch and learns” for project managers and leadership in partner agencies to inform them about Trust activities and about the broad directions for public art in the County, and to learn about how public art can help them achieve their missions.
- Organize constituencies for public art for CIP projects that are the priorities of the Trust, so project managers hear about it and build public art into their budgets.



Above: Stephen Neuheuser, Matthew Miller, Kristen Yeung, *In Plane Sight*, Long Branch: Exploring Sites in Transition  
 Left: Judy Sutton Moore, *The Takoma Trees at Grant*, Takoma Piney-Branch Park

- Convene the Trust Steering Committee less frequently, about once a year, in a summit conference mode to discuss accomplishments, priorities and annual workplan. If necessary, maintain a small executive committee of two or three people, including liaison to the Art Review Panel.

In addition to their core work of collaborating with County agencies on strategically important public art projects, the AHCMC and the Public Arts Trust should focus on the following strategies to cultivate the County’s broader public art ecosystem:

- Create easily accessible baseline information about public art resources in Montgomery County.
- Build on existing MCATLAS and AHCMC web resources. First, clean up those databases and consolidate them. Second, add information about municipal collections and public art in private development projects. Where a good external platform exists (such as in Silver Spring) connect to that rather than duplicating it.
- Continue adding supplemental content about specific projects when possible. The effort should focus on developing content related to current projects, and secondarily on backfilling content about the existing collection. In both cases, documentation that seeks out and incorporate audience voices will be an important way of connecting with the public.

- Build a “public art newswire” for artists, public, arts organizations and arts administrators in the County.
- Foster intra-County and regional professional public art networking and sharing of resources.
- Provide a method for sharing materials such as artist lists, contracts, evaluation mechanisms.
- Convene rotating gatherings in each public art hot-spot — Rockville, Gaithersburg, Silver Spring, Bethesda — that couple the business of the Public Arts Trust and site visits to County public art resources.
- Organize tours and events that connect the County’s public art ecosystem with regional resources, such as public art programs in other jurisdictions, schools, and exhibitions.
- Link project development resources to organizational and artist development.
- Tie funding and professional support for new commissions to the strengthening of local arts organizations and artists.

This approach to building a public art ecosystem – supporting the mission of an array of County agencies, and supporting the development of the County’s arts and culture sector – could be the basis of a reinvigorated budget request that returns the Public Arts Trust to the level envisioned in the County’s public art ordinance.

# Roadmap: Five Campaigns for Public Art

## 1

### Five Campaigns for Public Art

The AHCMC and Trust should organize its work in coming years around the idea of five campaigns for public art – systemic sets of strategies and tactics that will galvanize public energy, partnerships and resources around reinvigorating efforts for public art in Montgomery County.

### Artistic Focus

*The Trust should focus its efforts cultivating on new types of artworks that create excitement and energy and get attention for public art again.*

### Placemaking

Montgomery County has a few projects of this type. Trust steering committee members and the public think that this should be a priority. Placemaking projects are popular for outside funding.

### Infrastructure

Montgomery County has few artworks that are integrated into infrastructure. Though investment in infrastructure systems is declining, the Trust should consider these opportunities when they are relevant to other goals.

### Temporary

Temporary artworks are popular with the public, artists and planners, and can obtain outside funding. They can be a way of unleashing creative activity, bringing more artists into the public art process, and engaging the public.

### Environment

Though not highly ranked by the public or the Trust committee, the trust should look for key opportunities for environmental projects, given the increasing urgency of environmental issues such as global warming.

### Social Practice

This genre of work is popular with artists and can help the Trust reach new audiences, raise public awareness about critical issues, and reach underserved communities.

### Science and Technology

Montgomery County is the third-largest biotech research center in the U.S. In the long run, this could lead to interesting projects and outside funding.

## 2

### Key Partners

*The Trust should be strategic in the partnerships that it prioritizes, focusing on those that best help achieve the Roadmap goals.*

### M-NCPPC / Parks

By collaborating with M-NCPPC, the Trust can look for opportunities to do placemaking and environmental projects, particularly in underserved areas.

The Trust can provide guidance in identifying opportunities and priorities, and technical support in developing projects.

### Transportation

Short-term opportunities for pedestrian and bike zones have been identified — particularly in the Wheaton A&E. The Trust will need to play a strong hands-on role. The best opportunities – transit corridors – seem to be very long-term. The Trust should work to position public art to be an accepted component of those corridors.

### Montgomery College

Foster discussion of opportunities for public art in its capital program. This might lead to some of the more significant commissions in coming years. Though the college is in areas well-served by public art, it connects to a diverse range of County residents.

The College has also raised questions about conservation and maintenance that need to be addressed.

### Economic Development

The Trust should build relationships with the County's economic development agency and science-related institutions and industries. This may be a good topic for an artist residency.

## 3

### Working with Planning and Development

*The County's approach to incorporating public art in planning and private development has been relatively passive.*

*The Trust should work with M-NCPPC's planning division to strengthen linkages between public art, planning, public realm policy and development.*

#### Long-Range Planning

- Include public art recommendations in area plans, to provide guidance in areas where Optional Method zoning is allowed.

#### Optional Method Public Art Projects

There are several ways that the County can support strong public art outcomes.

- Involve the Public Art Trust in the interagency review phase of Optional Method projects and to submit recommendations.
- Develop clear coordination between the public art review process, the development approval process, and the emerging urban design review process.
- Standardize documentation of Optional Method projects and agreements between the County and the developer, and maintain records at both M-NCPPC and AHCMC.
- Require AHCMC or PATASC comment on removal or relocation of Optional Method artworks. Require compensation, such as a contribution to the Public Art Fund, if a project is removed.

## 4

### Building a Robust Public Art Infrastructure

*The AHCMC should build a public art ecosystem that extends beyond the role it plays in managing the County's public art collection. It should strengthen the County's public art ecology through information, networking and support of public art practices.*

#### Reinventing AHCMC's Role

- Build a consolidated public art portal for information about public art in the County. The portal should include all work in the public and private collections of the County, the cities of Gaithersburg, Rockville and Takoma Park, and the areas of Bethesda and Silver Spring.
- Create a newswire about public art news and topics in Montgomery County and the region. Focus on both arts and general audiences.
- Identify resources the County, the cities and others working on public art in the County can share – artist lists, technical documents, planning, evaluation, outreach and training — can share.

#### Reinventing the PATASC

- Develop ongoing one-on-one consultations with key partners: M-NCPPC Planning, M-NCPPC Parks, Transportation, College, MCPS and DGS
- Organize periodic “lunch and learns” in different partner agencies.
- Convene Trust Steering Committee once a year in a summit conference mode to discuss annual workplan.

#### Restoring Funding for Public Art

The County's public art ordinance, if fully followed (up to 0.05 of 1% of certain capital budgets), would generate \$300,000 to \$400,000 a year. AHCMC should launch a campaign to show what this budget could achieve, and compare it to budgets in similar jurisdictions.

## 5

### Building an Audience for Public Art

*The Trust must re-build the public case for public art through outreach and engagement with County agencies, public art stakeholders and the community at large. This constituency should be mobilized to advocate for funding the Trust at the full level contemplated by the County's public art ordinance.*

1. Build a consolidated public art portal for all information about public art in the County. The portal should include all work in the public and private collections of the County, the cities of Gaithersburg and Rockville, and the areas of Bethesda and Silver Spring.
2. Create a consolidated newswire about public art news and topics in Montgomery County, and the region. Focus on both arts and general audiences.
3. Support and publicize temporary art projects, including creative placemaking, as key “entryways” into public art.
4. Build constituencies for public art for targeted CIP projects, so the project managers hear about it.
5. Ensure that public art professionals are involved in M-NCPPC-sponsored area plans, especially in areas where public art is encouraged through the optional method.
6. Collaborate with M-NCPPC and professional organizations to generate events, awards and other dialogue and recognition of public art in Montgomery County.

## **Montgomery County Public Art Roadmap**

**This is a publication of the Arts & Humanities Council of Montgomery County, Md. (AHCMC), and the Montgomery County Public Arts Trust. It is a companion document to the Montgomery County Public Art Guidelines**

**The publication was written by Todd W. Bressi, with assistance from Dr. Michele Cohen, AHCMC CEO Suzan Jenkins, the AHCMC staff and the members of the Public Arts Trust.**

**Approved June, 2015**

**This version published December, 2016**



### Contracts with Artists

Contracts that are entered into with artists by any County agency, or the Public Arts Trust on behalf of any County agency, should include the following provisions as published in the Public Art Network “Annotated Model Public Art Commission Agreement.”

These provisions can be amended only with the approval of the Director of the Trust:

1. Artist Warranties of Originality Title, Quality and Condition,
2. Ownership, Intellectual Property
3. Artist Rights
4. Alterations of Site or Removal of Artwork
5. Artist provision of instructions for maintenance and conservation

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



**STATEMENT OF PURPOSE:**

**Proposed Best Practices for Public Art Projects**

Throughout the United States, agencies and organizations have been using art to expand constituents' experience of the public realm. With so many entities involved in managing public art projects in varying manners, the Public Art Network (PAN) [Council](#) and [Americans for the Arts](#) (AFTA) established these Best Practices out of a desire to establish a baseline for public art practices. The starting place, or baseline stage, must provide general principles that are equally relevant and agreeable to administrators, artists and other public art professionals. Once established, the baseline will provide a framework for more in-depth conversations to tease out the more complex underlying issues.

This more detailed exchange will clarify instances where different players in the public art field have diverse interests or specific pressures dictating their particular viewpoint. By parsing and articulating these diverse perspectives, the baseline principles will be annotated to provide a multi-dimensional look at public art practices.

These Best Practices are specifically drafted with discourse in mind. It is true that enforcement at this point can only be achieved through peer opinion, but Best Practices Standards will be a great resource for both developing and maturing programs. Administrators, artists and other public art professionals will be able to point to clear Best Practice Standards that have been developed and approved on a



national level designed specifically to assist in the development, drafting and execution of public art policy at the local level.

In sum, our goals are:

1. To approve Best Practices recognized as the national standard by AFTA/PAN.
2. Disseminate the approved Best Practices through AFTA's outreach and [supportive communication](#) from Robert L. Lynch, President and CEO of AFTA.
3. Programs that adopt and follow these Best Practices will be recognized by AFTA/PAN.
4. A committee comprised of PAN Council members and general members shall meet regularly to discuss and draft annotated language to accompany these Best Practices.
5. Communications to AFTA/PAN membership regarding amendments and developments in the Best Practices will be regularly disseminated to the AFTA membership and public art community.





### **DEFINED TERMS**

**Administrator:** includes public art administrators, public art program representatives, art consultants, developers and any other person or team working on behalf of a commissioning body or entity.

**Agreement:** includes any written agreement pertaining to the planning, design, development, fabrication, delivery and/or installation of an Artwork, including but not limited to letters of intent (LOIs), memoranda of understanding (MOUs), commission agreements, contracts and construction agreements.

**Artist:** includes individual artists as well as artist teams.

**Artwork:** unless otherwise restricted by the language of the particular statement, and excluding ancillary deliverables such as budgets and maintenance manuals, "Artwork" includes any permanent and/or temporary work as defined in the scope of work of an Agreement.

### **BEST PRACTICES FOR PUBLIC ART PROJECTS**

1. Administrators should clearly represent the scope and budget of project in Calls for Artists and communications.
2. Artists should truthfully represent their role and the nature of past work when presenting portfolios.
3. Artists should design to available budgets and propose what they can realistically deliver within budget, especially during design competitions.
4. Administrators/Consultants should not ask Artists to appropriate or use designs proposed by other Artists in a competition (e.g. cherry pick from

among other competitors). Nor should Artists use other Artists' ideas or concepts proposed during a competition.

5. Any organization or entity commissioning Artwork should pay Artists for design proposals.
6. Administrators should ensure a legal and fair process for developing projects and selecting Artists.
7. All organizations and entities commissioning Artwork should consider their process for developing projects and selecting Artists in light of the principles in Americans for the Arts [Statement on Cultural Equity](#).
8. As reasonably possible and consistent with existing privacy policies and legal requirements, Agencies should protect Artists' private information.
9. Arts professionals should be involved in the Artist selection process.
10. Administrators/Consultants should not receive money from Artists being considered or awarded a project.
11. To avoid actual conflict or the appearance of impropriety, real or perceived conflicts of interest should be disclosed, and impacted decision-makers should abstain from involvement in the process.
12. All projects should have a written Agreement that includes a clear articulation of: scope of work, budget and schedule. \*
13. All parties should have time to read and understand agreements prior to signing, and may seek legal and/or business counsel.
14. Agreements should clearly articulate the process by which project changes are approved and any changes should always be made in writing.
15. If substantial redesign of a contracted artwork or an entirely new proposal is requested, due to no fault of the Artist, the Artist should be compensated.
16. Realistic life span of an Artwork should be mutually agreed by all parties and written into the Agreement.
17. Artists should choose appropriate materials for artwork based on the

expected life. Care should be taken when integrating components into the Artwork that are not warranted for the minimum warranty period required in the Agreement. Attention should be paid to integrated components that may void underlying warranties.

18. Artist warranties should not exceed two years.
19. With regard to manufacturer warranties for integrated components, Artists should be required to only pass along those warranties provided by the manufacturer.
20. Where reasonable, obtainable insurance is required by law, municipal policy and/or in an Agreement, Administrators should work with Artists to assess the true cost of this insurance so that Artists can budget. As only licensed professionals can obtain professional liability and/or errors and omission progressive insurance, Artists who are not licensed professionals should have this requirement waived. However, Agreements may require licensed sub-contractors carry professional liability or errors and omissions insurance.
21. Administrators should not ask Artists to take on unreasonable or inappropriate liability.
22. Artists should have Agreements with their subcontractors, and include all relevant requirements of the prime contract in the sub-contract Agreement.\*
23. Project payment schedule should meet the cash flow needs of the Artwork schedule of deliverables.
24. Artists should retain copyright to their Artwork. However, Artists should expect to grant license to the contracting agency or ultimate owner for reasonable use of images of the Artwork for publicity, educational, and reasonable promotional purposes upon which the parties agree.
25. Artists and commissioning bodies and/or owners should provide reciprocal credit for their respective roles in commissioned Artworks.
26. Maintenance and conservation plans should be discussed and mutually agreed upon and Artists should prepare a detailed and feasible



maintenance and conservation plan.

27. Commissioning bodies and/or ultimate owners should have collection management policies in place and notify Artists of these policies.
28. If an Artwork is damaged, Administrators should make a good faith effort to consult the Artist about repairs. Administrators are not obligated to work with Artists to make repairs, but should use best conservation practices.
29. If Visual Artist Rights Act (VARA) rights are waived, Agreements should nonetheless provide that, in the event of damage, alteration, or destruction of an Artwork that is not remedied to Artist's satisfaction, or relocation without Artist's approval, if the Artist believes the Artwork no longer represents his/her work, the Artist should have the right to remove his/her name from the Artwork.

\*Look at the PAN [resources](#) available on the Americans for the Arts website for sample documents.





Arts & Humanities Council of Montgomery County

The Public Arts Trust

Montgomery County Department of Recreation

Montgomery County Public Schools

Montgomery College

Montgomery County Government

Todd W. Bressi, Public Art • Placemaking • City Design