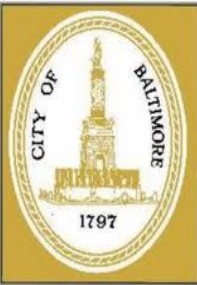


FROM	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Resolution 21-0023R		

March 26, 2021

TO:

Health, Environment, and Technology Committee

I am herein reporting on City Council Resolution 21-0023R introduced by Council Members Dorsey, Burnett, Cohen, and Bullock.

The purpose of the Resolution is to invite representatives from the Public Arts Commission; the Baltimore Development Corporation; the Parking Authority; the Departments of Planning, Public Works, Recreation and Parks, Transportation, Finance; and the Mayor's Office and the Baltimore Office of Promotion and the Arts, to discuss the continued administration of the "1% for Art" program.

As noted in the Resolution, Baltimore was the first city to establish a "1% for Art" program (in 1964). The intent of the program was to require public art to be part of City construction and renovation projects of public facilities accessible to the public, such as schools and recreation centers. Ordinance 07-489 modified the program by: establishing a Public Arts Commission; defining what construction projects could be eligible for providing arts funding; clarifying that certain non-city funding sources may not allow for this use; and expanding the use of these funds to include maintenance and administrative costs.

The Department of Public Works' water and wastewater utilities are funded differently from other City agencies in that they are dedicated enterprise funds (receive/generate revenues based on customer consumption of water) that must operate without profit or loss to other funds of the City. Capital construction projects are funded through PAYGO or debt financing by issuing utility bonds, or through State Revolving Loan funds, direct federal loans or grants, or some combination of these funding sources. These funding mechanisms, and the corresponding debt service, are born by the enterprise funds, not by the City, and as such, must be used for the purposes of the utilities. In § 21-16(b) of the Public Arts law, it states that, for water or wastewater utility projects, the Arts Commission "...shall determine, on a case by case basis after consultation with the Department of Public Works, whether and to what extent eligible funds for that project may be allocated for artwork or other public art uses. If the Commission and the Department of Public Works disagree as to whether or to what extent eligible funds may be allocated, the Director of Public Works makes the final decision."

The Honorable President and Members
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In comparison to the Water and Wastewater Utilities, the Bureau of Solid Waste has a much smaller capital program. It currently includes a yearly allocation to build up sufficient funds for the eventual expansion of the Quarantine Road landfill, but the actual construction project is several years away. The other Solid Waste projects include funding for renovations to several of the Solid Waste yard facilities, and site analyses studies of closed landfills to determine their suitability for other solid waste uses in the future.

The originating ordinance for 1% for Art created a funding percentage mechanism for public art that was tied to specific public facilities projects. The modifications made to the law in 2007 expanded the uses of the funding to include maintenance and administrative costs, with public art not necessarily connected to or part of the public improvements that were to fund these artworks. The uses of the funds changed, but the mechanism for calculating and allocating funds did not change. As a result, the Department has been in negotiations with the Arts Commission to develop an MOU that would define a process by which funding contributions could be determined.

The Department will have representatives present at the hearing to answer any questions the Committee may have on City Council Resolution 21-0023R.



Matthew W. Garbark
Acting Director

MWG/MMC