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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, APRIL 20, 2021
10:01 AM**

VIRTUAL WEBEX MEETING

Council Resolution #21-0023R

Informational Hearing - "1% for Art" Program

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristerfer Burnett
Mark Conway
Eric Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Ways and Means

Resolution: 21-0023R

Informational Hearing – “1% for Art” Program

Sponsor: Councilmember Ryan Dorsey, et al

Introduced: February 22, 2021

Purpose:

For the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

Effective: Upon enactment.

Agency Reports

| | |
|---|---|
| Law Department | <i>Favorable</i> |
| Baltimore Development Corporation | <i>Favorable</i> |
| Parking Authority of Baltimore City | <i>Does Not Oppose</i> |
| Planning Commission | <i>Favorable/Comments</i> |
| Department of Public Works | <i>Comments</i> |
| Department of Recreation and Parks | <i>Favorable</i> |
| Department of Transportation | <i>Favorable/Comments</i> |
| Baltimore Office of Promotion and the Arts (BOPA) | <i>Favorable/Comments</i> |
| Department of Finance | <i>None received as of this writing</i> |



Analysis

Current Law

Baltimore City Code – Article 1, Subtitle 1-City Council, Section 1-6

§ 1-6. Agencies to provide legislative information.

It shall be the duty of the head of every City department or bureau established by the Baltimore City Charter or by ordinance to provide all technical materials, plats, drawings, and information that are requested by any member or the President of the City Council for the purpose of introducing legislation into the Council.

(City Code, 1976/83, art. 1, §6.) (Ord. 76-080.)

Baltimore City Code – Article 5, Subtitle 21 – Public Art – outlines the rules, regulations and mandates for the Public Art Commission

Background

The Public Art Commission consists of nine (9) members and its programs are staffed by the Baltimore Office of Promotions and the Arts (BOPA). Article 5, under subtitle 21 outlines the functions, duties, compensation, rules, and regulations for the Commission. Included in the subtitle are the mandates for:

- Artwork Allocation
- Allocation of Funds
- Grant and other funding requests, and etc.

BOPA administers the funding along with other agencies. A copy of Article 5, subtitle 21 is attached.

Per the primary sponsor of the Resolution, “Art is really important and agencies need to comply with the law. Our art program is a national leader in the country; dedicating 1% to public art. It has been quite a while since the law has been updated and it must be a more reliable way to get funding in a timely manner from those agencies that are responsible for same.”¹

On Tuesday, April 20, 2021, representative(s) from BOPA along with other pertinent representatives from city agencies will come before the committee to discuss the continued administration of the “1% for Art” program.

Additional Information

Fiscal Note: None

Information Source(s): City Code, Council Resolution 21-0023R, see footnote(s) below and all agency reports received as of this writing.

Marguerite M. Currin

Analysis by: Marguerite M. Currin

Direct Inquiries to: (443) 984-3485

Analysis Date: April 15, 2021

¹ The Honorable Ryan Dorsey, Baltimore City Councilmember, District 3.

Baltimore City Code

Article 5

Subtitle 21 - Public Art

SEE ATTACHED

**SUBTITLE 21
PUBLIC ART**

EDITOR'S NOTE: Ordinance 07-489 repealed former Subtitle 21 {"Ornamentation on Municipal Projects"} in its entirety and substituted the following new subtitle, effective August 14, 2007.

PART I. GENERAL PROVISIONS**§ 21-1. Findings; purpose.****(a) Findings.**

Public art has enabled people in all societies to understand better their communities and individual lives.

(b) Purpose.

The City of Baltimore, named the "Monumental City" over 175 years ago, wishes to expand public experience with visual art by creating a public artwork program that:

- (1) encourages the direct commission of artwork for municipally supported projects; and
- (2) engages the individual and collective imagination of artists who create artwork for public places.

(c) Intent.

To that end, it is intended that:

- (1) the public artwork program encompass the broadest possible range and variety of expression, media, and materials; and
- (2) selections of artists and artwork reflect a standard of excellence and the cultural and ethnic diversity of the City.

(Ord. 07-489.)

§ 21-2. Definitions.**(a) In general.**

In this subtitle, the following terms have the meanings indicated.

(b) Artwork allocation.

"Artwork allocation" means the amount required by § 21-16 of this subtitle to be allocated to artwork.

(c) *Artwork.*

“Artwork” means works of art that are:

- (1) produced by professional visual artists; and
- (2) affixed to, made a functional part of, or sited in, on, or near a public work.

(d) *Bid.*

“Bid” means a response to:

- (1) an invitation to bid; or
- (2) a request for proposals.

(e) *Commission.*

“Commission” means the Public Art Commission .

(f) *Construction costs.*

(1) *General.*

“Construction costs” means, except as otherwise provided in this subsection, the total appropriation for a construction project.

(2) *Inclusions.*

“Construction costs” includes:

- (i) demolition costs; and
- (ii) equipment costs.

(3) *Exclusions.*

“Construction costs” does not include:

- (i) real property acquisition costs;
- (ii) soil remediation costs; or
- (iii) architectural or engineering fees.

(g) *Construction project; Project.*

“Construction project” or “project” means, except as otherwise provided in this subsection, any capital improvement project that:

- (1) involves the construction, reconstruction, or renovation of all or part of any publicly-owned property in the City, including any building, parking facility, park, utility, bridge, street, highway, footway, bikeway, or other structure or public work;
- (2) exceeds \$100,000 in construction costs;
- (3) is required by law to be publicly bid; and
- (4) is to be paid for wholly or in part by the City.

(h) *Eligible funds.*

“Eligible funds” means any funds that are available for construction costs and are not precluded by restrictions on the source of funding for the project, including limitations on the use of City bond funds, state or federal grants or loans, or donations, from being used for artwork.

(i) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(j) *Maintenance of artwork.*

“Maintenance of artwork” means the maintenance, preservation, and conservation of, including curatorial services for, artwork owned by the City, whether created under this subtitle or otherwise obtained.

(Ord. 07-489.)

§§ 21-3 to 21-5. *{Reserved}*

PART II. PUBLIC ART COMMISSION

§ 21-6. **Commission established.**

There is a Public Art Commission .

(Ord. 07-489.)

§ 21-7. **Composition.**

(a) *In general.*

The Commission consists of 9 members, as follows:

- (1) 8 appointed by the Mayor and approved by the City Council under Article IV, § 6 of the City Charter; and

(2) 1 appointed by the President of the City Council.

(b) *Qualifications.*

(1) Of the members appointed by the Mayor:

- (i) 1 must be a professional visual artist;
- (ii) 1 must be a curator or art historian from an established Baltimore arts or educational institution;
- (iii) 1 must be a licensed architect;
- (iv) 1 must be a licensed engineer; and
- (v) 4 must be persons chosen from related disciplines, such as landscape architects, design professionals, urban planners, conservators, art educators, art administrators, and citizens interested in civic improvement.

(2) All members must reside or work in the City.

(Ord. 07-489.)

§ 21-8. Compensation and expenses; staff.

(a) *Compensation; expenses.*

The members of the Commission:

- (1) serve without compensation; but
- (2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

(b) *Staff.*

The Commission and its programs shall be staffed by the Baltimore Office of Promotion & The Arts.

(Ord. 07-489; Ord. 16-503.)

§ 21-9. General functions and duties.

The Commission shall:

- (1) administer the public artwork program established by this subtitle;
- (2) generally promote and encourage public art in the City of Baltimore; and
- (3) work cooperatively with state and federal offices to encourage public art.

(Ord. 07-489.)

§ 21-10. Rules and regulations.**(a) *Commission to adopt.***

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Commission shall adopt rules and regulations to carry out this subtitle.

Editor's Note: By authority of Ordinance 20-431, Section 5, the Director of Legislative Reference, in consultation with the Law Department, has conformed the text of this section to refer to and reflect the requirements of the recently-enacted Administrative Procedure Act that, effective January 15, 2021, governs the proposal, adoption, and publication of administrative rules and regulations.

(b) *Required coverage.*

The Commission's rules and regulations shall include procedures and guidelines for:

- (1) determining whether and to what extent artwork is appropriate for a particular construction project;
- (2) selecting artists and artwork for a particular project;
- (3) submitting artwork proposals to the Commission for approval; and
- (4) allocating eligible funds for:
 - (i) the creation of new artwork;
 - (ii) the maintenance of existing artwork; and
 - (iii) the performance of the Commission's other functions and duties under this subtitle.

(Ord. 07-489; Text Conformed 02/14/21.)

§ 21-11. Agency liaisons.**(a) *Designation.***

Each of the following agencies shall designate an agency liaison to the Commission:

- (1) Baltimore Development Corporation.
- (2) Parking Authority.
- (3) Planning Department.
- (4) Public Works Department.

(5) Recreation and Parks Department.

(6) Transportation Department.

(7) General Services Department.

(b) *Periodic review.*

Each agency liaison shall meet periodically with the Commission staff to review the agency's ongoing and proposed construction projects.

(Ord. 07-489; Ord. 15-435.)

§§ 21-12 to 21-15. *{Reserved}*

PART III. ARTWORK ALLOCATION

§ 21-16. Amount required.

(a) *Minimum allocation – General.*

Except as provided in subsection (b) of this section, at least 1% of all eligible funds for a construction project shall be allocated for:

(1) artwork for that project; or

(2) other public art uses as authorized by this subtitle.

(b) *Minimum allocation – Water and wastewater utility work.*

For water or wastewater utility projects, the 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.

(Ord. 07-489.)

§ 21-17. Grant and other funding requests.

In applying for grants or other funding for a construction project, a City agency shall request that:

(1) to the fullest extent practicable, the grant or other funding be in the form of "eligible funds; and

(2) the grant or other funding include an additional 1% of those eligible funds for artwork.

(Ord. 07-489.)

§ 21-18. Preliminary determinations.**(a) Consultation with agency.**

- (1) Each City agency shall consult with the Commission on the application of this subtitle to any construction project being proposed by that agency.
- (2) This consultation shall occur:
 - (i) as early as possible in the design stage; and
 - (ii) in any event, before the project is advertised for bid.

(b) Determination.

Based on the consultation, the Commission shall determine within 90 days:

- (1) the aggregate amount of the artwork allocation required by § 21-16 of this subtitle; and
- (2) at least preliminarily, the extent to which all or part of that aggregate amount can and should be used for:
 - (i) artwork for that project; or
 - (ii) other public art uses as authorized by this subtitle.

(Ord. 07-489.)

§ 21-19. Incorporation into contract specifications.

The contract specifications in the invitation to bid or request for proposals shall incorporate:

- (1) the requirements of this subtitle; and
- (2) the Commission's determinations under § 21-18(b)(1) and (2) of this subtitle.

(Ord. 07-489.)

§ 21-20. Allocation of funds.

On the award of a contract for the project, the contracting agency shall notify the Department of Finance that the aggregate amount of the artwork allocation, as determined under § 21-18(b) of this subtitle, shall be transferred as it become available to a capital account to be used for purposes of this subtitle.

(Ord. 07-489.)

§§ 21-21 to 21-25. {Reserved}

PART IV. ARTWORK FOR PROJECT**§ 21-26. Scope of Part.**

This Part IV applies to the extent that some or all of an artwork allocation is used for artwork for the project that generated the allocation.

(Ord. 07-489.)

§ 21-27. Preparation of proposal.***(a) Artist and site selection.***

(1) As soon as practicable, the Commission shall consult with the contracting agency about artist and site selection.

(2) The Commission then shall:

(i) identify, approve, and engage an appropriate artist or artists through an RFQ or RFP process; and

(ii) determine an appropriate site for the artwork.

(b) Proposal.

The artist shall prepare a proposal and submit it to the Commission for its review and approval.

(Ord. 07-489.)

§ 21-28. Commission review and action.***(a) Commission to review.***

The Commission shall review the proposal in an open session at which the public is invited to attend and comment.

(b) Commission action.

The Commission may:

(1) preliminarily approve the proposal, subject to modifications;

(2) finally approve the proposal as submitted or as later modified;

(3) disapprove the proposal, with or without prejudice to submit a new proposal; or

(4) take any other action it considers necessary or appropriate under the circumstances.

(Ord. 07-489.)

§ 21-29. Disposition of artwork allocation.**(a) *Approved proposal.***

- (1) On approval of an artwork proposal, the Commission shall authorize payments to the artist for the cost for the artwork, and to provide other necessary services, as approved and contracted for by the Commission.
- (2) The balance, if any, of the artwork allocation from that project shall be retained for other public art uses as authorized by this subtitle.

(b) *Disapproved proposal.*

If the Commission disapproves a proposal and determines not to consider any new one for the project, the full remaining amount of the artwork allocation from that project shall be retained for other public art uses as authorized by this subtitle.

(Ord. 07-489.)

§ 21-30. {Reserved}***PART V. PUBLIC ART USES*****§ 21-31. Commission to determine.**

The Commission is responsible for determining the use of all eligible funds.
(Ord. 07-489.)

§ 21-32. Priorities.

In making its determinations, the Commission shall be guided by the following priorities:

- (1) first, to provide artwork for the project that generates an artwork allocation;
- (2) second, to provide support for:
 - (i) new artwork for other public works; and
 - (ii) the maintenance of existing artwork; and
- (3) third, to provide support for the Commission's other functions and duties under this subtitle.

(Ord. 07-489.)

§ 21-33. Authorized uses.

The uses to which eligible funds may be used include, but are not restricted to:

- (1) the selection, acquisition, commissioning, fabrication, placement, installation, display, and maintenance of artwork;

- (2) the development of design concepts and models;
 - (3) artist design services;
 - (4) administrative services for staffing the Commission and its programs;
 - (5) other professional services;
 - (6) publications and other educational activities;
 - (7) dedications, plaques, and labels; and
 - (8) support for the Commission's other functions and duties under this subtitle.
- (Ord. 07-489.)

Council Resolution: 21-0023R

AGENCY REPORTS

SEE ATTACHED

March 4, 2021

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 21-0023R – Informational Hearing – “1% for Art”
Program

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0023R for form and legal sufficiency. This resolution is for the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

A resolution is an appropriate way for the City Council of Baltimore to conduct an informational hearing. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,


A handwritten signature in blue ink, appearing to read 'Ashlea H. Brown', is written over a light blue horizontal line.

Ashlea H. Brown
Assistant Solicitor

cc: Matthew Stegman
Nina Themelis
Nikki Thompson
Elena DiPietro
Victor Tervala
Hilary Ruley



MEMORANDUM

DATE: March 9, 2021
TO: Ways and Means Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Support
SUBJECT: Council Bill No. 21-0023R
Informational Hearing – “1% for Art” Program

INTRODUCTION

The Baltimore Development Corporation (BDC) has been asked to respond to City Council Bill No. 21-0023R introduced by Councilmembers Dorsey, Burnett, Cohen, Bullock, and Middleton.

PURPOSE

This Resolution calls for the convening of the Public Arts Commission – constituting representatives from the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts – to discuss the continued administration of the “1% for Art” program.

BRIEF HISTORY

In 1964, the City of Baltimore established the “1% for Art” law requiring the City to allocate 1% of all capital construction costs towards public artwork. In 2007, the Baltimore City Council established a Public Arts Commission to administer the public arts program.

FISCAL IMPACT

None

AGENCY POSITION

BDC **supports** City Council Bill 21-0023R.

If you have any questions, please do not hesitate to contact Kimberly Clark at kclark@baltimoredevelopment.com or at 410-837-9305.

[LC]

TRANSMITTAL MEMO

TO: Council President Nick J. Mosby
FROM: Peter Little, Executive Director
Date: March 12, 2021
RE: City Council Bill 21-0023R





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

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

The Parking Authority of Baltimore City (PABC) has reviewed the proposed resolution. The PABC has, through its capital projects, contributed to the 1% for Arts program, and is willing to participate in discussions about the continued administration of the program.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 21-0023R.

| | | | | |
|------|-----------------------|---|---|--|
| FROM | NAME & TITLE | CHRIS RYER, DIRECTOR  | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #21-0023R/ INFORMATIONAL HEARING – “1% FOR ART” PROGRAM | | |

TO The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: March 8, 2021

The Department of Planning is in receipt of City Council Bill #21-0023R, which is for the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

The Department of Planning recommends approval of City Council Bill #21-0023R. The Department of Planning (DOP) plays a role in the 1% for Art law because it prepares the annual capital budget. According to the law, construction projects involving publicly-owned property that exceed \$100,000 in construction costs, are required to be publicly bid, and are paid for wholly or in part by the City are subject to the law. The capital budget includes many such projects, as well as items of a more programmatic nature, such as home ownership incentives, that would not be subject to the law.

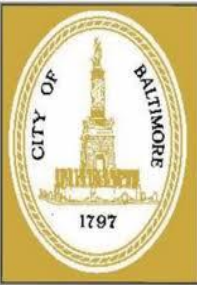
Although many projects in the capital budget are subject to the law, the Department of Planning cannot calculate the 1% for Art requirements at the time of budget adoption. Major renovation or rehabilitation project budgets typically include funds for design, engineering, construction, and sometimes post-award services (such as construction management). The law states that property acquisition costs, soil remediation costs, and architectural and engineering fees are not subject to the 1% for Art requirements. Further, when the capital budget is adopted, the construction cost is typically still a gross estimate. A true construction cost, and therefore the amount subject to the 1% for Art requirement, would be available upon award of the construction project to a contractor.

DOP recognizes the importance of public art in creating a more just, vibrant, and livable City. DOP provides information to agencies on the 1% for Art requirements in its Capital Improvement Program training materials and is committed to working with BOPA to find ways to improve compliance with the 1% for Art law.

If you have any questions, please contact Kristen Ahearn, Capital Improvement Program Planner at 410-396-8357.

CR/ka

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services

| | | | | |
|-------------|----------------------------------|--|--|---|
| 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
of the Baltimore City Council
March 26, 2021
Page 2

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.

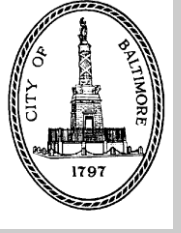
The originating ordinance for 1% for Art created a funding percentage mechanism for public art that was tied to specific public facilities projects. The modifications made to the law in 2007 expanded the uses of the funding to include maintenance and administrative costs, with public art not necessarily 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

| | | | | |
|----------------------------|-----------------------|---|---|---|
| F R O M | Name & Title | Reginald Moore, <i>Executive Director</i> | CITY OF BALTIMORE MEMO |  |
| | Agency Name & Address | Baltimore City Department of Recreation & Parks 3001 East Drive, Baltimore, Maryland 21217 | | |
| | Subject: | City Council Resolution # 21-0023R – Participation in the discussion for the continued administration for the “1% for Art” program. | | |

DATE: Wednesday, March 10, 2021

TO: The Honorable City Council President and Members of the Baltimore City Council

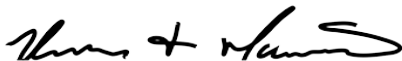
Dear President Mosby and Members of the City Council,

Baltimore City Recreation and Parks has reviewed City Council Resolution #21-0023R, FOR the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.


The City of Baltimore has led the way in establishing the “1% for Art” law requiring the City to allocate 1% of all capital construction costs towards public artwork. This law now serves as a model for public arts programs across the country.

Baltimore City Recreation Parks supports Resolution #21-0023R and will participate in the informational hearing.

Respectfully,



Reginald Moore
Executive Director

| | | | | |
|------------------|-----------------------|--|---|---|
| F R O M | NAME & TITLE | Steve Sharkey, Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Resolution 21-0023R | | |

TO: Mayor Brandon M. Scott
TO: Ways & Means Committee
FROM: Department of Transportation
POSITION: **Support**
RE: Council Resolution – 21-0023R

DATE: 3/16/21

INTRODUCTION – Informational Hearing - “1% for Art” Program

PURPOSE/PLANS – For the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

COMMENTS – Council Resolution 20-0023R calls on the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to participate in a public hearing focused on the City’s “1% for Art” Program.

DOT is an active participant in the City’s “1% for Art” Program, helping to implement and create new public art for members of the public to enjoy on the City’s extensive network of public right-of-way. The agency looks forward to discussing both the successes and challenges associated with the program that dates back to former Mayor William Donald Schaefer. DOT is committed to considering ways the program can be administered more efficiently, allowing for the program to continue and operate as originally intended.

AGENCY/DEPARTMENT POSITION – The Department of Transportation **supports** Council Resolution 21-0023R.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207.

Sincerely,

Steve Sharkey
Director



March 22, 2021

Baltimore City Council
Ways and Means Committee
100 North Holliday Street
Baltimore MD 21202

RE: Support 21-0023R

Dear Honorable Chair and Members of the Ways and Means Committee:

The Baltimore Office of Promotion & The Arts supports City Council Resolution #21-0023R, which is for the purpose of inviting representatives from the Public Arts Commission, the Baltimore Development Corporation, the Parking Authority, the Planning Department, the Department of Public Works, the Department of Recreation and Parks, and the Department of Transportation, the Mayor's Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts to discuss the continued administration of the "1% for Art" program.

As the designated Arts Council for the City, BOPA provides administrative support for the City's Public Art Commission and in that role, works to collect funds from the specific agencies mandated to contribute by the ordinance.

Since the revision of the "1% for Art" ordinance in 2007, some of the City agencies mandated to contribute to the fund have made contributions. However, it has been inconsistent thus creating a challenge to sustain the necessary robust pool of money to support new commissions, maintenance and conservation efforts of Baltimore's vast collection of public art – all of which are permitted under the ordinance.

In 2019 BOPA proposed collecting the funds a year in arrears to avoid any discrepancies with actual verses estimated capital expenditure costs and to ensure that the appropriate funds are allocated and collected. With this new approach, we've been in ongoing communication with respective agencies mandated to contribute to "1% for Art" and view this as a step in the right direction toward the collective goal of helping the Public Art Commission support Baltimore City's Public Art.

I sincerely thank the sponsors of Resolution 21-0023 and the Ways and Means Committee for your attention and support and ask for a favorable report.

Sincerely,

Jacquelyn Downs
Jacquelyn Downs
Arts Council Director, Baltimore City

**CITY OF BALTIMORE
COUNCIL BILL 21-0023R
(First Reader)**

Introduced by: Councilmembers Dorsey, Burnett, Cohen, Bullock, Middleton

Introduced and read first time: February 22, 2021

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation, Parking Authority, Planning Commission, Department of Public Works, Department of Recreation and Parks, Department of Transportation, Baltimore Office of Promotion & the Arts, Department of Finance

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

Informational Hearing – “1% for Art” Program

2
3 FOR the purpose of inviting representatives from the Public Arts Commission, the Baltimore
4 Development Corporation, the Parking Authority, the Planning Department, the Department
5 of Public Works, the Department of Recreation and Parks, and the Department of
6 Transportation, the Mayor’s Office, the Department of Finance, and the Baltimore Office of
7 Promotion and the Arts to discuss the continued administration of the “1% for Art” program.

Recitals

8
9 The Baltimore City Council recognizes the impact public art adds to the cultural and
10 economic vitality of the City of Baltimore and how public art continues to serve as a source of
11 public pride for its citizens.

12 In 1964, the City of Baltimore led the way in establishing the “1% for Art” law requiring the
13 City to allocate 1% of all capital construction costs towards public artwork. This law now serves
14 as a model for public arts programs across the country.

15 In 2007, the Baltimore City Council doubled down on this commitment by establishing a 9-
16 member public arts commission to administer the public arts program. Since the creation of the
17 public art commission, however, there has been little if any legislative oversight to review for
18 proper compliance with the law.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
20 Council invites representatives from the Public Arts Commission, the Baltimore Development
21 Corporation, the Parking Authority, the Department of Planning, the Department of Public
22 Works, the Department of Recreation and Parks, and the Department of Transportation, the
23 Mayor’s Office, the Department of Finance, and the Baltimore Office of Promotion and the Arts
24 to discuss the continued administration of the “1% for Art” program.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 21-0023R

1 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
2 Public Arts Commission, the Chief Executive Officer of the Baltimore Development
3 Corporation, the Chief Executive Officer of the Parking Authority, the Director of the
4 Department of Planning, the Director of the Department of Recreation and Parks, the Acting
5 Director of Public Works, the Director of the Department of Transportation, the Director of
6 Finance, the Executive Director of the Baltimore Office of Promotion and the Arts, and the
7 Mayor's Legislative Liaison to the Baltimore City Council.