



MONTGOMERY COUNTY

Public Art Guidelines



April 2013

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.

This document was adopted by the Planning Board on December 13, 2012 as the Public Arts Trust Policies and Procedures but is now being officially referred to as Montgomery County Public Art Guidelines.

Source of Copies

The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Online at: www.montgomeryplanning.org/development/public_art



Arts & Humanities Council of Montgomery County
www.creativemoco.com

The Public Arts Trust
Montgomery County Department of Recreation
Montgomery County Public Schools
Montgomery College
Montgomery County Government

On the Cover:

Panels of Hope, Joseph Tomassoni, Northwood High School
Silver Spring Gateway, Carolyn Braaksma, East West Highway, Silver Spring
Myth of Sisyphus, Wendy Ross, Cameron House, Silver Spring
Rock Creek Trail Pedestrian Bridge, Vicki Scuri, Veirs Mill Road and Aspen Hill Road
PTSSE (Periodic Table Sculptural Seating Elements), Bill Rock, United Therapeutics, Silver Spring
Martin Puryear, The Knot, Bethesda
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Introduction

Montgomery County's public art collection has grown over the past 30 years to include works by artists such as Jim Sanborn, Heidi Lippman, and Martin Puryear. This extensive range of artworks, which encompasses works on paper, freestanding sculpture, temporary exhibits and integrated pieces, has been commissioned under the auspices of different groups and through varied processes.

To ensure the best treatment of this public trust—to continue to build and maintain the collection—these guidelines codify the policies and procedures that assign responsibility and set goals for the public art collection within Montgomery County.

This document should be used to guide developers and agency representatives in donating, placing, deaccessioning, and maintaining artworks. It is also intended to educate users about the wide range of public art, including the option to donate to the fund.



Connections, Heidi Lippman, Rockville Library



Coastline, Jim Sanborn, National Oceanic and Atmospheric Administration, Silver Spring



Untitled fountain, Martin Puryear, Bethesda

History of Public Art in Montgomery County

Public art in Montgomery County began when William Hanna, former Mayor of the City of Rockville, became a County Councilmember in 1983. While he was Mayor of Rockville, the City adopted a percent for art program in 1978. When he became a Councilmember, he pursued a similar Countywide program.

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

At the same time, other public agencies—Montgomery County Public Schools, M-NCPPC, and Montgomery College—were operating their own percent for public art programs. Though the intent of Bill No. 30-83 was that the Arts and Humanities Council of Montgomery County (AHC MC) would administer the Art in Architecture program, in 1985 it was determined that without additional professional staff, AHC MC could not coordinate the four agencies and adequately track the CIP. However, AHC MC did participate in the selection of artists for projects.

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.

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.



Muktasvara Arch, Mary Ann Unger, Gaithersburg Library

The program was suspended and in 1993, a bill was introduced in the County Council to completely eliminate the program for budgetary reasons. Rather than eliminate the program, a new program was proposed (in part by the AHCMC) and approved by the Council.

In 1995, legislation established a single public art program, The Public Arts Trust. Since 1983, the County's public art collection has grown to over 300 pieces. The County has also collected over 500 pieces for its Contemporary Works on Paper Collection.

The County assembles its Collection two ways:

- Public art in public projects, funded by CIP, reviewed by Arts Trust
- Public art in private projects, funded by optional method, reviewed by Planning Department and Arts Trust.

PUBLIC ART IN PUBLIC PROJECTS

Today public art in public projects is funded as a percent of CIP public project budgets as well as by optional method developments that choose to pay into a public art fund. This integration of public and private monies and spaces contributes to the diversity and accessibility of the County's public art.

The Public Arts Trust works with public agencies throughout the design and construction process to ensure that artwork is appropriately sited and funded to meet the goals of the artist and the agency. When working with a developer, the Trust ensures that public art provides an appropriate public art amenity for the private development project.



Made in the Shade, Ann LaRose, Lake Needwood Visitor Center



Luma Wave, Ray King, Montgomery County Conference Center, North Bethesda

PUBLIC ART IN PRIVATE PROJECTS

The County receives public artworks as an amenity provided by private developers in exchange for increased density. Developers may choose to provide the artwork on their site as part of their public space requirement or may pay into the public art fund. This process was established in 1974 under the optional method standards of the Zoning Ordinance. Originally, optional method development only applied to central business district zoning in Bethesda, Silver Spring, Wheaton, and Friendship Heights. These provisions have since expanded to include the TMX, CR, CRT, RMX, and other zones.

Since establishing the optional method and approving numerous artworks, the Planning Board convened a task force to study issues relating to approval, installation, and maintenance of the artworks. The 1988 task force reviewed the procedures and made numerous policy and procedure recommendations. It is intended that these recommendations be adapted into these policies and procedures and the associated Public Art Road Map, to be developed with the Planning Board and the Public Arts Trust.

The goal of the optional method is to create a more attractive urban environment through a package of public amenities designed to support increased density. Along with public art, qualifying amenities include increased open space, affordable housing, and environmental elements. The amenity package is negotiated with Montgomery County Planning Department staff and approved by the Planning Board.

Artworks approved under the optional method must be in publicly accessible and visible locations. These public artworks have traditionally been reviewed by an Art Review Panel established by the Planning Board. In 2010, the Trust took on an expanded role in the review of optional method projects and project review continues to evolve toward a more centralized and formalized process by a panel formed under the Planning Board. The panel's recommendations must be approved by the Planning Board in accordance with standards and findings set forth in the Zoning Ordinance. Although the artworks approved through the optional method are public in nature, they are privately owned and maintained.

The review panel includes planners, architects, artists, developers, and curators who encourage placemaking techniques within public spaces. They analyze artworks and placement with an eye toward access, lighting, durability, and other factors. The panel works to grow the public art collection where it can be enjoyed and experienced throughout the County.

Most privately owned artworks appear in central business districts like Silver Spring and Bethesda, as a result of CBD zoning. The Commercial Residential Zone, which provides a list of public amenities for developers opting to earn bonus density, encourages the placement of public art beyond CBDs.



Beacon 1, Mary Ann E. Mears, Bethesda Metro Center



The Hand, Ray Kaskey, East West Highway and Colesville Road, Silver Spring

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 signifying that the County is the owner of the artwork and therefore responsible for its conservation and/or maintenance.

Artist: An adult person who derives her/his livelihood in full or part from the creation of art, i.e. a professional artist, craftsperson, or artisan.

Artist Registry: A list of artists and designers interested in doing public art within Montgomery County.

Art Review Panel: The panel of at least five members convened by the Planning Board to review public art within the public use spaces as required under optional method development for particular zones (CR, CRT, TMX, and RMX).



Artwork or work of art: An original creation by an artist. May be one-of-a-kind or from a limited edition, functional or purely aesthetic, exterior or interior, integrated or stand-alone, temporary, semi-permanent, or permanent. See also Montgomery County Code, Sec. 8-43 for definition of work of art. Artworks do not include landscaping, fixtures or features such as grates, streetlights, benches, signs, architectural materials, or other design enhancements—unless designed by an artist as a unique feature for the project.

Memory Wall, Mame Cohalan, Acorn Park, Silver Spring

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

Arts and Humanities Council of Montgomery County (AHCMC): The designated local arts agency representing the Department of Recreation as the Trust administrative contractor that provides day-to-day management and oversight of the Trust.

AHCMC Public Art Collection Database (Database): The collection management tool that contains written and visual documentation pertaining to every artwork commissioned or acquired by the County or commissioned by a private developer as a public amenity for the County.

Client department: The County department or agency initiating a funded public art project.

Conservation endowment: Three percent of total budget for new commissions will be set aside in a conservation fund to be administered by the Trust at time contract is signed with the artist. This will apply to all projects commissioned after the fall of 2012.

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: Montgomery County, Maryland.

County Capital Improvements Program: A biennial six-year Capital Improvements Program (CIP) outlining public services and fiscal policy.

Deaccessioning: The permanent removal of an artwork from the Public Art Collection and/or from permanent display, usually through sale, exchange, any other transaction by which title of outgoing works of art are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

Department of Recreation: Administrator of the Trust through oversight provided by the AHCMC.

Design collaboration: the collaboration of an artist(s) with other design professionals beginning at the conceptual design stage.

Design team: A group of design professionals (such as an artist, architect, engineer, landscape architect, lighting designer, graphic designer, or others) brought together to work on a specific project.

Montgomery County Public Art Road Map: (Road Map) A written document that augments but does not amend the County's General Plan that identifies appropriate and significant sites or site-selection criteria for the location of permanent, semi-permanent, and temporary public art throughout Montgomery County. This plan will assist the Trust and Planning Board in guiding privately and publically funded public art projects.



Permanent work: An artwork with an anticipated lifespan of not less than 15 years.

Montgomery County Public Safety Memorial, Ted Clausen, Public Safety Headquarters, Gaithersburg.

Public art: An artwork that is located indoors or outdoors and is visually and/or physically accessible to the public at least eight hours per day. Typologies include site-specific, site-integrated, and site-sensitive works and can be temporary, semi-permanent, or permanent.

Public Art Collection (Collection): All public art either owned and maintained by County departments or provided for the County by a private developer and maintained by the private developer under the terms of a Site Plan (as defined in Chapter 59 of the Montgomery County Code) that was reviewed by the Public Arts Trust Steering Committee and approved by the Montgomery County Planning Board. The Collection also includes the Contemporary Works on Paper Collection.

Public Art Collection Survey: An ongoing survey of the Collection to prioritize conservation needs and ensure maintenance.

Public Art in Private Projects: Public art projects that result from private development, following the guidelines and requirements of zoning designations. Developers may provide the artwork or pay into a fund.

Public Art in Public Projects: County-initiated public art projects on sites funded by County departments or agencies, including Montgomery County government, Montgomery County Public Schools, the Maryland-National Capital Park and Planning Commission, and Montgomery College. These projects may correspond with new construction or renovation projects in concert with the Montgomery County Public Art Road Map.

Public Arts Trust (Trust): The Public Arts Trust is the County's public art program designed to receive, hold, and pay out public and private funds to buy, display, relocate, and conserve public artworks on County property.

Public Arts Trust Director (Director): Leads the Trust and drafts Trust policies and guidelines, oversees the artist selection process for new commissions, collection management, and educational programming around the public art collection. The Director reports to the AHCMC chief executive officer and the Committee.

Public Arts Trust Steering Committee (Committee): A 15-member committee appointed by the AHCMC that serves as an advisory board to the AHCMC chief executive officer and Director in implementing the Public Arts Trust public art program. A subcommittee of the Committee, the Panel, also reviews and makes recommendations on projects sponsored by private developers commissioned through the County's Zoning Ordinance, where a Site Plan includes a provision for public art.



Semi-permanent work: An artwork intended for display for a period of 18 months to 15 years with minimal maintenance required. In some cases, the Trust may elect to retain a semi-permanent work that is particularly valued by the community and will take action to preserve the artwork. Semi-permanent status can only be applied to commissions undertaken after September, 2012.

Charles Long, Pet Sounds, Madison Square Park, New York, NY

Site Integrated work: An artwork that is physically part of the facility and can only terminate with destruction of the site that contains the artwork.

Site Plan project: A development with an approved Site Plan, as defined in Chapter 59 of the Montgomery County Code, which includes a requirement to provide Public Art.

Temporary work: An artwork intended for short-term display, up to 18 months.

The Public Arts Trust

In 1995, the percent for public art program was restored 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.”

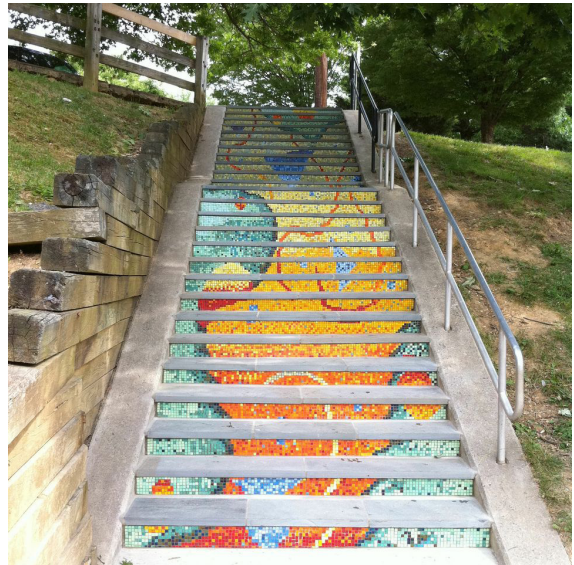
MISSION, VISION, AND GOALS

The Trust’s mission is to build and inspire communities through placemaking and to nurture artists engaged in public art. Its 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
- foster emerging and established Montgomery County artists.

Program Goals

- 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’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.



Universal Merge, Arts on the Block, Carroll Avenue and Quebec Terrace, Silver Spring



Panels of Hope, Joseph Tomassoni, Northwood High School

FUNDING AND ADMINISTRATION

While the legislation indicates a percent for art allocation (0.05 percent or 1/20 of one percent) this amount is not mandated. In 2002, the allocated amount peaked at \$201,000. Since FY 2003, the actual allocated amount has been significantly lower than the recommended amount. As an example, in fiscal year 2007 the allocated amount was \$140,000; a 0.05 percent allocation would have yielded \$208,000. Rather than adhering to the recommended formula, the Trust's budget has been held at \$140,000 since fiscal year 2007, a decision made by the County Council when the capital improvements budget is reviewed.

Use of Funds

County-appropriated funds as well as monies in the Trust may be used to support temporary, semi-permanent, and permanent artworks including the following costs:

- all artists' services, models and design fees, including sub-consultant fees, e.g., engineering or other specialty consulting
- art-related materials, fabrication, delivery and installation costs
- acquisition of artworks
- artist selection processes, including jury selection and artist travel costs
- incremental costs of art integrated into infrastructure elements such as sound-walls, utility structures, roadway elements, dedicated lighting, landscape architecture and landscape elements
- 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 county collection in good condition
- program administration and planning
- community education programs, outreach, and dedications
- collection management, including software and database training, photo documentation, etc.

Administration

In 1997, administration of the Trust was assigned to the AHCMC, a non-profit agency designated by law to administer the County's grant funds for arts and humanities programs.



As an AHCMC program, the Trust has access to broader administrative and marketing opportunities than in the past. The collection and the Trust are featured on AHCMC's website and in most marketing materials. Staff is provided to the Trust, including a part-time director, with marketing and administrative assistance from AHCMC staff as needed.

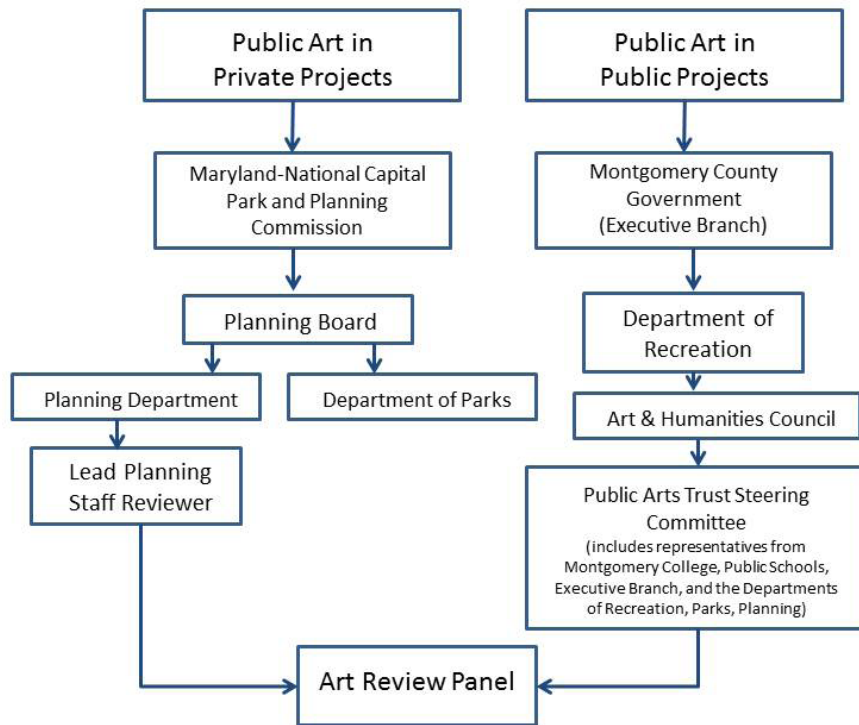
GOVERNANCE

The Public Arts Trust Steering Committee

This committee consists of not more than 15 members and advises the AHCMC's chief executive officer and the Trust's director in implementing the percent for art program. By law, the County Chief Administrative Officer (CAO) or a designee must administer the Trust in consultation with the AHCMC, MCPS, Montgomery College, and the M-NCPPC.

The Committee shall include representatives of:

- Montgomery County Public Schools
- M-NCPPC, Department of Parks
- M-NCPPC, Planning Department
- Montgomery County Department of Recreation
- Montgomery County Department of Transportation
- Montgomery County Department of General Services
- Montgomery College
- Other invited community and government representatives and arts professionals, including at least one artist, one architect, and one landscape architect.



In addition, a standing Board member of the AHCMC shall serve as a voting member on the Committee.

Nominations of invited community, government, and art professionals to the Committee shall be approved by the standing Committee members. Committee members shall serve three year terms, and may be re-appointed for a second three-year term.

The Committee generally meets every two months. Projects for the fiscal year are discussed at an annual retreat in early fall.

The Committee's Role in Reviewing Public Art in Public Projects

The commissioning, purchase, maintenance, acceptance of gifts, and the deaccessioning of public art for County departments and agencies are determined by the policies and procedures in these Guidelines. Keeping in mind the program's mission and goals, the Committee will also identify and recommend types of public art projects that should be targeted for implementation. Projects may involve the commissioning or acquisition of permanent works of art as well as temporary art installations and/or exhibitions.



Passage, LindaDePalma, Silver Spring

The Committee should be involved at each step in completing a capital project to ensure that public art best suits the project and County goals. At the facility planning stage, an Agency representative will present candidate projects to the entire Committee to determine if the project is an appropriate candidate for public art. At that time, a public art project scope and budget should be developed. If the Committee approves the project, the Committee will recommend an appropriate artwork budget to be included in the project cost estimate at the facility planning stage. The Committee may choose to contribute Trust funding to a project, or the project may be funded entirely through the client department's project funding.



Reach for Your Dreams, Arturo Ho, A. Mario Loiderman Middle School, Wheaton

At the concept design stage, the full artist selection committee will participate in the project and the agency representative and Director will provide periodic updates on the status of the project at Committee meetings.

During the design phase of the project, the Director will recommend an appropriate artist selection process for the specific project and will manage the artist selection process. The artist selection committee will include the client department's project manager, other appropriate agency representatives, design consultant(s), at least one community representative, and may include other interested members of the Committee.

In the design and construction stages, funding for the public art will be available.

The Committee's Role in Reviewing Public Art in Private Projects

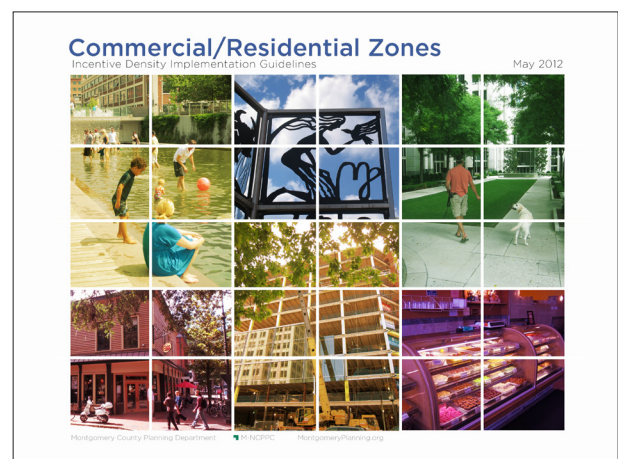
The Planning Department coordinates the review of public art in private development and establishes a meeting schedule. Committee members participate in this process to review proposed applications and artworks provided as public amenities through optional method development. The Commercial/Residential Zones Incentive Density Implementation Guidelines (adopted by the Planning Board in 2012) offer several public amenity options, including provision of artwork(s) and payments to the AHCMC.



Celebration of Life, Jorge Somarriba, Whole Foods Market, Silver Spring

The Incentive Density Implementation Guidelines include the criteria under which artworks or payment may be accepted. Further guidance will be provided by individual master or sector plans, the Public Art Road Map, and these Guidelines.

The Art Review Panel seeks to review projects at the earliest possible design phase and may recommend that the applicant return with a revised concept or a more fully detailed design. After a thorough review of the artwork(s) within the public use space, the Art Review Panel must provide the Planning Board with its recommendations on the artwork(s) and specify recommended conditions of approval for the artwork(s) or the fee-in-lieu option.



Incentive Density Implementation Guidelines
montgomeryplanning.org/development/com_res_zones.shtml

Submittal applications describe the concept of public artwork(s) within the public use space through maps, 3-D models, illustrations, budget, materials, and overall dimensions.

PROJECTS AND PROGRAMS

Projects

The Trust initiates three types of public art projects:

- permanent, site-specific, site-integrated, or site-sensitive works commissioned for installation on public property in the County
- semi-permanent and temporary exhibitions, installations, performances and other public art programs and events
- the purchase of existing artworks for the Contemporary Works on Paper Art Collection.

Forms of public art include but are not limited to:

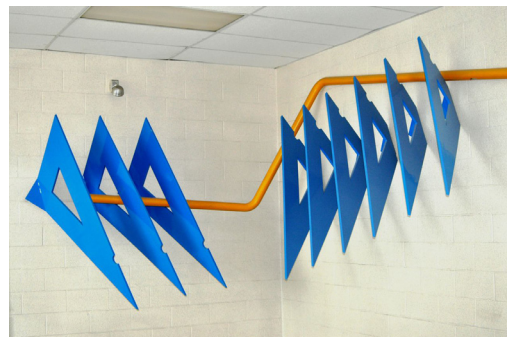
- sculpture in the round or in any of the following forms or types: bas-relief, mobiles, fountains, environmental, kinetic, electronic, etc., in any material or combination of materials
- painting in all media, including portable and permanently affixed works such as murals and frescoes
- printing and drawing, including media such as photography, film, graphic arts, any print media (e.g. lithography, etching, etc.), drawing, and calligraphy
- ceramic, fiber and textiles, wood, metal, plastics, glass, stone, mosaics, and other materials;
- technological media that may develop through artistic pursuit or adaptation of digital, audio, video or graphic media; use of lighting, the internet, and the like
- mixed media, that is, any combination of forms and media.



Silver Plaza Fountain, Deirdre Saunder, Silver Spring



Solar Farm, Nizette Brennan, Agricultural History Farm Park, Derwood



Vertebrae VI, Foon Sham, Montgomery College, Rockville



Hearts Beat, Athena Tacha, Strathmore Music Center.



Takoma Trees, Judy Sutton Moore, Takoma Park

Programs

Artist-in-Residence Schools Program



New Beginnings, Jay Carter Stevens, Silver Spring International Middle School



A Fossil Record of Our Time, Jane Larson, James Hubert Blake High School

The Trust, with input from MCPS, may periodically select a school in which to create a site specific public art piece. The artist engages the student body to assist in conceiving, designing, and fabricating (if appropriate based on the nature of the artwork and age of the students). The nature and location of the project is determined with the school administration and the Trust's director. Because of limited budgets, projects should be sited indoors or commissioned as semi-permanent artworks if placed outdoors. There is a financial matching requirement of at least \$1,000 for each school (with exceptions made under special circumstances).

Budget cap: \$10,000 per School

Community Center Public Art Program

The Committee, with input from the County, may periodically select a community center in which to create a site-specific public art piece. The nature and location of the project is determined with the community center director and the Trust's director. Because of limited budgets, projects should be sited indoors or commissioned as semi-permanent artworks if placed outdoors.

Budget cap: \$10,000 per Center



Rock Creek Trail Bridge, Vicki Scuri, Veirs Mill Road and Aspen Hill Road

Capital Improvements Projects Program

Every two years prior to each CIP cycle, the Trust works with County and M-NCPPC departments to review projects that are potential candidates for public art. These are typically new construction projects or renovations of existing facilities and are brought to the attention of the Committee by members or through other agency representatives.

After potential projects are presented by an Agency project manager or other representative, the Committee identifies appropriate candidates and recommends allocation of Trust funding. (Projects previously reviewed and approved by the Committee during facility planning that have public art funds in their proposed construction budget do not require additional review.)

The Trust typically provides funds for the design fee, manages the commissioning process, and holds the initial design contract with the artist. 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 to be hired as a consultant to the Trust prior to fabrication and installation of the artwork.

The Agency's project manager, the Committee, and the Trust's director determine the nature and the location of the project. Funding varies by project. For public art projects with a construction budget, a design budget of 20 percent of the base construction budget is standard. Three percent of the total art project budget must be set aside by the contracting agency in a conservation fund to be administered by the Trust. Such funds shall be transferred to the Trust for the sole purpose of conservation and ongoing maintenance of the earmarked artwork for the intended lifespan of the artwork.

Because the Trust believes public art projects should be integrated through the design collaboration process whenever possible, projects that are in the planning and design stages are preferred and may be given priority over projects that have completed final design.

Contemporary Works on Paper Art Collection

Originally called the "Works of Art in Public Places" program, the Contemporary Works on Paper Art Collection began in 1975 with \$7,000 from County bond money and matching funds from the National Endowment for the Arts. With the funds, the County purchased works of art from local, area, and national artists. Most pieces purchased are prints, drawings, or collages. The Collection includes pieces from noted artists Jim Dine, Sam Francis, and Milton Avery. It also includes pieces from local artists such as Joseph Craig English, Raya Bodnarchuk, and Mark Leithauser. Works on paper are collected primarily because of their lower cost and portability. In recent years, the Trust has focused on collecting pieces from Montgomery County artists.

Pieces from the collection are exhibited in public buildings throughout the County and rotated periodically. Since its inception in the mid-1970s, the Collection has grown to over 500 pieces. New pieces were purchased periodically through a juried or selective process.

In 2012, the Trust completed an assessment of the Works on Paper Collection and all documentation has been incorporated into the Database.

The Trust, with some assistance from the County's Department of General Services, manages the Works on Paper Collection. The Trust will be developing a plan to distribute artworks for public office spaces. The Trust uses maintenance funds allocated each year from the County Operating Budget to provide long-term storage for pieces not currently on exhibit and to frame, maintain, and repair pieces as needed.



Tous Les Chats Son Gris, M. Donner, Enterprise Resource Planning, Rockville



Red Door, Jo Rango, Arts & Humanities Council, Silver Spring

The Artworks

SITE AND PROJECT SELECTION CRITERIA

The following principles and criteria are used to select and make recommendations concerning public artworks.

Principles for Public Art

- Should be made in response to the character and history of the site and reflect the creative exchange between the artists and the community.
- Should respect the history and culture of the area.
- Should make a positive contribution to the community.
- Should respect the environment/be sustainable.
- Should be fabricated using the highest professional standards.
- Should have final design approval or recommendation by AHCMC, conditioned upon conservator vetting of materials, fabrication and future maintenance, with AHCMC providing conservator consultation services.
- Should require reasonable maintenance.

Site Selection Criteria Hearts Beat, Athena Tacha, Strathmore Music Center, North Bethesda

- Site is on public property in Montgomery County, for permanent installations.
- Site is visible and accessible at least eight hours a day.
- There is an opportunity to incorporate permanent, semi-permanent, or temporary works of art into an existing site.
- Art can be introduced to a community where it will enhance the quality of community or place.
- The geographic location has been identified as a focal point in the community.
- There is little or no public art in a particular area.

Project Selection Criteria

- The work is in keeping with the mission and vision of the Trust.
- There is an opportunity to incorporate permanent artworks during the planning stage via new construction or renovation.
- The project can be a catalyst to facilitate financial and other support from the private and public sector for public art.
- The project presents a good or even unique opportunity to include the work and/or thinking of visual artists in the design and construction.
- The agency supports including an artist in the project design.
- Art could turn an existing negative or disruptive project into a community asset.
- There is an opportunity to form a strong partnership with another agency or jurisdiction, which could result in an expanded art project.
- Some funding will be provided by the host agency/client.
- The proposed project or design process includes the artist and the artistic process as a central element.
- The budget is appropriate for the type of art and/or artistic process envisioned.

In addition, once the site and project are determined, the selected artwork shall be guided by the following principles and process.



Alluvium, Jim Sanborn, North Bethesda



Alluvium, Jim Sanborn, North Bethesda

Artist Selection Process

The artists or extant artworks will be selected on the basis of qualifications or quality as demonstrated by past work, appropriateness of the proposal to the particular project, and probability of successful completion. Selection will be based on the criteria listed below and any additional criteria set forth by the agency's art review committee.

Artist Registry

The AHCMC will create a juried Artist Registry open to local and national professional artists. The AHCMC will support the Registry, which will be vetted periodically by a panel convened by the AHCMC. The Registry is intended to assist the County and developers in selecting artists for public art projects.

Multiple Commissions

To ensure that the program supports diverse artists and artistic expressions, multiple artworks awarded to the same artist should be minimized.

Selection Criteria

The following basic criteria should be used to select artists, review designs and analyze existing artworks:

- quality/originality: demonstrated capabilities of the artist(s) and the merit of the proposed artwork(s)
- suitability: appropriate in scale, material, form, and content for community and physical environment
- durability: demonstrated structural and surface integrity, reasonable maintenance costs and requirements, and resistance to theft and vandalism
- safety/public liability: artwork will not present issues in these areas; artwork(s) will be reviewed by appropriate departments or offices (such as Risk Management, Parks Maintenance, Police, Transportation Planning, etc.) to ensure that the proposed or existing artwork(s) do not present safety hazards
- meets any additional specific criteria established in an RFP/RFQ or private development regulations.

Role of the Artist Selection Panel for Public Projects

AHCMC will establish an Artist Selection Panel consisting of art experts, agency representatives, and community representatives to identify the best candidate for the project. Panel members may also include representatives from the design firms engaged in the overall project. Members from the Committee will also serve on the Panel. The Panel for a given project will not be less than five members nor exceed seven members. The Director will coordinate the Artist Selection Process and will advise the Panel, but will not be a voting member of the Panel.

Method for Selecting an Artist, Artwork, or Proposal

In most cases, an open call for artists is recommended. This call may be distributed locally, nationally or internationally, depending on the project needs. In cases that warrant a specific artistic vision or where a more renowned artist is desired, an invitational call may be used. Artist registries may be considered for large multi-year, multi-site projects.

Selection Methods:

- open competition/Request for Qualifications or Proposals: any artist may apply, subject to any limitations established by the Panel
- limited competition: artists invited by the Panel or already vetted in the Public Artist Registry are invited to submit proposals
- hybrid selection: artists selected through a combination of the above
- direct selection: artist(s) or artwork(s) chosen directly by the Panel with invited community and departmental stakeholders, where appropriate, based on recommendations from the Trust's director. Generally, direct selection will not be employed except on those projects where an open or limited call would be impractical.

Selection Objectives:

- Foster a competitive application environment that results in strong proposals from artists and high quality artworks.
- Conduct artist selection early in the project to maximize the artist's impact on the project. When working with a design team, the artist may be brought on before, with, or after the team. It is preferred that the artist be selected as soon as possible during the design phase.
- Create opportunities for a wide range of artists including those emerging and established.
- Foster the development of design teams who support artists and select artists who are compatible with the other team members.
- Select artists who are sensitive to the communities in which they will be working.
- Streamline the application and design costs.
- Support an efficient workload for staff, artists, and design teams.



Transforma, Heidi Lippman, Newell Street Condominiums, Silver Spring



Andromeda's Spiral, Martha Jackson Jarvis, Galaxy, Silver Spring

COLLECTIONS MANAGEMENT POLICY

The Collections Management Policy guides the development of the Collection for the enjoyment of the public, with direct focus on balancing accessions and deaccessions against the quality, maintenance, and conservation of the collection as a whole. These policies pertain to the Collection as well as the Works on Paper Collection.

Donations

In addition to commissioned and purchased artwork, other parties may wish to donate to the Collection. Due to limited maintenance budgets and limited space, the County may not accept all donations. Artworks may subsequently be accessioned into the Collection based upon recommendation of the Committee.

Individuals or organizations looking to donate an artwork(s) to the County must submit an information packet for consideration that includes photographs of the artwork(s), a written statement, including the name of the artist, title, medium, date of execution, and all other known history of the work and artist readily available.

Donations of artworks that require the County to pay installation, storage, framing, restoration, or repair are not encouraged. The Trust will evaluate such expenditures at the time the gift is considered. Artwork(s) requiring high or excessive maintenance are not encouraged and may be declined.

Criteria for Acceptance

Acceptance criteria include, but are not limited to quality, site availability, safety, and maintenance concerns. Not all art may be found acceptable. It is recognized that although the County is not actively pursuing gifts of art, it welcomes the opportunity to enrich the quality of the environment through the addition of appropriate artworks.

Review Period

The Trust requests at least six months to thoroughly review all site options and/or research safety and maintenance concerns.

Final Approval

The Trust and the affected County agency or department will make the final decision to accept or decline the offer.



The Wonder of Wonders, Yuriko Yamaguchi, Bethesda

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.

Donation Process

All persons interested in donating artwork(s) to the County will be required to submit the following information in writing to the Trust:

- name, address, phone, fax 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 title, medium, dimensions, weight if applicable, date created, signature/inscriptions
- current owner, statement of ownership, absence of liens, copy of bill of sale
- 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, drawings, models, or designs of proposed artwork(s)
- description and samples (if available) of materials and colors
- proposed installation schedule
- estimated cost and funding source for installation (donor or the Trust)
- contact information for installer and installation plan, including transportation of the artwork to the site
- proof of insurance sufficient to meet the requirements of the County, if applicable
- building permits, if applicable.

Donation Review Procedure

Acceptance of donations will be decided by the Committee based on the following criteria.

- **Artistic Merit:** The inherent quality and excellence of a proposed artwork(s). Other artistic credentials to consider include training and critical or other professional recognition.
- **Context:** Artwork(s) must be compatible in scale, material, form, and content with its surroundings. 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).
- **Relevant Experience of Artist (if applicable):** The artist's experience and professional record should provide convincing evidence of ability to successfully complete the project as proposed.
- **Permanence/Maintenance:** Due consideration will be given to the structural and surface soundness, operational costs and inherent resistance to theft, vandalism, weathering and excessive maintenance.
- **Technical feasibility and installation method.**
- **Budget for installation if not provided by the donor.**
- **Cost to accept, insure and maintain the artwork(s).**
- **Diversity, in relation to the Collection.**
- **The artwork(s) is of a nature and quality as to be consistent and to further the aims of the Trust's mission.**
- **Accessioning the artwork(s) will result in an improvement of the Collection as a whole with particular attention to ease of public access, geographic distribution, and variety of medium, scale and dimension.**

Artwork Type and Expected Duration

To the extent foreseeable at the time of acquisition, the artwork(s) will remain in the Collection in one of the following lifetime statuses, to be determined at the time of acquisition:

- **Temporary Work:** An expected life span of up to 18 months. Disposal method must be provided at time of accession. Temporary works include but are not limited to murals, installations, exhibitions, and performances.
- **Semi-permanent Work:** An expected life span of up to 15 years. These types of artwork(s) are typically sited at leased spaces, remodeled spaces, or have known deterioration patterns. The artist should be informed of designation as "semi-permanent." The Trust maintains artwork(s) under a general plan of conservation during this period. After 15 years, the Trust will determine whether the piece will be deaccessioned, conserved, or remade. A standard guideline is that if conservation cost exceeds 50 percent of appraised value, the work is deaccessioned.
- **Permanent Work:** Artwork intended and expected to survive as long as possible beyond 15 years. At time of design proposal, a 15-year maintenance plan and estimated costs would be established, barring major damage caused by vandalism or catastrophic weather.
- **Site Integrated Work:** Artwork that is physically part of the facility and cannot be removed without destroying the artwork or facility. The lifespan may be temporary, semi-permanent, or permanent, but terminates with the destruction of the site or that part of the site which contains the work. It would also terminate with the end of County ownership of the site.



Holiday Destination, artist completing project with community



Holiday Destination, Julia Vogl, Silver Spring Plaza, Silver Spring



Holiday Destination, unveiling with County Executive, Ike Leggett

Placement and Site Considerations

If a donor has specified a site, the artwork(s) should significantly contribute to the setting from a functional or design standpoint and significantly enhance the chosen location in a way meaningful to the public.

The following factors will be considered:

- visibility
- traffic patterns (both interior and exterior)
- public safety
- relationship to existing or planned architectural and natural features
- users of the site
- future development plans for the area (if known)
- landscape design
- existing artwork(s) within the proposed site vicinity
- environmental concerns
- public accessibility to the artwork(s), including ADA requirements
- social context (intended use of the work if any)
- significance to the proposed artwork(s).



United Therapeutics building. The BioWall media screen, curved building at right, shows silent films in partnership with the Fillmore and AFI Theatres, which are located within walking distance.

Final Acceptance

Final acceptance of donated artwork(s) will be made by the Committee and acknowledged through a written statement to the donor or donor's agent. Final acceptance will require an Acceptance Agreement.

Deaccession Policy

The County shall retain the right to remove any County-owned artwork in the Collection. It should be recognized, however, that the deaccession of an artwork(s) before the end of its anticipated lifespan should be a rare and unusual measure. The commissioning or acceptance of a unique artwork should recognize that the creative process entails a level of risk, and that responses to artworks are often varied and subjective.

A recommendation for removal of an individual artwork from the Collection or the Works on Paper Collection may be made only after careful consideration of the following criteria by the Trust and approval by the Committee and the Department of Recreation. The Planning Board and the Art Review Panel will use the same criteria to remove public art in private projects,

The Visual Artists Rights Act, effective June 1, 1991, offers the artist a protection of his or her right of integrity and right of attribution. The Act's rights must be dealt with carefully in the contract.

Conditions for Deaccessioning

The County's policy is that artworks be recommended for removal only in unusual circumstances and only if reasonable cause has been established by one or more of the following:

- the artwork's present condition poses a safety hazard to the public
- the artwork has been damaged or has deteriorated to the point that it can no longer be represented to be the original artwork
- the restoration of the artwork's structural or aesthetic integrity is technically not feasible, or the expense of restoring it exceeds 50 percent of the original cost of the artwork
- the architectural support (building, wall, plaza) is to be destroyed and the artwork cannot be removed intact for relocation
- the use of this particular public space may have changed, and/or the artwork may have lost its contextual meaning and it cannot be re-sited, or re-siting the artwork would be inappropriate

- the artwork requires excessive and inappropriate conservation and/or maintenance or has inherent faults of design or workmanship
- an 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 does not meet 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
- 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.

Deaccessioning Procedures

Periodically, but preferably at a minimum of once every five years, the Committee will review art in public projects. A review of the County's Works on Paper Collection and art in private projects shall occur separately.

If necessary, the Committee will designate an advisory subcommittee composed of visual art professionals (e.g., artists, museum curators, conservators, art historians) to review specific items proposed for deaccession and make recommendations to the Committee and the Department of Recreation about the disposition of these works.

Procedures for deaccessioning are initiated by a majority vote of the Committee. In some cases, a subcommittee shall be appointed by the Committee to evaluate the artwork based on the Conditions for Deaccessioning listed above. Deaccessioning of public art in private projects is initiated by a site plan amendment application, evaluated by the Art Review Panel.

Once a deaccessioning determination has been made, the following procedures will be followed:

- A report is prepared that includes:
 - review of any restrictions which may apply to the artwork based on contract review or the condition of the artwork
 - analysis of the reasons for deaccessioning
 - options for storage or disposition of the artwork
 - appraised value of the artwork, if obtainable.
- The Committee, subcommittee, or Planning Board reviews the report and may seek additional information from artists, galleries, conservators and other artist professionals prior to its recommendation.
- For public projects, a recommendation for action is sent to the Committee, and if approved, is referred to the Department of Recreation.
- If the deaccession is approved by the Department of Recreation or the Planning Board:
 - the artist will be informed in writing of this decision and will be given right of first refusal to buy back the deaccessioned artwork, including title, or the Trust or owner will arrange for appropriate disposal/destruction of the artwork
 - if the artwork was a donated gift, the donor will be informed in writing of the intent to deaccession
 - appropriate public notification will be made.
- After proper public notification, the following actions may be considered: (in order of priority)
 - Sale or Trade:
 - Sale through auction, art gallery or dealer resale, or direct bidding by individuals, in compliance with County law and policies governing surplus property
 - Trade through artist, gallery, museum, or other institutions for one or more other artwork(s) of comparable value by the same artist
 - Indefinite loan to another governmental entity
 - Destruction of artwork deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, in accordance with national standards for conservation and deaccession.
 - Re-donation, sale or other arrangement agreed upon with the donor or artist at the time of the County's acquisition of the artwork
- Any financial costs incurred to implement removal and/or disposal of the artwork will be funded by maintenance funds provided by the County.

Relocation of Public Art

From time to time, artworks need to be re-sited due to renovation, construction, or sale of property, or because the context of the original site has changed. In the event of the need to remove an artwork, the Trust staff will work with County agencies and facilities to find an appropriate new location for the artwork where feasible.



The artist will be notified of such a need and shall have the opportunity to comment on the proposed new locations, but the Trust will make the final determination. The Trust staff will prepare a recommendation on the new location of the artwork for approval by the Committee and the affected County department or agency, via the Department of Recreation.

Any financial costs incurred to relocate an artwork will be funded by maintenance funds provided by the County.

Maintenance and Preservation

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. For public projects, the Trust is only responsible for the conservation and maintenance of permanent and semi-permanent artworks that have been formally accessioned into the Collection as well as the Works on Paper Collection. Public artworks commissioned by private developers are not County property and therefore cannot be accessioned into the Collection. The Trust is not responsible for their conservation and maintenance. The private developer is responsible for the maintenance and/or conservation of all such artworks.

To manage the collection, the AHCMC and M-NCPPC maintain a coordinated database that includes information and images of all artworks. All inventory numbers for public artworks in the collection begin with PA; works on paper begin with WP; works donated and on view in public institutions which have not been officially accessioned into the collection begin with ZZ. Artworks commissioned by a private developer include suffix DV at end of inventory number.

The Trust staff is responsible for:

- Oversight of the Public Art Collection Survey and submittal of the Conservation and Maintenance plan for Trust review every three years
- All maintenance and curatorial services for the 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
- responding to opportunities to accomplish necessary repairs and preservation or consulting on such repairs, as appropriate.



Spirit of Freedom, Muriel Castanis, Rockville County Courthouse, powerwashing



Spirit of Freedom, Muriel Castanis, Rockville, after conservation

Appendix

- 1 Montgomery County Code, Chapter 8, Article VI. Works of Art in Public Architecture
- 2 Criteria for Project and Site Selection
- 3 AHCMC Database and Maintenance Information
- 4 Transfer of Title

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

Sec. 8-43. Definitions.

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

Sec. 8-44. Public arts trust.

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

Editor's noteThe 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.

<http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiilocallawsordinancesres...> 2/24/2010

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.)

<http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiilocallawsordinancesres...> 2/24/2010

Montgomery County Public Art Guidelines

Appendix 2

Criteria for Project and Site Selection

Public Arts Trust of Montgomery County Criteria for Project/Site Selection Template

Date: _____

Project Name: _____

Location: _____

Project Manager: _____

CIP number: _____

Criteria	Maximum points	Evaluation Points
1. Development Opportunities	20	
2. Community visibility	20	
3. Geographic location/does area lack public art?	20	
4. Quality of opportunities for artist(s)	10	
5. Budget—matching funds/funding in CIP project budget?	20	
6. Support of project manager/staff resources	10	
7. Timing—what stage is the project at?	10	
Total	100	

Notes/Questions:

Montgomery County Public Art Guidelines

Appendix 3

AHCMC Database and Maintenance Information

AHCMC Database and Maintenance Information

Date:

Artist Name:

Artist Email: Artist Phone Number:

Artist Mailing Address:

Title of Artwork:

Inventory Number: (To be assigned by Trust staff)

Location:

Address:

Name of Contact Person at Site:

Phone Number of Contact Person:

E-mail of Contact Person:

Installation date of Artwork:

Trust Funds: Agency Funds: Contract #

Materials Used (be as specific as possible):

Fabrication Information: Where fabricated? How fabricated?

Brief Description of Artwork and Edition Number if Applicable (can add attachment):

Dimensions of Artwork:

Dimension of Frame or Base:

Signed:

Maintenance Required (e.g., washing, waxing, etc.) and Frequency:

Consulting Conservator and Contact Information:

Artist Signature:

Date:

**Transfer of Title
for Valuable Consideration**

This is to certify that _____ has taken possession
of the following public Artwork.

This certifies that the project has been completed and the contract has been fulfilled.

Project and/or Title of Piece: _____

Artist: _____

Address: _____

Location: _____

Address: _____

County Representative/Project Manager (print): _____

Signature: _____

AHCMC Representative: _____

Signature: _____

Date: _____

Montgomery County Public Art Guidelines

April 2013



the maryland-national capital park and planning commission
8787 georgia avenue, silver spring, maryland 20910
www.montgomeryplanning.org



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