

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 39 (Delegate Conaway)  
Ways and Means

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**Baltimore City Public Schools - Maintenance, Preservation, and Protection of  
Public Art - Requirements**

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This bill requires the Baltimore City Board of School Commissioners, in collaboration with the Chief Executive Officer and the Baltimore Public Art Commission, to establish and implement a program of maintenance, preservation, and protection for public art located at Baltimore City public school facilities. The bill defines “public art” as (1) an architectural enhancement of artistic significance or (2) an individual piece of art. “Public art” includes (1) a mural; (2) a tile mosaic; (3) a painting; and (4) a sculpture. The board must establish regulations to implement the bill.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Baltimore City expenditures increase by approximately \$954,100 in FY 2018 and by approximately \$250,000 annually in future years. Baltimore City revenues are not affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** Approximately 250 works of public art are on loan to Baltimore City schools by the city government. As owners of the artwork, Baltimore City specifies in its public art guidelines that required maintenance must be provided by the city

government and/or the Baltimore Office of Promotion and the Arts (BOPA). The guidelines also specify that conservation and condition assessments are the responsibility of BOPA. Over the past year, city schools have sought a commitment from the city to provide much-needed conservation and maintenance funding for city-owned artwork on display at city school buildings. Although the city’s public art guidelines require the commission to maintain public artwork, the city has requested that city schools fund the required services.

### *Baltimore City Public Art Commission*

The Baltimore City Public Art Commission serves as a citizen review board that is charged with administering Baltimore City’s Percent-for-Public Art program, as well as reviewing permanent gifts of public art to Baltimore. The commission is both an advisory and decision-making body. The commission is composed of nine members, appointed by the mayor to serve for a term of four years. Members may be reappointed to serve up to two consecutive terms. All members of the commission must be qualified and credentialed professionals.

### *Percent-for-Public Art Program*

In 1964, Baltimore became the second city in the country to pass a “one percent for art law.” The Percent-for-Public Art program requires Baltimore City to allocate one percent of all capital construction costs for public artwork. This program is a common form of funding public art programs across the United States. In 2007, Baltimore renewed its commitment to the public art program by updating its ordinance to require at least one percent of all eligible funds to be used, among other things, for “the selection, acquisition, commissioning, fabrication, placement, installation, display, and maintenance of artwork.”

**Local Expenditures:** Baltimore City expenditures increase by approximately \$954,100 in fiscal 2018 and by \$250,000 annually in future years as illustrated in **Exhibit 1**. This estimate includes the cost of hiring a public art manager for the public school system, conducting appraisals of existing pieces of public art on display at city public schools, and restoring pieces of public art that are in poor condition.

The new public art manager will be responsible for planning, directing, and coordinating conservation and maintenance of public art on display at city public schools. The additional position is needed since there is no current position within the public school system with the expertise to conserve and manage a public art collection. The cost to hire a public art manager is estimated at \$143,100 in fiscal 2018, which includes \$114,400 in salaries and \$28,700 in benefits.

Baltimore City indicates that approximately 250 pieces of public art are currently on display at city public schools. Due to insurance purposes, Baltimore City will need to conduct an appraisal for each piece of public art at a cost of \$175,000 in fiscal 2018. This estimate is based on each appraisal costing \$700. In addition, based on a report by a certified conservator, approximately 50 large-scale outdoor sculptures are in poor condition and require restoration. The estimated cost for the restoration work totals \$630,000. The cost for conservation and maintenance of the remaining 200 pieces of public art is estimated at \$400,000 or \$2,000 apiece. These costs will be spread out over four years beginning in fiscal 2019.

**Exhibit 1  
Expenditures for this Bill**

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Public Art Manager	\$143,126	\$143,531	\$143,938	\$144,290	\$144,757
Appraisal	175,000	0	0	0	0
Restoration	630,000	100,000	100,000	100,000	100,000
Other Costs	6,000	6,000	6,000	6,000	6,000
<b>Total Expenditures</b>	<b>\$954,126</b>	<b>\$249,531</b>	<b>\$249,938</b>	<b>\$250,290</b>	<b>\$250,757</b>

Source: Baltimore City

**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore Office of Promotion and the Arts; Baltimore City; Department of Legislative Services

**Fiscal Note History:** First Reader - January 17, 2017  
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