



Public Synopsis

OIG Report #2014-0338

Review of the Preservation, Protection, and Maintenance of
Public Art at the Baltimore City Public Schools



**OFFICE OF INSPECTOR GENERAL
BALTIMORE CITY**

100 N. Holliday Street, Rm. 640
Baltimore, MD 21202



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OIG Report #2014-0338: Review of the Preservation, Protection, and Maintenance of Public Art at the Baltimore City Public Schools

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FROM	NAME & TITLE	Robert H. Pearre, Jr. – Inspector General 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Office of Inspector General 640 City Hall		
	SUBJECT	Synopsis of OIG Final Report #2014-0338		

TO Hon. President and Members of the City Council
400 City Hall

DATE: 03/04/2016

Please find attached the Office of the Inspector General’s (OIG) Public Synopsis of OIG Report #2014-0338, which reviewed the preservation, protection and maintenance of public art located on campuses and within buildings of various Baltimore City Public Schools. The OIG initiated this evaluation after being informed that a significant number of pieces of art, mostly sculptures paid for with public funds and primarily displayed at various public schools in Baltimore, were either missing, discarded, or in various stages of disrepair.

The OIG found that a series of surveys of public artwork conducted between 1992 and 2014 identified significant problems with respect to the preservation, protection and maintenance of public art. Specifically, these surveys identified 12 pieces of artwork, primarily sculptures originally commissioned for \$258,000, that were either missing or discarded, or in such states of disrepair that they posed safety hazards and potential liability to the City. In addition, existing artwork at the schools has not always been properly preserved and maintained. Subsequent to completion of the OIG’s evaluation, a more comprehensive inventory of all public artwork commissioned for Baltimore City Public Schools identified additional artwork either missing or in various states of decay.

The OIG made two recommendations which were agreed to by management at the Baltimore Office of Promotion and the Arts (BOPA) and Baltimore City Public Schools. When fully implemented, the corrective actions proposed will help ensure that accountability for identifying, protecting and properly maintaining all public art displayed at city schools is assigned to the appropriate city agency/personnel, and that procedures are put in place clearly identifying the steps to be taken to promptly report missing artworks to the proper authorities. BOPA and Baltimore City Public Schools provided written responses to the report’s recommendations which are included as Attachments 1 and 2 to this report.

The OIG would like to thank BOPA and the School System for their cooperation in working towards the successful completion of this evaluation. The OIG looks forward to continuing our cooperation to strengthen accountability as well as management controls over City operations.

KJC/RHP

- This report is available to the public in print or electronic format.
- To obtain a printed copy, please call or write:

Office of Inspector General
100 N. Holliday Street
Suite 640, City Hall
Baltimore, MD 21202

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- Notifications of new reports are now available via Twitter by following us **@OIG_BALTIMORE**.

Public Synopsis



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Public Synopsis

OIG Report #2014-0338: Review of the Preservation, Protection, and Maintenance of Public Art at the Baltimore City Public Schools

SUMMARY

The Office of Inspector General (OIG) has completed an evaluation of the preservation, protection and maintenance of public art located on campuses and within buildings of various Baltimore City Public Schools. The OIG initiated this evaluation after being informed that a significant number of pieces of art, primarily sculpture paid for with public funds and displayed primarily at various public schools in Baltimore, were either missing, discarded, or in various stages of disrepair.

Since 1964, the City of Baltimore has added almost 400 artworks of all types including sculptures, paintings and murals to its permanent collection. Of these 400 artworks, approximately 200, including 50 sculptures, were commissioned for Baltimore's public school campuses or adjoining recreation centers. As a result of legislation passed by the City of Baltimore in 1964, setting aside at least one percent of each capital construction project's budget for artwork, most public school buildings either newly constructed or significantly renovated since 1964 have artwork on-site specifically commissioned for the building.

In 2009, a local non-profit organization funded a conservation survey of the 50 pieces of outdoor sculpture that were commissioned at public schools throughout the City from 1964 to the present. Several additional surveys of public artwork performed both prior to and subsequent to the 2009 survey identified that a significant number of these sculptures were missing or discarded, or in such states of disrepair that they posed safety hazards and potential liability to the City. In total, these surveys identified that 12 pieces of artwork (primarily sculptures) originally commissioned for approximately \$258,000 were either missing or discarded. The current value of these 12 missing or discarded artworks could be much higher. Subsequent to completion of this evaluation, an inventory of all public art (sculptures, paintings, metal wall reliefs, mosaics, ceramic installations, brick work, mobiles, etc.) commissioned for Baltimore City Public Schools was completed by a city agency. This inventory identified a significant number of missing artworks in addition to the 12 missing or discarded sculptures discussed in this report.

The OIG made recommendations to help ensure that accountability for identifying, protecting and properly maintaining all public art displayed at city schools is assigned to the appropriate

city agency/personnel, and that procedures are put in place clearly identifying the steps to be taken to promptly report missing artworks to the proper authorities. Prompt action by city officials to fully identify and protect the artwork located at schools is particularly important in light of the 10-year plan to modernize the school system's buildings through new construction, renovations, relocations and closures. Management at the responsible City Agencies agreed with the recommendations and has planned responsive corrective actions.

OBJECTIVE

The objective of the evaluation was to determine whether appropriate controls were in place to establish accountability as well as responsibility for the preservation and protection of public art, primarily outdoor sculptures located on campuses of various Baltimore City Public Schools. The OIG conducted the evaluation during the period of June 2014 through August 2015.

While this evaluation was focused on the preservation and protection of 50 artworks at public schools, primarily outdoor sculptures, the resulting recommendations are applicable to all public art located in both the exterior and interior of the schools.

BACKGROUND

Baltimore's 1-Percent-for-Public-Art Ordinance

Originally passed in 1964, Baltimore's 1-Percent-for-Public-Art Ordinance sets aside at least one percent of the budget of the City's capital construction projects for artwork. Baltimore was the second city in the nation, after Philadelphia to pass such an ordinance. Public art is generally seen as enhancing the cityscape, quality of life, and artistic and creative climate. It often encourages civic pride, provides opportunities for enrichment and sometimes sparks cultured debate. Public art also supports the city's artists and promotes an awareness of the visual arts in the public environment. Since 1964, the City has added almost 400 artworks to its collection including 200 that were commissioned for public schools or adjoining recreation centers.

Baltimore's passage of its ordinance in 1964 inspired many other municipalities across the country to follow suit. Over time, these cities expanded on the progressiveness of the 1-Percent-for-Public-Art program, thus prompting the Baltimore Office of Promotion and the Arts (BOPA) and what was the Civic Design Commission to pursue updates to strengthen and modernize Baltimore's ordinance. On August 13, 2007, the updated ordinance was approved by the Baltimore City Council. With this revision, the new legislation requires at least 1 percent of a city capital construction project's eligible funds be used for the selection, acquisition, commissioning, fabrication, placement, installation, display and maintenance of public artwork; as well as the establishment of a nine member Public Art Commission (PAC).

Basic Agreements for Artwork Establish the Finished Product as City Property

The finished artwork commissioned under the 1-Percent-for-Public-Art Ordinance is the property of the City of Baltimore. Specifically, the basic agreement between the City of Baltimore and the artist for the original completion of artwork funded by the ordinance contained items such as

the artist's name, a description of the project to be completed, the amount of compensation to be paid as well as the expected completion dates for the finished artwork. The agreement also contained the statement that:

“all ornamentation and other things created or to be furnished by the Artist under the provisions of this agreement, wherever situate, shall be and become the sole property of the City, when the ornamentation and other things first come into being, free and clear of any lien(s) or encumbrance(s).”

These agreements established city ownership of the finished artwork and were signed by, among others, the Artist and the Mayor, and approved by the Board of Estimates and the City Solicitor.

Public Art Stakeholders

There are multiple organizations and entities, both public and private, with either direct responsibility for commissioning, conserving or maintaining Public Art, or just an interest in ensuring that existing artwork displayed throughout the City of Baltimore is properly preserved, protected and maintained.

Baltimore Office of Promotion and the Arts

The Baltimore Office of Promotion and the Arts (BOPA), a non-profit and cabinet level organization, is the official Baltimore City Arts Council. The organization administers grants available to artists and art organizations in Baltimore, administers the City's Public Art Program, including staffing and managing the Public Art Commission, and operates two individual artist studio/exhibition spaces. BOPA also produces events and arts programs on behalf of the city, including major events such as the New Year's Eve and July 4th celebrations at the Inner Harbor, Artscape which is America's largest free arts festival, the Baltimore Book Festival, Baltimore Farmers' Market and Bazaar, School 33 Art Center's Open Studio Tour and the Dr. Martin Luther King Jr. Parade. The organization's mission is to make Baltimore a more vibrant and creative City by, among other things:

- Producing high-quality special events, festivals and arts programming that stimulate communities economically, artistically and culturally.
- Inspiring and promoting literary, performing and visual arts, and artists.

BOPA is governed by a 16-member board of directors, has 40 staff members and an annual budget of approximately \$6 million.

Baltimore Public Art Commission

Baltimore City Code, Article 5, Subtitle 21, “Public Art,” states that public art has enabled people in all societies to understand better their communities and individual lives. This subtitle further states that the City of Baltimore 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.

Established in the updated 1-Percent-for-Public-Art Ordinance, the Public Art Commission (PAC) is responsible for administering Baltimore's 1-Percent-for-Public-Art Program, as well as for generally promoting and encouraging public art in the City. The PAC consists of nine members with eight appointed by the Mayor and one member appointed by the President of the City Council. The PAC is both an advisory and decision making body. In its advisory capacity, the PAC works with commission staff and each of the designated City Agency Liaisons and may make recommendations to city agencies regarding options for any upcoming 1-Percent-for-Public-Art projects. In its decision making capacity, the Commission, in consultation with the appropriate city agency, selects the artist and approves the proposals for 1-Percent-for-Public-Art commissioned by the City, and approves gifts of Public Art to the City and their locations. The PAC is staffed with personnel from BOPA.

The PAC is required to adopt rules and regulations that 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.

The PAC is also responsible for reviewing the inventory of public art, including assessing the status of maintenance. Maintenance of artwork, as described in Article 5, Subtitle 21, is defined as the maintenance, preservation, and conservation of, including curatorial services for, artwork owned by the City, whether created under this subtitle or otherwise obtained.

City of Baltimore Public Art Guidelines

The 2012 City of Baltimore Public Art Guidelines state that BOPA enforces the 1-Percent-for-Public-Art Ordinance. With respect to maintenance, the guidelines state that the City, PAC, BOPA, and said Agency recognize that maintenance of the artwork on a regular basis is essential to the integrity of the artwork. The City, PAC, BOPA, and said Agency shall reasonably assure that the artwork is properly maintained and protected in accordance with the requirements of a given contract. Contracts will require the Artist or Artist Team to represent and warrant the artwork for a period of five (5) years after the final acceptance of the Artwork, with periodic required maintenance, by the City and/or BOPA. The guidelines also state that the PAC will establish policies and procedures to evaluate the public art collection on a regular basis for purposes of conservation and assessment of the collection's future.

Friends of Public Art

The Friends of Public Art (FPA) is a group of concerned citizens and professionals in the field of public art who have been working with the City of Baltimore and the schools for several years to address the serious condition of the contemporary public art in Baltimore with a primary focus on outdoor sculpture, particularly artwork sited at city schools. The FPA came together to address the lack of conservation and maintenance of all the contemporary public art commissioned by the City between 1967 and 2007. The intention of the FPA was to raise matching private funds to enable the City to conserve these works of art. The FPA states that it became evident immediately that it would be impossible and pointless to raise funds unless donors could be assured that an ongoing professional assessment and maintenance program was in place. The goal of the FPA has been to ensure that all parties work in partnership to preserve the works of public art with special focus on the artwork located at City Schools.

RESULTS

Multiple surveys of 50 outdoor sculptures that were funded by Baltimore's 1-Percent-for-Public-Art Ordinance and located on the campuses of City public schools identified that 12 pieces are either missing or have been discarded. In addition, inappropriate and unprofessional treatment has compromised many additional pieces of city-owned artwork at the schools. Of the existing artwork still located at the schools, the lack of any proper maintenance and conservation has created the presence of safety and potential liability issues. This situation has occurred primarily because of a lack of accountability among the various responsible organizations with respect to the proper preservation, protection and maintenance of the public artworks located at city schools. As a result, 12 pieces of sculpture originally commissioned for approximately \$258,000 but which could potentially have higher current values, are missing or have been discarded. In addition, artwork remaining at the schools has not always been properly preserved and maintained.

Subsequent to completion of the OIG's evaluation¹, BOPA conducted a more comprehensive inventory of all public artwork commissioned for Baltimore City Public Schools which identified a more significant amount of artwork either missing or in various states of decay.

Surveys of Public Artwork in Baltimore

Multiple surveys of public artwork in Baltimore have been conducted over the last 25 years. For example, a 1992 survey of all outdoor sculpture in Baltimore City was funded by the Commission for Historical and Architectural Preservation (CHAP)². The survey resulted in a condition report as well as the creation of photographs for each of the 240 pieces of sculpture

¹When the OIG evaluation was being completed in 2015, an inventory of public art was being performed. Specifically, in the summer of 2015, BOPA partnered with Baltimore City Public Schools to conduct a full inventory of all public art commissioned for City school properties since 1964. This inventory identified that since 1964, a total of approximately 200 artworks were commissioned for public schools or adjoining recreation centers.

²Established in 1964, the Commission for Historical and Architectural Preservation's (CHAP) mission is to enhance and promote the culture and economy of Baltimore through the preservation of buildings, structures, sites and neighborhoods that have aesthetic, historic and architectural value. The Commission (a City Board appointed by the Mayor) and its staff are located within the Department of Planning.

located throughout the City. In 2007, the same individual who conducted the 1992 survey for CHAP conducted another survey in preparation for publishing a book on sculpture in Baltimore³. The 2007 survey was conducted to confirm that all the sculptures identified in the 1992 survey remained in their previously documented location. The 2007 survey identified that several sculptures were missing.

In 2009, a foundation headquartered in Baltimore funded a survey to document the condition of each of the 50 pieces of outdoor sculpture located at city public schools. This survey resulted in survey reports for each of the 50 pieces which included an assessment of the condition of each piece, how to properly maintain and treat each piece, and a recommendation of professionals and estimated costs to complete treatments.

At the time of this OIG evaluation, the most recent completed survey of artwork located at city schools had been conducted in 2014. This survey was conducted as part of the City's long-term plan⁴ to modernize, renovate, replace, vacate, relocate, and close school buildings in the Baltimore City Public School System. In addition to surveying pieces of sculpture located at schools that would be impacted during the early years of the plan, the survey updated the results of the 2009 survey for the pieces of sculpture that were most at risk.

Each of these surveys identified that over a twenty-plus year timeframe, there were significant problems with respect to the preservation, protection and maintenance of public art. Specifically, over time, a total of 12 pieces of artwork, mostly outdoor sculptures located at Baltimore City Public Schools were identified as missing or discarded. Further, many additional pieces were in states of deterioration or neglect. Some examples of artworks located at Baltimore City Public Schools commissioned under the 1-Percent-for-Public-Art Ordinance, and documented as missing or discarded during these multiple surveys are discussed in the following sections.

“The Guide” and “Citisphere” Sculptures at Baltimore City College High School are Missing

Established in 1839, Baltimore City College High School is the third oldest high school in the country. The high school, earlier located in downtown Baltimore, moved to its current location on a 38-acre campus in 1928. In 1977, the school was closed and underwent an \$8 million renovation, which included approximately \$80,000 for artwork under the 1-Percent-for-Public-Art Ordinance. The renovated school reopened a year later in 1978. In 2003, the school building was placed on the National Register of Historic Places and was designated a Baltimore City Landmark in 2007.

The renovation project's architect took the lead in commissioning artworks for the interior and exterior of the building including two primary pieces, the sculptures entitled “The Guide” and “Citisphere.” Other artworks including wood and metal reliefs, wall hangings, painted murals, and fiber pieces were commissioned for the interior of the building.

³ “Outdoor Sculpture in Baltimore, A Historical Guide to Public Art in the Monumental City,” 2011, the Johns Hopkins University Press.

⁴ “21st Century Buildings For Our Kids: Baltimore City Public Schools’ 10-Year Plan,” January 8, 2013, represents the Baltimore City Schools 10-year plan to replace, renovate and otherwise modernize all school buildings to support 21st century teaching and learning.



The 2014 survey found that both “The Guide” and “Citisphere” were missing. “The Guide” (seen at left) was an approximately 15 foot high, galvanized steel sculpture that was located at the front of the school building and was noticeable from the main thoroughfare that ran in front of the school. There is now a blacktop/asphalt sidewalk where the sculpture was located. The original commission for the “The Guide” in 1977 was \$23,371. The value of the sculpture in today’s dollars could be significantly higher.

Similar to “The Guide,” another sculpture, “Citisphere” (seen at right), and also commissioned as part of City College’s renovation in 1977 was found missing during the 2014 survey. During the 2009 survey, it was discovered that this stainless steel piece had been dismantled from its location in a plaza outside the school’s cafeteria and stored in a stairwell at the school with its assembly hardware missing. Upon returning to the school during the 2014 survey, the piece could not be located. The original commission for the piece was \$7,647.



Discussions with school personnel about the two sculptures indicated that it was unclear: (1) when the sculptures were actually noticed as missing, (2) what actually happened to the sculptures, (3) who the sculptures belonged to, or (4) who was responsible for the sculpture’s maintenance and preservation. For example, a senior administrator at the school since 2010 stated that they had never seen either of the sculptures. Another school employee stated that the “Citisphere” sculpture had been removed more than five years ago by a crew that was filming a movie at the school. The film crew supposedly disassembled the sculpture and placed its components under stairs in one of the school’s hallways. This employee did not know what subsequently happened to the sculpture after it was placed under the hallway stairs. As for the location of “The Guide,” this same employee stated that a city work crew had installed a blacktop/asphalt sidewalk where the sculpture used to be located.

A Baltimore City Public School System facilities official stated that with respect to “The Guide,” facilities personnel had removed the concrete base upon which the sculpture sat in order to make way for the installation of the sidewalk that is now where the sculpture had previously been. This same official stated they had never actually seen either of the missing sculptures.

Artworks Commissioned for the Former Southwestern High School Discarded During Renovation

The former Southwestern High School in Baltimore, designed to house 2,500 students on its 52 acre campus, was constructed in 1970 at a cost of \$8.7 million and opened in February 1971. The construction project for the school’s buildings was one of the early capital projects subject to

the provisions of the 1-Percent-for-Public-Art Ordinance. The project's architect selected four artists for the creation and installation of the resulting artwork, with a total value at the time of \$87,000, and included:

- (1) a bank of doors for the school's auditorium (valued at \$23,000 in 1971),
- (2) murals for the building's interior, several of which were hung in the lobby of the academic building (valued at \$41,000 in 1971), and
- (3) two pieces of painted steel sculpture (valued at \$23,000 in 1971), one at the main entrance of the school and one on the plaza outside the cafeteria.

In 2007, the Maryland State Department of Education and the Schools for Educational Evolution and Development (SEED) Foundation⁵ entered into a contract to operate a statewide, college preparatory, public boarding school, the SEED School of Maryland. In 2008, the campus and buildings of Southwestern High School were leased to the SEED School, which subsequently opened to new students in the same year.

In 2014, it was discovered that the bank of doors for the auditorium in addition to all the murals (combined original value of \$64,000) were missing from their location in the interior of the original main building of Southwestern High School. The original main building on the

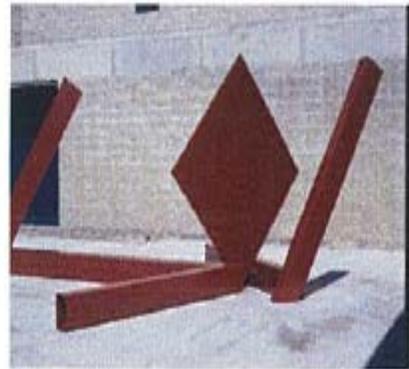


Southwestern (now the SEED School of Maryland) campus where these items were located had been subject to renovation by the SEED School. At the time of the renovation, the items were removed by the renovation architects. In addition to the banks of doors for the auditorium and murals in the building's interior, a conservator who visited the SEED School during the 2009 renovation also identified that of the two exterior pieces of steel sculpture (both untitled), one (seen at left) was still located on school property but was in a deteriorated condition while the other sculpture had been discarded.

When interviewed, SEED School officials were unfamiliar with the missing pieces of art and stated that the architect for the company that completed the renovation of the academic building may have information related to the missing artwork.

⁵ The SEED (Schools for Educational Evolution and Development) Foundation is a private foundation, established in 1997 to provide boarding school college-preparatory opportunities to underserved students. The first SEED school, the country's first public boarding school, opened in 1998 in Washington, DC. The second SEED school, the SEED School of Maryland opened on the site of the former Southwestern High School in Baltimore in 2008.

With respect to the discarded piece of sculpture that had been located on the plaza outside the cafeteria, the architect stated that the piece (seen at right in its original configuration) was damaged when the contractor attempted to dismantle the sculpture prior to constructing a new building at the SEED School. The architect stated that the piece, which in its original configuration was bright red in color, had been painted black. After being damaged during dismantling, the piece was subsequently moved by the construction contractor to the north side parking lot area so that it would be out of the way as the new building was constructed.



The photo at the right shows the piece as it looked upon its dismantling and removal by the construction contractor. This piece, after being dismantled and moved, was subsequently discarded and no longer exists. As a result, of all the artwork originally commissioned for Southwestern High School upon its opening in 1971, only one piece of deteriorated sculpture remains. Conservators surveyed this one remaining piece of sculpture and treatment options were being explored considering whether the necessary financial resources can be obtained.



Sculpture at Walter P. Carter Elementary School was Vandalized over 20 Years Ago and then Subsequently Found Missing

In 1974, a bronze sculpture to be placed at the Walter P. Carter Elementary School in Baltimore was commissioned for \$27,000 under the 1-Percent-for-Public-Art Program. The sculpture, a series of assorted bronze tubes, was located at the entrance to the school (see picture at left below). During the 1992 survey, the sculpture was found to have been vandalized with almost half of the bronze tubes in the design missing. By the time the 2007 survey was completed, all the bronze tubes in the sculpture were missing. The picture below (at the right) shows the site of the sculpture as it currently exists.



When interviewed, the school's principal stated they had never seen the sculpture affixed and located in front of the school as shown in the first photograph above. The school's custodian was also interviewed and stated that sometime around 2005 or 2006, city workers came to the school and removed the remaining tubes that hadn't been vandalized because they posed a safety risk. Specifically, the tubes were "pointed" on the top and presented a risk as children attending the school were constantly trying to climb and scale the tubes. The custodian said that they were not sure what city workers removed the tubes or what was their ultimate disposition.

Responsibility for Maintaining, Preserving, and Protecting Remaining Public School Artworks

As can be seen from each of the varied examples of missing or deteriorated artworks, there has been a lack of accountability over the ownership, maintenance, preservation and protection of valuable artworks including sculptures at these various public school locations. This lack of accountability and general neglect has to date, resulted in 12 missing or discarded pieces of art (primarily sculpture) that were located at Baltimore City Public Schools. As mentioned earlier, an inventory conducted subsequent to this evaluation identified a significant number of missing artworks in addition to the 12 missing sculptures discussed in this report. A complete listing, including the school where the 12 missing or discarded pieces were located is in the Appendix to this report.

While surveys have identified a significant number of missing artworks at public schools, it should be noted that some proactive actions have been taken with respect to properly identifying the remaining artworks and assigning responsibility for their maintenance, preservation and protection. For example, in March of 2015, the Chief Executive Officer (CEO) of the Baltimore City Public Schools System sent a letter to each principal of the schools where artwork was located. The letter mentioned that Baltimore has been nationally recognized for its public art collection, as well as its leadership in commissioning public art in neighborhoods throughout the City. It further stated that City schools were fortunate to have such a significant number of public artworks and that it was important to preserve this legacy. The CEO went on to inform the principals that some of the artwork, both on the interior and exterior of schools has not been properly maintained, and in some cases, has been damaged, destroyed or even removed from the schools.

The letter's main message was to assign responsibility to the various principals for properly protecting the art in their respective school's possession. Specifically, the letter stated that:

“As principal, you have a responsibility to protect works of art sited at your school from any alteration or damage. However, authority for determining appropriate maintenance, conservation, or any other handling of the artwork lies with the Baltimore Office of Promotion and the Arts (BOPA).”

While school principals have been notified to adequately protect the artwork at their schools, the responsibility as well as the funding for preserving and maintaining the artwork to prevent its deterioration lies with the City of Baltimore. Specifically, the City of Baltimore Public Art Guidelines state that while BOPA enforces the 1-Percent-for-Public-Art Ordinance, the City, The Public Art Commission (PAC), BOPA and responsible agency (i.e. the School System, Department of Public Works etc.) shall reasonably assure that the artwork is properly maintained and protected.

The Public Art Guidelines state that the PAC will establish policies and procedures to evaluate the public art collection on a regular basis for purposes of conservation and assessment of the collection's future. In addition, the PAC is required to adopt rules and regulations that shall include procedures and guidelines for “allocating eligible funds for the maintenance of existing artwork.”

It is especially important that prompt action be taken to not only identify and properly inventory all existing artwork located at City school locations, but also that a plan be put in place to ensure for each piece of artwork's protection, preservation and maintenance in the years ahead. The need for prompt action is especially important in light of the significant construction and renovation activities that will be taking place in the next ten years as part of the City Schools 21st Century Buildings for Our Kids plan. This 10-year, \$2.4 billion plan to modernize all district school buildings will consist of:

- renovating 87 buildings;
- vacating 26 buildings;
- relocating 12 schools to different buildings; and
- closing 17 schools.

With such a large scale, long-term plan in place that will significantly alter the buildings and spaces currently occupied by Baltimore City Public Schools, it is imperative to obtain an accurate inventory of all artwork located both on the exterior as well as the interior of the schools because any disruptions caused by these renovations and construction could result in even more artwork being lost, damaged or discarded.

BOPA Inventory Conducted in 2015 Identified a Significant Number of Missing Artworks

At the time this OIG evaluation was being completed in 2015, a comprehensive inventory of public art was being performed by BOPA in partnership with the Baltimore City Public Schools. Specifically, a full inventory was conducted of all public art (sculptures, paintings, metal wall reliefs, mosaics, ceramic installations, brick work, mobiles, etc.) commissioned for the interior or exterior of school buildings, properties, and conjoined recreation centers since 1964. From the inventory team's review of available records, they determined there were a total of 205 commissions of artwork since 1964.

The inventory results, finalized in November 2015, identified that:

- 137 pieces were still in place to include some that were (a) partially damaged but still in their original location; or (b) removed from their location but "in storage" within the school building;
- 46 pieces were confirmed to be missing; and
- 22 pieces remained unclear because the inventory team was not able to access the site of the piece or was unable to identify whether what they were observing was the location where the artwork should have been.

Regardless of whether the BOPA inventory was able to account for 100 percent of the commissioned artwork, the fact that this was a more comprehensive inventory of commissioned artwork and found that the number of missing pieces was far more significant than the 12 sculptures the OIG identified provides reason for taking prompt proactive action to not only preserve but properly maintain these remaining pieces. The results of this most recent inventory should be the starting point for any future efforts.

Funding for Future Maintenance and Preservation Efforts

While it is recognized that public funding for any project is constrained, funding for maintenance and preservation of artwork is the responsibility of the City of Baltimore. Existing laws provide for the possibility that funding for maintenance and preservation could be made available from existing sources. For example, there are provisions in the 1-Percent-for-Public-Art Ordinance for maintenance of the artwork commissioned under the ordinance. Further, the Public Art Guidelines state that the City, PAC, BOPA and responsible agency shall reasonably assure that the artwork is properly maintained and protected. As such, these entities should coordinate their efforts to appropriately prioritize and budget for preservation and maintenance funding as part of the City's annual budget process.

While Baltimore's Public Art Program has been nationally recognized and was the second such program in the country at the time of its inception in 1964, there has never been a corresponding program for the maintenance and preservation of the artworks commissioned under the program, some of which are as much as 50 years old. Other cities that instituted public art programs subsequent to Baltimore's also did not originally provide for a maintenance program. However,

many of these cities, such as Dallas and Chicago, recognized this shortcoming and began to implement programs for the conservation and maintenance of public art. For example, the City of Dallas sets aside 1.5 percent of a project's construction budget for public art with 1 percent for the art itself, .25 percent for administration and .25 percent for maintenance. In contrast, the City of Chicago provides for maintenance of public art in its general operating budget with additional funds for maintenance coming from 20 percent of their percent for art resources. Planning should begin between all the responsible parties to implement a maintenance and conservation program for Baltimore's Public Art.

RECOMMENDATIONS

1. Using the results of the Baltimore Office of Promotion and the Arts (BOPA) recently completed inventory of public artworks, BOPA, in coordination with the Chief Executive Officer (CEO) of the Baltimore City Public School System, should; (1) promptly, and annually thereafter, notify the principals of the schools where artwork is located of their responsibility to protect the artwork, and (2) provide a detailed listing by school and location at the school of the specific artwork for which each principal is responsible.

Management Response. Management at BOPA and the Baltimore City Public School System agreed with the recommendation. BOPA stated that implementation of the recommendation would provide an immediate intervention to the artwork missing from various schools. BOPA further stated that the recommendation is easily implementable prior to the end of the 2015/2016 academic year upon receipt of necessary school contact information because BOPA has already collected the necessary data in an easy to distribute format. The School System stated they recognize the responsibilities of public stewardship that is shared with the City and all other beneficiaries of Baltimore's Public Art Program and that planning should begin between all responsible parties to implement a maintenance and conservation program. The complete text of both responses is in Attachments 1 and 2.

OIG Evaluation of Management Response. The planned actions are responsive to the intent of the recommendation.

2. BOPA, including the Public Art Commission, in coordination with the CEO of the Baltimore City Public School System, should commence planning to establish and implement a permanent maintenance and preservation program for the public art located in the exterior and interior of the school buildings of the Baltimore City Public Schools.

Management Response. Management at BOPA and the Baltimore City School System agreed with the recommendation. BOPA stated that a public art-specific Memorandum of Understanding (MOU) agreement between BOPA, the School System and the City be created. BOPA already maintains such an agreement with each agency that participates in the public art program with the exception of the School System. BOPA further states that such a document is necessary to define the joint relationship and responsibilities for maintaining the City's artwork housed within public school facilities moving forward. The 21st Century Buildings program adds further importance to establishing a defined and legally binding preservation partnership, as the

majority of School System facilities will be undergoing major capital improvements over the next ten (10) years which will disrupt many works of art on school property. A strong inter-agency MOU and preservation program will ensure that the public art located in schools throughout the City will be preserved and enjoyed by generations to come.

The School System stated they recognize the responsibilities of public stewardship that is shared with the City and all other beneficiaries of Baltimore's Public Art Program and that planning should begin between all responsible parties to implement a maintenance and conservation program. The complete text of both responses is in Attachments 1 and 2.

OIG Evaluation of Management Response. The planned actions are responsive to the intent of the recommendation.

APPENDIX

Missing Public Art at Baltimore City Public Schools

1. “The Guide,” outdoor sculpture missing from Baltimore City College High School, originally valued at \$23,371.
2. “Citisphere,” outdoor sculpture missing from Baltimore City College High School, originally valued at \$7,647.
3. “Sea Birds,” outdoor sculpture missing from Calvin Rodwell Elementary School, originally valued at \$14,872.
4. “Untitled,” bank of auditorium doors missing/discarded during renovations from the former Southwestern High School (now the SEED School of Maryland), originally valued at \$23,000.
5. “Untitled,” multiple wall murals missing/discarded during renovations from the former Southwestern High School (now the SEED School of Maryland), originally valued at \$21,000.
6. “The Quest,” relief missing from the former Canton Junior High School (now the Friendship Academy of Science and Technology), originally valued at \$39,260.
7. “Untitled,” outdoor sculpture missing/discarded during renovations from the former Southwestern High School (now the SEED School of Maryland), originally valued at \$23,000.
8. “#31,” outdoor sculpture missing from Harriet Tubman Elementary School, originally valued at \$16,780.
9. “Untitled,” exterior façade relief at Cecil Elementary School, originally valued at \$12,450.
10. “Untitled,” outdoor sculpture missing from the Walter P. Carter Elementary School, originally valued at \$27,000.
11. “Lady Madonna and Child,” outdoor sculpture missing from David E. Wegland Elementary School (later dismantled and stored at the Druid Hill Park construction yard), originally valued at \$10,000.
12. “The Of Course Culture Horse,” outdoor sculpture missing from Govans Elementary School, originally valued at \$20,000.

Attachment 1. Baltimore Office of Promotion and the Arts
Response to OIG Recommendations

BALTIMORE
OFFICE OF PROMOTION & THE ARTS

March 1, 2016

Robert H. Pearre, Jr., Inspector General
Office of Inspector General
City of Baltimore
100 N. Holliday Street
Room 640, City Hall
Baltimore, Maryland 21201

SUBJECT: Response to Draft Evaluation Report #IG-2014-0338- Review of the
Preservation, Protection, and Maintenance of Public Art at the Baltimore City
Public School System

Dear Mr. Pearre:

The Baltimore Office of Promotion & The Arts (BOPA) has received and reviewed the report provided by the Office of the Inspector General (OIG) regarding the preservation, protection and maintenance of public artwork at Baltimore City Public Schools. As the report notes, when Baltimore adopted the Percent-for-Art law in 1964, it was the second city to have such a program in the country. Unfortunately, the ordinance that defined the program in 1964 was flawed. Primarily, the ordinance at the time called for "up to 1%" of construction costs to be set aside for the artwork. This language allowed for 0% funding, thus the ability to decline the addition of any artwork for public projects. However, the Baltimore City Public School System (BCPSS), which was at the beginning of a 15 year building boom, was very active in the program. Despite sometimes harsh public criticism, BCPSS and their architects commissioned local and nationally renowned artists to create over 200 pieces of artwork to adorn city school buildings. As the OIG's report also points out, funding was not set aside for art maintenance at this time. As most of the artwork was integrated directly into the facility or capital project it was commissioned for, maintenance of artwork was expected to be conducted alongside routine building or facility maintenance.

In 2007, BOPA worked closely with the administration to re-write the 1964 ordinance and replace it with an updated Percent-for-Art ordinance. The updated ordinance commits participating agencies to providing "at least" 1% of eligible construction costs to the public art program, defines the participating city agencies, and expands the uses of the public art allocation to include maintenance and promotion of the program. However, what was not accounted for in the 2007 re-write of the law was the involvement of the schools. Despite hosting nearly half of the City's public art collection, after the 1997 separation from City government and restructuring, the schools were no longer a city agency, and thus were not included or required to participate in the re-written Percent-for-Art ordinance. Under this arrangement, the physical buildings and utilities, including the interior or exterior public art, are still the property of Baltimore City. The routine maintenance and care of those facilities has been considered the responsibility of the restructured BCPSS. Over the almost 20 years since

the split from City government, much of the institutional memory of how or why any given artwork came to be at a school has been lost.

In 2015, BCPSS provided support for an inventory of all the public artwork which had been commissioned for BCPSS facilities. This inventory came after artist advocacy for the preservation of the public artwork. Over the summer of 2015, BOPA facilitated the inventory process, catalogued the collection and mapped the findings. The results are described in an executive report written in August of 2015 which detailed many accounts of missing and neglected art.

The Baltimore Office of Promotion & The Arts welcomes the OIG's investigation into the status of public artwork at City public schools and the operation of BOPA's public art programs. We know it is our responsibility to work with and guide the City of Baltimore in the preservation and protection of the City's collection and are working to develop an accountable maintenance program which can be funded through the Percent-for-Art ordinance. We intend to re-visit our operational protocols with the agencies who participate in the program, including the Capital Planning Division and adjust the timeline on which percent for art funds reach BOPA. We believe that if the total 1% of eligible funds can be determined in the planning stage of the capital budgeting process and the allocation can be provided to BOPA as an annual budget line item, our organization can effectively plan and budget for an annual maintenance program. If this change is effective, the City may consider increasing the current funding rate from 1% to 1.5%, as your report notes has been done in comparative cities across the country. Regardless of the funding allocated, the first step in the preservation of any artwork located at public schools must be an open dialogue and active partnership with the Baltimore City Public School System. Our responses to the OIG's recommendations are below.

OIG Recommendation 1: Using the results of the Baltimore Office of Promotion & The Arts (BOPA) recently completed inventory of public artworks, BOPA, in coordination with the Chief Executive Officer (CEO) of the Baltimore City Public School System, should (1) promptly, and annually thereafter, notify the principals of the schools where artwork is located of their responsibility to protect the artwork, and (2) provide a detailed listing by school and location at the school of the specific artwork for which each principal is responsible

BOPA Response: BOPA strongly agrees. This recommendation would provide an immediate intervention to artwork missing from various schools. The recommendation is also easily implementable as BOPA has already collected the necessary data in an easy to distribute format. This recommendation could be implemented before the end of the 2015/2016 academic year. BOPA requests the contact information for the BCPSS position responsible for this distribution.

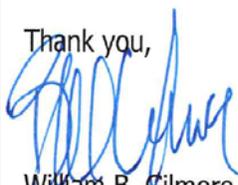
OIG Recommendation 2: BOPA, including the Public Art Commission, in coordination with the CEO of the Baltimore City Public School System, should commence planning to establish and implement a permanent maintenance and preservation program for the public art located on the exterior and interior of the school buildings of the Baltimore City Public Schools.

BOPA Response: BOPA strongly agrees with this recommendation and requests a public art-specific MOU agreement between the Baltimore City Public School System, the Baltimore Office of Promotion & The Arts, and the City be created. BOPA maintains such an agreement with

each agency that actively participates in the public art program, but no such agreement or protocols have been set in place with BCPSS in the years since BOPA has overseen the program. Given the circumstances outlined in the OIG's report, such a document is necessary to define the joint relationship and responsibilities for maintaining the City's artwork housed within public school facilities moving forward. The 21st Century Buildings program adds further importance to establishing a defined and legally binding preservation partnership, as the majority of BCPSS facilities will be undergoing major capital improvements over the next 10 years which will disrupt many works of art on school property. A strong inter-agency MOU and preservation program will ensure that the public art located in schools throughout the City will be preserved and enjoyed by generations to come.

BOPA thanks the OIG for this report and the consideration and attention they have put towards the history and current status of public art in Baltimore. Please include this response in your final report.

Thank you,



William B. Gilmore
Executive Director

Attachment 2. Baltimore City Public Schools Response
to OIG Recommendations

BALTIMORE CITY PUBLIC SCHOOLS

Stephanie Rawlings-Blake
Mayor, City of Baltimore

Marnell A. Cooper
*Chair, Baltimore City Board of
School Commissioners*

Gregory E. Thornton, Ed.D.
Chief Executive Officer

February 25, 2016

Robert H. Pearre, Jr.
Office of the Inspector General
640 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202
Via Email: Robert.Pearre@baltimorecity.gov

Dear Inspector General Pearre:

I am in receipt of the draft OIG Report#IG2014-0338 regarding City-funded public art installed at City Schools' facilities. Let me state from the outset that Baltimore City Public Schools (City Schools) recognizes the important role that works of art play in creating and maintaining a positive learning environment for our students and staff. While we recognize, as stated on pages 10 and 12 of the report, that the responsibility and funding for maintenance and preservation of artwork is the responsibility of the City of Baltimore, City Schools recognizes the responsibilities of public stewardship that we share with the City and all other beneficiaries of Baltimore's Public Art Program.

City Schools is therefore in agreement that planning should begin between all the responsible parties to implement a maintenance and conservation program for Baltimore's Public Art. In order to facilitate a comprehensive process, we would like to offer the following recommendations:

1. City Schools recommends that the Office of the Inspector General consult with the American Institute for Conservation of Historic and Artistic Works to assist with development of its recommendations for artwork preservation, protection, maintenance and management.
2. Recommendations to improve collection management should include establishing provenance of insufficiently documented artwork across the City portfolio.
3. Implementation of an industry-standard catalog system is essential to collection/inventory management and is generally an insurance requirement. This catalog system should include metadata standards/schema for cataloging acquisitions and de-accessions of its collection.
4. Applicable laws, codes and ordinances are included in the Report; however, the report does not sufficiently clarify how these instruments impact existing and future City-funded artwork commissioned for City Schools.

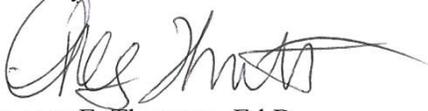
200 East North Avenue • Baltimore, Maryland 21202 • Visit us on the web at www.baltimorecityschools.org

5. Ideally, efforts to “commence planning to establish and implement a permanent maintenance and preservation program” should apply across the City portfolio, including City Schools. A more global response will help to standardize and enhance the City’s approach to collection management.

In closing, it is important to note that the description of City Schools’ 21st Century Buildings Plan (page 11 of the OIG Report) was from the original proposed 10-year plan. The legislation enabling the plan to start provides funding for what is now referred to as Phase 1 of the plan. This phase includes up to \$1.1 billion that is currently expected to complete 23-28 schools. Additionally, the Memorandum of Understanding commits the district to surplus 26 schools.

Thank you for the opportunity to provide City Schools’ perspective regarding the maintenance and preservation of City-funded public art installed at City Schools’ facilities. We look forward to working with the Office of the Inspector General and our partner City agencies in this important endeavor.

Sincerely,



Gregory E. Thornton, Ed.D.
Chief Executive Officer

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