



**Committee:** EC/GO  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Chief Legislative Attorney  
**Purpose:** To receive testimony – no vote expected

AGENDA ITEM #2  
March 10, 2026  
**Public Hearing**

## **SUBJECTS**

Expedited Bill 10-26, Arts and Humanities Council - Amendments

Lead Sponsor: Council President at the Request of the County Executive

Co-Sponsor: Councilmember Sayles

## **EXPECTED ATTENDEES**

Public speakers

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- Receive testimony.

## **DESCRIPTION/ISSUE**

Expedited Bill 10-26 would:

- (1) establish requirements for the board of directors of the Arts and Humanities Council;
- (2) establish appointment and confirmation requirements for members of the board of the Arts and Humanities Council;
- (3) establish certain operational requirements of the Arts and Humanities Council;
- (4) require the establishment of a racial equity and social justice policy by the Arts and Humanities Council;
- (5) establish a plan and timeline for implementation; and
- (6) generally amend the law regarding the Arts and Humanities Council.

## **SUMMARY OF KEY DISCUSSION POINTS**

- The County Executive has explained: “This bill updates and clarifies the Arts and Humanities Council’s statutory role and responsibilities and strengthens its relationship with the County to reflect current governance standards. It establishes the structure and requirements of the Council’s Board of Directors; clarifies appointment and confirmation processes; and sets forth policies and procedures to ensure that Council actions are ethical, fair, unbiased, non-partisan, and compliant with applicable rules and policies.”
- “The amendments align the Council’s governing framework with other County public-private entities that receive most or all of their funding from the County, as well as with comparable regional arts and humanities councils. These updates are intended to provide clearer guidance

and strengthen accountability, while continuing to support the Arts and Humanities Council’s mission to promote and expand the arts and humanities in Montgomery County.”

**This report contains:**

Staff Report	Pages 1-3
Expedited Bill 10-26	© 1
Memorandum of the County Executive	© 14
Fiscal Impact Statement	© 34
Climate Assessment	© 35
Economic Impact Statement	© 38

\*The Racial Equity and Social Justice Impact Statement was not available at the time of publication of this staff report. It can be found at the below address when available: [Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight- Montgomery County, Maryland \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/legislativeservices/Pages/Racial-Equity-and-Social-Justice-Economic-and-Climate-Impact-Statements.aspx)

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**M E M O R A N D U M**

March 5, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 10-26, Arts and Humanities Council – Amendments

PURPOSE: Public Hearing – receive testimony

Expedited Bill 10-26, Arts and Humanities Council - Amendments, was introduced on February 10, 2026. The Lead Sponsor is the Council President on behalf of the County Executive. Councilmember Sayles is a Co-Sponsor.

A public hearing is scheduled for March 10 at 9:30 a.m. A joint worksession of the Education and Culture (EC) Committee and the Government Operations and Fiscal Policy (GO) Committee is scheduled for March 19 at 9:30 a.m.

Expedited Bill 10-26 would:

- (1) establish requirements for the board of directors of the Arts and Humanities Council;
- (2) establish appointment and confirmation requirements for members of the board of the Arts and Humanities Council;
- (3) establish certain operational requirements of the Arts and Humanities Council;
- (4) require the establishment of a racial equity and social justice policy by the Arts and Humanities Council;
- (5) establish a plan and timeline for implementation; and
- (6) generally amend the law regarding the Arts and Humanities Council.

**BACKGROUND**

The County Executive has explained: “This bill updates and clarifies the Arts and Humanities Council’s statutory role and responsibilities and strengthens its relationship with the County to reflect current governance standards. It establishes the structure and requirements of the Council’s

Board of Directors; clarifies appointment and confirmation processes; and sets forth policies and procedures to ensure that Council actions are ethical, fair, unbiased, non-partisan, and compliant with applicable rules and policies.”

“The amendments align the Council’s governing framework with other County public-private entities that receive most or all of their funding from the County, as well as with comparable regional arts and humanities councils. These updates are intended to provide clearer guidance and strengthen accountability, while continuing to support the Arts and Humanities Council’s mission to promote and expand the arts and humanities in Montgomery County.”

**BILL SPECIFICS**

Expedited Bill 10-26 would amend Chapter 5A of the County Code regarding the establishment, membership, and duties of the Arts and Humanities Council (AHC).

**Establishment.** The bill would set up a process through which the Council would designate a non-profit entity as the AHC through Council resolution. The designation would expire after 5 fiscal years, unless extended by the Council through resolution. The Council would have the power to revoke or suspend the designation at any time.

To be eligible for designation as the AHC, a non-profit organization would be required to adopt Articles of Incorporation specifying, among other requirements, that the organization is “incorporated for the purpose of serving as the County’s Arts and Humanities Council”. The organization also would be required to adopt bylaws requiring the organization to comply with the Open Meetings Act and the Maryland Public Information Act.

**Membership.** The AHC would be required to have a board of directors consisting of no fewer than 11 and no more than 15 voting members, appointed by the County Executive and confirmed by the County Council. The membership would include two voting *ex-officio* members from the County government.

**Duties.** The AHC would be required to adopt a racial equity and social justice policy. In addition, main duties of the ACH would include:

- overseeing grantmaking and programmatic activities funded by the County and securing and administering private-sector funding to support the Board’s activities; and
- conducting a countywide needs assessment at least once every 2 years and adopting a strategic plan at least once every 5 years.

The AHC would be required to provide the County with regular and complete financial reports, including an annual report on the Public Arts Trust.

<u>This packet contains:</u>	<u>Circle #</u>
Expedited Bill 10-26	1
Memorandum of the County Executive	14
Fiscal Impact Statement	34

Climate Assessment	35
Economic Impact Statement	38

\*The Racial Equity and Social Justice Impact Statement was not available at the time of publication of this staff report. It can be found at the below address when available: [Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight-Montgomery County, Maryland \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/OLSO/Default.aspx)

Expedited Bill No. 10-26  
Concerning: Arts and Humanities Council -  
Amendments  
Revised: 2/10/2026 Draft No. 2  
Introduced: February 10, 2026  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive  
Co-Sponsor: Councilmember Sayles

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**AN EXPEDITED ACT to:**

- (1) establish requirements for the board of directors of the Arts and Humanities Council;
- (2) establish appointment and confirmation requirements for members of the board of the Arts and Humanities Council;
- (3) establish certain operational requirements of the Arts and Humanities Council;
- (4) require the establishment of a racial equity and social justice policy by the Arts and Humanities Council;
- (5) establish a plan and timeline for implementation; and
- (6) generally amend the law regarding the Arts and Humanities Council.

By amending

Montgomery County Code  
Chapter 5A, Arts and Humanities  
Sections 5A-2, 5A-3, 5A-4, 5A-5, 5A-6, and 5A-7

By adding

Sections 5A-8, 5A-9 and 5A-10

<b>Boldface</b>	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland, approves the following act:*



27 pictures; television; radio; puppetry; tape and sound recording; architecture and the  
 28 construction and conserving of same; publishing, printing, and collection of books,  
 29 papers and media prints; the history, criticism, theory, and practice of the arts; and  
 30 the study and application of the arts to the human environment.

31 **5A-3. Arts and Humanities Council[-]; Establishment and recognition.**

32 (a) [The County government should help establish a County-based,  
 33 nonprofit organization to develop, promote, advocate, and coordinate  
 34 efforts to support, investigate, encourage, and present arts and  
 35 humanities in the County.] A designation under this Chapter expires at  
 36 the end of the fifth full fiscal year after the effective date of the  
 37 resolution making the designation, unless the County Council extends  
 38 the designation by another resolution.

39 (b) [The County Council, after considering any recommendations of the  
 40 County Executive, may designate by resolution a qualified organization  
 41 as the Arts and Humanities Council.] At least one year before a  
 42 designation under subsection (a), the Office of Legislative  
 43 Oversight must evaluate the performance and effectiveness of the Arts  
 44 and Humanities Council. The evaluation should include a survey of  
 45 stakeholders, including artists, arts and humanities organizations,  
 46 grantees, and members of the public.

47 (c) The County Council at any time may suspend or revoke the designation  
 48 of a corporation as the County's Arts and Humanities Council by  
 49 resolution, adopted after at least 15 days public notice, that is approved  
 50 by the Executive, or, if the Executive disapproves the resolution within  
 51 10 days after receiving it, is readopted by a vote of at least 7  
 52 Councilmembers.

53 **5A-4. [Council Membership and Organization.] Board of Directors.**

54 (a) [Membership on the Arts and Humanities Council must be open to all  
 55 private and public agencies, organizations, and individuals who  
 56 support, participate in, contribute to, and generally enhance and  
 57 promote the arts and humanities in the County. Membership on the  
 58 governing board of the Arts and Humanities Council must be  
 59 nonpartisan.] Board Composition. The Arts and Humanities Council of  
 60 Montgomery County must be governed by a Board of Directors  
 61 consisting of no fewer than 11 and no more than 15 voting members,  
 62 appointed by the County Executive and confirmed by the County  
 63 Council.

64 (b) Voting members of the Board of Directors of the Arts and Humanities  
 65 Council must represent:

66 (1) [Private citizens] residents, organizations, and groups recognized  
 67 for their knowledge of or interest in the arts and humanities[.];

68 (2) [Practicing] practicing artists and writers, both professional and  
 69 amateur; scholars and researchers; civic cultural leaders;  
 70 members of the professions; and other individuals and groups  
 71 concerned with the arts and humanities[.];

72 (3) [The] the various disciplines in the arts and humanities[.];

73 (4) [The] the general public, including ethnic, racial, linguistic, and  
 74 cultural minorities[.];

75 (5) [Geographic] geographic balance regarding where members live  
 76 or work in the County[.]; and

77 (6) voting members of the board must be residents of, work in, or  
 78 have strong local ties to Montgomery County.

- 79 (c) [The Arts and Humanities Council may provide for separate classes of  
80 membership for organizations and individuals to recognize and give  
81 representative weight to the size and nature of the interests a member  
82 represents.
- 83 (d) The Arts and Humanities Council must require each officer and  
84 director, and the executive director to annually disclose, confidentially  
85 and in writing, all activities and interests related to arts and humanities  
86 organizations, programs, or funding to the governing board of directors  
87 for the Arts and Humanities Council. Each officer and director, and the  
88 executive director of the Arts and Humanities Council is a public  
89 employee under Sections 19A-11 and 19A-14 for any matter in which  
90 the person participates for the Arts and Humanities Council. The  
91 Council must adopt and apply policies and procedures to ensure that its  
92 Arts and Humanities actions are fair, unbiased, and non-partisan.
- 93 (d) Ex Officio Voting Members. The County Executive must designate 2  
94 current county employee representatives, including one employee  
95 representative of the Department of Recreation, to serve as ex-officio  
96 members of the Board, effective upon the effective date of this Act. Ex-  
97 officio members must vote and must be counted for quorum.
- 98 (e) [Before the County may contract with the Arts and Humanities Council,  
99 the Council must provide a copy of its current articles of incorporation  
100 and bylaws to the County Executive and the County Council. The  
101 Council must submit to the County Executive and County Council for  
102 review and comment any proposed amendment to the articles of  
103 incorporation or bylaws, at least 60 days before the Arts and  
104 Humanities Council takes final action on the amendment. The Council

105 must submit a copy of all adopted amendments to the Executive and  
 106 County Council within 5 working days after adoption. The articles of  
 107 incorporation and bylaws are subject to all County laws, including those  
 108 enacted after the County contracts with the organization.] Terms. Each  
 109 voting member, other than an ex-officio member, serves a three-year  
 110 term. Terms shall be staggered so that approximately one-third of the  
 111 members' terms expire each year. Members may be reappointed and  
 112 may serve until a successor is appointed and confirmed.

113 (f) [The Arts and Humanities Council must give the County regular and  
 114 complete financial reports, including an annual independent audit and  
 115 any accompanying management letter, and any other report required  
 116 under a contract with the County.] Removal. The County Executive may  
 117 remove a voting member for good cause, including a violation of law  
 118 or a violation of the board's bylaws, after providing at least 15 days'  
 119 notice to the County Council.

120 (g) [The Arts and Humanities Council is a public body under the State open  
 121 meetings law.] Compensation. Board members serve without  
 122 compensation, but may be reimbursed for reasonable and necessary  
 123 expenses.

124 **5A-5. [Reserved.] Duties of the Board.**

125 (a) Governance and Oversight. The Board of Directors must govern the  
 126 Arts and Humanities Council and provide independent oversight of its  
 127 operations, finances, and compliance with applicable laws, contracts,  
 128 and ethical standards.

129 (b) Executive Director. The Board shall appoint, supervise, evaluate, and,  
 130 if necessary, remove the Executive Director in accordance with the

- 131 board's bylaws and County-approved governance procedures.
- 132 (c) Fiduciary Responsibility. The Board acts in a fiduciary capacity on  
 133 behalf of the public interest and must ensure that all County funds and  
 134 other public funds are used solely for authorized purposes consistent  
 135 with County agreements and appropriations.
- 136 (d) Financial and Program Responsibilities. The Board must oversee  
 137 grantmaking and programmatic activities funded by the County and  
 138 may secure and administer private-sector funding to support the  
 139 Board's activities.
- 140 (e) Planning and Assessment. The Board must conduct a countywide needs  
 141 assessment at least once every 2 years and shall adopt and maintain a  
 142 strategic plan at least once every 5 years.
- 143 (f) Officers. The Board must elect annually from among its voting  
 144 members a Chair, Vice Chair, and Secretary.

145 **5A-6. [Council] Authority and Reporting.**

- 146 (a) The Arts and Humanities Council is authorized to:
- 147 (1) plan and manage special events (which may include arts shows,  
 148 performances, fairs, festivals, galas, and exhibitions);
- 149 (2) conduct workshops and seminars related to the arts;
- 150 (3) solicit funds from the private sector and third parties to support  
 151 the activities of the Arts and Humanities Council; and
- 152 (4) undertake any activity authorized pursuant to a contract with the  
 153 County.
- 154 (b) [The Arts and Humanities Council, in cooperation with the County  
 155 government and other local public agencies, should:] On August 31 of  
 156 each year, the Arts and Humanities Council must report to the County

157 Executive regarding its operations, activities, finances, and plans  
 158 designed to:

159 ~~[(a)]~~ (1) ~~[Support]~~ support, encourage, and promote the arts and  
 160 humanities in the County, including projects, performance,  
 161 research, education, information exchange, historic preservation,  
 162 and other activities that advance the artistic, cultural, and  
 163 intellectual environment in the County[.];

164 ~~[(b)]~~ (2) ~~[Promote]~~ promote creativity, scholarship, and  
 165 professionalism in the arts and humanities[.];

166 ~~[(c)]~~ (3) ~~[Provide]~~ provide and coordinate funding for the arts and  
 167 humanities in the County[.]; and

168 ~~[(d)]~~ (4) ~~[Advise]~~ advise local, State, and federal agencies about  
 169 financial and other needs of arts and humanities programs in the  
 170 County, including the needs of any underserved or  
 171 underrepresented populations in the County.

172 (c) On August 31 of each year, the Arts and Humanities Council must  
 173 report to the County Executive on the status of the Public Arts Trust  
 174 (PAT), including:

175 (1) current PAT fund balance;

176 (2) expenditures from the PAT fund during the prior fiscal year;

177 (3) a list of all works of art purchased with PAT funds during the  
 178 prior fiscal year;

179 (4) a complete inventory of works of art owned by the County, along  
 180 with the current condition and location of each piece; and

181 (5) a list of all private donations to the PAT received during the fiscal  
 182 year.

183 (d) The Arts and Humanities Council must avoid duplication in arts and  
 184 humanities activities by coordinating Arts and Humanities Council  
 185 activities with other existing and planned governmental programs and  
 186 activities.

187 (e) The Arts and Humanities Council must give the County regular and  
 188 complete financial reports, including an annual independent audit and  
 189 any accompanying management letter, and any other report required  
 190 under a contract with the County.

191 [(e) Report annually in writing to the County Council, County Executive,  
 192 and public on the operations and activities of the Arts and Humanities  
 193 Council and on the state of the arts and humanities in the County,  
 194 including how these activities affect any underserved or  
 195 underrepresented populations in the County.]

196 (f) Avoid duplication in arts and humanities activities by coordinating  
 197 Arts and Humanities Council activities with other existing and  
 198 planned governmental programs and activities.]

199 **5A-7. [County Support for Arts and Humanities Council.] Status;**  
 200 **incorporation; bylaws.**

201 [The County may provide administrative and financial support for the operations and  
 202 activities of the Arts and Humanities Council.]

203 (a) Before the County may contract with the Arts and Humanities Council,  
 204 the Board must provide a copy of its current articles of incorporation  
 205 and bylaws to the County Executive and the County Council. The  
 206 Board must submit to the County Executive and County Council for  
 207 review and comment any proposed amendment to the articles of  
 208 incorporation or bylaws, at least 60 days before the Board takes final

209 action on the amendment. The Board must submit a copy of all adopted  
 210 amendments to the Executive and County Council within 5 working  
 211 days after adoption. The articles of incorporation and bylaws are subject  
 212 to all County laws, including those enacted after the County contracts  
 213 with the organization.

214 (b) Articles of incorporation. To qualify as the County's Arts and  
 215 Humanities Council, the corporation's articles of incorporation must  
 216 provide for the appointment of the members of its Board of Directors  
 217 as required under this Chapter. The articles of incorporation also must  
 218 provide that the corporation is:

219 (1) a Maryland nonprofit, non-stock corporation the purposes and  
 220 activities of which are limited to those that are permitted to be  
 221 promoted or performed by a corporation that is recognized as  
 222 exempt from federal income tax under 26 U.S.C. § 501, as  
 223 amended;

224 (2) not an instrumentality of the County;

225 (3) incorporated for the purpose of serving as the County's Arts and  
 226 Humanities Council;

227 (4) organized and operated under the laws of the State of Maryland;  
 228 and

229 (5) headquartered in the County.

230 (c) Bylaws. The Arts and Humanities Council's bylaws:

231 (1) may contain any provision necessary to govern and manage the  
 232 Arts and Humanities Council that does not conflict with this  
 233 Chapter; and

234 (2) must require the Arts and Humanities Council to comply with the

235 Maryland Open Meetings Act and the Maryland Public  
 236 Information Act.

237 **Sec. 5A-8. Meetings.**

- 238 (a) The Board must meet at least 4 times a year.  
 239 (b) The Board must meet in public session, except as permitted or  
 240 required under Maryland law.  
 241 (c) Board meetings must comply with Maryland Open Meetings Act and  
 242 the Maryland Public Information Act.

243 **Sec. 5A-9. Racial Equity and Social Justice.**

244 To effectively address the complex needs of the County's racially,  
 245 economically, and culturally diverse community and strategically expand  
 246 access to Arts and Humanities Council resources to underrepresented  
 247 populations, the Board must adopt and implement a racial equity and social  
 248 justice policy that applies a racial equity and social justice lens into all aspects  
 249 of the Board's operations in alignment with the County's racial equity and  
 250 social justice strategic plan. The racial equity and social justice policy must  
 251 include:

- 252 (a) a statement of commitment to racial equity and social justice as part  
 253 of the Board's core values;  
 254 (b) active recruitment of potential Board members from diverse  
 255 backgrounds and outreach to communities of color for consideration by  
 256 the County Executive and County Council;  
 257 (c) a formal process to assess Board culture and identify barriers to  
 258 inclusion in Board participation and leadership;  
 259 (d) communications and business practices that are tailored to the needs of  
 260 communities of color and other marginalized communities;

- 261           (e)    a process to identify and address discriminatory or non-inclusive  
 262                   behaviors;
- 263           (f)    organizational policies and procedures that address diversity and  
 264                   inclusion; and
- 265           (g)    a clear, realistic, actionable, and measurable commitment to addressing  
 266                   racial equity that is woven into the governance, culture, and  
 267                   membership of the Arts and Humanities Council.

268   **Sec. 2. Transition.**

- 269           (a)    Continuation of Existing Board. Notwithstanding any other provision  
 270                   of this Chapter, individuals serving on the Board of Directors of the  
 271                   Arts and Humanities Council on the effective date of this Act may  
 272                   continue to serve on an interim basis until appointments are made in  
 273                   accordance with this Chapter.
- 274           (b)    Application to Continue Service. Each individual serving on the Board  
 275                   on the effective date of this Act who seeks to continue service must  
 276                   submit an application for appointment under the procedures established  
 277                   by the County Executive.
- 278           (c)    Appointments Under New Process. Appointments to the Board made  
 279                   after the effective date of this Act, including the appointment of current  
 280                   Board members, must be made by the County Executive and confirmed  
 281                   by the County Council in accordance with this Chapter.
- 282           (d)    Term Alignment and Staggering. The County Executive may assign  
 283                   initial term lengths to newly appointed board members, including  
 284                   reappointed current members, as necessary to achieve staggered terms  
 285                   required under this Chapter.
- 286           (e)    Expiration of Interim Service. An individual serving in an interim

287 capacity under subsection (a) may not continue to serve beyond 6  
288 months (180 days) after the effective date of this Act unless appointed  
289 and confirmed in accordance with this Chapter.

290 (f) Submission of Updated Bylaws. Within 180 days after the effective  
291 date of this Act, the Arts and Humanities Council must submit revised  
292 bylaws to the County Executive that conform to the requirements of  
293 this Chapter, as amended.

294 **Sec. 2. Expedited Effective Date.** The Council declares that this Act is  
295 necessary for the immediate protection of the public interest. This Act takes effect  
296 on the date on which it becomes law.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

MEMORANDUM

February 2, 2026

TO: Natali Fani-González, President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Expedited Bill XX-26 Arts and Humanities Council; and Supplemental Appropriation #26-59 to the FY26 Operating Budget Montgomery County Government - Department of Recreation Arts and Humanities Council of Montgomery County (AHCMC), \$53,788.45

For your consideration, I am submitting Bill XX-26, which will amend Montgomery County Code, Chapter 5A, Arts and Humanities. The Arts and Humanities Council (AHCMC) was established in County Code (Chapter 5A, Arts and Humanities; Sections 5A-7) in 1976 to support and expand the arts and humanities in Montgomery County. In FY2025, the County appropriated \$7,053,955 in General Fund support and \$408,000 from the Public Arts Trust to the Arts and Humanities Council of Montgomery County. Over the last five decades, the County's good governance and accountability framework, financial control systems, funding practices, and public-private partnership models have evolved significantly, while the statutory provisions governing the Council have not kept pace with those changes

A recent internal audit and subsequent internal reviews identified misappropriation of funds related to the Public Arts Trust and the AHCMC Cultural Plan. In response, the County is submitting, concurrently with this legislation, a supplemental appropriation to restore those funds so that the Cultural Plan may move forward in a financially appropriate and compliant manner.

The Department of Recreation is requesting a supplemental appropriation of \$53,788.45 for the AHCMC for the FY26 Operating Budget.

The total Cultural Plan contract amount with Metris Arts Consulting was \$371,298. Of that amount, a portion was paid prior to issuance of the cure memorandum, and \$53,788.45 remains outstanding. At this time, the County is continuing to reconcile the funding sources used for certain payments and is working with AHCMC to obtain complete documentation to confirm how those expenses were paid.

Concurrently, as prescribed in the audit, the County is requesting that the remaining balance of deferred revenue, of which the majority is restricted in its use, be returned by the AHCMC no later than Feb. 6, 2026. Those funds are broken down as follows:

- \$367,299.96 from the PAT NDA
- \$28,598 from the AHCMC NDA

The Department has also requested supporting documentation related to Cultural Plan expenditures to help bring this matter to closure.

This supplemental request is narrow in scope and is intended solely to address the remaining Cultural Plan obligation to Metris Arts Consulting. It does not resolve all audit-related matters, which are being addressed through ongoing administrative and legal review.

The County has also updated the Arts and Humanities Council's contract and directed the Department of Recreation, as the contract administrator, to dedicate additional staff capacity to enhance contract review and ongoing monitoring. Together, these actions underscore the importance of updating the underlying legislation to clarify roles, responsibilities, and accountability going forward.

The Arts and Humanities Council was established pursuant to County law and is funded almost entirely through County appropriations. Accordingly, the County bears a duty to ensure that the Council's governance framework, particularly its processes for appointment, oversight, and accountability, conforms to contemporary standards applicable to entities entrusted with the stewardship of public resources. Given that AHCMC relies predominantly on Montgomery County taxpayer funding, it is imperative that the County demonstrate that such funds are administered within a transparent, compliant, and well-defined governance structure. Consequently, this legislation is being advanced concurrently with the proposed supplemental appropriation to guarantee that any additional public investment is supported by modernized governance provisions that reinforce accountability and maintain public confidence.

This bill updates and clarifies the Arts and Humanities Council's statutory role and responsibilities and strengthens its relationship with the County to reflect current governance standards. It establishes the structure and requirements of the Council's Board of Directors; clarifies appointment and confirmation processes; and sets forth policies and procedures to ensure that Council actions are ethical, fair, unbiased, non-partisan, and compliant with applicable rules and policies.

The amendments align the Council's governing framework with other County public-private entities that receive most or all of their funding from the County, as well as with comparable regional arts and humanities councils. These updates are intended to provide clearer guidance and strengthen accountability, while continuing to support the Arts and Humanities Council's mission to promote and expand the arts and humanities in Montgomery County.

If you have any questions regarding this legislation, please do not hesitate to contact Luisa Cardona at [Luisa.Cardona@montgomerycountymd.gov](mailto:Luisa.Cardona@montgomerycountymd.gov).

Enclosures:                    Expedited Bill XX-26 – Arts and Humanities Council  
   Supplemental Appropriation #26-59

cc:        Tommy Heyboer, Chief of Staff to the Council President, Montgomery County Council  
              Craig Howard, Executive Director, Montgomery County Council  
              Richard S. Madaleno, Chief Administrative Officer  
              Fariba Kassiri, Deputy Chief Administrative Officer  
              Luisa, Cardona, Assistant Chief Administrative Officer  
              Tricia Swanson, Director of Strategic Partnership  
              Gabe Alboroz, Director, Department of Recreation  
              Jennifer Bryant, Director, Office of Management and Budget  
              Adriane Clutter, Division Chief, Department of Recreation  
              Michele El-Gamil, Internal Audit Manager, Office of County Executive

Bill No.: \_\_\_\_\_  
 Concerning: Arts and Humanities -  
Amended  
 Revised: \_\_\_\_\_ Draft No.: \_\_\_\_\_  
 Introduced: \_\_\_\_\_  
 Enacted: \_\_\_\_\_  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: \_\_\_\_\_  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

**AN ACT** to:

- (1) establish requirements for Arts and Humanities Council board of directors;
- (2) establish appointment and confirmation requirements for Arts and Humanities Council;
- (3) establish policies and procedures to ensure that Arts and Humanities Council actions are ethical, fair, unbiased, and non-partisan;
- (4) add racial equity and social justice policy; and
- (5) establish a plan and timeline for implementation.

By amending

Montgomery County Code  
 Chapter 5A, Arts and Humanities  
 Sections 5A-2, 5A-3, 5A-4, 5A-5, 5A-6, and 5A-7

By adding

Montgomery County Code  
 Chapter 5A, Arts and Humanities  
 Sections 5A-8, 5A-9 and 5A-10

<b>Boldface</b>	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland, approves the following act:*



26 memorabilia; photography; industrial design; costume and fashion design; motion  
27 pictures; television; radio; puppetry; tape and sound recording; architecture and the  
28 construction and conserving of same; publishing, printing and collection of books,  
29 papers and media prints; the history, criticism, theory and practice of the arts and the  
30 study and application of the arts to the human environment.

31 **Sec. 5A-3. Arts and Humanities Council[-]; Establishment and recognition.**

32 (a) [The County government should help establish a County-based,  
33 nonprofit organization to develop, promote, advocate, and coordinate  
34 efforts to support, investigate, encourage, and present arts and  
35 humanities in the County.] Any designation under this Chapter expires  
36 at the end of the fifth full fiscal year after the resolution is adopted  
37 unless the County Council extends the designation by adopting another  
38 resolution under this Section.

39 (b) [The County Council, after considering any recommendations of the  
40 County Executive, may designate by resolution a qualified organization  
41 as the Arts and Humanities Council.] At least one year before  
42 redesignation, the Office of Legislative Oversight must evaluate the  
43 performance and effectiveness of the Arts and Humanities Council. The  
44 evaluation should include a survey of stakeholders, including artists,  
45 arts and humanities organizations, grantees, and members of the public.

46 (c) The County Council at any time may suspend or revoke the designation  
47 of a corporation as the County's Arts and Humanities Council by  
48 resolution, adopted after at least 15 days public notice that is approved  
49 by the Executive, or, if the Executive disapproves the resolution within  
50 ten days after receiving it, is readopted by a vote of at least seven

51 Councilmembers.

52 **Sec. 5A-4. [Council Membership and Organization.] Board of Directors.**

53 (a) [Membership on the Arts and Humanities Council must be open to all  
54 private and public agencies, organizations, and individuals who  
55 support, participate in, contribute to, and generally enhance and  
56 promote the arts and humanities in the County. Membership on the  
57 governing board of the Arts and Humanities Council must be  
58 nonpartisan.] Board Composition. The Arts and Humanities Council of  
59 Montgomery County shall be governed by a Board of Directors  
60 consisting of no fewer than 11 and no more than 15 voting members,  
61 appointed by the County Executive and confirmed by the County  
62 Council.

63 (b) Voting members of the Board of Directors of the Arts and Humanities  
64 Council must represent:

65 (1) [Private] private citizens, organizations, and groups recognized  
66 for their knowledge of or interest in the arts and humanities[.];

67 (2) [Practicing] practicing artists and writers, both professional and  
68 amateur; scholars and researchers; civic cultural leaders;  
69 members of the professions; and other individuals and groups  
70 concerned with the arts and humanities[.];

71 (3) [The] the various disciplines in the arts and humanities[.];

72 (4) [The] the general public, including ethnic, racial, linguistic, and  
73 cultural minorities[.]; and

74 (5) [Geographic] geographic balance regarding where members live  
75 or work in the County.

76           (6) Voting members of the board must be residents of, work in or  
77           have strong local ties to Montgomery County.

78       [(c) The Arts and Humanities Council may provide for separate classes of  
79       membership for organizations and individuals to recognize and give  
80       representative weight to the size and nature of the interests a member  
81       represents.]

82       [[d]c) The Arts and Humanities Council must require each officer and  
83       director, and the executive director to annually disclose, confidentially  
84       and in writing, all activities and interests related to arts and humanities  
85       organizations, programs, or funding to the governing board of directors  
86       for the Arts and Humanities Council. Each officer and director, and the  
87       executive director of the Arts and Humanities Council is a public  
88       employee under Sections 19A-11 and 19A-14 for any matter in which  
89       the person participates for the Council. The Council must adopt and  
90       apply policies and procedures to ensure that its actions are fair,  
91       unbiased, and non-partisan.

92       (d) Ex Officio Voting Members. The County Executive shall designate two  
93       current county employee representatives, one of whom shall be the  
94       Department of Recreation, to serve as ex-officio members of the Board,  
95       effective upon the effective date of this Act. Ex-officio members shall  
96       vote and shall be counted for quorum.

97       (e) [Before the County may contract with the Arts and Humanities Council,  
98       the Council must provide a copy of its current articles of incorporation  
99       and bylaws to the County Executive and the County Council. The  
100       Council must submit to the County Executive and County Council for

101 review and comment any proposed amendment to the articles of  
102 incorporation or bylaws, at least 60 days before the Arts and  
103 Humanities Council takes final action on the amendment. The Council  
104 must submit a copy of all adopted amendments to the Executive and  
105 County Council within 5 working days after adoption. The articles of  
106 incorporation and bylaws are subject to all County laws, including those  
107 enacted after the County contracts with the organization.] Terms. Each  
108 voting member serves a three-year term. Terms shall be staggered so  
109 that approximately one-third of the members' terms expire each year.  
110 Members may be reappointed and shall serve until a successor is  
111 appointed and confirmed.

112 (f) [The Arts and Humanities Council must give the County regular and  
113 complete financial reports, including an annual independent audit and  
114 any accompanying management letter, and any other report required  
115 under a contract with the County.] Removal. The County Executive  
116 may remove a voting member for good cause, including violation of  
117 law or bylaws, after providing at least 15 days' notice to the County  
118 Council.

119 (g) [The Arts and Humanities Council is a public body under the State open  
120 meetings law.] Compensation. Board members serve without  
121 compensation but may be reimbursed for reasonable and necessary  
122 expenses.

123 **Sec. 5A-5. [Reserved.] Duties of the Board.**

124 (a) Governance and Oversight. The Board of Directors shall govern the  
125 Arts and Humanities Council and provide independent oversight of its

126 operations, finances, and compliance with applicable laws, contracts,  
127 and ethical standards.

128 (b) Executive Director. The Board shall appoint, supervise, evaluate, and,  
129 if necessary, remove the Executive Director in accordance with the  
130 Council’s bylaws and County-approved governance procedures.

131 (c) Fiduciary Responsibility. The Board acts in a fiduciary capacity on  
132 behalf of the public interest and shall ensure that all County funds and  
133 other public funds are used solely for authorized purposes consistent  
134 with County agreements and appropriations.

135 (d) Financial and Program Responsibilities. The Board shall oversee  
136 grantmaking and programmatic activities funded by the County and  
137 may secure and administer private-sector funding to support the  
138 Council’s activities.

139 (e) Planning and Assessment. The Board shall conduct a countywide needs  
140 assessment at least once every two years and shall adopt and maintain  
141 a strategic plan at least once every five years.

142 (f) Officers. The Board shall annually elect from among its voting  
143 members a Chair, Vice Chair, and Secretary.

144 **Sec. 5A-6. [Council] Authority and Reporting.**

- 145 (a) The Arts and Humanities Council is authorized to:
- 146 (1) plan and manage special events (which may include arts shows,  
147 performances, fairs, festivals, galas, and exhibitions);
  - 148 (2) conduct workshops and seminars related to the arts;
  - 149 (3) solicit funds from the private sector and third parties to support  
150 the activities of the Council; and

151 (4) undertake any activity(ies) authorized pursuant to a contract with  
152 the County.

153 (b) [The Arts and Humanities Council, in cooperation with the County  
154 government and other local public agencies, should:] On August 31 of  
155 each year the Arts and Humanities Council must report to the County  
156 Executive on its operations, activities, finances, and plans designed to:

157 [a] (1) [Support] support, encourage, and promote the arts and  
158 humanities in the County, including projects, performance,  
159 research, education, information exchange, historic  
160 preservation, and other activities that advance the artistic,  
161 cultural, and intellectual environment in the County[.];

162 [(b)] (2) [Promote] promote creativity, scholarship, and professionalism  
163 in the arts and humanities[.];

164 [(c)] (3) [Provide] provide and coordinate funding for the arts and  
165 humanities in the County[.]; and

166 [(d)] (4) [Advise] advise local, State, and federal agencies about  
167 financial and other needs of arts and humanities programs in  
168 the County including the needs of any underserved or  
169 underrepresented populations in the County.

170 (c) On August 31 of each year the Arts and Humanities Council must report  
171 to the County Executive on the status of the Public Arts Trust (PAT),  
172 including:

173 (1) current PAT fund balance;

174 (2) expenditures from the PAT fund during the prior fiscal year;

175 (3) a list of all works of art purchased with PAT funds during the

176 prior fiscal year;  
177 (4) a complete inventory of works of art owned by the County, along  
178 with the current condition and location of each piece; and  
179 (5) a list of all private donations to the PAT received during the fiscal  
180 year.

181 (d) The Arts and Humanities Council must avoid duplication in arts and  
182 humanities activities by coordinating Arts and Humanities Council  
183 activities with other existing and planned governmental programs and  
184 activities.

185 (e) The Arts and Humanities Council must give the County regular and  
186 complete financial reports, including an annual independent audit and  
187 any accompanying management letter, and any other report required  
188 under a contract with the County.

189 [(e) Report annually in writing to the County Council, County Executive,  
190 and public on the operations and activities of the Arts and Humanities  
191 Council and on the state of the arts and humanities in the County,  
192 including how these activities affect any underserved or  
193 underrepresented populations in the County.

194 (f) Avoid duplication in arts and humanities activities by coordinating  
195 Arts and Humanities Council activities with other existing and  
196 planned governmental programs and activities.]

197 **Sec. 5A-7. [County Support for Arts and Humanities Council.] Status;**  
198 **incorporation; bylaws.**

199 [The County may provide administrative and financial support for the operations and  
200 activities of the Arts and Humanities Council.]

201 (a) Before the County may contract with the Arts and Humanities Council,  
202 the Council must provide a copy of its current articles of incorporation  
203 and bylaws to the County Executive and the County Council. The  
204 Council must submit to the County Executive and County Council for  
205 review and comment any proposed amendment to the articles of  
206 incorporation or bylaws, at least 60 days before the Arts and  
207 Humanities Council takes final action on the amendment. The Council  
208 must submit a copy of all adopted amendments to the Executive and  
209 County Council within 5 working days after adoption. The articles of  
210 incorporation and bylaws are subject to all County laws, including those  
211 enacted after the County contracts with the organization.

212 (b) To qualify as the County's Arts and Humanities Council, the  
213 corporation's articles of incorporation must provide for the  
214 appointment of the members of its Board of Directors as set forth in this  
215 Chapter. The articles of incorporation must also provide that the  
216 corporation is:

217 (1) a Maryland nonprofit, non-stock corporation the purposes and  
218 activities of which are limited to those that are permitted to be  
219 promoted or performed by a corporation that is recognized as  
220 exempt from federal income tax under 26 U.S.C. § 501;

221 (2) not an instrumentality of the County;

222 (3) incorporated for the purpose of serving as the County's Arts and  
223 Humanities Council;

224 (4) organized and operated under the laws of the State of Maryland;  
225 and

226                   (5)   headquartered in the County. The Arts and Humanities Council’s  
227                               bylaws may contain any provision necessary to govern and  
228                               manage the Arts and Humanities Council that does not conflict  
229                               with this Chapter.

230                   (c)   The bylaws must require the Arts and Humanities Council to comply  
231                               with the Maryland Open Meetings Act and the Maryland Public  
232                               Information Act.

233   **Sec. 5A-8. Meetings.**

234                   (a)   The Board shall meet at least four times a year.

235                   (b)   The Board shall meet in public session, unless required by otherwise  
236                               provided by law, as provided in its bylaws as required to perform its  
237                               duties and exercise its responsibility.

238                   (c)   Board meetings must comply with Maryland Open Meetings Act and  
239                               the Maryland Public Information Act.

240                   (d)   The Arts and Humanities Council is a public body under the State open  
241                               meetings law.

242   **Sec. 5A-9. Racial Equity and Social Justice.**

243                   To effectively address the complex needs of the County’s racially,  
244                               economically and culturally diverse community and strategically expand  
245                               access to Arts and Humanities Council resources to underrepresented  
246                               populations, the Council must adopt and implement a racial equity and social  
247                               justice policy that applies a racial equity and social justice lens into all aspects  
248                               of the Council’s operations in alignment with the County’s racial equity and  
249                               social justice strategic plan. The racial equity and social justice policy must  
250                               include:

- 251 (a) a statement of commitment to racial equity and social justice as part  
252 of the Council’s core values;
- 253 (b) active recruitment of potential Board members from diverse  
254 backgrounds and outreach to communities of color for consideration by  
255 the County Executive and County Council;
- 256 (c) a formal process to assess Board culture and identify barriers to  
257 inclusion in Board participation and leadership;
- 258 (d) communications and business practices that are tailored to the needs of  
259 communities of color and other marginalized communities;
- 260 (e) a process to identify and address discriminatory or non-inclusive  
261 behaviors;
- 262 (f) organizational policies and procedures that address diversity and  
263 inclusion; and
- 264 (g) a clear, realistic, actionable, and measurable commitment to addressing  
265 racial equity that is woven into the governance, culture, and  
266 membership of the Arts and Humanities Council.

267 **Sec. 5A-10. Transition.**

- 268 (a) Continuation of Existing Board. Notwithstanding any other provision  
269 of this Chapter, individuals serving on the Board of Directors of the  
270 Arts and Humanities Council on the effective date of this Act may  
271 continue to serve on an interim basis until appointments are made in  
272 accordance with this Chapter.
- 273 (b) Application to Continue Service. Each individual serving on the Board  
274 on the effective date of this Act who seeks to continue service must  
275 submit an application for appointment under the procedures established

- 276 by the County Executive.
- 277 (c) Appointments Under New Process. Appointments to the Board made  
278 after the effective date of this Act, including the appointment of current  
279 Board members, must be made by the County Executive and confirmed  
280 by the County Council in accordance with this Chapter.
- 281 (d) Term Alignment and Staggering. The County Executive may assign  
282 initial term lengths to newly appointed board members, including  
283 reappointed current members, as necessary to achieve staggered terms  
284 required under this Chapter.
- 285 (e) Expiration of Interim Service. An individual serving in an interim  
286 capacity under subsection (a) may not continue to serve beyond six  
287 months (180 days) after the effective date of this Act unless appointed  
288 and confirmed in accordance with this Chapter.
- 289 (f) Submission of Updated Bylaws. Within 180 days after the effective  
290 date of this Act, the Arts and Humanities Council must submit revised  
291 bylaws to the County Executive that conform to the requirements of  
292 this Chapter, as amended.

*Approved:*

---

Natali Fani-González, President, County Council

Date

*Approved:*

---

Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

---

Sara Tenenbaum, Clerk of the Council

Date

*Approved as to Form and Legality:*

*Megan Greene*

2/2/2026

---

Megan Greene, Assistant County Attorney

Date

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council President at the Request of the County Executive

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**SUBJECT:** Supplemental Appropriation #26-59 to the FY26 Operating Budget  
Montgomery County Government - Department of Recreation  
Arts and Humanities Council of Montgomery County (AHC MC), \$53,788.45

**Background**

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of six Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of seven Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. The County Executive has requested the following FY26 Operating Budget appropriation increases for the Department of Recreation:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Total</u>	<u>Source of Funds</u>
\$0.00	\$53,788.45	\$53,788.45	General Fund Undesignated Reserves

3. This request represents the remaining balance owed to Metris Arts Consulting for work completed under the AHCMC Cultural Plan. The supplemental is being advanced to allow this outstanding obligation to be resolved so that work already performed is paid in a timely and appropriate manner. The County recognizes the value of the Cultural Plan to the community and remains committed to seeing it move forward in a way that is both programmatically meaningful and financially compliant.

This request follows the findings of MCIA-24-5, Contract Management Audit, which identified issues related to the use of restricted funds and deferred revenue associated with the Public Arts Trust (PAT) and the Cultural Plan. In response, the County issued a cure memorandum on May 14, 2025, outlining corrective steps and reinforcing the requirement that PAT funds be used only for the limited purposes authorized by County Code and the contract, including the purchase and installation of permanent art on public property and the maintenance of County-owned public art.

As part of the County's review of Cultural Plan expenditures, AHCMC has indicated that it believed certain Cultural Plan costs could be paid using deferred Public Arts Trust (PAT) revenue. However, as clarified through the audit and subsequent County review, PAT funds, including deferred balances, may be used only for the limited purposes authorized by County Code and the applicable contract, and Cultural Plan consulting expenses are not among those authorized uses.

The total Cultural Plan contract amount with Metris Arts Consulting was \$371,298. Of that amount, \$86,148.03 was paid prior to issuance of the cure memorandum, \$231,361.52 was paid after the issuance of the cure memorandum and \$53,788.45 remains outstanding. At this time, the County is continuing to reconcile the funding sources used for certain payments and is working with AHCMC to obtain complete documentation to confirm how those expenses were paid.

Concurrently, as prescribed in the audit, the County is requesting that the remaining balance of deferred revenue, of which the majority is restricted in its use, be returned by the AHCMC no later than Feb. 6, 2026. Those funds are broken down as follows:

- \$367,299.96 from the PAT NDA
- \$28,598 from the AHCMC NDA

The Department has also requested supporting documentation related to Cultural Plan expenditures to help bring this matter to closure.

In parallel, and while related questions are being reviewed in consultation with the Office of the County Attorney, the Department believes it is appropriate to advance a limited and targeted supplemental appropriation to address the remaining balance owed to Metris Arts Consulting. This approach allows the County to resolve an outstanding payment for work already completed while broader audit follow-up, reconciliation, and oversight measures continue.

Looking ahead, once the County has full clarity regarding funding sources, repayment of restricted funds, and the implementation of strengthened financial controls, the County may consider restoring Public Arts Trust funds so that they may be used for their intended purposes.

Any such action would be contingent upon resolution of outstanding compliance issues and confirmation that appropriate governance and financial safeguards are in place.

This supplemental request is narrow in scope and is intended solely to address the remaining Cultural Plan obligation to Metris Arts Consulting. It does not resolve all audit-related matters, which are being addressed through ongoing administrative and legal review.

4. The County Executive recommends a supplemental appropriation to the FY26 Operating Budget in the amount of \$53,788.45 for the Arts and Humanities Council of Montgomery County (AHCMC) and specifies that the source of funds will be General Fund Undesignated Reserves.
5. Notice of public hearing was given and a public hearing was held.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

A supplemental appropriation to the FY26 Operating Budget of the Department of Recreation is approved as follows.

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Total</u>	<u>Source of Funds</u>
\$0.00	\$53,788.45	\$53,788.45	General Fund Undesignated Reserves

This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council



# Fiscal Impact Statement

Office of Management and Budget

## Bill 10-26

## Arts and Humanities Council - Amendments

### Bill Summary

Expedited Bill 10-26 strengthens governance and accountability and sets requirements for the Arts and Humanities Council of Montgomery County's (AHCMC) board of directors, including appointment and confirmation processes. It establishes policies to ensure ethical, fair, unbiased, and non-partisan actions, incorporates racial equity and social justice principles, and outlines a plan with a timeline for implementation.

### Fiscal Impact Summary

Expedited Bill 10-26 is not expected to have a fiscal impact.

### Fiscal Impact Analysis

The bill reorganizes and modernizes the governance structure of the Council and therefore does not have a fiscal impact.

### Staff Impact

The bill will increase workload to existing staff but does not require a new position. The bill would require two County employees to sit as ex officio board members who would be required to attend board meetings and ensure oversight of County funds. This work can be seamlessly absorbed into current roles within the department as staff are currently assigned to attend board meetings and monitor the two AHCMC contracts.

### Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

### Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

### Other Information

*Later actions that may impact revenue or expenditures if future spending is projected*

The bill does not authorize future spending.

### Sources of information

Examples of more recently Council approved board structures:  
[https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco\\_md/0-0-0-157700](https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-157700) & [https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco\\_md/0-0-0-118338](https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md/0-0-0-118338)

### Contributors

Gabriel Albornoz, Department of Recreation  
Hamza Ahmed, Office of Management and Budget



# Climate Assessment

Office of Legislative Oversight

## EXPEDITED BILL 10-26: ARTS AND HUMANITIES COUNCIL - AMENDMENTS

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 10-26 will have no impact as it is proposing changes to an existing Council whose operations do not impact the County's contribution to climate change. OLO notes one of the proposed changes requires OLO to conduct an evaluation of the performance and effectiveness of AHCMC. The office cannot provide an independent assessment of that proposed change and it is therefore left out of the analysis.

---

### BACKGROUND AND PURPOSE OF EXPEDITED BILL 10-26

In 1999, the Council passed a law designating the Arts & Humanities Council of Montgomery County (AHCMC) as the County's local arts agency. Through this designation, the AHCMC is responsible for:<sup>1</sup>

- Promoting creativity, scholarship, and professionalism in arts and humanities;
- Providing and coordinating funding for arts and humanities in the County; and
- Advising local, state, and federal agencies about financial and other needs of arts and humanities programs in the County.

Between FY18 and FY25, the AHCMC distributed \$49 million in County funding to grants supporting non-profit arts and humanities organizations and individual artists and scholars in the County.<sup>2</sup>

The purpose of Expedited Bill 10-26 is to update the governance structure and responsibilities of the AHCMC. If enacted, Expedited Bill 10-26 would:<sup>3</sup>

- Set the size, terms, and composition of AHCMC's board of directors and the duties of the board;
- Require annual reports on AHCMC's activities and on the status of [Public Arts Trust](#) on August 31 of every year;
- Set specific requirements for AHCMC's articles of incorporation and bylaws; and
- Require AHCMC to adopt and implement a RESJ policy that applies a RESJ lens into all aspects of its operations.

Expedited Bill 10-26 would also require AHCMC's designation to be renewed by the Council every five years. OLO would be required to evaluate AHCMC at least one year before the redesignation is made.<sup>4</sup> According to the County Executive, Expedited Bill 10-26 was introduced to guarantee that public investment in AHCMC "is

supported by modernized governance provisions that reinforce accountability and maintain public confidence.”<sup>5</sup>

The Council introduced Expedited Bill 10-26 at the request of the County Executive on February 10, 2026.

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## **ANTICIPATED IMPACTS**

As the Bill proposes changes to the governance structure and responsibilities of an existing council whose operations do not impact the County’s contribution to climate change, OLO anticipates Expedited Bill 10-26 will have no impact.

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## **RECOMMENDED AMENDMENTS**

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>6</sup> OLO does not offer recommendations or amendments as Expedited Bill 10-26 is likely to have no impact on the County’s contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## **CAVEATS**

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the bill under consideration.

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## **PURPOSE OF CLIMATE ASSESSMENTS**

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County’s contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County’s contribution to addressing climate change, specifically upon the County’s contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County’s adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> [Education and Culture Committee Staff Report, Discussion: Arts & Humanities](#), Montgomery County Council, July 22, 2019, pg. 2.

<sup>2</sup> C. Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues](#), Office of Legislative Oversight, November 4, 2025, pgs. 24-25.

<sup>3</sup> Bill 10-26, [Introduction Staff Report for Expedited Bill 10-26](#), Montgomery County Council, Introduced February 10, 2026, pgs. (1)-(13).

<sup>4</sup> Ibid., pg. (3).

<sup>5</sup> Memo from County Executive to Council President, [Introduction Staff Report for Expedited Bill 10-26](#), pg. (15).

<sup>6</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

# Economic Impact Statement

Montgomery County, Maryland

## Expedited Bill 10-26, Arts and Humanities Council – Amendments

### Summary

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 10-26 would have an insignificant impact on economic conditions in the County, as measured by the Council’s priority economic indicators. The Bill would update the governance structure and responsibilities of the Arts & Humanities Council of Montgomery County. The proposed changes would have no direct economic effects on non-profit arts and humanities organizations and individual artists and scholars in the County.

### Background and Purpose of Expedited Bill 10-26

In 1999, the Council passed a law designating the Arts & Humanities Council of Montgomery County (AHCMC) as the County’s local arts agency. Through this designation, AHCMC is responsible for:<sup>1</sup>

- Promoting creativity, scholarship, and professionalism in the arts and humanities;
- Providing and coordinating funding for the arts and humanities in the County; and
- Advising local, state, and federal agencies about financial and other needs of arts and humanities programs in the County.

Between FY18 and FY25, AHCMC distributed \$49 million in County funding to grants supporting non-profit arts and humanities organizations and individual artists and scholars in the County.<sup>2</sup>

The purpose of Expedited Bill 10-26 is to update the governance structure and responsibilities of AHCMC. If enacted, Expedited Bill 10-26 would:<sup>3</sup>

- Set the size, terms, and composition of AHCMC’s board of directors and the duties of the board;
- Require annual reports on AHCMC’s activities and on the status of [Public Arts Trust](#) on August 31 of every year;
- Set specific requirements for AHCMC’s articles of incorporation and bylaws; and
- Require AHCMC to adopt and implement a RESJ policy that applies a RESJ lens into all aspects of its operations.

Expedited Bill 10-26 would also require AHCMC’s designation to be renewed by the Council every five years. OLO would be required to evaluate AHCMC at least one year before each renewal.<sup>4</sup> According to the County

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<sup>1</sup> [Education and Culture Committee Staff Report, Discussion: Arts & Humanities](#), Montgomery County Council, July 22, 2019, pg. 2.

<sup>2</sup> Chitra Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues](#), Office of Legislative Oversight, November 4, 2025, pgs. 24-25.

<sup>3</sup> Bill 10-26, [Introduction Staff Report for Expedited Bill 10-26](#), Montgomery County Council, Introduced February 10, 2026, pgs. (1)-(13).

<sup>4</sup> *Ibid.*, pg. (3).

Executive, Expedited Bill 10-26 aims to ensure public investment in AHCMC “is supported by modernized governance provisions that reinforce accountability and maintain public confidence.”<sup>5</sup>

The Council introduced Expedited Bill 10-26 at the request of the County Executive on February 10, 2026.

## Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Expedited Bill 10-28 on residents and private organizations, using the Council’s priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.<sup>6</sup>

By updating the governance structure and responsibilities of AHCMC, the Bill would have no direct effects on non-profit arts and humanities organizations and individual artists and scholars in the County in terms of the Council’s priority indicators.

## Variables

Not applicable

## Impacts

**WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS**

Not applicable

## Discussion Items

Not applicable

## Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the Bill under consideration.

## Contributions

Stephen Roblin, PhD (OLO) prepared this report.

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<sup>5</sup> Memo from County Executive to Council President, [Introduction Staff Report for Expedited Bill 10-26](#), pg. (15).

<sup>6</sup> Montgomery County Code, [“Sec. 2-81B, Economic Impact Statements.”](#)