

Expedited Bill No. 10-26
Concerning: Arts and Humanities Council -
Amendments
Revised: 4/7/2026 Draft No. 4
Introduced: February 10, 2026
Enacted: April 7, 2026
Executive: April 16, 2026
Effective: April 16, 2026
Sunset Date: None
Ch. 12, Laws of Mont. Co. 2026

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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

Boldface	<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[.]; and

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

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

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

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

95 ~~[(d)]~~ (e) Ex Officio Voting Members. The County Executive must
96 designate 2 current ~~[[county]]~~ County employee representatives,
97 including one employee representative of the Department of
98 Recreation, to serve as ex-officio members of the Board, effective upon
99 the effective date of this Act. Ex-officio members must vote and must
100 be counted for quorum.

101 ~~[(e)]~~ (f) [Before the County may contract with the Arts and Humanities
102 Council, the Council must provide a copy of its current articles of
103 incorporation and bylaws to the County Executive and the County
104 Council. The Council must submit to the County Executive and County

105 Council for review and comment any proposed amendment to the
 106 articles of incorporation or bylaws, at least 60 days before the Arts and
 107 Humanities Council takes final action on the amendment. The Council
 108 must submit a copy of all adopted amendments to the Executive and
 109 County Council within 5 working days after adoption. The articles of
 110 incorporation and bylaws are subject to all County laws, including those
 111 enacted after the County contracts with the organization.] Terms. Each
 112 voting member, other than an ex-officio member, serves a [[three-year]]
 113 3-year term. Terms shall be staggered so that approximately one-third
 114 of the members' terms expire each year. Members may be reappointed
 115 and may serve until a successor is appointed and confirmed.

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

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

127 **5A-5. [Reserved.] Duties of the Board.**

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

131 and ethical standards.

132 (b) Executive Director. The Board shall appoint, supervise, evaluate, and,
 133 if necessary, remove the Executive Director in accordance with the
 134 board's bylaws and County-approved governance procedures.

135 (c) Fiduciary Responsibility. The Board acts in a fiduciary capacity on
 136 behalf of the public interest and must ensure that all County funds and
 137 other public funds are used solely for authorized purposes consistent
 138 with County agreements and appropriations.

139 (d) Financial and Program Responsibilities. The Board must oversee
 140 grantmaking and programmatic activities funded by the County and
 141 may secure and administer private-sector funding to support the
 142 Board's activities.

143 (e) Planning and Assessment. The Board must conduct a countywide needs
 144 assessment at least once every 2 years and shall adopt and maintain a
 145 strategic plan at least once every 5 years.

146 (f) Officers. The Board must elect annually from among its voting
 147 members a Chair, Vice Chair, and Secretary.

148 **5A-6. [Council] Authority and Reporting.**

- 149 (a) The Arts and Humanities Council is authorized to:
- 150 (1) plan and manage special events (which may include arts shows,
 151 performances, fairs, festivals, galas, and exhibitions);
 - 152 (2) conduct workshops and seminars related to the arts;
 - 153 (3) solicit funds from the private sector and third parties to support
 154 the activities of the Arts and Humanities Council; and
 - 155 (4) undertake any activity authorized pursuant to a contract with the
 156 County.

157 (b) [The Arts and Humanities Council, in cooperation with the County
 158 government and other local public agencies, should:] On August 31 of
 159 each year, the Arts and Humanities Council must report to the County
 160 Executive and the County Council regarding its operations, activities,
 161 finances, and plans designed to:

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

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

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

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

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

178 (1) current PAT fund balance;

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

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

182 (4) a complete inventory of works of art owned by the County, along

183 with the current condition and location of each piece; and
 184 (5) a list of all private donations to the PAT received during the fiscal
 185 year.

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

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

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

199 (f) Avoid duplication in arts and humanities activities by coordinating
 200 Arts and Humanities Council activities with other existing and
 201 planned governmental programs and activities.]

202 **5A-7. [County Support for Arts and Humanities Council.] Status;**
 203 **incorporation; bylaws.**

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

206 (a) Before the County may contract with the Arts and Humanities Council,
 207 the Board must provide a copy of its current articles of incorporation
 208 and bylaws to the County Executive and the County Council. The

209 Board must submit to the County Executive and County Council for
 210 review and comment any proposed amendment to the articles of
 211 incorporation or bylaws, at least 60 days before the Board takes final
 212 action on the amendment. The Board must submit a copy of all adopted
 213 amendments to the Executive and County Council within 5 working
 214 days after adoption. The articles of incorporation and bylaws are subject
 215 to all County laws, including those enacted after the County contracts
 216 with the organization.

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

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

227 (2) not an instrumentality of the County;

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

230 (4) organized and operated under the laws of the State of Maryland;
 231 and

232 (5) headquartered in the County.

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

234 (1) may contain any provision necessary to govern and manage the

235 Arts and Humanities Council that does not conflict with this
 236 Chapter; ~~[[and]]~~

237 (2) must require the Arts and Humanities Council to comply with the
 238 Maryland Open Meetings Act and the Maryland Public
 239 Information Act; and

240 (3) must, consistent with Chapter 19A, require members of the
 241 Board to comply with ethical standards, including mandatory:

242 (A) training regarding ethics;

243 (B) disclosures and recusals based on actual or perceived
 244 conflicts of interest; and

245 (C) reporting to the County of any violations of ethical
 246 requirements.

247 **[[Sec.]] 5A-8. Meetings.**

248 (a) The Board must meet at least 4 times a year.

249 (b) The Board must meet in public session, except as permitted or required
 250 under Maryland law.

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

253 **[[Sec.]] 5A-9. Racial Equity and Social Justice.**

254 To effectively address the complex needs of the County's racially,
 255 economically, and culturally diverse community and strategically expand
 256 access to Arts and Humanities Council resources to underrepresented
 257 populations, the Board must adopt and implement a racial equity and social
 258 justice policy that applies a racial equity and social justice lens into all aspects
 259 of the Board's operations in alignment with the County's racial equity and
 260 social justice strategic plan. The racial equity and social justice policy must

261 include:

- 262 (a) a statement of commitment to racial equity and social justice as part of
 263 the Board's core values;
- 264 (b) active recruitment of potential Board members from diverse
 265 backgrounds and outreach to communities of color for consideration by
 266 the County Executive and County Council;
- 267 (c) a formal process to assess Board culture and identify barriers to
 268 inclusion in Board participation and leadership;
- 269 (d) communications and business practices that are tailored to the needs of
 270 communities of color and other marginalized communities;
- 271 (e) a process to identify and address discriminatory or non-inclusive
 272 behaviors;
- 273 (f) organizational policies and procedures that address diversity and
 274 inclusion;
- 275 (g) a process to develop and implement equitable grantmaking; and
 276 ~~[(g)]~~ (h) a clear, realistic, actionable, and measurable commitment to
 277 addressing racial equity that is woven into the governance, culture, and
 278 membership of the Arts and Humanities Council.

279 **Sec. 2. Transition.**

- 280 (a) Continuation of Existing Board. Notwithstanding any other provision
 281 of ~~[[this]]~~ Chapter 5A, as amended by this Act, individuals serving on
 282 the Board of Directors of the Arts and Humanities Council on the
 283 effective date of this Act may continue to serve on an interim basis until
 284 appointments are made in accordance with this Chapter.
- 285 (b) Application to Continue Service. Each individual serving on the Board
 286 on the effective date of this Act who seeks to continue service must

287 submit an application for appointment under the procedures established
288 by the County Executive.

289 (c) Appointments Under New Process. Appointments to the Board made
290 after the effective date of this Act, including the appointment of current
291 Board members, must be made by the County Executive and confirmed
292 by the County Council in accordance with [[this]] Chapter 5A, as
293 amended by this Act.

294 (d) Term Alignment and Staggering. The County Executive may assign
295 initial term lengths to newly appointed board members, including
296 reappointed current members, as necessary to achieve staggered terms
297 required under [[this]] Chapter 5A, as amended by this Act.

298 (e) Expiration of Interim Service. An individual serving in an interim
299 capacity under subsection (a) may not continue to serve beyond 6
300 months (180 days) after the effective date of this Act unless appointed
301 and confirmed in accordance with [[this]] Chapter 5A, as amended by
302 this Act.

303 (f) Submission of Updated Bylaws. Within 180 days after the effective
304 date of this Act, the Arts and Humanities Council must submit revised
305 bylaws to the County Executive that conform to the requirements of
306 [[this]] Chapter 5A, as amended by this Act.

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

Approved:



Natali Fani-González, President, County Council

April 7, 2026

Date

Approved:



Marc Elrich, County Executive

April 16, 2026

Date

This is a correct copy of Council action.



Sara R. Tenenbaum, Clerk of the Council

April 16, 2026

Date