



A BILL FOR AN ORDINANCE

RELATING TO ART IN CITY BUILDINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose.

The purpose of this ordinance is to repeal the requirement that one percent of funding for the construction of city buildings be used for the acquisition of works of art.

SECTION 2. Section 3-2.7, Revised Ordinances of Honolulu 1990 ("Art in city buildings"), as amended, is further amended to read as follows:

"Sec. 3-2.7 Art in city buildings.

(a) [An amount equal to not less than one percent of the construction phase appropriation for the original construction of any city building shall be appropriated to the commission for the acquisition of works of art.] The monies collected for the acquisition of works of art and appropriated to the Commission on Culture and the Arts shall be used solely for the following purposes:

- (1) Costs related to the acquisition of works of art, including the commissioning of artists and the purchase of art work;
- (2) Site modifications, display, and interpretive work necessary for the exhibition of works of art;
- (3) Upkeep services, including maintenance, repair, and restoration of works of art; and
- (4) Storing and transporting works of art.

[(b) Notwithstanding the foregoing limitation on the amount of the appropriation for acquisition of works of art, an amount in excess of one percent may be set aside upon recommendation of the commission and with the concurrence of the council. If the amount shall not be required in total or in part for any project, the unrequired amounts may be accumulated and expended for the purposes specified in subsection (a).



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- (c)](b) (1) The commission shall consider, unless impracticable, placing the works of art acquired pursuant to this section in or at the following city buildings listed in their order of priority:
- (A) In or at the city building [to which the one percent funding for art requirement applies] associated with the appropriation, provided that the building is frequented by the public;
 - (B) If the city building described in paragraph (A) is not a building frequented by the public, in or at a city building frequented by the public that is within close proximity to the building described in paragraph (A);
 - (C) If neither the city building described in paragraph (A), nor any city building in close proximity thereto, is frequented by the public, in or at any other city buildings frequented by the public; and
 - (D) If it is impracticable to place works of art acquired in accordance with subsection (a) in any of the city buildings described in paragraphs (A), (B) or (C), in or at other city buildings.
- (2) For the purposes of this subsection:
- (A) A work of art shall be deemed to be placed "in or at a city building" if it is placed in or outside of, as an integral part of, or attached to the building;
 - (B) The placement of works of art at a particular building shall be deemed "impracticable" if the art would be exposed to damage, abnormal wear or threat of vandalism or theft, if there is no suitable surface at the building for the display of art, if there already is an adequate number of works of art displayed at the building, or if for other reasons, the commission finds that the placement of the art at the particular building would be inadvisable;
 - (C) "City buildings that are frequented by the public" include:
 - (i) Publicly owned buildings, any part of which is routinely visited by the public; and



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- (ii) Those portions of privately owned buildings that are leased to city agencies and routinely visited by the public.

- [(d) On or about March 1 of each year, the director of finance shall report to the council the amount of money appropriated for art pursuant to Section 3-2.7 which lapsed as of December of the immediately preceding calendar year. Monies which the commission was unable to expend or encumber in the immediately preceding calendar year for the acquisition of works of art prior to their lapsing pursuant to Revised Charter Section 9-106.3 may be reappropriated in the capital budget effective July 1 of the fiscal year next following the lapsing of such funds.]"

SECTION 3. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, bracketed material, or the underscoring.



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SECTION 4. This ordinance shall take effect upon approval.

INTRODUCED BY:

N. Dean

DATE OF INTRODUCTION:

MAR 11 2009
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

MUFU HANNEMANN, Mayor
City and County of Honolulu