

KATHY L. KAOHU  
County Clerk



JAMES G.M. KRUEGER  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

November 10, 2020

Honorable Riki Hokama, Chair  
Healthy Families and Communities Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Hokama:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of November 10, 2020:

COUNTY COMMUNICATIONS:

- No. 20-558 - Karla H. Peters, Director of Parks and Recreation
- No. 20-559 - Karla H. Peters, Director of Parks and Recreation
- No. 20-560 - Yuki Lei K. Sugimura, Councilmember

Respectfully,

A handwritten signature in cursive script, reading "Kathy L. Kaohu".

KATHY L. KAOHU  
County Clerk

/lks

Enclosures

cc: Director of Council Services

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 30, 2020

Director of Council Services  
Traci N.T. Fujita, Esq.

RECEIVED

2020 OCT 30 AM 11:46

OFFICE OF THE  
COUNTY CLERK

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **A BILL FOR AN ORDINANCE ESTABLISHING AN  
ARTS COMMISSION** (PAF 19-358)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING AN ARTS COMMISSION," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script that reads "Yuki Lei K. Sugimura".

YUKI LEI K. SUGIMURA  
Councilmember

paf:ljam:19-358f

Enclosure

COUNTY COMMUNICATION NO. 20-560

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE ESTABLISHING AN ARTS COMMISSION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Findings and purpose. The Council finds a *County News* article, published by the National Association of Counties on July 14, 2019, entitled “Public art bridges gaps, strengthens communities,” revealed that public art is a good investment for communities, with one government official quoted as saying, “I would argue that there isn’t much that arts and culture can’t help solve.”

The Council also finds the City and County of Honolulu’s “Art in City Buildings” program for decades has promoted community pride, cultural awareness, economic development, and spiritual enrichment.

In addition, the Council finds Maui County previously had a Commission on Culture and the Arts, but the Cost of Government Commission’s annual report for 2010-2011 recommended its elimination. The Cost of Government Commission report asserted the Commission on Culture and the Arts should be eliminated because many of its meetings were canceled for want of quorum and the County’s “vibrant” arts community did not need support. At the Cost of Government Commission’s behest, the Council eliminated the Commission on Culture and the Arts by Ordinance 4079, effective November 1, 2013.

After reconsideration, the Council finds a dedicated commission to support public art is necessary to meet the following Countywide Policy Plan objective: “Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.” An arts commission would also further the following Countywide Policy Plan policy: “Broaden opportunities for public art and the display of local artwork.”

The purpose of this Ordinance is to establish the Maui County Arts Commission, which will advise the Council and the Mayor on the use of funding for public art, which will include a minimum annual appropriation of at least 1 percent of the cost of constructing new County facilities.

SECTION 2. Title 2 of the Maui County Code is amended to add a new chapter designated to read as follows:

### **“Chapter 2.99**

### **ARTS COMMISSION**

#### **Sections:**

- 2.99.010 Definitions.
- 2.99.020 Establishment; members.
- 2.99.030 Rules; meetings.
- 2.99.040 Commission objectives, duties, and functions.
- 2.99.050 Administrative services.
- 2.99.060 Art in facilities.
- 2.99.070 Arts commission fund.
- 2.99.080 Arts coordinator authority.

**2.99.010 Definitions.** Whenever used in this chapter, unless the context otherwise requires:

“Art” means music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion pictures, and all other creative activity of imagination and beauty, whether considered moveable or permanent.

"Arts coordinator" means the County officer or employee assigned by the mayor to be the commission's primary staff.

"Charter" means the revised charter of the County of Maui (1983), as amended.

"Commission" means the arts commission.

"Culture" means the customs, traditions, and mores of all the various ethnic groups of Hawaii.

"Facility" means any building or other physical structure owned and maintained by the County.

**2.99.020 Establishment; members.** A. There is established an arts commission, consisting of eleven voting members, who will be appointed by the mayor with the approval of the council. The mayor may also appoint one or more agency heads as non-voting, ex officio members, with notice to the council. There must be two at-large voting members with general interest in the arts and voting members with demonstrated experience and interest in each of the following categories:

1. Four members from the visual arts such as graphic design, architecture, ceramics, painting, or sculpture.

2. Three members from the performing arts such as theater, dance, or music.

3. One member from the media arts such as cinematography, photography, or television.

4. One member from the literary arts, including prose or poetry.

B. Terms and operation. Section 13-2 of the charter applies to the commission in the same manner as it applies to boards and commissions recognized by the charter.

**2.99.030 Rules; meetings.** The commission must adopt the necessary procedural rules to enable it to conduct business and carry out its powers, duties, and functions. The commission must meet at least quarterly. The presence of six voting members constitutes a quorum, and the affirmative vote of six voting members is necessary to take any action.

**2.99.040 Commission objectives, duties, and functions.**  
A. The commission's objectives are:

1. Assist in the preservation of the artistic and cultural heritages of the County's people.

2. Promote a community environment that provides equal and abundant opportunity for exposure to the arts and culture in all their forms.

3. Encourage and provide equal opportunity for the development of cultural and artistic talents of the people of the County.

4. Broaden opportunities for public art and the display of local artwork.

5. Advise the council and mayor on means of establishing incentives for the display of public art.

B. To further its objectives, the commission has the following duties and functions:

1. Advise the council and mayor on the acquisition and placement of works of art for the County, through purchase or the receipt of gifts.

2. Make recommendations to agencies on the formulation of new arts and culture programs and the expansion of existing programs.

3. Other duties and functions as assigned by law or, in writing, by the mayor.

**2.99.050 Administrative services.** A. The commission is attached to the office of the mayor for administrative purposes.

B. The mayor must designate an executive assistant in the office of the mayor or a salaried County officer as arts coordinator.

C. The arts coordinator will be the liaison between the commission and agencies to further the commission's objectives.

D. The arts coordinator may request logistical and staffing support from the office of the mayor to further the commission's objectives.

**2.99.060 Art in facilities.** A. It is the policy of the County of Maui that in each an annual budget ordinance an amount equal to not less than 1 percent of the construction phase appropriation for the original construction of any facility funded by the general fund must be appropriated for the acquisition and placement of works of art. The funds may only be used for the following purposes:

1. Costs related to the acquisition of works of art, including the commissioning of artists and the purchase of artwork.

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.

4. Storing and transporting works of art.

5. The commission's administrative costs, including compensation for the arts coordinator and other staff, if any.

B. Placement of art in facilities. The commission must consider recommending the placement of the works of art for the County in the following order of priority.

1. In or at a facility to which the appropriation requirement of subsection (A) applies, if the facility is frequented by the public.

2. In or at a facility within close proximity to which the appropriation requirement of subsection (A) applies, if the facility is frequented by the public.

3. In or at any other facilities frequented by the public.

4. In or at other facilities.

**2.99.070 Arts commission fund.** There is established and created a fund to be known as the "arts commission fund." The fund is the exclusive depository of all funds appropriated under this chapter. All monies from this fund must be designated and used as described in section 2.99.060.

**2.99.080 Arts coordinator authority.** A. The arts coordinator must:

1. Annually inspect and conduct an inventory of County's works of art.

2. Develop an annual maintenance, preservation, and restoration program and budget for the County's works of art.

3. On or before March 1 of every year, submit to the mayor and the council:

a. An annual maintenance, preservation, and restoration program for the County's art inventory, including a description of the program, its needs, and accomplishments.

b. The amount of funds budgeted for the upcoming fiscal year for the annual inspection and inventory and for the maintenance, preservation, and restoration program.

B. The arts coordinator may:

1. Engage consultants as is necessary to assist in the performance of activities required or permitted under this chapter.

2. Request funds for the commission through the annual operating budget."

SECTION 3. Title 2 of the Maui County Code is amended to add a new section designated to read as follows:

**“Section 2.40.240 Arts commission.** There is established  
an arts commission as provided in chapter 2.99.”

SECTION 4. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

2020.10.29



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Department of the Corporation Counsel  
County of Maui

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