

City of Houston, Texas Ordinance No. _____

AN ORDINANCE DEACCESSING FROM THE CITY OF HOUSTON'S CIVIC ART COLLECTION THREE ARTWORKS: (1) *SPIRIT OF CONFEDERACY* STATUE, (2) *CHRISTOPHER COLUMBUS* STATUE, AND (3) *DICK DOWLING* STATUE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the following three artworks are part of the City's Civic Art Collection: (1) *Spirit of Confederacy* Statue, (2) *Christopher Columbus* Statue, and (3) *Dick Dowling* Statue; and

WHEREAS, in 2017, in response to the active movement to remove monuments and symbols of the Confederacy in the United States and in the wake of the 2015 white supremacist massacre at Emanuel A.M.E. Church in Charleston, South Carolina and the 2017 white nationalist rally in Charlottesville, VA, Mayor Sylvester Turner asked his senior staff members to study whether statues related to the Confederacy and/or subjects with ties to the Civil War or slavery should be removed from City of Houston property. In response to this request, the Mayor's Office convened and facilitated a Task Force that made recommendations on the handling of specific Confederate Items in the City's possession. These recommendations included the removal of the *Spirit of Confederacy* Statue and the *Dick Dowling* Statue from public display. The *Spirit of Confederacy* Statue was removed on June 6, 2021, and has since been delivered to and installed at the Houston Museum of African American Culture, who adopted ownership and assumed responsibility for the artwork. The *Dick Dowling* Statue was removed from public display on June 17, 2021, and remains at a City storage facility as no plans for transfer of the artwork have been determined at this time;

WHEREAS, after the release of the Task Force's Final Report in March 2018, the *Christopher Columbus* Statue suffered repeated incidents of vandalism, the Mayor considered and approved a recommendation that the *Christopher Columbus* Statue should not be displayed on public property as it was unsuitable for public display due to the repeated vandalism of Statue and because of Christopher Columbus's history as a slave owner, but that it should not be destroyed. The artist, Joe Incrapera, and the original donors supported the removal of *Christopher Columbus* Statue and its return to Mr. Incrapera. Thus, in September 2021, the City removed *Christopher Columbus* Statue and subsequently delivered it to Mr. Incrapera; and

WHEREAS, for the reasons stated above, the Mayor's Office of Cultural Affairs and the Houston Parks and Recreation Department recommend that the artworks deaccess such artworks from the City's Civic Art Program;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. The City Council hereby deaccesses the artworks described in the recitals from the City's Civic Art Collection.

Section 3. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives as described in the title of this ordinance, including in the event of changed circumstances.

Section 4. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

(Prepared by Legal Dept. Rachul L. Guin)
(RLG:anv 09/13/2023) Senior Assistant City Attorney II
(Requested by Kenneth Allen, Director, Houston Parks and Recreation Department)
L. D. No. LD-CON-000000467, LD-CON-0000000468, and LD-CON-0000001079