

TITLE 14

DEPARTMENT OF FACILITY MAINTENANCE

**RULES OF THE DEPARTMENT OF FACILITY MAINTENANCE
OF THE CITY AND COUNTY OF HONOLULU
STATE OF HAWAII**

CHAPTER 1

GENERAL PROVISIONS

§14-1-1 Title
§14-1-2 Definitions

§14-1-1 Title. These rules are entitled "Rules of the Department of Facility Maintenance." [Eff. _____] (Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903)

§14-1-2 Definitions. Whenever used in these rules, unless the context otherwise specifically requires:

"City" means City and County of Honolulu.

"Director & chief engineer" means director & chief engineer of the department of facility maintenance.

"Department" means the department of facility maintenance.

"Facilities" means buildings controlled by the city, including the grounds thereof, whether owned, leased or rented by the city for use by the city to perform city functions, subject to Section 14-5-1 below.

"ROH" means the Revised Ordinances of Honolulu, as amended.

"Rule" means the department's statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the department. The term does not include regulations concerning only the internal management of the department and not affecting private rights of or procedures available to the public, nor

does the term include declaratory rulings issued by the department, nor intra-departmental memoranda. [Eff. _____]
(Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903)

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CHAPTER 2

PUBLIC INFORMATION

- §14-2-1 Where obtained
- §14-2-2 Submittals or requests for information

§14-2-1 Where obtained. The public may obtain information as to matters within the jurisdiction of the department relating to operation and use of city facilities by inquiring at:

- (1) The office of the city clerk, Honolulu Hale, where all rules of the department relating thereto are on file; or
- (2) The office of the director & chief engineer, Kapolei Hale, Kapolei, Hawaii. All rules, orders or opinions of the department are on file and available for public inspection thereat where permitted by law. Copies of compilations of rules and supplements thereto are available to the public at a price fixed by law. [Eff. _____] (Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903; HRS §91-2)

§14-2-2 Submittals or requests for information. Inquiries may be made in person at these offices during business hours, or by submitting a request for information in writing to the director & chief engineer. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-2) (Imp: RCH §§4-105.4, 6-903; HRS §91-2)

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CHAPTER 3

PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

§14-3-1	Petition
§14-3-2	Submission
§14-3-3	Disposition of Petition

§14-3-1 Petition. Any interested person may petition the department requesting the adoption, amendment or repeal of any rules of the department. [Eff. _____] (Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903; HRS §91-6)

§14-3-2 Submission. The petition shall be submitted to the director & chief engineer, department of facility maintenance, Kapolei Hale, Kapolei, Hawaii, 96707. It shall include:

- (1) The name, address, and telephone number of the petitioner.
- (2) A statement of the nature of the petitioner's interest.
- (3) A draft or the substance of the proposed rule or amendment or a designation of the provision sought to be repealed.
- (4) An explicit statement of the reasons in support of the proposed rule, amendment or repeal. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-6) (Imp: RCH §§4-105.4, 6-903; HRS §91-6)

§14-3-3 Disposition of petition. The department shall within thirty (30) days after the submission of the petition either deny the petition in writing, stating its reasons for such denial, or initiate proceedings in accordance with Chapter 91,

Hawaii Revised Statutes, for the adoption, amendment or repeal of the rule, as the case may be. [Eff. _____] (Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903; HRS §91-6)

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CHAPTER 4

DECLARATORY RULINGS BY DEPARTMENT

§14-4-1	Petition
§14-4-2	Submission of Petition
§14-4-3	Rejection of Petition
§14-4-4	Refusal to issue declaratory ruling
§14-4-5	Referral to other agencies
§14-4-6	Notification of petitioner
§14-4-7	Status of orders

§14-4-1 Petition. Any interested person may petition the department for a declaratory order as to the applicability of any statute or ordinance relating to the department, or of any rule or order of the department. [Eff. _____] (Auth: RCH §4-105.4) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-2 Submission of Petition. The petition shall be submitted in duplicate to the director & chief engineer, department of facility maintenance, Kapolei Hale, Kapolei, Hawaii, 96707. It shall contain:

- (1) The name, address and telephone number of the petitioner.
- (2) A statement of the nature of petitioner's interest, including reasons for the submission of the petition.
- (3) A designation of the specific provision, rules or order in question.
- (4) A complete statement of facts.
- (5) A statement of the position or contention of the petitioner.

(6) A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position or contention. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-3 Rejection of Petition. The department may reject any petition which does not conform to the foregoing requirements. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-4 Refusal to issue declaratory ruling. The department may for good cause refuse to issue a declaratory ruling. Without limiting the generality of the foregoing, the department may so refuse where:

- (1) The question is speculative or purely hypothetical and does not involve fact, or facts which can reasonably be expected to exist in the near future.
- (2) The petitioner's interest is not of the type which would give the petitioner standing to maintain an action if the petitioner were to seek judicial relief.
- (3) The issuance of the declaratory ruling may adversely affect the interests of the city, the department or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.
- (4) The matter is not within the jurisdiction of the department. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-5 Referral to other agencies. Where any question of law is involved, the department may refer the matter to the corporation counsel. The department may also obtain the assistance of other agencies, where necessary or desirable. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-6 Notification of petitioner. Upon the disposition of the petition, the petitioner shall be promptly informed thereof by the director & chief engineer. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

§14-4-7 Status of orders. Orders disposing of petitions shall have the same status as other department orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist. [Eff. _____] (Auth: RCH §4-105.4; HRS §91-8) (Imp: RCH §§4-105.4, 6-903; HRS §91-8)

CERTIFICATION

I, LAVERNE HIGA, in my capacity as Director and Chief Engineer of the Department of Facility Maintenance of the City & County of Honolulu, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules of the Department of Facility Maintenance governing operation and use of the facilities of the City & County of Honolulu and grounds adjacent thereto which were adopted by said Director & Chief Engineer on _____, 2007 following a public hearing held on _____, 2007; and

2. That the notice of public hearing on the foregoing Rules of the Department of Facility Maintenance which notice included the substance of such Rules, was published in the Honolulu Advertiser and the Honolulu Star-Bulletin on _____, 2007.

LAVERNE HIGA, P.E.
Director & Chief Engineer
Department of Facility Maintenance
City & County of Honolulu

APPROVED this _____ day of _____, 2007

MUI HANNEMANN, Mayor
City & County of Honolulu

APPROVED AS TO FORM:

Deputy Corporation Counsel

Received this _____ day of _____, 2007

DENISE DE COSTA, City Clerk