

LEISURE SERVICES INCENTIVE FUND
RULES AND REGULATIONS

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Pursuant to and by virtue of the authority set forth in Ordinance No. 85-87, and Chapter 91, HRS, the Director of the Department of Parks and Recreation of the City and County of Honolulu, hereby adopts the following rules and regulations for the administration of the "Leisure Services Incentive Fund."

PART 1. GENERAL PROVISIONS

Section 1-1. Applicability and Scope.

- A. These rules and regulations shall apply to the administration of the Leisure Services Incentive Fund.
- B. If any provision of these rules and regulations or the application of such provision is held to be invalid, the remaining portions or provisions or their applications shall not be affected.

Section 1-2. Definitions.

Except as expressly provided otherwise, the following definitions shall apply for the purpose of these rules and regulations:

- A. "Incentive Fund" means the Leisure Services Incentive Fund.
- B. "Incentive Fund project" means a project funded under the provisions of these rules.
- C. "Director" means the Director of the Department of Parks and Recreation of the City and County of Honolulu.
- D. "Department" means the Department of Parks and Recreation of the City and County of Honolulu.
- E. "City" means the City and County of Honolulu.
- F. "Sponsor" means the organization, individual or other eligible entity which sponsors an Incentive Fund project.

G. "Matching contribution" means the contribution required from the sponsor for an Incentive Fund project.

Section 1-3. Findings and Purpose.

Public parks across the nation are suffering from shortages of municipal maintenance and improvement funds. Many municipalities are attempting to address these shortages with innovative programs utilizing both municipal and private sector resources. Such programs have served to provide labor, financial assistance and general improvement to the parks while fostering community and civic participation and pride. Since the City and County of Honolulu is similarly affected by shortages of maintenance and improvement funds, it hereby establishes a Leisure Services Incentive Fund whereby City funds will be matched with community contributions for the improvement of recreation and park facilities.

PART II. QUALIFICATION OF SPONSOR AND ELIGIBILITY OF PROJECT

Section 2-1. Determination of Qualification.

Qualification of sponsors and projects shall be determined by the Director pursuant to the rules promulgated hereunder.

Section 2-2. Qualification of Sponsor.

To be eligible, the sponsor of an Incentive Fund project must be a recognized non-profit civic, neighborhood or community group, or identified individual(s).

Section 2-3. Eligibility and Priority of Incentive Fund Projects.

A. To be eligible, an Incentive Fund project must:

1. Benefit the community as a whole and be available for use by all citizens;
2. Be located on property under the jurisdiction of the Department;
3. Result in a new parks and recreation facility (improvement to grounds and/or structures) or improvement in an existing facility;
4. Be open to the public on a non-discriminatory basis, subject to reasonable restrictions for protection of the property as may be agreed upon by the sponsor and the Department and stipulated in the application agreement;
5. Have a minimum life expectancy of five years; and
6. Involve total financial costs of over One Hundred Dollars (\$100.00).

B. The Department reserves the right to assign priorities to and approve projects within available funds.

C. Determining factors for project consideration and acceptance are as follows:

1. Whether the project meets a need specified in the Department's long range plan and conforms to planning guidelines.

2. The priority of the project in the long range plan.

3. The location and proximity of similar facilities.

4. Whether the location is suitable for the type of project proposed.

5. Whether the project conflicts with or duplicates existing facilities.

6. Whether the project is an improvement to an existing facility or a new facility. (Improvements to existing facilities will receive priority over new facilities providing the same service.)

7. The maintenance requirements of the project. (Projects which will improve existing maintenance problems or will need minimal maintenance will be favored.)

8. The operating cost of the facility when completed.

9. The number of people who would be served by the project.

10. The extent of citizen and community support for and involvement in the project.

11. The financial ability of the sponsor and its capability to provide matching contributions.

12. The completeness of the application and the cost estimate of the proposal.

13. The cost of the project. (If funds are limited, requests that can be met with available funds will receive special consideration.)

14. When the project can start and its projected completion date.

PART III. APPLICATION FOR SPONSORSHIP OF INCENTIVE FUNDS PROJECTS

Section 3-1. Filing Application.

Applicants desiring to sponsor an Incentive Fund project must file an application (on forms furnished by the Department) with the Director or an authorized representative

having jurisdiction of the area where the proposed Incentive Fund project is to take place. Application forms will be accepted throughout the year. However, applications will only be reviewed once a month (generally the first Monday of each month).

Section 3-2. Availability of Application Forms.

Application forms will be made available at the following locations:

Permit Section
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813

District I East Honolulu

Ala Wai Center
2015 Kapiolani Blvd.
Honolulu, Hawaii 96826

District II West Honolulu

Makiki District Park
1527 Keeaumoku Street
Honolulu, Hawaii 96822

District III Leeward/Central Oahu

Waipahu Recreation Center
94-230 Paiwa Street
Waipahu, Hawaii 96797

District IV North Shore/Windward Oahu

Kaneohe District Park
45-660 Keaahala Road
Kaneohe, Hawaii 96744

PART IV. ADMINISTRATIVE PROCEDURES

Section 4-1. Application Review - Approval/Disapproval.

A. Applications for sponsorship will be reviewed by a panel of Department staff personnel. The application review panel shall be composed of members of the Department's staff as designated by the Director.

B. The panel shall forward its recommendation to the Director for final consideration and approval or disapproval of application.

C. Applications received will be reviewed once a month (generally on the first Monday of each month) so that the Department can place relative priorities on projects.

D. An application approved by the Director shall be considered "a gift to the City" and the required "Declaration of Gift" form along with a letter from the Director recommending acceptance shall be forwarded to the City Council, through the Managing Director and the Mayor, to receive the gift on behalf of the City. A project must be formally accepted by the City Council as a gift to the City before it can proceed as an "approved" application.

E. Written notification will be given to all applicants.

1. Sponsor of approved application will be notified initially by telephone that the project is tentatively approved pending bid results. After the bid results have been received, the project shall proceed based on the availability of funds. The sponsor will be given written notification specifying the grant amount, time period, and conditions thereof, or the reason(s) why the project cannot proceed (see Section 4-5).

2. Sponsor of disapproved application will be given written notification with the reason(s) for the disapproval.

Section 4-2. Deposit of Funds.

A. Upon notification of project approval, the sponsor shall submit a certified check for the specified amount made payable to the City Director of Finance and addressed to the Department of Parks and Recreation, City and County of Honolulu, 650 South King Street, Honolulu, Hawaii 96813.

B. The Incentive Fund will provide up to fifty percent (50%) of the total approved estimated project cost, subject to availability of funds. The matching contribution shall be in cash, materials or equipment. In-kind labor or services shall not be accepted for any part of the matching contribution unless approved by the Director.

Section 4-3. Bids.

All purchases made in whole or in part with Incentive Fund monies must have the approval of the Director or an authorized representative, and shall be made through the City's bidding procedures.

Section 4-4. Determination to Proceed Based on Availability of Funds.

After the bid results have been received from the Department of Finance, the review panel shall determine whether the project should proceed based on availability of funds.

Section 4-5. Procedure If Funds Are Insufficient.

- A. If funds are determined to be insufficient, the review panel may:
1. Declare the project ineligible;
 2. Request sponsor to provide additional funds; or
 3. Return the application, specifications and plans to the sponsor and request the sponsor reevaluate the project specifications and plans (make appropriate modifications) for resubmittal to the Department.
- B. Projects declared ineligible or withdrawn by the sponsor or the Department will result in a payment voucher refunding the amount submitted by the sponsor.

Section 4-6. Award of Contract.

Award of contract for purchases toward Incentive Fund projects shall be made in accordance with City bidding procedures, subject to availability of funds.

Section 4-7. Project Completion.

Upon completion of the project, surplus funds remaining in the project account may be divided between the sponsor(s) and the City in proportion to their contributions towards the project or retained by the City as specified in the agreement. The division of funds will be determined by the Department if in-kind labor or services are involved. A payment voucher will be issued to reimburse the sponsor.

PART V. OWNERSHIP OF PROPERTY AND RESPONSIBILITY FOR
MAINTENANCE

Section 5-1. Ownership of Property.

All purchases made in whole or in part with Incentive Fund monies and all equipment and materials contributed as matching contributions shall become the property of the City except where an agreement signed by both parties expressly provides otherwise.

Section 5-2. Responsibility for Maintenance.

The Department shall be responsible for the maintenance of all Incentive Fund property except where an agreement between the parties has been expressly executed to provide otherwise.

PART VI. REQUEST FOR INFORMATION

Section 6-1. Obtaining Information.

A. The public may obtain information during business hours regarding the Leisure Services Incentive Fund by inquiring at:

1. The Office of the City Clerk, City Hall, where these rules and regulations are on file; or

2. The Department of Parks and Recreation. All rules and regulations and orders pertaining to the Leisure Services Incentive Fund shall be on file at the Department and available for public inspection.

B. Information may also be obtained by submitting a written request to the Director, Department of Parks and Recreation, 650 South King Street, Honolulu, Hawaii 96813.

C. Copies of rules and supplements thereto will be available to the public at a price determined by the Department to cover mailing and publication costs.

PART VII. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

Section 7-1. Petition.

Any interested person may petition the Department requesting the adoption, amendment or repeal of any rules pertaining to the Leisure Services Incentive Fund.

Section 7-2. Submittal of Petition.

Ten (10) copies of the petition shall be submitted to the Director, Department of Parks and Recreation, City and County of Honolulu. It shall include:

A. The name, address, and telephone number of the petitioner.

B. Statement of the nature of the petitioner's interest.

C. Statement giving the reason(s) in support of the proposed rule, amendment or repeal.

D. A draft of the proposed rule or amendment or a designation of the provision requested with supporting reasons.

E. Signature of petitioner.

Section 7-3. Disposition of Petition.

A. Upon receiving the petition, the Department shall inform the petitioner of its adequacy or inadequacy and the date of the next review of petition. Any petition which does not conform with the foregoing requirements may be rejected.

B. The Department shall inform the petitioner of the disposition of the petition in writing within thirty (30) days of the submission of the petition, either stating its reasons for denial or initiating proceedings in accordance with Section 91-3 of the Hawaii Revised Statutes, for the adoption, amendment or repeal of the rule, as the case may be.

PART VIII. DECLARATORY RULINGS BY DEPARTMENT

Section 8-1. Petition.

Any interested person may petition the Department for a declaratory ruling as to the applicability of any statute or ordinance or any rule or order of the Department pertaining to the Leisure Services Incentive Fund.

Section 8-2. Submittal of Petition.

The petition shall be submitted in duplicate to the Director, Department of Parks and Recreation, City and County of Honolulu. It shall include:

- A. The name, address, and telephone number of the petitioner.
- B. A statement giving the reason(s) for submitting the petition.
- C. A designation of the specific provision, rule or order in question.
- D. A complete statement of facts.
- E. A statement of the position or contention of the petitioner.
- F. A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position.
- G. The signature of each petitioner.

Section 8-3. Rejection of Petition.

Any petition which does not conform to the foregoing requirements may be rejected by the Department.

Section 8-4. Refusal to Issue Declaratory Ruling.

The Department may for good cause refuse to issue a declaratory ruling. Without limitation to the generality of the foregoing, the Department may so refuse where:

- A. The question is speculative or purely hypothetical and does not involve existing fact(s) which can reasonably be expected to exist in the near future.

B. 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.

C. 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.

D. The matter is not within the jurisdiction of the Department.

Section 8-5. 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, as necessary or desirable.

Section 8-6. Disposition of Petition.

The Department shall inform the petitioner in writing of the disposition of the petition within a reasonable time after the submission of the petition.

Section 8-7. 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.

PART IX. RULES GOVERNING HEARINGS

Section 9-1. Informal Discussion.

Anyone seeking relief from any provision of the Incentive Fund Rules and Regulations may discuss the matter informally with the Director or an authorized representative.

Section 9-2. Formal Application.

If the matter is not settled informally, such person may apply to the Department for relief by completing the appropriate "Application for Relief" form available at the Department.

Section 9-3. Contested Case Hearing.

In any contested case, in conformance with Section 91-9, Hawaii Revised Statutes, all parties shall be afforded an opportunity for hearing. All parties shall be served a written notice of the hearing by registered or certified mail at least fifteen (15) days before the hearing. If service by registered or certified mail is not possible, the notice of hearing will be given to the party by publication in a newspaper of general circulation at least once in each of two successive weeks. The last published notice shall appear at least fifteen (15)

days prior to the date of the hearing.

ADOPTED this 15th day of January, 1987, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

Recreation

/s/ Hiram K. Kamaka
HIRAM K. KAMAKA, Director
Department of Parks and

City and County of Honolulu

APPROVED AS TO FORM:

/s/ Richard Wurdeman
Corporation Counsel

Approved this 19th day of
January, 1987.

/s/ Frank F. Fasi
FRANK F. FASI, Mayor
City and County of Honolulu

CERTIFICATION

I, HIRAM K. KAMAKA, in my capacity as Director of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full true and correct copy of the Leisure Services Incentive Fund Rules and Regulations which were adopted on January 15, 1987, following a public hearing held on November 18, 1986, after public notice was given on October 26, 1986, in the Honolulu Star-Bulletin and Advertiser.

Recreation

/s/ Hiram K. Kamaka
HIRAM K. KAMAKA, Director
Department of Parks and

Received this 22nd day of
January, 1987.

/s/ Raymond K. Pua
RAYMOND K. PUA, City Clerk