

KIRK CALDWELL
MAYOR



DONNA Y. L. LEONG
CORPORATION COUNSEL

SHERYL L. NICHOLSON
FIRST DEPUTY CORPORATION COUNSEL

October 14, 2013

MEMORANDUM

TO: ALL CITY DEPARTMENTS AND AGENCIES

FROM: DONNA Y. L. LEONG, CORPORATION COUNSEL

SUBJECT: REVISED GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS AND FOR INTERGOVERNMENTAL AGREEMENTS AND PRIVATE GRANT AGREEMENTS

These revised guidelines update the previously issued memorandum titled "Gift and Intergovernmental Agreement Guidelines to all City Department and Agencies" dated May 19, 2006. This update addresses ordinance amendments relating to intergovernmental agreements and private grant agreements that have been enacted since the dissemination of the prior memorandum and is issued to provide you with revised forms for actions relating to gifts and agreements.

In summary, attached to this memorandum are the following gift related documents:

1. Guidelines for the solicitation and acceptance of gifts, marked as Exhibit GFT;
2. Suggested forms for communication to the City Council relating to the solicitation and acceptance of gifts, marked as Attachments GFT-1 through GFT-8;
3. A gift matrix that identifies which gift form is appropriate in a particular circumstance, marked as Exhibit GFT-Matrix; and

4. A new Donor Disclosure Statement to assist you with identifying any potential conflict of interest or possible appearance of impropriety that might occur from accepting a gift from a donor, marked as Attachment GFT-9.

Attached to this memorandum are the following intergovernmental agreement and private grant agreement related documents:

1. Guidelines for intergovernmental agreements and private grant agreements, marked Exhibit AGT;
2. Suggested forms for reporting intergovernmental agreements to the City Council or the City Clerk's Office, as appropriate, marked as Attachments AGT-1 through AGT-4.

Lastly, copies of the relevant ordinances and resolution relating to gifts and intergovernmental agreements and private grant agreements are attached as Appendices 1 through 7. A table identifying the Appendices is included immediately before Appendix 1.

I. LEGISLATIVE BACKGROUND

The Council's policy on the solicitation and receipt of gifts to the City, Reso. No. 05-349, CD1, FD1, has not been revised since the issuance of our 2006 guidelines and so the guidelines and matrix found in Exhibit GFT and Exhibit GFT-Matrix, respectively, are substantially similar to those for the solicitation and receipt of gifts previously issued. They are reissued here to provide updated forms for agency use.

The issuance of our 2006 guidelines was prompted by the amendment of the intergovernmental agreement ordinance by Ord. No. 06-14¹, and the adoption of revised guidelines for the solicitation and receipt of gifts to the City, Reso. No. 05-349, CD1, FD1². The City Council considered these two measures concurrently and enacted the amendatory ordinance and adopted the resolution at the same Council meeting on March 1, 2006. Taken together, Ord. No. 06-14 and Reso. No. 05-349, CD1, FD1, were intended to facilitate the processing of intergovernmental agreements and to define as an intergovernmental agreement, and not as a gift, offers to the City of travel and lodging for training from other governmental entities.

¹ A copy of the ordinance is attached as Appendix 6.

² A copy of the resolution is attached as Appendix 7.

Exhibit AGT and Attachments AGT-1 through AGT-4, are intended to assist executive agencies with compliance with five new amendments to Revised Ordinances of Honolulu ("ROH") Chapter 1, Article 8, relating to intergovernmental agreement and private grant agreements. These new provisions have been enacted since the issuance of the guidelines in 2006. The most recent ordinance amendments have expanded the scope of the agreements and changed the title of ROH Chapter 1, Article 8 to "Intergovernmental Agreements and Private Grant Agreements." The five amendments addressed in these revised guidelines are Ord. Nos. 07-40, 08-24, 08-33, 11-2 and 11-18³. Updated forms are also provided for agency use as Attachments AGT-1 through AGT-4.

II. GUIDELINES

There are two guidelines attached. Exhibit GFT addresses the solicitation and receipt of gifts. Exhibit AGT addresses intergovernmental agreements and private grant agreements.

Each set of guidelines has Attachments that can be used to prepare the necessary submittals to the City Council or City Clerk's Office as may be appropriate. The forms are provided in an effort to have our correspondence to the City Council submitted in a uniform format to facilitate the processing of executive agency requests. Each department should use its judgment in modifying the forms as may be warranted but mindful of the stated purpose for uniformity in providing these forms.

A. Guidelines for Solicitation and Acceptance of Gifts (Exhibit GFT, Exhibit GFT-Matrix and Attachments GFT-1 through GFT-9)

As a general rule, the City Council accepts gifts or donations of money, securities, personal property or real property on behalf of the City and exercises its discretion in determining what items it will accept on behalf of the City. Gifts may not be expended or used prior to acceptance of the gift by Council.

A summary of the policy for solicitation and acceptance of gifts under Resolution No. 05-349, CD1, FD1, is attached as Exhibit GFT. Proposed forms for communication to the City Council relating to the solicitation and acceptance of gifts are attached as Attachments GFT-1 through GFT-8. A matrix that identifies which form is appropriate in a particular circumstance is attached as Exhibit GFT-Matrix.

³ Copies of the five ordinances are attached as Appendices 1 through 5.

Resolution No. 05-349, CD1, FD1, supersedes the prior 1986 Council policy on the solicitation and receipt of gifts and makes conforming amendments to and reaffirms guidelines for the Community Relations Division of HPD involving the solicitation of gifts and contributions to the Police Activities League and Drug Abuse Resistance Education programs (Resolution No. 89-340), and the guidelines for the Scientific Investigation Section of HPD involving the solicitation and acceptance of gifts and contributions (Resolution No. 94-23). It affirms that the guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve continue in effect (Resolution No. 96-168). In instances where the agency desires immediate expenditure or use of the gift, the revised guidelines provide that the agency may request acceptance of the gift by Council by submission of a proposed resolution to Council for acceptance of the gift.

Attachment GFT-9 is a new Donor Disclosure Statement, to assist you in identifying situations that might be perceived to be a conflict of interest or create a potential appearance of impropriety. It is intended to help the agency identify situations where an offer of a gift should be declined.

B. Guidelines for Intergovernmental Agreements and Private Grant Agreements (Exhibit AGT and Attachments AGT-1 through AGT-4)

As a general rule, an intergovernmental agreement or a private grant agreement that places an obligation, as defined in the ordinance, on the City requires City Council consent and approval prior to execution of the agreement. A summary⁴ of the ordinance provisions as amended by Ord. No. 06-14 and by Ord. Nos. 07-40, 08-24, 08-33, 11-2 and 11-18 is attached as Exhibit AGT. Also included as Attachments AGT-1 through AGT-4 are proposed forms for the annual report and to request Council approval of an intergovernmental agreement or private grant agreement.

Generally, the amendments to the ordinance effect the following changes:

1. Private Grant Agreements: The scope of the ordinance has been broadened to include certain agreements with private parties. An "agreement" is now defined as either an "intergovernmental agreement" or a "private grant agreement." (Ord. No. 11-18)

⁴ The amendments to the ordinance pertaining to intergovernmental agreements affected by Ordinance No. 05-040, which address the City's Action Plan for expenditure of certain federal Housing and Urban Development funds, more narrowly impact the Department of Community Services and the Department of Budget and Fiscal Services, and are not discussed in this memorandum.

2. Final or Draft Agreement: A final or draft version of the intergovernmental agreement or private grant agreement must be provided to the Council for its review prior to Council approval of the agreement. If a draft agreement is provided and a material change is made to the agreement after Council approval, the change must be submitted for Council review and approval. (Ord. No. 08-24)

3. Training, Non-Governmental Entity: An intergovernmental agreement is expanded to include an arrangement between the City and a non-governmental entity under contract with a governmental agency to provide training to City personnel, alone or in combination with travel and lodging for the City personnel, and which arrangement need not be formalized into an agreement executed by the parties. (Ord. No. 08-33)

Exceptions to this general rule of prior Council approval are as follows:

4. Public Safety Agencies: Six public safety agencies were earlier excepted from the requirement for prior Council approval, and need only submit an annual report to the Council by September 30th. The ordinance was amended to reflect the reorganization of the Oahu Civil Defense Agency and its name change to the Department of Emergency Management. The six public safety agencies exempted from the requirement for prior Council approval are the Department of Emergency Services, Honolulu Fire Department, Department of Emergency Management, Department of the Medical Examiner, Honolulu Police Department, and Department of the Prosecuting Attorney. (Ord. Nos. 06-14; 07-40)

5. No Expenditure of City Funds: Prior Council approval is not required if the intergovernmental agreement or private grant agreement includes a certification of the Mayor or the Mayor's designee that (a) the agreement will not be executed until it is deemed approved under the terms of this provision, (b) the agreement does not require the expenditure of any City funds, and (c) the funds have not yet been accepted by the City. Then the agreement is deemed approved 15 days after the certification has been filed with the City Clerk, unless a Councilmember files a written objection with the City Clerk prior to the 15th day. (Ord. No. 07-40)

6. Rental Agreements for Public Meetings and Public Hearings: Exempted from the requirement of Council approval are intergovernmental agreements or private grant agreements for the rental of a facility for a public meeting or a public hearing. (Ord. No. 11-2)

Any questions you may have regarding gifts, intergovernmental agreements or private grant agreements and the use of the attached forms, should be directed to your Department's or agency's assigned Deputy Corporation Counsel or to Deputy Corporation Counsel Diane T. Kawauchi.


DONNA Y. L. LEONG
Corporation Counsel

APPROVED:



Ember Lee Shinn
Managing Director

DYLL:ml

Attachments

Exhibits GFT, GFT-Matrix and AGT
Attachments GFT-1 to GFT-9, AGT-1 to AGT-4
Table of Appendices and Appendices 1 through 7

13-03717/300177

**GUIDELINES FOR SOLICITATION AND ACCEPTANCE OF GIFTS
UNDER RESOLUTION NO. 05-349, CD1, FD1**

1. Executive Agencies Subject to the Guidelines:

“Executive agency” is defined as the Office of the Mayor, a Department, the Neighborhood Commission staff, the Liquor Commission staff, the Royal Hawaiian Band, the Civil Defense Agency, and a board or commission. The group of appointees serving as the policy-making head of the Neighborhood Commission or the Liquor Commission are deemed the executive agency, separate from their respective commission staff.

2. Definition of Gift:

- a. “Gift” is defined as a voluntary contribution to the City for a public purpose, whether earmarked for a specific purpose or not, of money, security, personal property or real property.
- b. Gifts made for a specific activity or program or obtained as part of the same solicitation are considered a single gift.
- c. A gift excludes items received in an intergovernmental agreement under ROH Sections 1-8.1, et seq.

3. Anonymous Gifts:

- a. No gift from an anonymous donor shall be solicited, received or accepted unless the gift is (i) donated to the City for an unrestricted purpose, or (ii) expressly approved by the Council.
- b. Unrestricted Gift of Any Value:
 - (i) Immediate Custody: The head of the executive agency may take custody of an anonymous unrestricted gift at any time.
 - (ii) Report: The head of the executive agency shall submit a report of the gift to the Council within 10 days of taking custody of the gift. A suggested report form is attached as Attachment GFT-1.
 - (iii) Gift Deemed Accepted: The gift is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 30-day period following the Council’s receipt of the report if the Council does not affirmatively approve or reject the gift within 30 days of the receipt of the report.

- c. Restricted Gift of Any Value: Must be affirmatively accepted by action of the Council but otherwise is to comply with the procedures described in paragraphs 4 below (for gifts valued at \$2,500 or less) and 5 (gifts valued in excess of \$2,500). A suggested form request to Council and attached resolution is attached as Attachment GFT-2.
 - d. Elected City Officer: There is an absolute prohibition on the solicitation, receipt or acceptance of an anonymous gift by an elected City executive officer, as the term is defined in ROH Section 3-6.8 and RCH Section 13-101.4 (i.e., the Mayor or the Prosecuting Attorney).
 - e. Hanauma Bay Nature Preserve: There is an exception for anonymous monetary donations for the Hanauma Bay Nature Preserve received in compliance with Resolution No. 96-168 that establishes guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve.
 - f. Identity of Donor: The City executive officer or employee who learns the identity of an anonymous donor shall immediately notify the Mayor, the Council Chair and the Ethics Commission in writing of the identity of the donor.
4. Gifts of \$2,500 or less:
- a. Immediate Custody: The head of the executive agency may take immediate custody of the gift.
 - b. Quarterly Report: The head of the executive agency shall submit to Council a quarterly report listing all gifts taken into custody during the quarter. The report shall be submitted by the second Tuesday after the close of the applicable quarter. A suggested quarterly report form is attached as Attachment GFT-3.
 - c. Gift Deemed Accepted: A gift listed in a quarterly report is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 30-day period following the Council's receipt of the report if the Council does not affirmatively accept or reject the gift within 30 days of the receipt of the report.
 - d. Immediate Expenditure or Use: The head of the executive agency who desires immediate expenditure or use of a gift may submit a request to Council for immediate acceptance of a gift with a proposed resolution for acceptance of the gift. The gift is deemed accepted upon adoption of the resolution by Council. See Paragraph 7.d. below.

5. Gifts in Excess of \$2,500:
 - a. To the extent possible, a report of the gift should be submitted to the Council before the head of the executive agency takes custody of the gift.
 - b. Gifts Not Taken into Custody:
 - (i) Report: The head of the executive agency submits a report of the gift to Council before taking custody of the gift. A suggested report form is attached as Attachment GFT-4.
 - (ii) Acceptance of the Gift: The gift is deemed accepted by the Council (i) upon the affirmative acceptance of the gift by Council, or (ii) upon expiration of the 60-day period following the Council's receipt of the report if the Council does not affirmatively approve or reject the gift within 60 days of the receipt of the report.
 - c. Gifts Taken into Custody:
 - (i) Report: Upon taking custody of the gift, the head of the executive agency shall submit a report of the gift to the Council, together with a statement of the Mayor or the MD explicitly recommending that the gift be accepted by the Council, and a proposed resolution accepting the gift. The report and the statement may be consolidated in one document. A statement is not required for a report of a gift by the Mayor. A suggested report form and resolution accepting the gift is attached as Attachment GFT-5.
 - (ii) Acceptance of the Gift: The gift is deemed accepted by the Council if the Council adopts the resolution within 60 days of the receipt of the report and statement.
 - (iii) Rejection of the Gift: The gift is deemed rejected by the Council (i) upon the affirmative rejection of the gift, or (ii) upon expiration of the 60-day period following the Council's receipt of the report if no action is taken by the Council within the period to approve or reject the gift.
6. Solicitation Guidelines:
 - a. Gifts valued at \$2,500 or less: The head of the executive agency must provide notice of the solicitation to the Council no later than 15 days after commencing the solicitation. A suggested notice form is attached as Attachment GFT-6.

- b. Gifts valued in excess of \$2,500 or of unspecified value: The head of the executive agency shall provide notice of the solicitation to the Council before commencing any solicitation. A suggested notice form is attached as Attachment GFT-7.
- c. No executive officer or employee having enforcement powers or review authority over any application or permit may solicit gifts to the City. Excluded from this prohibition are applications, solicitations or acceptance of grants from a governmental entity or from a private party.

7. Processing of an Offer of a Gift

- a. Notification to Donor: Upon taking custody of a gift, the City executive officer shall immediately notify the prospective donor in writing that the gift is subject to acceptance by the Council.
- b. Gift Report: The head of the executive agency is required to file a gift report with the Council only if the recommendation is to accept the gift. If the head of the executive agency is offered or has custody of a gift for which the agency head does not recommend acceptance, the agency head shall refuse the offer or return the gift to the prospective donor.
- c. Use or Expenditure of Gift: The gift may not be used or expended, or authorized for use or expenditure until accepted by the Council.
- d. Acceptance of the Gift by Council: The gift may be deemed accepted by the affirmative adoption of a resolution by the Council, or by the inaction of the Council within the prescribed period of time for gifts of \$2,500 or less (see paragraph 4.c above) and for gifts in excess of \$2,500 that have not been taken into custody (see paragraph 5.b.(ii) above).
 - (i) If the agency desires immediate utilization of the gift, the agency should solicit Council acceptance of the gift by adoption of a resolution. A suggested form request to Council and attached resolution is attached as Attachment GFT-8. For gifts valued in excess of \$2,500 and taken into custody by the agency, see paragraph 5.c.(i) above.
- e. Rejection of the Gift by Council:
 - (i) The affirmative rejection of a gift by Council must be by adoption of a resolution, or by inaction of the Council within the prescribed period of the time for gifts in excess of \$2,500 that have been taken into custody (see paragraph 5.c.(iii) above).

- (ii) If the gift that has been taken into custody by the City executive officer has not been expended or used, the City officer shall return the gift to the prospective donor.
 - (iii) If the gift is other than cash and cannot be returned, the City executive officer shall pay the prospective donor the value of the gift from available appropriations.
 - (iv) If the gift can be returned but at less than full value, the City executive officer shall return the gift together with a cash payment of the reduction in value.
- 8. The deputy head of an executive agency may act for the agency head for purposes of the Resolution.
- 9. Three other resolutions¹ remain in effect with minor revision by the Resolution. They are:
 - a. Resolution No. 89-340: Guidelines for the Community Relations Division of HPD regarding the solicitation of gifts and contributions.
 - b. Resolution No. 94-23: Guidelines for the Scientific Investigation Section of HPD regarding solicitation and acceptance of gifts and contributions.
 - c. Resolution No. 96-168: Guidelines for the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve.

13-03717/300186

¹ These three resolutions are attached to Resolution No. 05-349, CD1, FD1, attached as Appendix 7.

**GIFT MATRIX FOR FORMS FOR THE SOLICITATION AND
RECEIPT OF GIFTS, RESOLUTION 05-349, CD1, FD1¹**

Amount of Gift	Status	Mayor/MD Recommendation	Agency Action	Suggested Form ²	Gift Accepted/Rejected
\$2,500 or less	In custody	Not required	Head of the executive agency to submit to Council a quarterly report listing all gifts taken into custody during the quarter. Report to be submitted by the second Tuesday after the close of the applicable quarter.	Attachment GFT-3 (Exhibit GFT ¶ 4.b.)	Gift listed in quarterly report is deemed accepted by the Council (1) upon the affirmative acceptance of the gift by Council, or (2) upon expiration of the 30-day period following the Council's receipt of the report if the Council does not affirmatively accept or reject the gift within 30 days of the receipt of the report. (Exhibit GFT ¶ 4.c.)
	In custody and desire immediate use or expenditure	Not required	Head of the executive agency who desires immediate expenditure or use of a gift is to submit a request to Council for immediate acceptance of a gift with a proposed resolution for acceptance of the gift.	Attachment GFT-8 (Exhibit GFT ¶¶ 4.d. and 7.d.(i))	Gift is deemed accepted upon adoption of the resolution by Council. (Exhibit GFT ¶ 4.d.)

¹The following three Resolutions remain in effect with minor revisions by Resolution No. 05-349, CD1, FD1: For HPD see Resolution No. 89-340 (entitled "Guidelines for the Community Relations Division of the Honolulu Police Department Regarding the Solicitation of Gifts and Contributions") and Resolution No. 94-23 (entitled "Guidelines for the Scientific Investigation Section of the Honolulu Police Department Regarding the Solicitation and Acceptance of Gifts and Contributions"); and for the Hanauma Bay Nature Preserve see Resolution No. 96-168 (entitled "Amending Resolution 86-298 to Provide Guidelines for the Solicitation, Receipt and Acceptance of Monetary Donations for the Hanauma Bay Nature Preserve").

²References are to the Attachments to the Memorandum to All City Departments and Agencies dated October 14, 2013, from Donna Y.L. Leong, Corporation Counsel, entitled "Revised Guidelines for the Solicitation and Receipt of Gifts and for Intergovernmental Agreements and Private Grant Agreements."

Amount of Gift	Status	Mayor/MD Recommendation	Agency Action	Suggested Form	Gift Accepted/Rejected
More than \$2,500	Not in custody	Not required	Head of the executive agency to submit a report of the gift to Council before taking custody of the gift.	Attachment GFT-4 (Exhibit GFT ¶ 5.b.(i))	Gift is deemed accepted by the Council (1) upon the affirmative acceptance of the gift by Council, or (2) upon expiration of the 60-day period following the Council's receipt of the report if the Council does not affirmatively approve or reject the gift within 60 days of the receipt of the report. (Exhibit GFT ¶ 5.b.(ii))
	In custody	Required, except that a recommendation is not required for a report of a gift by the Mayor.	Upon taking custody of the gift, head of the executive agency to submit a report of the gift to the Council with a proposed resolution accepting the gift.	Attachment GFT-5 (Exhibit GFT ¶ 5.c.(i))	Gift is deemed accepted by the Council if the Council adopts the resolution within 60 days of the receipt of the report and statement. Gift is deemed rejected by the Council (1) upon the affirmative rejection of the gift, or (2) upon expiration of the 60-day period following the Council's receipt of the report if no action is taken by the Council within the period to approve or reject the gift. (Exhibit GFT ¶¶ 5.c.(ii) and 5.c.(iii))

Amount of Gift	Status	Mayor/MD Recommendation	Agency Action	Suggested Form	Gift Accepted/Rejected
More than \$2,500	Not in custody and desire immediate use or expenditure	Not required	Head of the executive agency who desires immediate expenditure or use of a gift is to submit a request to Council for immediate acceptance of a gift with a proposed resolution for acceptance of the gift.	Attachment GFT-8 (Exhibit GFT ¶¶ 5.c.(i) and 7.d.(i))	<p>Gift is deemed accepted by the Council if the Council adopts the resolution within 60 days of the receipt of the report and statement.</p> <p>Gift is deemed rejected by the Council (1) upon the affirmative rejection of the gift, or (2) upon expiration of the 60-day period following the Council's receipt of the report if no action is taken by the Council within the period to approve or reject the gift.</p> <p>(Exhibit GFT ¶ 5.b.(ii))</p>
In custody and desire immediate use or expenditure	Required, except that a recommendation is not required for a report of a gift by the Mayor.	Upon taking custody of the gift, head of the executive agency to submit a report of the gift to the Council with a proposed resolution accepting the gift.	Attachment GFT-5; ensure that request to Council includes agency's desire for immediate use or expenditure. (Exhibit GFT ¶ 5.c.(i))	<p>Gift is deemed accepted by the Council if the Council adopts the resolution within 60 days of the receipt of the report and statement.</p> <p>Gift is deemed rejected by the Council (1) upon the affirmative rejection of the gift, or (2) upon expiration of the 60-day period following the Council's receipt of the report if no action is taken by the Council within the period to approve or reject the gift.</p> <p>(Exhibit GFT ¶¶ 5.c.(ii) and 5.c.(iii))</p>	

ANONYMOUS GIFTS³

Anonymous Gift Amount	Use	Status	Mayor/MD Recommendation	Agency Action	Suggested Form	Gift Accepted/Rejected
Any value	Unrestricted	In custody	Not required	Head of the executive agency to submit a report of the gift to the Council within 10 days of taking custody of the gift.	Attachment GFT-1 (Exhibit GFT ¶ 3.b. (ii))	Gift is deemed accepted by the Council (1) upon the affirmative acceptance of the gift by Council, or (2) upon expiration of the 30-day period following the Council's receipt of the report if the Council does not affirmatively approve or reject the gift within 30 days of the receipt of the report. (Exhibit GFT ¶ 3.b.(iii))
Unrestricted and desire immediate use or expenditure	Unrestricted and desire immediate use or expenditure	In custody	Not required	Head of the executive agency who desires immediate expenditure or use of a gift is to submit a request to Council for immediate acceptance of a gift with a proposed resolution for acceptance of the gift.	Attachment GFT-8 (Exhibit GFT ¶¶ 3.b. and 7.d.(i))	Gift is deemed accepted by the Council (1) upon the affirmative acceptance of the gift by Council, or (2) upon expiration of the 30-day period following the Council's receipt of the report if the Council does not affirmatively approve or reject the gift within 30 days of the receipt of the report. (Exhibit GFT ¶ 3.b.(iii))

³No gift from an anonymous donor may be solicited, received or accepted unless the gift is (1) donated to the City for an unrestricted purpose, or (2) expressly approved by the Council. There is an absolute prohibition on the solicitation, receipt or acceptance of an anonymous gift by an elected City executive officer (see definition in ROH Section 3-6.8, RCH Section 13-101). A City executive officer or employee who learns of the identity of an anonymous donor must immediately notify in writing the Mayor, the Council Chair and the Ethics Commission of the identity of the donor.

Anonymous Gift Amount	Use	Status	Mayor/MD Recommendation	Agency Action	Suggested Form	Gift Accepted/Rejected
\$2,500 or less	Restricted	In custody	Not required	Head of the executive agency to submit a request to Council for acceptance of a gift with a proposed resolution for acceptance of the gift.	Attachment GFT-2 (Exhibit GFT ¶ 3.c. and 4)	Gift must be affirmatively accepted by action of the Council. (Exhibit GFT ¶ 3.c.)
More than \$2,500	Restricted	In custody	Required	Head of the executive agency to submit a request to Council for acceptance of a gift with a proposed resolution for acceptance of the gift.	Attachment GFT-2; include recommend acceptance line for Mayor/MD, see note at bottom of Attachment GFT-2. (Exhibit GFT ¶ 3.c. and 5)	Gift must be affirmatively accepted by action of the Council. (Exhibit GFT ¶ 3.c.)

SOLICITATION OF GIFTS

Amount of Gift	Agency Action	Mayor/MD Recommendation	Suggested Form	Comments
\$2,500 or less	Head of the executive agency to provide notice of the solicitation to the Council no later than 15 days after commencing the solicitation.	Not required	Attachment GFT-6 (Exhibit GFT ¶ 6.a.)	No executive officer or employee having enforcement powers or review authority over any application or permit may solicit gifts to the City. Excluded from this prohibition are applications, solicitations or acceptance of grants from a governmental entity or from a private party. (Exhibit GFT ¶ 6.c.)
More than \$2,500	Head of the executive agency shall to provide notice of the solicitation to the Council before commencing any solicitation.	Not required	Attachment GFT-7 (Exhibit GFT ¶ 6.b.)	
Unspecified	Head of the executive agency shall to provide notice of the solicitation to the Council before commencing any solicitation.	Not required	Attachment GFT-7 (Exhibit GFT ¶ 6.b.)	

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

Subject: Report of Anonymous Gift for Unrestricted Use and
Requested Acceptance

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of an anonymously donated gift to the City for an unrestricted use under the provisions of Resolution No. 05-349, CD1, FD1. The gift (has/has not) been taken into custody by the Department.

The gift is (describe the gift and the estimated value of the gift).

Please feel free to speak with _____ at phone _____, if you have any questions regarding this report.

Sincerely,

Name
Director

(To be filed with the Council within 10 days of the agency taking custody of an anonymous gift of any value for an unrestricted use. The gift is deemed accepted upon affirmative acceptance by the Council or by the expiration of 30 days after the filing of this report if the Council within this period does not affirmatively approve or reject the gift. See Paragraph Nos. 3.b.(ii) and 3.b.(iii) of Exhibit GFT)

Attachment GFT-1
(Revised 10/2013)

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Request for Council Acceptance of an Anonymous Gift of
Restricted Use

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of an anonymously donated gift to the City of (describe gift). This request is made under the provisions of Resolution No. 05-349, CD1, FD1. The Department of _____ desires acceptance and utilization of the gift valued at (provide estimated value of the gift) for the Department's (identify the program or intended utilization of the gift). We attach a proposed resolution for the favorable action of the Council.

Please feel free to speak with _____ at phone _____, if you have any questions regarding this request.

Sincerely,

Name
Director

Attachment

(To be submitted to the Council for acceptance of an anonymously donated gift for a restricted use. NOTE: If the gift is valued in excess of \$2,500 and the agency has taken custody of the gift, the Mayor or the Managing Director must recommend acceptance of the gift and a signature line for the Mayor or the Managing Director is to be added to this form. See Paragraph No. 3.c. of Exhibit GFT)

Attachment GFT-2
(Revised 10/2013)

RELATING TO THE ACCEPTANCE OF AN ANONYMOUSLY DONATED GIFT TO THE CITY FOR (identify restricted use).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the city executive agencies; and

WHEREAS, the policy requires the affirmative action by the Council for acceptance of an anonymously donated gift for a restricted use; and

WHEREAS, through a letter dated _____, the Director of _____, has submitted a request to the Council (and approved by the Mayor/Managing Director; this is required if the gift is valued in excess of \$2,500 and the agency has taken custody of the gift) of (describe gift) valued at (state value of the gift) for the Department's (identify the program or intended utilization of the gift); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the anonymously donated gift valued at (state value) that is more fully described in the above-mentioned letter dated _____ from the Director of _____; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of _____

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Quarterly Report of Gifts Valued at \$2,500 or Less and
Requested Acceptance

This report to Council enumerates all gifts taken into custody by the Department of _____ for the quarter ending _____, 2011. This report is submitted under the provisions of Resolution No. 05-349, CD1, FD1. Information on each gift is set forth in the attached Exhibit A, "Quarterly Report of Gifts Received Valued at \$2,500 or Less Under Resolution No. 05-349, CD1, FD1."

We respectfully request the acceptance of (this gift/these gifts) by the Council on behalf of the City and County of Honolulu.

Please feel free to speak with _____ at phone _____, if you have any questions regarding this report.

Sincerely,

Name
Director

Attachment

(To be filed with the Council to report gifts valued at \$2,500 or less that were taken into custody by the agency during the quarter. The report is to be filed with the Council by the second Tuesday after the close of the applicable quarter. The gifts are deemed accepted upon the affirmative acceptance of the gift by the Council or by the expiration of 30 days after filing of the report if Council does not affirmatively accept or reject the gift within the period. See Paragraph Nos. 4.b. and 4.c. of the Exhibit GFT)

Attachment GFT-3
(Revised 10/2013)

Exhibit A

**QUARTERLY REPORT OF GIFTS RECEIVED VALUED AT
\$2,500 OR LESS UNDER RESOLUTION NO. 05-349, CD1, FD1**

CITY AGENCY: _____

QUARTER ENDING: _____

The following gifts were taken into custody by the agency in the previous quarter.

<u>Description of the Gift</u>	<u>Donor's Estimated Value of the Gift</u>	<u>Donor</u>
--------------------------------	--	--------------

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Report of Gift Valued in Excess of \$2,500 and Requested
Acceptance

We respectfully request the acceptance by the Council on behalf of the
City and County of Honolulu of a gift to the City valued in excess of \$2,500 under
the provisions of Resolution No. 05-349, CD1, FD1. The Department of
_____ has not taken custody of the gift.

The gift is (describe the gift, state the donor's estimated value of the gift
and the name of the donor).

Please feel free to speak with _____ at phone
_____, if you have any questions regarding this report.

Sincerely,

Name
Director

(To be submitted to the Council for acceptance of a gift valued in excess of \$2,500 before taking
custody of the gift. The gift is deemed accepted by the Council upon affirmative act of the
Council accepting the gift, or upon the expiration of 60 days following the filing of this report to the
Council if the Council takes no action to accept or reject the gift within this period. See Paragraph
No. 5.b. of the Exhibit GFT)

Attachment GFT-4
(Revised 10/2013)

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Report of Gift Valued in Excess of \$2,500 and Requested Acceptance

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of a gift to the City valued in excess of \$2,500 under the provisions of Resolution No. 05-349, CD1, FD1. A proposed resolution accepting the gift is attached for the Council's favorable consideration. The Department of _____ has taken custody of the gift. The recommendation of the (Mayor/Managing Director) for acceptance of the gift is evidenced by (his/her) signature below.

The gift is (describe the gift, state the donor's estimated value of the gift and the name of the donor). The Declaration of Gift is attached as an Exhibit to the resolution.

Please feel free to speak with _____ at phone _____, if you have any questions regarding this matter.

Sincerely,

Name
Director

Recommend Acceptance:

(Mayor/Managing Director)
Attachments

(To be submitted to the Council for acceptance of a gift valued in excess of \$2,500 that has been taken into custody by the agency. The Mayor or the Managing Director must state his recommendation for acceptance of the gift. The gift is deemed accepted by adoption of the resolution within 60 days of the receipt of the report. The gift is deemed rejected upon the affirmative rejection of the gift by Council or upon the expiration of the 60-day period following Council's receipt of the report if no action is taken by the Council within the period to accept or reject the gift. See Paragraph No. 5.c. of Exhibit GFT)

RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR (identify program and date of event).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the City executive agencies; and

WHEREAS, the policy provides for acceptance of the gift by affirmative action by the Council; and

WHEREAS, through a letter dated _____, the Director of _____, has submitted a request for acceptance of a gift to the Council and approved by the (Mayor/Managing Director) of (describe gift) valued at (state value of the gift) for the Department's (identify the program and the date of the event); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the gift valued at (state value) from (identify donor) that is more fully described in the above-mentioned letter dated _____ from the Director of _____ and the Declaration of Gift attached as Exhibit A; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of _____.

Exhibit A
City and County of Honolulu

DECLARATION OF GIFT	
NAME OF DONOR	
DONOR'S ADDRESS	
DONOR'S TELEPHONE	
STATEMENT OF OWNERSHIP AND/OR TERMS OF CONVEYANCE	
DESCRIPTION OF GIFT	VALUE
Signature:	Date:
Print Name:	Title:

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Notice of Solicitation of Gifts Valued at \$2,500 or Less

This will provide notice to the Council under the provisions of Resolution No. 05-349, CD1, FD1, that the Department of _____ (has commenced/will commence) the solicitation of gifts to the City that are estimated in the aggregate to be valued at \$2,500 or less for the Department's (describe program/event).

Please feel free to speak with _____ at phone _____, if you have any questions regarding this notice.

Sincerely,

Name
Director

(To be submitted to the Council as notice of the agency's solicitation of gifts to the City where the gifts are valued in the aggregate at \$2,500 or less. The notice is to issue no later than 15 days after the commencement of the solicitation. See Paragraph No. 6.a. of Exhibit GFT)

Attachment GFT-6
(Revised 10/2013)

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Notice of Solicitation of Gifts Valued in Excess of \$2,500

This will provide notice to the Council under the provisions of Resolution No. 05-349, CD1, FD1, that the Department of _____ will commence the solicitation of gifts to the City that are estimated in the aggregate to be valued in excess of \$2,500 for the Department's (describe program/event).

Please feel free to speak with _____ at phone _____, if you have any questions regarding this notice.

Sincerely,

Name
Director

(To be submitted to the Council as notice of the agency's solicitation of gifts to the City where the gifts are valued in the aggregate in excess of \$2,500. The notice is to issue before the commencement of the solicitation. NOTE: If the solicitation is for an unspecified value, the form must be revised accordingly. See Paragraph No. 6.b. of Exhibit GFT)

Attachment GFT-7
(Revised 10/2013)

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Members:

Subject: Request for Council Acceptance of a Gift to the City

We respectfully request the acceptance by the Council on behalf of the City and County of Honolulu of a gift to the City from (identify donor) of (describe gift). This request is made under the provisions of Resolution No. 05-349, CD1, FD1. The Department of _____ desires (expenditure/utilization) of the gift valued at (provide estimated value of the gift) for the Department's (describe program/event including the date of the desired expenditure). We attach a proposed resolution for the favorable action of the Council that includes as an Exhibit, the Declaration of Gift.

Please feel free to speak with _____ at phone _____, if you have any questions regarding this request.

Sincerely,

Name
Director

Attachments

(To be submitted to the Council for acceptance of a gift that the agency desires to expend immediately or prior to the expiration of the stated period after which a gift is deemed accepted by the Council under Resolution No. 05-349, CD1, FD1. NOTE: If the gift is valued in excess of \$2,500 and the agency has taken custody of the gift, see Paragraph 5.c.(i) of Exhibit GFT and the suggested form therein. This form may be used for acceptance of a gift valued at \$2,500 or less, for a gift valued in excess of \$2,500 and not taken into custody by the agency, and for an anonymous gift of any value that is unrestricted in use. See Paragraph No. 7.d. of Exhibit GFT)

Attachment GFT-8
(Revised 10/2013)

RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR (identify program and date of event).

WHEREAS, Section 13-113 of the Revised Charter of the City and County of Honolulu provides for the acceptance of gifts to the City by the Council of the City and County of Honolulu; and

WHEREAS, Resolution No. 05-349, CD1, FD1, establishes a policy of the Council for the solicitation and acceptance of gifts donated to the City executive agencies; and

WHEREAS, the policy provides for acceptance of the gift by affirmative action by the Council; and

WHEREAS, through a letter dated _____, the Director of _____, has submitted a request to the Council (and approved by the Mayor/Managing Director; this is required if the gift is valued in excess of \$2,500 and the agency has taken custody of the gift) of (describe gift) valued at (state value of the gift) for the Department's (identify the program and the date of the event); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body accept the gift valued at (state value) from (identify donor) that is more fully described in the above-mentioned letter dated _____ from the Director of _____ and the Declaration of Gift attached as Exhibit A; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of _____.

Exhibit A
City and County of Honolulu

DECLARATION OF GIFT	
NAME OF DONOR	
DONOR'S ADDRESS	
DONOR'S TELEPHONE	
STATEMENT OF OWNERSHIP AND/OR TERMS OF CONVEYANCE	
DESCRIPTION OF GIFT	VALUE
Signature:	Date:
Print Name:	Title:

INSTRUCTIONS FOR DONOR DISCLOSURE STATEMENT

This Donor Disclosure Statement is intended to assist your Department or agency to determine whether it is appropriate to accept an offer of a gift to the City or to the City for specific use by your Department or agency. The information to be provided by the Donor in the attached Disclosure Statement is to elicit information that you or your Department may not be aware of that may relate to pending activities that the Donor may have with the City. It is prudent that your Department be fully aware of pending City matters before determining whether to proceed with acceptance of an offer of the gift to the City.

By Charter, only the City Council is empowered to accept gifts of money, securities, personal property, or real property on behalf of the City. As summarized in the attached memorandum, to address the Council's process for acceptance of these gifts, Council adopted Resolution. No. 05-349, CD1, FD1. In general, it is not illegal for the City Council on behalf of the City, to accept a gift from a donor that may have matters pending before the City.

DONOR DISCLOSURE STATEMENT

DONOR:

Name of Donor	Telephone
Donor Representative	Title

1. Please describe the gift that the Donor is offering to the City. If the gift is for the use or benefit of a specific City agency, please identify the agency.

2. Does the Donor have any matter that is currently pending City action? If so, for each such matter, please (a) describe the matter, (b) identify the City agency before which the matter is pending, and (c) estimated date for agency action.

3. Does the Donor anticipate submittal of any matter for City action within the next six months? If so, for each such matter, please (a) describe the matter, and (b) identify the City agency before which the matter is to be submitted.

Date

Donor Representative Signature

GUIDELINES FOR INTERGOVERNMENTAL
AGREEMENTS AND PRIVATE GRANT AGREEMENTS UNDER
REVISED ORDINANCES OF HONOLULU CHAPTER 1, ARTICLE 8

As a general rule, an intergovernmental agreement or a private grant agreement that places an obligation on the City requires City Council consent and approval prior to execution of the agreement. A summary of terms is set out below to determine when prior Council approval is required. It is followed by the exceptions to the general rule requiring prior Council approval.

1. An “Agreement” is defined as an “Intergovernmental Agreement” or a “Private Grant Agreement.” (Ord. No. 11-18)
2. A “Private Grant Agreement” is defined as:
 - (a) An agreement between the City and a private party where the private party agrees to furnish assistance, financial or otherwise, to support a City program or function in exchange for the City incurring an obligation; and
 - (b) The assistance to be furnished by the private party must be valued at \$2,500 or more; and
 - (c) Includes a conditional gift which is defined as any voluntary contribution to the City for a public purpose of money, securities, other personal property, or of real estate or an interest in real estate, which imposes an obligation upon the City and that fulfills all of the elements of this definition of a “private grant agreement”; and
 - (d) Includes an agreement for a private party to provide training to City personnel alone or in combination with travel and lodging for the City personnel and that fulfills all of the elements of the definition of a “private grant agreement;” and
 - (e) The agreement need not be formalized into an agreement executed by the parties; and
 - (f) Does not include a procurement or procurement contract defined under the State Procurement Code, Chapter 103D, Hawaii Revised Statutes, or relate to any grant of funds under Chapter 6, Article 6, ROH.

(Ord. No. 08-11)

3. An “Intergovernmental Agreement” is defined as:
 - (a) An agreement between the City and:
 1. The federal government,
 2. The state government,
 3. The government of any other state,
 4. A political subdivision of any state,
 5. Any combination of the above, or
 6. A quasi-governmental agency.
 - (b) Includes an agreement with a governmental agency listed above or with a nongovernmental entity under contract with a governmental agency listed above, to provide training to City personnel, alone or in combination with travel and lodging for the City personnel to participate in the training.

(Ord. No. 06-14, 08-33)

4. An intergovernmental agreement or a private grant agreement that places an “Obligation” on the City requires prior Council consent and approval (but see “Exceptions” below), where “Obligation” is defined as a commitment, promise or similar representation that the City will:
 - (a) Provide funds, documents, statistical data, or professional or technical service to another party, or
 - (b) Send personnel to training provided by another party, or
 - (c) Expend City funds as required by the party.

An “Obligation” does not include a requirement to acknowledge a gift or to report to the donor on the use of the gift.

(Ord. No. 06-14, 11-88)

5. An arrangement can be an “Intergovernmental Agreement” even if it is not formalized in a written contract, memorandum of understanding, or agreement that is executed by the City and the other governmental entity. (Ord. No. 06-14)
6. A final or draft version of the intergovernmental agreement or private grant agreement must be provided to the Council for its review prior to Council

approval of the agreement. If a draft version of the agreement was provided to the Council and a material change is made after Council approval, the change must be submitted to the Council for its review and approval. (Ord. No. 08-24)

7. In general, if the intergovernmental agreement or private grant agreement places on obligation on the City, the executive agency must obtain prior Council approval. The Council's consent and authorization and the designation of the City official who is authorized to execute the agreement on behalf of the City may be in the form of either a Council resolution or ordinance. In addition COR recommends that the Council authorization to execute the agreement include language (a) authorizing the execution of the agreement "in substantially the form attached" to the Council ordinance or resolution authorizing the execution, and (b) authorizing the execution of "any incidental or related agreements and documents in furtherance of the agreement." A sample request and IGA resolution form is attached as Attachment AGT-1. (ROH 1-8.2(a))

EXCEPTIONS:

8. Public Safety Agencies: ESD, HFD, DEM, MED, HPD, and PAT are excepted from the requirement of prior Council consent or approval of intergovernmental agreements and private grant agreements under ROH Section 1-8.2(a). These six agencies must report to the Council by September 30th, of each year the details of all intergovernmental agreements and private grant agreements entered into in the prior fiscal year. The agreements listed in the report are all deemed approved by the Council unless the annual report is not timely filed. A suggested annual report form is attached as Attachment AGT-2. (Ord. Nos. 06-14, 07-40)
9. No Expenditure of City Funds: Under ROH Section 1-8.2(c), prior Council consent and approval is not required if the Mayor or the Mayor's designee files a certification with the City Clerk meeting the requirements of this ROH provision. The certification is to be distributed to all Councilmembers. The certification is to (a) provide a copy of the agreement, and state that (b) the agreement will not be executed until it is deemed approved, (c) the agreement does not require the expenditure of any City funds, (d) no funds have yet been accepted by the City, and (e) identify the City official to execute the agreement if the agreement does not identify the official. The agreement is then deemed approved 15 days after the certification has been filed with the City Clerk unless a Councilmember files a written objection with the City Clerk prior to the 15th day (in which case the agreement is not deemed approved for execution under this subsection). If deemed approved, the City official identified in the agreement or in the certification is thereafter (a) authorized to execute the agreement in substantially the form filed, and is further authorized to execute related agreements and amendments that also do not require the expenditure of City funds, and (b) authorized to receive and expend funds provided for in the agreement. A suggested certification statement is attached as Attachment AGT-3. All

agreements that have been approved and executed under this ROH provision must be annually reported by the Managing Director or the Managing Director's designee to the Council by September 30th. A suggested annual report form is attached as Attachment AGT-4. (Ord. No. 07-40)

10. Rental Agreements for Public Meetings and Public Hearings: Exempted from the requirement of Council approval are intergovernmental agreements or private grant agreements for the rental of a facility for a public meeting or a public hearing. (Ord. No. 11-2)

13-03717/287807

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

Subject: Request for Council Approval of (identify either an
Intergovernmental Agreement or a Private Grant Agreement)

We respectfully request the approval by the Council of (identify either an
intergovernmental agreement or a private grant agreement) between the City and
(identify government or private entity) for (identify program/event). We attach a
proposed resolution for the favorable action of the Council.

Please feel free to speak with _____ at phone
_____, if you have any questions regarding this request.

Sincerely,

Name
Director

Attachment

(To be submitted to the Council for approval of an intergovernmental agreement or a private grant agreement by other than the following agencies: ESD, HFD, DEM, MED, HPD, PAT. If a written agreement is to be executed by the City, the resolution should identify who is authorized to execute the agreement on behalf of the City and also, it is the Council's preference that a copy of the agreement be attached to the resolution. See Paragraph Nos. 6, 7 of Exhibit AGT)

Attachment AGT-1
(Revised 10/2013)

AUTHORIZING (identify City official) OR THE (City official's) DESIGNEE TO ENTER INTO (identify either an intergovernmental agreement or a private grant agreement) WITH (identify government or private entity) FOR (identify the program/event).

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended, requires that any (identify either intergovernmental agreement or private grant agreement) or amendment thereto which places an obligation on the City or any department or agency thereof, receive the prior consent and approval of the Council of the City and County of Honolulu; and

WHEREAS, (describe purpose of the agreement); and

WHEREAS, (if applicable describe benefits of program to the City to support request for approval of the agreement); and

WHEREAS, (state other relevant facts); now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the (identified City official) or the (City official's) designee is hereby authorized to enter into an agreement with (identify the government or private entity) in substantially the form attached hereto as Exhibit A, for the implementation of (program/event) as well as any other incidental or related agreements in connection thereto as may reasonably be required; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit a certified copy of this Resolution to the Director of _____.

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

Subject: Annual Report of Intergovernmental Agreements and Private Grant Agreements

This report to the Council enumerates all intergovernmental agreements and private grant agreements entered into or utilized by the Department of _____ in the prior fiscal year ending June 30, _____. The report is submitted under the provisions of Section 1-8.2(b), Revised Ordinances of Honolulu. Information on each intergovernmental agreement and private grant agreement is set forth in the attached Exhibit A.

Please feel free to speak with _____ at phone _____, if you have any questions regarding this report.

Sincerely,

Name
Director

(To be filed with the Council by ESD, HFD, DEM, MED, HPD and PAT on or before September 30th listing all intergovernmental agreements and private grant agreements entered into or utilized by the agency in the prior fiscal year. The agreements are deemed approved unless the report is not submitted. See Paragraph No. 8 of Exhibit AGT)

Attachment AGT-2
(Revised 10/2013)

ANNUAL REPORT OF INTERGOVERNMENTAL AGREEMENTS AND
PRIVATE GRANT AGREEMENTS UNDER ROH SECTION 1-8.2(b)

CITY AGENCY: _____

FISCAL YEAR ENDING: JUNE 30, _____

The following intergovernmental agreements and private grant agreements were entered into or utilized by the agency in the previous fiscal year.

Government or Private Party

Description of Agreement

(date)

Bernice K. N. Mau
City Clerk
530 South King Street, 2nd Floor
Honolulu, Hawaii 96813

Dear Ms. Mau:

Subject: Certification of No Expenditure of City Funds for (identify either an Intergovernmental Agreement or a Private Grant Agreement)

This certification is issued pursuant to Section 1-8.2 (c), Revised Ordinances of Honolulu to invoke the authorization of the City Council to execute (identify either an intergovernmental agreement or private grant agreement) and to receive and expend the funds provided for in the agreement. This certification confirms that no City funds will be expended for the implementation of the agreement between the City and (identify government or private entity) for (identify program/event). (If the agreement also provides for the City to receive funds, include the sentence: No funds have yet been accepted by the City under the provisions of the agreement). (If the agreement does not identify the City official to execute the agreement, include the sentence: The Mayor has designated ___ to execute the agreement on behalf of the City and County of Honolulu).

Please feel free to speak with _____ at phone _____, if you have any questions regarding this matter.

Sincerely,

Name
Director

cc: Honorable Ernest Y. Martin and Councilmembers
Honolulu City Council

(To be filed by the Mayor or the Mayor's Designee in lieu of obtaining prior Council approval for an intergovernmental agreement or a private grant agreement (except for ESD, HFD, DEM, MED, HPD, PAT). See Paragraph No. 9 of Exhibit AGT)

Attachment AGT-3
(Revised 10/2013)

(date)

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

Subject: Annual Report of Intergovernmental Agreements and Private Grant Agreements

This report to the Council enumerates all intergovernmental agreements and private grant agreements entered into or utilized by the Department of _____ in the prior fiscal year ending June 30, _____. The report is submitted under the provisions of Section 1-8.2(c), Revised Ordinances of Honolulu. Information on each intergovernmental agreement and private grant agreement is set forth in the attached Exhibit A, including the date of the filing of the certification with the City Clerk under Section 1-8.2(c).

Please feel free to speak with _____ at phone _____, if you have any questions regarding this report.

Sincerely,

Name
Director

Attachment

(To be filed with the Council by all agencies (except for ESD, HFD, DEM, MED, HPD and PAT) on or before September 30th listing all intergovernmental agreements and private grant agreements entered into or utilized by the agency in the prior fiscal year. The agreement is deemed approved 15 days after the certification is filed with the City Clerk unless a written objection is filed by a Councilmember within the 15 days. See Paragraph No. 9 of Exhibit AGT)

ANNUAL REPORT OF INTERGOVERNMENTAL AGREEMENTS AND
PRIVATE GRANT AGREEMENTS UNDER ROH SECTION 1-8.2(c)

CITY AGENCY: _____

FISCAL YEAR ENDING: JUNE 30, _____

The following intergovernmental agreements and private grant agreements were entered into or utilized by the agency in the previous fiscal year.

<u>Government or Private Party</u>	<u>Date of Filing of Certification</u>	<u>Description of Agreement</u>
------------------------------------	--	---------------------------------

TABLE OF APPENDICES

Appendix Number	Document
1	Ordinance No. 07-40 Relating to Intergovernmental Relations
2	Ordinance No. 08-24 Relating to Intergovernmental Agreements
3	Ordinance No. 08-33 Relating to Intergovernmental Agreements
4	Ordinance No. 11-2 Relating to Intergovernmental Agreements
5	Ordinance No. 11-18 Relating to Agreements Between the City and Private Entities
6	Ordinance No. 06-14 Relating to Intergovernmental Relations
7	Resolution No. 05-349, CD1, FD1, Revising the Guidelines for the Solicitation and Receipt of Gifts on Behalf of the City, Superseding Resolution 86-298 and Resolution 06-049 and Amending Resolutions 89-340, 94-23 and 96-168



A BILL FOR AN ORDINANCE

RELATING TO INTERGOVERNMENTAL RELATIONS.

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

SECTION 1. The purpose of this ordinance is to modify the approval process for certain intergovernmental agreements.

SECTION 2. Section 1-8.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 1-8.2 Intergovernmental relations—Effects of.

- (a) Except for those exempted under [subsection (b),] subsections (b) or (c), any intergovernmental agreement, or any amendments thereto, which place an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement in behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

When carrying out the provisions of any intergovernmental agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.

- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all intergovernmental agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:

- (1) Department of emergency services;
- (2) Honolulu fire department;
- (3) [Oahu civil defense agency;] Department of emergency management;



A BILL FOR AN ORDINANCE

- (4) Department of the medical examiner;
- (5) Honolulu police department; and
- (6) Department of the prosecuting attorney.

The intergovernmental agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted.

- (c) In lieu of the requirements of subsection (a), an intergovernmental agreement that, according to written certification by the mayor or the mayor's designee, will not be executed until approved, does not require the expenditure of city funds, and for which the city has not already accepted funds, shall be deemed approved 15 days after being filed with the city clerk and distributed to all members of the city council, unless a councilmember files a written objection with the city clerk prior to the 15th day. An intergovernmental agreement that has been objected to shall not be eligible for approval under this subsection.

The agreement or the submittal to the city clerk shall identify the city official to be authorized to execute the agreement. Approval of the intergovernmental agreement shall authorize the designated city official to execute the agreement in substantially the form filed, as well as any related agreements and amendments that also do not require the expenditure of city funds and shall authorize the designated city official to receive and expend funds provided pursuant to the agreement.

An annual report shall be submitted by the managing director or the managing director's designee to the council by September 30 detailing all intergovernmental agreements that have been deemed approved under this subsection and executed or utilized during the previous fiscal year."

SECTION 3. Ordinance material to be repealed is bracketed. New 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, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Charles Djou

DATE OF INTRODUCTION:

June 27, 2007
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Matthew A Kelly
Deputy Corporation Counsel

APPROVED this 4th day of October, 2007.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 07-40

BILL 56 (2007), CD2

Introduced: 06/27/07 By: CHARLES DJOU

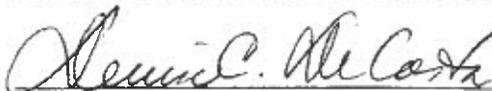
Committee: INTERGOVERNMENTAL
AFFAIRS

Title: A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL RELATIONS.

Links: [BILL 56 \(2007\)](#)
[BILL 56 \(2007\), CD1](#)
[BILL 56 \(2007\), CD2](#)
[CR-289](#)

COUNCIL	07/05/07	BILL PASSED FIRST READING AND REFERRED TO INTERGOVERNMENTAL AFFAIRS COMMITTEE.				
	APO Y	CACHOLA Y	*DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
(*Note: Councilmember Dela Cruz was absent and not excused and pursuant to Council Rule 12.3 was recorded as an affirmative vote.)						
INTERGOVERNMENTAL AFFAIRS	08/02/07	CR-289 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM.				
PUBLISH	08/04/07	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL/PUBLIC HEARING	08/15/07	BILL PASSED SECOND READING AS AMENDED (BILL 56 (2007), CD1), CR-289 ADOPTED, PUBLIC HEARING CLOSED AND REFERRED TO INTERGOVERNMENTAL AFFAIRS COMMITTEE.				
	APO Y	CACHOLA E	DELA CRUZ Y	DJOU E	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	08/24/07	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
INTERGOVERNMENTAL AFFAIRS	09/06/07	CR-325 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.				
COUNCIL	09/19/07	CR-325 ADOPTED AND BILL AS AMENDED (BILL 56 (2007), CD2) PASSED THIRD READING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL N	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO INTERGOVERNMENTAL AGREEMENTS.

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

SECTION 1. The purpose of this ordinance is to require that a copy of the final or draft version of an intergovernmental agreement be provided to the council prior to the council's approval.

SECTION 2. Section 1-8.2, Revised Ordinances of Honolulu 1990 ("Intergovernmental relations—Effects of"), is amended by amending subsection (a) to read as follows:

- "(a) Except for those exempted under subsections (b) or (c), any intergovernmental agreement, or any amendments thereto, which place an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. The final or draft version of the agreement shall be provided to the council for its review prior to the council's approval. In the event a draft agreement is provided, if a material change is made to the draft agreement after council approval, such change shall require additional council review and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement [in] on behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

When carrying out the provisions of any intergovernmental agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution."

SECTION 3. Ordinance material to be repealed is bracketed. New 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, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

~~John W. ...~~
~~Anna Koyashi~~
~~Mary ...~~
~~...~~
~~...~~
Randy R. ...

DATE OF INTRODUCTION:

MAY 29 2008

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

APPROVED this 4th day of September, 2008.

[Signature]
MUIF HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
 CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII
 CERTIFICATE

ORDINANCE 08-24

BILL 44 (2008)

Introduced: 05/29/08 By: CHARLES DJOU

Committee: INTERGOVERNMENTAL
 AFFAIRS

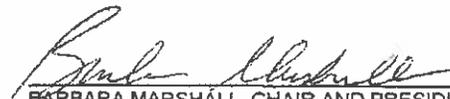
Title: A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL AGREEMENTS.

Links: [BILL 44 \(2008\)](#)
[CR-207](#)

COUNCIL	06/04/08	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
INTERGOVERNMENTAL AFFAIRS	06/26/08	CR-207 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
PUBLISH	07/12/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	07/23/08	CR-207 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO INTERGOVERNMENTAL AFFAIRS COMMITTEE.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
PUBLISH	07/30/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
INTERGOVERNMENTAL AFFAIRS	07/31/08	CR-245 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
COUNCIL	08/20/08	CR-245 ADOPTED AND BILL 44 (2008) PASSED THIRD READING.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E OKINO Y TAM Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


 DENISE C. DE COSTA, CITY CLERK


 BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO INTERGOVERNMENTAL AGREEMENTS.

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

SECTION 1. The purpose of this ordinance is to include certain arrangements with non-governmental entities as intergovernmental agreements that may be subject to council approval.

SECTION 2. Section 1-8.1, Revised Ordinances of Honolulu 1990, is amended by amending the definition of "Intergovernmental agreement" to read as follows:

"Intergovernmental agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the city and either the federal government, the state government, the government of any other state, any political subdivision of any state, any combination thereof or with a quasi-governmental agency. "Intergovernmental agreement" also [means] includes any arrangement between the city and a governmental entity listed [above under which the governmental entity provides] above, or between the city and a non-governmental entity under contract with a governmental agency listed above, to provide training to city personnel, alone or in combination with travel and lodging for the city personnel to participate in the training. To be deemed an "intergovernmental agreement," such an arrangement need not be formalized in a contract, compact, memorandum of understanding, or agreement that is executed between the city and governmental entity."

SECTION 3. Ordinance material to be repealed is bracketed. New 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, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall

DATE OF INTRODUCTION:

September 30, 2008
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

APPROVED this 18th day of December, 2008.

[Signature]
MUIF HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
 CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII
 CERTIFICATE

ORDINANCE 08 - 33

BILL 57 (2008), CD2

Introduced: 09/30/08 By: BARBARA MARSHALL

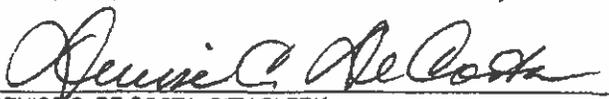
Committee: INTERGOVERNMENTAL
 AFFAIRS

Title: A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL AGREEMENTS.

Links: [BILL 57 \(2008\)](#)
[BILL 57 \(2008\), CD1](#)
[BILL 57 \(2008\), CD2](#)
[CR-324](#)

COUNCIL	10/15/08	BILL PASSED FIRST READING AND REFERRED TO INTERGOVERNMENTAL AFFAIRS COMMITTEE.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
INTERGOVERNMENTAL AFFAIRS	10/29/08	CR-324 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
PUBLISH	11/01/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	11/12/08	CR-324 ADOPTED, BILL PASSED SECOND READING AS AMENDED (BILL 57 (2008), CD1), PUBLIC HEARING CLOSED AND REFERRED TO INTERGOVERNMENTAL AFFAIRS COMMITTEE.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E OKINO Y TAM Y
PUBLISH	11/19/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
INTERGOVERNMENTAL AFFAIRS	11/20/08	CR-346 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
COUNCIL	12/03/08	CR-346 ADOPTED AND BILL 57 (2008), CD2 PASSED THIRD READING AS AMENDED.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E OKINO Y TAM Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


 DENISE C. DE COSTA, CITY CLERK


 TODD APO, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 1, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO INTERGOVERNMENTAL AGREEMENTS.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the ordinance governing intergovernmental relations, with the intention of allowing city departments to utilize facilities owned by other government entities for the purpose of holding public meetings or hearings.

SECTION 2. Section 1.8-2, Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (a) and adding a new subsection (d) to read as follows:

"Sec. 1-8.2 Intergovernmental relations—Effects of.

- (a) Except for those exempted under subsections (b), ~~(c)~~, or (d), any intergovernmental agreement, or any amendments thereto, which place an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. The final or draft version of the agreement shall be provided to the council for its review prior to the council's approval. In the event a draft agreement is provided, if a material change is made to the draft agreement after council approval, such change shall require additional council review and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement on behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

When carrying out the provisions of any intergovernmental agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.

- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all



A BILL FOR AN ORDINANCE

intergovernmental agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:

- (1) Department of emergency services;
- (2) Honolulu fire department;
- (3) Department of emergency management;
- (4) Department of the medical examiner;
- (5) Honolulu police department; and
- (6) Department of the prosecuting attorney.

The intergovernmental agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted.

- (c) In lieu of the requirements of subsection (a), an intergovernmental agreement that, according to written certification by the mayor or the mayor's designee, will not be executed until approved, does not require the expenditure of city funds, and for which the city has not already accepted funds, shall be deemed approved 15 days after being filed with the city clerk and distributed to all members of the city council, unless a councilmember files a written objection with the city clerk prior to the 15th day. An intergovernmental agreement that has been objected to shall not be eligible for approval under this subsection.

The agreement or the submittal to the city clerk shall identify the city official to be authorized to execute the agreement. Approval of the intergovernmental agreement shall authorize the designated city official to execute the agreement in substantially the form filed, as well as any related agreements and amendments that also do not require the expenditure of city funds and shall authorize the designated city official to receive and expend funds provided pursuant to the agreement.

An annual report shall be submitted by the managing director or the managing director's designee to the council by September 30 detailing all intergovernmental agreements that have been deemed approved under this subsection and executed or utilized during the previous fiscal year.

- (d) Intergovernmental agreements for the rental of a facility for the purpose of holding a public meeting or a public hearing shall be exempted from the requirements of this section."



A BILL FOR AN ORDINANCE

SECTION 3. Ordinance material to be repealed is bracketed. New 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, the bracketed material or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Nestor Garcia (BR)

DATE OF INTRODUCTION:

November 16, 2010
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

APPROVED this 11th day of March, 2011.

[Signature]
PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 11-2

BILL 59 (2010), CD1

Introduced: 11/16/10 By: NESTOR GARCIA (BR)

Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

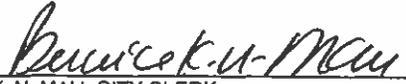
Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 1, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED RELATING TO INTERGOVERNMENTAL AGREEMENTS.

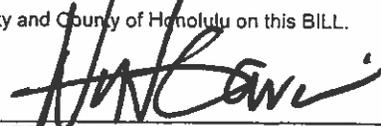
Links: [BILL 59 \(2010\)](#)
[BILL 59 \(2010\), CD1](#)
[CR-380 \(2010\)](#)
[CR-29 \(2011\)](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	11/22/10	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.							
ANDERSON	Y	CACHOLA	Y	DONOHUE	Y	GARCIA	Y	KOBAYASHI	Y
MATSUURA	Y	OKINO	Y	TAM	Y				
EXECUTIVE MATTERS AND LEGAL AFFAIRS	12/01/10	CR-380 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
		NOTE: COUNCILMEMBERS CHANG, GABBARD TAMAYO, HARIMOTO AND MARTIN TOOK OFFICE ON SUNDAY, JANUARY 2, 2011.							
PUBLISH	01/15/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
		NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19, 2011 FILLING THE VACANCY FOR DISTRICT I.							
COUNCIL/PUBLIC HEARING	01/26/11	CR-380(10) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.							
ANDERSON	Y	BERG	Y	CACHOLA	A	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	02/02/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
EXECUTIVE MATTERS AND LEGAL AFFAIRS	02/07/11	CR-29(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							
COUNCIL	02/23/11	CR-29(11) ADOPTED AND BILL 59 (2010), CD1 PASSED THIRD READING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO AGREEMENTS BETWEEN THE CITY AND PRIVATE ENTITIES.

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

SECTION 1. The purpose of this ordinance is to require that certain agreements between the city and a private party be approved by the city council.

SECTION 2. The title of Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Article 8. Intergovernmental [Relations] Agreements and Private Grant Agreements"

SECTION 3. Section 1-8.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definition of "Obligation" and adding definitions for "Agreement," "Conditional Gift," "Private grant agreement," and "Private party," to read as follows:

"Agreement" means an intergovernmental agreement or a private grant agreement."

"Conditional Gift" means any voluntary contribution of money, securities, other personal property, or of real estate or any interest in real estate to the city for a public purpose, which imposes an obligation on the city."

"Obligation" means any commitment, promise or similar representation contained in an [intergovernmental] agreement that the city or any agency thereof will provide either funds, documents, statistical data, or any professional or technical [service to any other governmental or quasi-governmental agency] services to another party, [or] send personnel to training provided by [such an agency.] another party, or to expend city funds as required by that party. An "obligation" does not include the duty to acknowledge a gift, or to report to the donor on the use of a gift."

"Private grant agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the city and a private party where the private party agrees to furnish assistance, financial or otherwise, to support a city program or function in exchange for the city incurring an obligation. To be deemed a "private grant agreement," such assistance shall be valued at \$2,500 or more. The term includes a conditional gift or an agreement providing for a private party to provide training to city personnel, alone or in combination with travel and lodging for the city personnel to participate in the training,



A BILL FOR AN ORDINANCE

provided the gift or agreement meets all of the elements of this definition. To be deemed a "private grant agreement," such an arrangement need not be formalized in a contract, compact, memorandum of understanding, or agreement that is executed between the city and private party. "Private grant agreement" shall not include any procurement or procurement contract as defined by the provisions of the Hawaii Public Procurement Code, or that relates to any grant of funds subject to the provisions of Chapter 6, Article 9."

"Private party" means a person or entity who is neither an officer or employee of any governmental or quasi-governmental body nor a governmental or quasi-governmental body."

SECTION 4. Section 1-8.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 1-8.2 [Intergovernmental relations—Effects of.] Council approval of agreements.

- (a) Except for those exempted under subsections (b), (c), or (d), any [intergovernmental] agreement, or any amendments thereto, which place an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. The final or draft version of the agreement shall be provided to the council for its review prior to the council's approval. In the event a draft agreement is provided, if a material change is made to the draft agreement after council approval, such change shall require additional council review and approval. City council's consent and authorization as well as the designated official authorized to execute the [intergovernmental] agreement on behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.

When carrying out the provisions of any [intergovernmental] agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments [to any other governmental or quasi-governmental agency] shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.

- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all



A BILL FOR AN ORDINANCE

[intergovernmental] agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:

- (1) Department of emergency services;
- (2) Honolulu fire department;
- (3) Department of emergency management;
- (4) Department of the medical examiner;
- (5) Honolulu police department; and
- (6) Department of the prosecuting attorney.

The [intergovernmental] agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted.

- (c) In lieu of the requirements of subsection (a), an [intergovernmental] agreement that, according to written certification by the mayor or the mayor's designee, will not be executed until approved, does not require the expenditure of city funds, and for which the city has not already accepted funds, shall be deemed approved 15 days after being filed with the city clerk and distributed to all members of the city council, unless a councilmember files a written objection with the city clerk prior to the 15th day. An [intergovernmental] agreement that has been objected to shall not be eligible for approval under this subsection.

The agreement or the submittal to the city clerk shall identify the city official to be authorized to execute the agreement. Approval of the [intergovernmental] agreement shall authorize the designated city official to execute the agreement in substantially the form filed, as well as any related agreements and amendments that also do not require the expenditure of city funds and shall authorize the designated city official to receive and expend funds provided pursuant to the agreement.

An annual report shall be submitted by the managing director or the managing director's designee to the council by September 30 detailing all [intergovernmental] agreements that have been deemed approved under this subsection and executed or utilized during the previous fiscal year.



A BILL FOR AN ORDINANCE

- (d) [Intergovernmental agreements] Agreements for the rental of a facility for the purpose of holding a public meeting or a public hearing shall be exempted from the requirements of this section."

SECTION 5. Ordinance material to be deleted is bracketed; new 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 underscoring.



A BILL FOR AN ORDINANCE

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ernest Martin

DATE OF INTRODUCTION:

March 9, 2011
Honolulu, Hawaii

_____ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Heand Puy
Deputy Corporation Counsel

APPROVED this 21st day of June, 2011.

Peter B. Ull
PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 11-18

BILL 24 (2011), CD1

Introduced: 03/09/11 By: ERNEST MARTIN

Committee: SAFETY, ECONOMIC
DEVELOPMENT AND
GOVERNMENT AFFAIRS

Title: A BILL FOR AN ORDINANCE RELATING TO AGREEMENTS BETWEEN THE CITY AND PRIVATE ENTITIES.

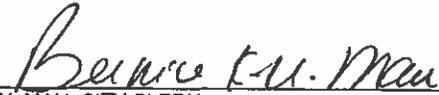
Links: [BILL 24 \(2011\)](#)
[BILL 24 \(2011\), CD1](#)
[CR-129](#)
[CR-185](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

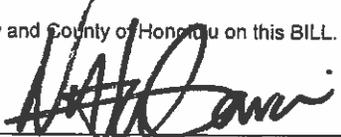
COUNCIL	03/16/11	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	03/28/11	BILL DEFERRED IN COMMITTEE.							
PUBLISH	04/30/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	05/02/11	CR-129 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
COUNCIL/PUBLIC HEARING	05/11/11	CR-129 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	A
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	05/23/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	05/23/11	CR-185 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							

COUNCIL	06/03/11	CR-185 ADOPTED AND BILL 24 (2011), CD1 PASSED THIRD READING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



BERNICE K. N. MAU, CITY CLERK



NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO INTERGOVERNMENTAL RELATIONS.

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

SECTION 1. The purpose of this ordinance is to address intergovernmental agreements and related documentation. In particular, it relaxes the requirement of prior council approval for certain intergovernmental agreements and makes minor clarifying amendments.

This ordinance also includes in the definition of "intergovernmental agreement" any arrangement between the city and a governmental or quasi-governmental entity under which the entity provides training, including ancillary travel and lodging, to city personnel, whether or not the arrangement is formalized in an executed instrument. The council intends that this ordinance be construed as granting the council's blanket approval to any such intergovernmental agreement utilized by a department listed under Section 1-8.2(b), ROH, as well as any other type of intergovernmental agreement placing an obligation upon that department. The council intends that such a department may send personnel to training under an agreement without need for further council approval of that agreement.

SECTION 2. Section 1-8.1, Revised Ordinances of Honolulu 1990, as amended, is amended by amending the definitions of "intergovernmental agreement" and "obligation" as follows:

"Intergovernmental agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the city and either the federal government, the state government, the government of any other state, any political subdivision of any state, any combination thereof or with a quasi-governmental agency. "Intergovernmental agreement" also means any arrangement between the city and a governmental entity listed above under which the governmental entity provides training to city personnel, alone or in combination with travel and lodging for the city personnel to participate in the training. To be deemed an "intergovernmental agreement," such an arrangement need not be formalized in a contract, compact, memorandum of understanding, or agreement that is executed between the city and governmental entity.

"Obligation" means any commitment, promise or similar representation contained in an intergovernmental agreement that the city or any agency thereof will provide either funds, documents, statistical data, or any professional or technical service to any other



A BILL FOR AN ORDINANCE

governmental or quasi-governmental agency[.] or send personnel to training provided by such an agency."

SECTION 3. Section 1-8.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 1-8.2 Intergovernmental relations—Effects of.

- (a) [Signature Authorization.] Except for those exempted under subsection (b), [Any] any intergovernmental agreement, or any amendments thereto, which place[s] an obligation upon the city or any department or agency thereof shall require prior city council's consent and approval. City council's consent and authorization as well as the designated official authorized to execute the intergovernmental agreement in behalf of the City and County of Honolulu shall be contained in the form of either an ordinance or resolution.
- [(b) Transmittal by Resolution.] When carrying out the provisions of any intergovernmental agreement entered into in accordance with this [article.] subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city or its component departments to any other governmental or quasi-governmental agency shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.
- (b) In lieu of the requirements of subsection (a), the following departments shall submit an annual report to the council by September 30 detailing all intergovernmental agreements placing obligations upon them that were entered into or utilized during the previous fiscal year:
- (1) Department of Emergency Services;
 - (2) Honolulu Fire Department;
 - (3) Oahu Civil Defense Agency;
 - (4) Department of the Medical Examiner;
 - (5) Honolulu Police Department; and
 - (6) Department of the Prosecuting Attorney.



A BILL FOR AN ORDINANCE

The intergovernmental agreements subject to this subsection shall be deemed approved by the council unless such report is not submitted."

SECTION 4. 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, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Donovan Dela Cruz

Ann Kobayashi

DATE OF INTRODUCTION:

January 19, 2006
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Amey R. Kondo
Deputy Corporation Counsel

APPROVED this 15th day of March, 2006.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

(OCS/022306/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **06 - 14**

BILL **014 (2006)**

Introduced: 1/19/06 By: DONOVAN DELA CRUZ

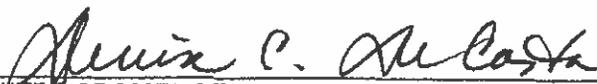
Committee: BUDGET

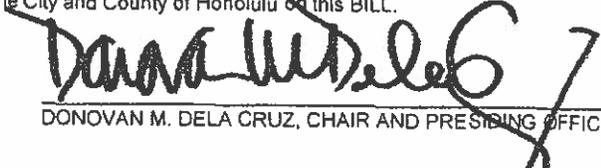
Title: A BILL FOR AN ORDINANCE RELATING TO INTERGOVERNMENTAL RELATIONS.

Links: BILL 014 (2006)
BILL 014 (2006), FD1
BILL014 (2006), FD1, CD1
CR-60

Council	1/25/06	Bill passed first reading and referred to Committee on Budget. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia..... Y Kobayashi Y Marshall Y Okino Y Tam Y
Budget	02/01/06	CR-60 - Bill reported out of committee for passage on second reading and scheduling of a public hearing.
Publish	2/4/06	Public hearing notice published in the Honolulu Star-Bulletin.
Council/Public Hearing	2/15/06	CR-60 adopted. Bill amended to FD1 on the Council floor and subsequently passed second reading, as amended (Bill 14, FD1). Public hearing closed and referred to Budget Committee. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia..... Y Kobayashi Y Marshall Y Okino Y Tam Y
Publish	2/18/06	Second reading notice published in the Honolulu Star-Bulletin.
Budget	2/22/06	CR -112 - Bill reported out of committee for passage on third reading as amended in FD1, CD1 form.
Council	3/1/06	Bill passed third reading, as amended (FD1, CD1) and CR-112 adopted. (Bill 14, FD1, CD1) Apo Y Cachola Y Dela Cruz Y Djou Y Garcia..... Y Kobayashi Y Marshall Y Okino Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

06 - 14



RESOLUTION

REVISING THE GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS ON BEHALF OF THE CITY, SUPERSEDING RESOLUTION 86-298 AND RESOLUTION 06-049, AND AMENDING RESOLUTIONS 89-340, 94-23, AND 96-168.

WHEREAS, Section 13-113 of the Charter states:

The council, on behalf of the city, may accept gifts or donations of money, securities or other personal property or of real estate or any interest in real estate.

and

WHEREAS, the provision is interpreted as requiring the council to formally accept a gift of cash or tangible property before it may be expended or used by a city agency, officer, or employee; and

WHEREAS, guidelines for the solicitation and receipt of gifts by city executive agencies were set forth in Resolution 86-298, adopted on September 17, 1986; and

WHEREAS, since September 1986, the guidelines of Resolution 86-298 were modified only four times: once under Resolution 89-340 for the Honolulu police department's PAL and DARE programs, again under Resolution 94-23 for the Honolulu police department's scientific investigation section, again under Resolution 96-168 for monetary donations into a "donation box" at the Hanauma Bay Nature Preserve, and lastly under Resolution 06-049 to exempt intergovernmental training; and

WHEREAS, gifts to the city are beneficial because they promote or assist public programs and projects and reduce the need for expenditure of public funds; and

WHEREAS, despite the public benefits, gifts offered to the city must be scrutinized by the council to assure that they do not raise conflict of interest problems, special treatment concerns, or other ethical issues; and

WHEREAS, thus, the council finds that its review and approval authority over gifts offered to the city executive branch should be strengthened; now, therefore,

BE IT RESOLVED that the Council of the City and County of Honolulu approves the attached Exhibit A as the guidelines for the solicitation and receipt of gifts to the city; and



RESOLUTION

BE IT FURTHER RESOLVED that Resolution 86-298 and Resolution 06-049 are superseded by this Resolution and declared null and void as of the effective date of this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect on April 1, 2006; and

BE IT FURTHER RESOLVED that Resolution 89-340, relating to the solicitation and receipt of gifts for the PAL and DARE programs, attached as Exhibit B, and Resolution 94-23, relating to the solicitation and receipt of gifts for the scientific investigation section of the Honolulu police department, attached as Exhibit C, are amended as follows:

- (1) Item 2 of the first "Resolved" paragraph of each Resolution is amended by substituting the following language for the present language:

2. That notices to the council of such solicitations need not be submitted pursuant to paragraph 2.a of Resolution 05-349 if the solicitation efforts are conducted in compliance with this Resolution.

- (2) Item 2 of the second "Resolved" paragraph of each Resolution is amended by substituting "Resolution 05-349" for "paragraph 3 or 4 of Resolution 86-298"; and
- (3) Item 3 of the second "Resolved" paragraph of each Resolution is amended by substituting "Chapter 6, Article 5," for "Chapter 5, Article 7";

and

BE IT FURTHER RESOLVED that Resolution 96-168, relating to the solicitation, receipt, and acceptance of monetary donations for the Hanauma Bay Nature Preserve, attached as Exhibit D, is amended as follows:

- (1) The guidelines established under Resolution 96-168 are declared to be separate from Resolution 86-298 and in continued force and effect after the repeal of Resolution 86-298; and



RESOLUTION

- (2) The second sentence of section 5.a of the first "Resolved" paragraph is amended by substituting "Resolution 05-349" for "paragraphs 1 to 4 of Resolution 86-298";

and

BE IT FURTHER RESOLVED that, with respect to a gift to the council, the council officer who is offered the gift shall be responsible for submitting it to the council for acceptance, and the ethical standards of conduct established by the charter, ordinance, or ethics commission regarding the solicitation, acceptance, and receipt of gifts shall apply to council officers and employees; and

BE IT FINALLY RESOLVED that the clerk is directed to transmit certified copies of this Resolution to the Mayor and every other "head of an executive agency" as defined in Exhibit A.

INTRODUCED BY:

Charles Djou

DATE OF INTRODUCTION:

October 21, 2005
Honolulu, Hawaii

Councilmembers

(OCS/030106/ct)

REVISED POLICY ON
SOLICITATION, RECEIPT, AND ACCEPTANCE OF GIFTS

I. General

1. Definitions.

“Anonymous unrestricted gift” means a gift to the city from an anonymous donor that has no restrictions on its expenditure or use.

“City executive officer or employee” means an “officer” or “employee,” as defined under section 3-6.8, Revised Ordinances of Honolulu 1990, of the executive branch.

“Day” means calendar day.

“Executive agency” means the office of the mayor, a department, the neighborhood commission staff, the liquor commission staff, the royal Hawaiian band, the civil defense agency, and a board or commission. For this Resolution, the group of appointees serving as the policy-making head of the neighborhood commission or liquor commission shall be deemed an “executive agency” separate from the commission staff.

“Gift” means any voluntary contribution of money, securities, other personal property, or of real estate or any interest in real estate to the city for a public purpose, made gratuitously and without consideration, whether earmarked for a specific purpose or not. “Gift” does not mean any “intergovernmental agreement” subject to Chapter 1, Article 8, Revised Ordinances of Honolulu 1990. All gifts provided for a specific city-sponsored activity or program or obtained as part of the same solicitation shall be considered as a single gift.

“Head of an executive agency” means the following: mayor with respect to the office of the mayor; chair with respect to a board or commission; and administrative head with respect to any other executive agency.

“Report” means a written report on a gift that includes the name and address of the prospective donor if known, the gift’s description, its intended purpose, its estimated or actual value, and any requirement for its acceptance, maintenance, or eventual disposition by the city.

“Value” means the actual or assessed monetary value of a gift. If the value of a gift is not known, a reasonable estimate of its value shall be made by the intended recipient. In all instances, the gift shall be categorized as either valued in excess of \$2,500 or as valued at or below that amount. A description of the gift also shall be recorded in sufficient detail as to enable its relative value to be assessed.

EXHIBIT A

2. Common provisions.

a. Solicitation, receipt and acceptance of gifts to the city. When an executive agency desires to solicit gifts to the city, the head of the executive agency shall submit to the council a written notice of the solicitation. If the solicitation is for gifts valued in excess of \$2,500 or gifts of any or unspecified value, the head of the executive agency shall submit the notice before engaging in any solicitation effort. If the solicitation is only for gifts valued at \$2,500 or less, the head of the executive agency shall submit the notice no later than 15 days after such solicitation is first made.

No city executive officer or employee having enforcement powers or review authority over any application or permit shall solicit gifts to the city; provided that this provision shall not prohibit a city executive officer or employee from applying for, soliciting, or accepting any grant from a governmental or private party.

A city executive officer or employee shall not solicit, receive, or accept any gift to the city under circumstances that in fact or in appearance:

- (1) Rewards, influences, or tends to impair the judgment of any city executive officer or employee in the performance of the officer's or employee's official duties; or
- (2) Provides special consideration, treatment, advantage, privilege, or exemption for or coerces a potential donor.

The ethics commission shall establish, as needed, standards of conduct for city executive officers and employees who deal with any person or entity who has provided, is solicited to provide, or intends to provide a gift to the city.

b. Unacceptable gifts.

No gift shall be taken into custody or accepted that imposes an onerous requirement for its acceptance, maintenance, or eventual disposition by the city.

No gift from an anonymous donor shall be solicited, received, or accepted, except when either (1) donated to the city for an unrestricted purpose or (2) expressly approved by the council. Any monies donated anonymously to the city shall be deposited into the general fund, unless otherwise provided herein. This provision does not apply to the guidelines established under Resolution 96-168 (providing guidelines for the solicitation, receipt, and acceptance of monetary donations for the Hanauma Bay Nature Preserve) which shall continue to be in force and effect.

Additionally, no gift from an anonymous donor shall be solicited, received, or accepted by an elected city executive officer under any circumstance.

No gift shall be accepted from a donor who, in the council's opinion, may lack the requisite capacity to understand the nature of the donor's action in making the gift.

This subparagraph b shall not be deemed exclusive. The council shall have full discretion to reject any gift, whether listed under this subparagraph or not.

c. Application. These provisions shall apply except where more restrictive ordinances, rules, or administrative policies are in effect and except in the case of intergovernmental training, including travel, lodging, and classes, which shall not be deemed a "gift." Except as otherwise provided under paragraph 2.b for an anonymous gift, monetary gifts shall be deposited into (1) the general trust fund and be administered in accordance with Chapter 6, Article 5, of the Revised Ordinances of Honolulu or (2) an appropriate special trust fund or account and be administered in accordance with the terms of the gift.

d. Notification of prospective donor that gift must be accepted by council. A city executive officer, upon taking custody of a gift, shall immediately notify the prospective donor in writing that the gift is subject to acceptance by the council; except that this requirement shall not apply if the donor is anonymous and the anonymous gift is permitted to be taken into custody under this Resolution.

e. Filing or submittal of report on gift only if recommended to be accepted. The head of an executive agency shall file or submit a report on a gift to the council only if recommending that the council accept the gift.

If the head of an executive agency is offered or has custody of a gift that the head does not want to recommend for acceptance, the head shall refuse the gift or return the gift to the prospective donor.

f. Copy of report on gift or other document to city clerk -- Availability as public record. When the head of an executive agency or other city executive officer or employee submits to the council a report on a gift or other document required under this Resolution, the head or other city executive officer or employee shall simultaneously submit a copy of the report or document to the city clerk. Upon receipt of a copy of the report or document, the city clerk shall immediately make it available as public record.

g. A gift may be expended or used only after acceptance by the council. A city executive officer may expend, use, or authorize the expenditure or use of a gift only after it has been accepted by the council.

h. Return of rejected gift. If a gift is taken into custody by a city executive officer, but rejected by the council before expenditure or use, the city executive officer shall return the gift to the prospective donor. If the gift is other than cash and cannot be returned, the city executive officer shall pay to the prospective donor cash equaling the value of the gift from available appropriations. If the gift can be returned, but at less than full value, the city executive officer shall return the gift with cash equaling the difference between the full value and residual value as estimated by the city executive officer.

i. Notice when identity of anonymous donor becomes known. If a city executive officer or employee learns of the identity of an anonymous donor of a gift to the city, the city executive officer or employee shall immediately notify in writing the mayor, council chair, and ethics commission.

j. Deputy head of executive agency may act for head. The deputy head of an executive agency may act in place of the head of that executive agency for the purpose of this Resolution.

II. Executive Branch

3. Gift valued at \$2,500 or less that is not an anonymous unrestricted gift.

a. This paragraph 3 shall apply to a gift valued at \$2,500 or less that is not an anonymous unrestricted gift. The following provisions of this paragraph 3 shall be read as applying only to such a gift.

b. The head of an executive agency to which a gift valued at \$2,500 or less is intended to be donated may take immediate custody of the gift. Upon taking custody, the head of the executive agency shall ensure that the intended gift is properly maintained, secured, and protected.

c. The head of an executive agency shall submit to the council for each quarter a report listing all gifts valued at \$2,500 or less that were taken into custody for the executive agency during that quarter. The quarterly report shall be submitted by the second Tuesday after the close of the applicable quarter.

d. A gift listed in a quarterly report shall be deemed accepted by the council on behalf of the city if the council, within 30 days of receipt of the report, either:

- (1) Approves the acceptance of the gift; or
- (2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 30-day period, at the end of the 30th day.

e. If the head of an executive agency desires to expend or use a gift valued at \$2,500 or less during the same quarter in which donated, the head may submit to the council a report requesting immediate acceptance of the gift and a proposed resolution expressing council acceptance of it. Such a gift shall be deemed accepted by the council upon approval of acceptance.

4. Gift valued in excess of \$2,500 that is not an anonymous unrestricted gift and that is not taken into custody before submittal of report.

a. Paragraphs 4 and 5 shall apply to a gift valued in excess of \$2,500 that is not an anonymous unrestricted gift. The following provisions of paragraphs 4 and 5 shall be read as applying only to such a gift.

b. To the extent possible, the head of an executive agency to which a gift valued in excess of \$2,500 is intended to be donated shall, before taking custody of the gift, submit to the council a report on the gift.

c. A gift valued in excess of \$2,500, a report on which is submitted to the council before being taken into custody, shall be deemed accepted by the council on behalf of the city if the council, within 60 days of receipt of the report, either:

- (1) Approves the acceptance of the gift; or
- (2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 60-day period, at the end of the 60th day.

The head of the recipient-executive agency shall not take custody of the gift until it is accepted by the council.

5. Gift valued in excess of \$2,500 that is not an anonymous unrestricted gift and that is taken into custody before submittal of report.

a. See paragraph 4.a for the type of gift to which this paragraph 5 is applicable.

b. If the head of an executive agency takes custody of a gift valued in excess of \$2,500 before submitting a report on the gift to the council, the head shall, upon taking custody of the gift, submit to the council a report on the gift and statement of the mayor or managing director explicitly recommending that the gift be accepted by the

council. The report and statement shall be submitted simultaneously and may be consolidated. If the mayor is the "head of the executive agency" who submits to the council a report on a gift, the separate statement from the mayor or managing director shall not be required. The head also shall submit with the report and statement a proposed resolution expressing council acceptance of the gift.

c. A gift, and the report and statement on which are submitted to the council pursuant to subparagraph b, shall be deemed accepted by the council on behalf of the city if the council, within 60 days of receipt of the report and statement, approves the acceptance of the gift.

The gift shall be deemed accepted by the council only upon the approval of acceptance.

If, within the 60-day period, the council affirmatively rejects or otherwise fails to approve the gift, the gift shall be deemed rejected on the date of rejection or on the 60th day, as the case may be.

6. Anonymous unrestricted gift valued at any amount.

a. This paragraph 6 shall apply to an anonymous unrestricted gift valued at any amount.

A gift from an anonymous donor for a specific purpose shall be subject to the applicable of the preceding paragraphs under part II of this Resolution; except that such a gift shall be expressly approved by the council as required by paragraph 2.b and not deemed accepted because of council inaction.

b. The head of an executive agency may take custody of an anonymous unrestricted gift at any time and shall, within 10 days of taking custody, submit a report on the gift to the council.

c. An anonymous unrestricted gift, the report on which is submitted to the council within the 10-day period, shall be deemed accepted by the council on behalf of the city if the council, within 30 days of receipt of the report, either:

- (1) Approves the acceptance of the gift; or
- (2) Does not affirmatively reject the gift.

The gift shall be deemed accepted by the council upon approval of acceptance or, if not approved or rejected within the 30-day period, at the end of the 30th day.

7. Implementation. The mayor or the mayor's designee shall develop forms and procedures as deemed necessary to implement the purposes of this Resolution for the executive branch.

III. Council Resolution For Approval Of Acceptance Or Affirmative Rejection Of Gift

8. The council shall express its affirmative rejection of a gift by adoption of a resolution and may express its approval of acceptance of a gift by adoption of a resolution.

IV. Transition

9. This Resolution shall apply to a gift valued in excess of \$2,500, the report on which is submitted to the council on or after the effective date of this Resolution.

This Resolution also shall apply to a gift valued at \$2,500 or less that is taken into custody by an executive agency on or after the effective date of this Resolution.

10. A gift valued at \$1,000 or less that has been taken into custody by an executive agency in accordance with Resolution 86-298, as amended by Resolution 06-049, between January 1, 2006 and the day before the effective date of this Resolution shall be subject to this Resolution and listed in the quarterly report due by the second Tuesday in April 2006.

A gift valued in excess of \$1,000 that is pending before the council on the day before the effective date of this Resolution shall be subject to Resolution 86-298, as amended by Resolution 06-049, notwithstanding the second "resolved" paragraph of this Resolution.

RESOLUTION

GUIDELINES FOR THE COMMUNITY RELATIONS DIVISION OF THE HONOLULU POLICE DEPARTMENT REGARDING THE SOLICITATION OF GIFTS AND CONTRIBUTIONS.

WHEREAS, the Community Relations Division of the Honolulu Police Department organizes and maintains numerous youth-oriented activities and educational programs; and

WHEREAS, the Community Relations Division's primary function is not law enforcement, but it is authorized and constituted to provide community services and to promote crime prevention through educational awareness programs; and

WHEREAS, two very important and successful community programs under the Community Relations Division are the Police Activities League (PAL) program which provides organized sports programs throughout the year to boys and girls living in various Oahu communities and the Drug Abuse Resistance Education (DARE) program which provides anti-drug classes to fifth graders in public and private schools; and

WHEREAS, since the Dare program is run entirely in-house, the Community Relations Division relies primarily upon the generous gifts and contributions from individuals and corporations to support the Dare program and also to supplement the City funding of the Pal program; and

WHEREAS, Resolution 86-298 provides guidelines regarding the solicitation and receipt of gifts by the City and its executive agencies and effectively prohibits members of the Honolulu Police Department and its Community Relations Division from actively soliciting gifts and contributions from the community to support the youth programs; and

WHEREAS, the intent of this Resolution is to set forth guidelines under which the Community Relations Division may work with volunteer organizations which will solicit gifts and contributions to support the Division's PAL and DARE youth programs in particular and the Division's community programs in general; and

WHEREAS, enabling the Community Relations Division of the Honolulu Police Department to work with volunteer organizations is necessary for the continued success of the youth programs and has the salutary benefit of allowing the Division to establish direct community support and participation; and

CW

RESOLUTION

WHEREAS, the purpose and intent of this Resolution is justified in light of the benefits to be received by our youths and our community and is in keeping with the requirements of Resolution 86-298 and the Ethics Commission's Guidelines on Gifts since neither the Honolulu Police Department nor its Community Relations Division will be actively soliciting gifts and contributions from the community; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that consistent with the purposes of Resolution 86-298, the Council hereby sets forth specific guidelines for the Community Relations Division of the Honolulu Police Department, as specified in this Resolution, to work with volunteer organizations which will solicit gifts and contributions for the Division's youth and community programs:

1. That the Community Relations Division of the Honolulu Police Department, shall be allowed to work with volunteer organizations which will solicit gifts and contributions from individuals, community organizations, and profit or nonprofit corporations for the sole purpose of supporting the youth and community programs in the manner set forth below;

2. That this Resolution shall satisfy the requirements of subparagraph 2a of Resolution 86-298 regarding prior Council approval before soliciting gifts and contributions and submitting public notice in a newspaper of general circulation;

and

BE IT FURTHER RESOLVED that the Council does hereby authorize the Community Relations Division of the Honolulu Police Department to work with volunteer organizations which will solicit gifts and contributions for the PAL and DARE youth programs and other community programs subject to the Division's compliance with the following conditions:

1. Only the Division Commander of the Community Relations Division and the respective supervising officers in charge of the youth and community programs shall be allowed to present the program needs to the volunteer organization and only members of the volunteer organization shall be allowed to solicit gifts and contributions for the respective programs in the manner set forth below:

RESOLUTION

a. The division commander or supervising officer of the respective community program shall be allowed to meet directly with the coordinator or head of the volunteer organization and shall only present the nature and scope of the respective community program.

b. Only members of the volunteer organization shall contact potential donors to solicit gifts and contributions for the respective community program.

c. The division commander shall advise the voluntary organization in writing to primarily solicit goods and services for the youth and community programs; provided, however, should monetary gifts be received, the voluntary organization shall be requested to receive such monetary gifts in the form of bank checks made payable to the City Director of Finance and earmarked for the respective Division's youth or community program.

d. The division commander shall further inform the volunteer organization in writing that prospective donors with contracts or applications pending before the City shall not be solicited and that gifts and contributions from such donors shall be returned. In this regard, the volunteer organization shall be requested to maintain a record of all such gifts, contributions, and pledges received and to transmit such record to the division commander of the Community Relations Division for examination.

e. The division commander shall ensure that the division commander's and/or supervising officer's normal work duties do not directly affect the members of the volunteer organization and that the members of the volunteer organization do not have any contracts or applications pending before the City.

f. The Community Relations Division shall work with the Ethics Commission to develop additional written guidelines for approaching and presenting the community program needs to the volunteer organization.

2. The Community Relations Division shall be required to obtain the Council's approval of all gifts, pursuant to paragraph 3 or 4 of Resolution 86-298, whichever is applicable based on the value of the gift, and shall ensure that the gift or contribution is properly maintained, secured, and protected in such manner so as to enable the Division to return the proposed gift or contribution should the Council decide not to accept the gift;

RESOLUTION

3. Monetary gifts which are accepted by the Council shall be deposited into the General Trust Fund and be administered in accordance with Chapter 5, Article 7, of the Revised Ordinances of Honolulu;

4. Nothing in this Resolution shall be deemed to exempt the Honolulu Police Department and its Community Relations Division from any provision, requirement, guideline, or standard as may be established by the Managing Director or Ethics Commission for the conduct of City employees, including but not limited to, the standards of conduct to ensure that the receipt of any gift or contribution on behalf of the City shall not give the appearance of influencing or impairing the judgment of the Honolulu Police Department in the performance of its official duties;

5. These provisions shall apply except where more restrictive ordinances, rules, or administrative policies are in effect;

and

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk is hereby authorized to transmit copies of this Resolution to the Mayor and the Chief of Police.

INTRODUCED BY:

Reve Meneho

Councilmembers

DATE OF INTRODUCTION:

JUL 19 1989
Honolulu, Hawaii

(OCS/052589/ec)

- 5 -

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

Devenari O'Neal
for RAYMOND K. PUA
CITY CLERK

Arnold Morgado, Jr.
ARNOLD MORGADO, JR.
CHAIR AND PRESIDING OFFICER

Dated JUL 26 1989

ADOPTED MEETING HELD			
JUL 26 1989			
	AYE	NO	A/E
AMERSON			
DUSOTO			
DOO			
FELIX			
GILL			
KAHANA			
KIM			
MAHONO			
MORGADO			
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Reference:

Report No. CWCR-139

Resolution No.
89-340

RESOLUTION

GUIDELINES FOR THE SCIENTIFIC INVESTIGATION SECTION OF THE HONOLULU POLICE DEPARTMENT REGARDING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND CONTRIBUTIONS.

WHEREAS, in September of 1992, the Honolulu Police Department established a nonprofit Forensic Science Fair in cooperation with the State Department of Education; and

WHEREAS, the Scientific Investigation Section of the Honolulu Police Department organizes and maintains the Forensic Science Fair; and

WHEREAS, the Forensic Science Fair is organized to provide for the advancement of forensic scientific inquiry by intermediate and high school students in the State of Hawaii; and

WHEREAS, the Forensic Science Fair provides a unique opportunity for students to experience "hands-on" study under the tutelage of Honolulu Police Department Crime Laboratory Criminalists and Evidence Specialists; and

WHEREAS, since the Forensic Science Fair is run entirely in-house, the Scientific Investigation Section relies primarily upon the generous gifts and contributions from individuals and corporations to support the Forensic Science Fair; and

WHEREAS, Resolution 86-298 provides guidelines regarding the solicitation and receipt of gifts by the City and its executive agencies and effectively prohibits members of the Honolulu Police Department and its Scientific Investigation Section from actively soliciting gifts and contributions from the community to support its educational programs; and

WHEREAS, the intent of this Resolution is to set forth guidelines under which the Scientific Investigation Section may work with volunteer organizations which will solicit gifts and contributions to support the Section's Forensic Science Fair in particular and the Section's youth and community programs in general; and

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EXHIBIT C

RESOLUTION

WHEREAS, enabling the Scientific Investigation Section of the Honolulu Police Department to work with volunteer organizations is necessary for the continued success of its youth and community programs and has the salutary benefit of allowing the Section to establish direct community support and participation; and

WHEREAS, the purpose and intent of this resolution are justified in light of the benefits to be received by our youth and our community and are in keeping with the requirements of Resolution 86-298 and the Ethics Commission's Guidelines on Gifts since neither the Honolulu Police Department nor its Scientific Investigation Section will actively solicit gifts and contributions from the community; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that consistent with the purposes of Resolution 86-298, the Council hereby sets forth specific guidelines for the Scientific Investigation Section of the Honolulu Police Department, as specified in this resolution, to work with volunteer organizations which will solicit gifts and contributions for the Division's youth and community programs:

1. That the Scientific Investigation Section of the Honolulu Police Department, shall be allowed to work with volunteer organizations which will solicit gifts and contributions from individuals, community organizations, and profit or nonprofit organizations for the sole purpose of supporting the youth and community programs in the manner set forth below;

2. That this Resolution shall satisfy the requirements of subparagraph 2a of Resolution 86-298 regarding prior Council approval before soliciting gifts and contributions and submitting public notice in a newspaper of general circulation; and

BE IT FURTHER RESOLVED that the Council does hereby authorize the Scientific Investigation Section of the Honolulu Police Department to work with volunteer organizations which will solicit gifts and contributions for the Forensic Science Fair and other community programs subject to the Section's compliance with the following conditions:

1. Only the section commander of the Scientific Investigation Section and the respective supervising

RESOLUTION

officers in charge of youth and community programs shall be allowed to present the program needs to the volunteer organization and only members of the volunteer organization shall be allowed to solicit gifts and contributions for the respective programs in the manner set forth below:

a. The section commander or supervising officer of the respective community program shall be allowed to meet directly with the coordinator or head of the volunteer organization and shall only present the nature and scope of the respective community program.

b. Only members of the volunteer organization shall contact potential donors to solicit gifts and contributions for the respective community program.

c. The section commander shall advise the voluntary organization in writing to primarily solicit goods and services for the youth and community programs; provided, however, should monetary gifts be received, the voluntary organization shall be requested to receive such monetary gifts in the form of bank checks made payable to the City Director of Finance and earmarked for the respective Section's youth or community program.

d. The section commander shall further inform the volunteer organization in writing that prospective donors with contracts or applications pending before the City shall not be solicited and that gifts and contributions from such donors be returned. In this regard, the volunteer organization shall be requested to maintain a record of all such gifts, contributions, and pledges received and to transmit such record to the section commander of the Scientific Investigation Section for examination.

e. The section commander shall ensure that the section commander's and/or supervising officer's normal work duties do not directly affect members of the volunteer organization and that members of the volunteer organization do not have any contracts or applications pending before the City.

f. The Scientific Investigation Section shall work with the Ethics Commission to develop additional

RESOLUTION

written guidelines for approaching and presenting the youth and community program needs to the volunteer organization.

2. The Scientific Investigation Section shall be required to obtain the Council's approval of all gifts, pursuant to paragraph 3 or 4 of Resolution 86-298, whichever is applicable based on the value of the gift, and shall ensure that the gift or contribution is properly maintained, secured, and protected in such manner so as to enable the Section to return the proposed gift or contribution should the Council decide not to accept the gift;

3. Monetary gifts which are accepted by the Council shall be deposited into the General Trust Fund and be administered in accordance with Chapter 5, Article 7, of the Revised Ordinances of Honolulu;

4. Nothing in this Resolution shall be deemed to exempt the Honolulu Police Department and its Scientific Investigation Section from any provision, requirement, guideline, or standard as may be established by the Managing Director or Ethics Commission for the conduct of City employees, including but not limited to, the standards of conduct to ensure that the receipt of any gift or contribution on behalf of the City shall not give the appearance of influencing or impairing the judgement of the Honolulu Police Department in the performance of its official duties;

5. These provisions shall apply except where more restrictive ordinances, rules or administrative policies are in effect; and

RESOLUTION

BE IT FINALLY RESOLVED that the Clerk be, and he is hereby directed to forward copies of this Resolution to the Chief of Police of the Honolulu Police Department, City and County of Honolulu.

INTRODUCED BY:

G. Gill BR

Councilmembers

DATE OF INTRODUCTION:

JAN 18 1994

Honolulu, Hawaii

-5-

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:


 RAYMOND K. PUA
 CITY CLERK


 GARY GILL
 CHAIR AND PRESIDING OFFICER

Dated 2/16/94

ADOPTED MEETING HELD			
2/16/94			
	AYE	NO	AB
DESOLO			
DOO			
FELIX			
HOLMES			
KIM			
MANSHO			
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Reference: 0 43

Report No. PHS-110

Resolution No.

94 - 23

RESOLUTION

AMENDING RESOLUTION 86-298 TO PROVIDE GUIDELINES FOR THE SOLICITATION, RECEIPT AND ACCEPTANCE OF MONETARY DONATIONS FOR THE HANAUMA BAY NATURE PRESERVE.

WHEREAS, under Section 13-113 of the Revised Charter of the City and County of Honolulu 1973 (1994 Edition), the city council has the sole authority to accept gifts and donations on behalf of the city; and

WHEREAS, Chapter 6, Article 5, Revised Ordinances of Honolulu 1990, creates the general trust fund into which all voluntary monetary donations shall be deposited and used for the purposes for which the moneys are received, unless otherwise specified by law; and

WHEREAS, Resolution 86-298 establishes guidelines for city agencies to follow when soliciting and receiving gifts, and those guidelines, in part, require that:

- (1) The agency receiving the gift shall prepare a written report identifying the name and address of the donor, its intended purpose, and its estimated or actual value, and shall submit the report to the council for its approval and acceptance;
- (2) The agency shall notify the donor that the acceptance of the gift is conditioned upon its formal acceptance by the council; and
- (3) A gift may not be expended until the council has approved its acceptance;

and

WHEREAS, the mayor has requested, via Mayor's Message No. 41, 1996, that the council accept \$145,748.45 that visitors donated for the Hanauma Bay Nature Preserve during the months of January and February, 1996, to be used for the park's operation, maintenance and preservation and for the educational programs at the bay; and

WHEREAS, the gift policy guidelines in Resolution 86-298 do not specifically address the anonymous monetary gifts donated for the Hanauma Bay Nature Preserve; and

WHEREAS, the purpose and intent of this Resolution is to amend Resolution 86-298 to establish additional policy guidelines for the solicitation, receipt and acceptance of anonymous

RESOLUTION

monetary donations for the Hanauma Bay Nature Preserve so that donations already received may be deemed accepted by the council and future donations may be solicited, received and accepted in accordance with established guidelines; now, therefore,

BE IT RESOLVED by the council of the City and County of Honolulu that Resolution 86-298 is amended to provide for the following additional policy guidelines which shall govern the solicitation, receipt and acceptance of monetary donations for the Hanauma Bay Nature Preserve:

5. Anonymous monetary donations for Hanauma Bay Nature Preserve
 - a. All monetary donations that are collected from the public at large in any receptacle labelled as a donation box at the preserve shall be deemed accepted by the council. The solicitation and receipt of all other gifts relating to the Hanauma Bay Nature Preserve shall be subject to the gift policy guidelines set forth in paragraphs 1 to 4 of Resolution 86-298.
 - b. The monetary donations for the Hanauma Bay Nature Preserve shall be promptly deposited into the general trust fund or any other special account or fund established for the purpose of receiving monetary donations collected in the donation box at the preserve. The monetary donations received shall be expended for the preserve's operation, maintenance, and improvement, for the preservation of the bay, and for its educational programs.
 - c. A written report of the amount of monies collected in the donation box at the preserve shall be submitted to the council on or before the second Tuesday after the close of each quarter.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 05-349, CD1, FD1

Introduced: 10/21/05 By: CHARLES DJOU

Committee: EMLA

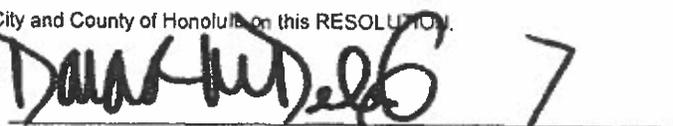
Title: RESOLUTION REVISING THE GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS ON BEHALF OF THE CITY, SUPERSEDING RESOLUTION 86-298 AND RESOLUTION 05-049, AND AMENDING RESOLUTIONS 89-340, 94-23, AND 96-168.

Links: [RES-05-349](#)
[RES05-349-CD1](#)
[RES05-349-CD1-FD1](#)

EMLA	10/27/05	RESOLUTION DEFERRED IN COMMITTEE.			
EMLA	02/02/06	RESOLUTION DEFERRED IN COMMITTEE.			
EMLA	02/23/06	CR-138 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.			
COUNCIL	03/01/06	CR-138 ADOPTED. RESOLUTION 05-349, CD1 FURTHER AMENDED TO 05-349, CD1, FD1 ON COUNCIL FLOOR AND SUBSEQUENTLY ADOPTED AS AMENDED (05-349, CD1, FD1)			
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


 DENISE C. DE COSTA, CITY CLERK


 DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER