



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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February 28, 2013

MEMORANDUM

TO: ALL COUNCILMEMBERS

FROM: ANN H. KOBAYASHI, CHAIR *AKR*
COMMITTEE ON BUDGET

SUBJECT: BILL 4 (2013), CD2

Attached for your reference is a copy of Bill 4 (2013), CD2. Included in this version are the amendments discussed and approved by the Committee on Budget at its meeting on February 27, 2013.

Thank you and should you have any questions, please feel free to contact me or my Senior Advisor, Michele Sansone, at 768-5057.

Attachment

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CITY CLERK
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2013 FEB 28 PM 1:25

SUMMARY OF PROPOSED CD2:
BILL 4 (2013)
RELATING TO THE GRANTS IN AID FUND

PROPOSED CD2:

The CD2 for Bill 4 makes the following changes to Bill 4, CD1:

1. Section 6-__2 is amended as follows:

Establishes that the grants monies can only be awarded to charitable non-profit organizations.

“Charitable non-profit organization” means an organization that can establish that it:

- (1) Is exempt (or would be qualified for an exemption) from federal income tax pursuant to Section 501 of the United States Internal Revenue Code; and
- (2) Is organized and operated exclusively for religious, charitable, scientific or educational purposes on a non-profit basis in which no part of the net earnings of the organization inures to the benefit of any private individuals.

2. Section 6-__4(b) is amended to include the following language:

The council shall consider for funding only those projects for which applications have been submitted to the commission by January 20.

3. Section 6-__4 (e) is amended to include the following language:

All requests for payments from grantees shall be processed, reconciled and paid within 30 calendar days from its receipt. The administering agency may only withhold payment for disputed charges but only for the disputed amount. The administering agency shall notify the grantee and reconcile any disputes within 60 days from the date whereupon the applicable request for payment was received.

4. Section 6-__6 is added to establish that:

The director of budget and fiscal services shall provide the council with an annual report within one month of the end of the fiscal year setting forth for each project funded with grants in aid monies:

- a. The amount budgeted for each project;

- b. The amount encumbered by the city for each project;
- c. The amount expended by the city for each project;
- d. Whether each project is in compliance with the terms of the grant award and, in the event of a project's failure to comply with the terms, the measures the city is taking to either assure the project's compliance or to recover the grant award monies.

5. Section 3 is amended to include the following new language:

However, for calendar year 2013 only, although the January 20th deadline does not apply to applications submitted to the commission, the council may only consider for funding those projects for which applications have been submitted to the commission.



A BILL FOR AN ORDINANCE

RELATING TO THE GRANTS IN AID FUND.

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

SECTION 1. Purpose. The purpose of this ordinance is to create a fund to receive and expend monies to be used by the city to award grants in aid to federal income tax exempt non-profit organizations.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Grants in Aid Fund

Sec. 6-__.1 Creation.

There is hereby created and established a special fund to be known as the "Grants in Aid Fund" (hereinafter "fund").

Sec. 6-__.2 Purpose.

The purpose of the fund is to receive and expend monies to be used by the city to award grants in aid to charitable non-profit organizations that provide services to economically and/or socially disadvantaged populations or provide services for public benefit in the areas of the arts, culture, economic development or the environment pursuant to Section 9-205 of the Revised Charter of Honolulu.

"Charitable non-profit organization" means an organization that can establish that it:

- (1) Is exempt (or would be qualified for an exemption) from federal income tax pursuant to Section 501 of the United States Internal Revenue Code; and
- (2) Is organized and operated exclusively for religious, charitable, scientific or educational purposes on a non-profit basis in which no part of the net earnings of the organization inures to the benefit of any private individuals.



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Sec. 6-__3 Deposit.

There shall be deposited into the fund a minimum of one-half of one percent of the estimated general fund revenues, plus any interest earned on deposits in the fund.

Sec. 6-__4 Additional expenditure requirements.

- (a) There is established a grants in aid advisory commission which shall review applications for grants in aid monies and advise the city on projects to be funded with grant monies from the fund. The recommendations made by the grants in aid advisory commission regarding recommended expenditures from the fund shall be consistent with the priorities established by the council by resolution.
- (b) Applications for projects to be funded with grants in aid monies, including projects submitted by the city administration and by councilmembers to benefit their respective council districts, shall be submitted to the commission by January 20 of each year. The council shall only consider for the funding those projects for which applications have been submitted to the commission by the January 20th deadline.
- (c) The commission shall annually submit a report setting forth its recommendations to the city council by March 4.
- (d) The council shall select the projects to be funded with grants in aid monies through the annual budget process and the selection of the projects must comply with the requirements set forth in the Charter.
- (e) All monies for projects to be funded with grants in aid monies shall be awarded or encumbered within 45 days of the beginning of the fiscal year. All requests for payments from grantees shall be processed, reconciled and paid within 30 calendar days from its receipt. The administering agency may only withhold payment for disputed charges but only for the disputed amount. The administering agency shall notify the grantee and reconcile any disputes within 60 days from the date whereupon the applicable request for payment was received.
- (f) At any given time, no more than five percent of the monies in the fund shall be used for administrative expenses.



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- (g) Any balance remaining in the fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in the fund shall not be used for any purposes except those listed in this article.

Sec. 6-___.5 Administration.

The director of budget and fiscal services shall administer the fund and administer the projects funded by grants awarded from the grants in aid fund. Procedures for the administration of the fund and the expenditure of funds awarded from the fund shall be established by the director by rule. The director shall not delegate any of these duties to another city department.

Sec. 6-___.6 Annual report.

The director of budget and fiscal services shall provide the council with an annual report within one month of the end of the fiscal year setting forth for each project funded with grants in aid monies:

- (a) The amount budgeted for each project;
- (b) The amount encumbered by the city for each project;
- (c) The amount expended by the city for each project;
- (d) Whether each project is in compliance with the terms of the grant award and, in the event of a project's failure to comply with the terms, the measures the city is taking to either assure the project's compliance or to recover the grant award monies."



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SECTION 3. This ordinance shall take effect upon approval, provided that, for calendar year 2013 only, the deadlines set forth in subsections 6-___.4(b) and 6-___.4(c) as provided in section 2 of this ordinance shall not apply. However, for calendar year 2013 only, although the January 20th deadline does not apply to applications submitted to the commission, the council may only consider for funding those projects for which applications have been submitted to the commission.

INTRODUCED BY:

Ernest Martin

Ann Kobayashi

DATE OF INTRODUCTION:

January 24, 2013
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20__.

KIRK CALDWELL, Mayor
City and County of Honolulu