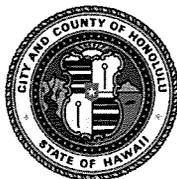


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 * FAX: (808) 768-4242 * INTERNET: www.honolulu.gov



KIRK CALDWELL
MAYOR

EMBER LEE SHINN
MANAGING DIRECTOR
GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

April 8, 2013

Ms. Bernice K. N. Mau
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2013 APR - 8 AM 10:36

Dear Ms. Mau:

SUBJECT: Approved Bills

The following bills are approved and returned herewith:

Bill 71 (2012), CD2, FD1	Relating to street lighting.
Bill 72 (2012), CD1	Relating to smoking.
Bill 78 (2012)	Relating to palmistry.
Bill 4, CD2, FD1	Relating to the Grants in Aid Fund.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor



A BILL FOR AN ORDINANCE

RELATING TO STREET LIGHTING.

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

SECTION 1. The purpose of this ordinance is to amend the requirements for city or city-approved street lighting fixtures to minimize light pollution and glare.

SECTION 2. Chapter 2, 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 ____ . Light Pollution

Sec. 2-___.1 Definitions.

As used in this article, unless context otherwise requires:

"Full-cutoff" means the street lighting fixture is constructed so that all of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.

"Semi-cutoff" means the street lighting fixture is constructed so that at least ninety percent of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.

"Street lighting fixture" means an outdoor artificial lighting device, fixture, lamp, or other similar device that is intended to provide illumination for visibility on city or city-approved streets and roadways.

Sec. 2-___.2 Street lighting to minimize light pollution.

All new and replacement municipal street lighting fixtures installed by the department of design and construction or department of facility maintenance from July 1, 2013, shall be full-cutoff or semi-cutoff lighting fixtures. This subsection shall not apply to any street lighting fixture that is existing and legally installed, or planned and approved prior to July 1, 2013; provided that any street lighting fixture exempt under this subsection that subsequently becomes inoperable shall be replaced with a full-cutoff or semi-cutoff street lighting fixture that provides illumination and uniformity equal to or better than the recommendations of the Illuminating Engineering Society of North America; provided further that if the appropriate fixture for the existing light pole spacing



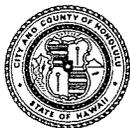
A BILL FOR AN ORDINANCE

is not available, a non-complying fixture that meets the illumination and uniform design criteria of the Illuminating Engineering Society of North America shall be allowed."

SECTION 3. Section 22-2.3, Revised Ordinances of Honolulu 1990 ("Installation and energizing of street lighting system"), is amended by amending subsection (a) to read as follows:

"(a) Street lights, together with the related apparatus and appliances, shall be installed in accordance with the standard specifications of the department, which incorporate and supplement the standard specifications of the Illuminating Engineering Society of America on file in the department. Street lighting fixtures shall further meet the energy efficiency standards provided in Section 2-12.2 and light pollution standards provided in Section 2- .2."

SECTION 4. 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 underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 71 (2012), CD2, FD1

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon approval.

INTRODUCED BY:

Ikaika Anderson (BR)

DATE OF INTRODUCTION:

October 25, 2012
Honolulu, Hawaii

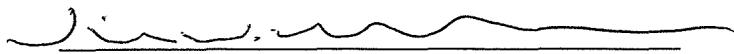
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 8th day of April, 2013.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 71 (2012), CD2, FD1

Introduced: 10/25/12 By: IKAIKA ANDERSON

Committee: PUBLIC WORKS AND SUSTAINABILITY

Title: A BILL FOR AN ORDINANCE RELATING TO STREET LIGHTING.

Links: [BILL 71 \(2012\)](#)
[BILL 71 \(2012\), CD1](#)
[BILL 71 \(2012\), CD2](#)
[BILL 71 \(2012\), CD2, FD1](#)
[CR-400](#)
[CR-60 \(2013\)](#)

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

NOTE: EFFECTIVE NOVEMBER 1, 2012, COUNCILMEMBER ROMY M. CACHOLA, REPRESENTING COUNCIL DISTRICT VII, RESIGNED FROM OFFICE. (Refer to Communication [CC-298](#))

ON NOVEMBER 14, 2012, THE APPOINTMENT OF JOEY MANAHAN WAS APPROVED (Refer to [RES12-299](#)) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT VII TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER ROMY M. CACHOLA.

COUNCIL	11/14/12	BILL PASSED FIRST READING WAS REFERRED TO COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY.							
ANDERSON	Y	BERG	Y	CHANG	Y	GARCIA	Y	HARIMOTO	Y
KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y				

NOTE: COUNCILMEMBER FUKUNAGA TOOK OFFICE ON TUESDAY, NOVEMBER 27, 2012 FILLING THE VACANCY FOR DISTRICT VI.

PUBLISH	11/24/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
PUBLIC WORKS AND SUSTAINABILITY	11/28/12	CR-400 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM AND SCHEDULING OF A PUBLIC HEARING.							
COUNCIL/PUBLIC HEARING	12/05/12	CR-400 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY.							
ANDERSON	Y	BERG	Y	CHANG	Y	FUKUNAGA	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y		

PUBLISH	12/12/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR –ADVERTISER				
NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013						

PUBLIC WORKS AND SUSTAINABILITY	02/13/13	BILL DEFERRED IN COMMITTEE.							
PUBLIC WORKS AND SUSTAINABILITY	02/27/13	CR-60(13) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.							
COUNCIL	03/20/13	BILL AMENDED TO CD2, FD1.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
		CR-60(13) ADOPTED AND BILL 71 (2012), CD2, FD1 PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	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



 ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO SMOKING.

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

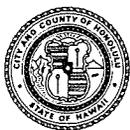
SECTION 1. Purpose. The purpose of this ordinance is to amend the prohibition of smoking in certain places.

SECTION 2. Section 41-21.2, Revised Ordinances of Honolulu 1990 ("Prohibition of smoking in certain places"), is amended to read as follows:

"Sec. 41-21.2 Prohibition of smoking in certain places.

Except as otherwise provided herein, smoking shall be prohibited in the following places within the City and County of Honolulu:

- (a) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multiunit residential buildings.
- (b) Patient rooms, wards, waiting rooms, lobbies and public hallways of public and private health care facilities, including, but not limited to, hospitals, clinics, and physicians' and dentists' offices.
- (c) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance or other similar performance during the time that said room, hall or auditorium is open to the public for such exhibition.
- (d) Museums, libraries and galleries.
- (e) All areas within city-owned or controlled buildings except any dwelling unit or lodging unit, as those terms are defined by Section 21-10.1, when not used as a child care, adult day care or health care facility.
- (f) Except as provided in Section 41-21.3 or as limited by this subsection, all areas in business or charitable establishments. For the purposes of this subsection, a "business" means any sole proprietorship, partnership, joint venture, business trust, limited liability company, business corporation, professional corporation, or other business entity formed for profit-making purposes, and "business establishment" includes, but is not limited to, any of the following establishments operated by a business:
 - (1) Any school;



A BILL FOR AN ORDINANCE

- (2) Any hotel, except individual hotel rooms;
- (3) Any financial institution;
- (4) Any industrial, commercial or wholesale establishment;
- (5) Any utility;
- (6) Any retail establishment where goods or services are sold, leased or otherwise provided to the public or to another business;
- (7) Any bar within an enclosed or partially enclosed food court; or
- (8) Any restaurant; except that smoking shall be permitted in a restaurant as follows:
 - (A) Smoking shall be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to subsection (h).
 - (B) Until June 30, 2003, smoking shall be permitted in a separate bar area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to subsection (h). A "separate bar area of a restaurant" means an indoor area of a restaurant that is in compliance with all of the following:
 - (i) The area is devoted primarily to the serving of alcoholic beverages for consumption by patrons in the area;
 - (ii) On a monthly basis, the gross sales of food to patrons for consumption in the area are less than one-third of the gross sales of alcoholic beverages to patrons for consumption in the area;
 - (iii) The area is separately ventilated from any dining area of the restaurant; and

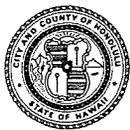


A BILL FOR AN ORDINANCE

- (iv) The area is totally separated from any dining area of the restaurant by a floor to ceiling solid wall (A) without any opening or (B) with a closable doorway that stays closed except when a person passes through, but no other opening. The solid wall may have an unopenable plate glass window.

From July 1, 2003, this paragraph (B) shall be invalid and smoking shall be prohibited in any separate bar area of a restaurant.

- (g) Rest rooms. Any rest room open to the public in places specified in this section.
- (h) Notwithstanding Section 41-21.3, any area of any bar, hotel room, restaurant, or governmental property which has been designated by the owner, operator, manager or other persons having control of such property as a nonsmoking area and marked with a "no smoking" sign or signs.
- (i) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents, including but not limited to lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within multifamily dwellings. For purposes of this subsection, "enclosed or partially enclosed areas" means areas closed in by a roof or overhang and at least one wall. An area commonly described as a lobby or roofed mall shall be deemed enclosed or partially enclosed for purposes of this subsection.
- (j) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers, including but not limited to common entrance areas, lobbies, malls, food court seating areas, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings. For purposes of this subsection, an enclosed or partially enclosed area is any area for human occupancy that is contained on two or more sides by walls and is covered by a roof, ceiling, or overhang, such that the area of all permanent openings from the space to the open air is less than 50 percent of the combined areas of the walls and ceiling, roof, or overhang. If a wall does not meet the floor or the ceiling, roof or overhang, the calculation shall be based on the vertical projection of the wall to the plane of the floor or the plane of the ceiling, roof or overhang. Permanent openings shall not include doors or windows which are capable of being closed.
- (k) In the event that a building is both a multifamily dwelling and a commercial building as defined in this article, all areas except for private residences.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 72 (2012), CD1

A BILL FOR AN ORDINANCE

- (l) All vehicles owned or leased by the city.
- (m) All areas within the following parks, recreation areas or facilities under the maintenance of the department of parks and recreation [and] or the department of enterprise services, except such areas within each site as the department of parks and recreation or the department of enterprise services may designate by appropriate signs as areas within which smoking is permissible:
 - (1) Honolulu Zoo;
 - (2) Hanauma Bay Nature Preserve;
 - (3) Koko Crater Botanical Garden; [and]
 - (4) Waikiki Shell[.];
 - (5) Duke Paoa Kahanamoku Beach Park;
 - (6) Kapiolani Beach Park;
 - (7) Kapiolani Park Beach Center;
 - (9) Kapiolani Park;
 - (10) Kuhio Beach Park; and
 - (11) Sandy Beach Park.
- (n) All sandy beach areas of Ala Moana Regional Park under the maintenance of the department of parks and recreation."

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. No later than December 31, 2013 and December 31, 2014 of each of those years, the Director of the Department of Parks and Recreation shall submit reports to the Council on the effectiveness during the calendar year of the smoking ban at the locations specified in subsections (m)(5)-(11) and subsection (n) of this ordinance. The Director may utilize the assistance of business, non-profit and other



A BILL FOR AN ORDINANCE

community organizations in monitoring the subject beaches, educating beach-goers on the prohibition and taking any other actions to decrease the incidence of smoking and increasing the cleanliness of the subject beaches during the two year reporting period.

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

INTRODUCED BY:

Stanley Chang

DATE OF INTRODUCTION:

November 8, 2012
Honolulu, Hawaii

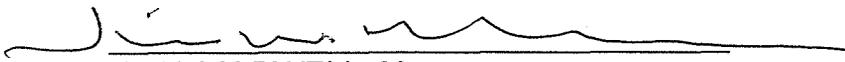
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 8th day of April, 2013.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 72 (2012), CD1

Introduced: 11/08/12 By: STANLEY CHANG

Committee: PUBLIC SAFETY AND
ECONOMIC
DEVELOPMENT

Title: A BILL FOR AN ORDINANCE RELATING TO SMOKING.

Links: [BILL 72 \(2012\)](#)
[BILL 72 \(2012\), CD1](#)
[CR-372](#)
[CR-46 \(2013\)](#)

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

NOTE: EFFECTIVE NOVEMBER 1, 2012, COUNCILMEMBER ROMY M. CACHOLA, REPRESENTING COUNCIL DISTRICT VII, RESIGNED FROM OFFICE. (Refer to Communication [CC-298](#))

ON NOVEMBER 14, 2012, THE APPOINTMENT OF JOEY MANAHAN WAS APPROVED (Refer to [RES12-299](#)) AND HE WAS SWORN INTO OFFICE AS A MEMBER OF THE HONOLULU CITY COUNCIL REPRESENTING DISTRICT VII TO FILL THE REMAINING TERM OF FORMER COUNCILMEMBER ROMY M. CACHOLA.

COUNCIL	11/14/12	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS.							
ANDERSON	N	BERG	N	CHANG	Y	GARCIA	Y	HARIMOTO	Y
KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y				

NOTE: COUNCILMEMBER FUKUNAGA TOOK OFFICE ON TUESDAY, NOVEMBER 27, 2012 FILLING THE VACANCY FOR DISTRICT VI.

PUBLISH	11/24/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.				
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	11/27/12	CR-372 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.				

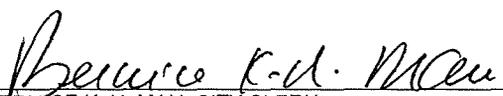
COUNCIL/PUBLIC HEARING	12/05/12	CR-372 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS..							
ANDERSON	N	BERG	N	CHANG	Y	FUKUNAGA	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y		

PUBLISH	12/12/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR –ADVERTISER				
---------	----------	--	--	--	--	--

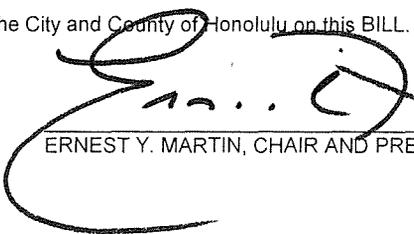
NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013

PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	02/12/13	BILL DEFERRED IN COMMITTEE.							
PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	02/26/13	CR-46(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD1</u> FORM.							
COUNCIL	03/20/13	MOTION TO AMEND BILL TO <u>CD1, FD1</u> FAILED.							
ANDERSON	Y	CHANG	N	FUKUNAGA	N	HARIMOTO	N	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	N	PINE	N		
		CR-46(13) ADOPTED AND BILL 72 (2012), CD1 PASSED THIRD READING AS AMENDED.							
ANDERSON	N	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	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



 ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO PALMISTRY.

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

SECTION 1. The purpose of this ordinance is to repeal the City's regulation of palmistry in the City and County of Honolulu.

SECTION 2. Article 9, Chapter 41, Revised Ordinances of Honolulu 1990 ("Palmistry"), is repealed.

["Sec. 41-9.1 Definition.

"Palmistry" means the judging of a person's character and aptitude by the study, reading and interpretation of the lines and marks of the palm of the hand; provided, however, it shall not mean or include the telling of fortunes.

Sec. 41-9.2 Permit required.

It is unlawful for any person to practice palmistry without obtaining a permit from the chief of police.

Sec. 41-9.3 Application for permit.

Any person desiring to practice palmistry shall make application for a permit therefor in writing to the chief of police, signed and verified under oath, which application shall include:

- (a) The full name, address and occupation of the applicant;
- (b) The place and location where the practice of palmistry is to be conducted;
- (c) The full name and address of the owner of such place or of the person or persons in control of such premises and of all persons employed on such premises;
- (d) The term for which the applicant desires a permit, which may be for any length of time but not in excess of one year; and
- (e) A statement that the applicant has not been convicted of any felony, or of any offense involving moral turpitude; provided, however, that the chief of police may



A BILL FOR AN ORDINANCE

in the chief of police's discretion, require further proof of good moral character through the filing of character references.

Sec. 41-9.4 Issuance of permit.

- (a) No permit shall be issued to any applicant who has been convicted of a felony or of any offense involving moral turpitude.
- (b) An application shall be accompanied with a fee of \$25.00 to cover costs incident to filing, issuance of permits and inspection.
- (c) An application shall also be accompanied with security in the amount of \$1,000.00 guaranteeing compliance with the conditions of the permit and which shall be subject to forfeiture in the event any of the conditions are violated.
- (d) Prior to issuance of any permit, the applicant shall have the applicant's fingerprint and photograph taken for purposes of identification.
- (e) After an application complying with the requirements of this section has been filed, the chief of police shall issue a permit to the applicant, but the term thereof shall not exceed one year.

Sec. 41-9.5 Conditions of permit.

All permits shall be subject to all applicable laws and ordinances, and to the following conditions:

- (a) The establishment or place of business where the practice of palmistry is being conducted shall be brightly lighted during all hours of operation.
- (b) No person under the influence of intoxicating liquor shall be permitted to be or to remain in said place of business where the practice of palmistry is being conducted and the possession of intoxicating liquor shall not be permitted in or around the premises.
- (c) No person under the age of 18 years shall be employed or permitted in such place of business.
- (d) Clean, sanitary and well-lighted restrooms must be provided and maintained on the premises.



A BILL FOR AN ORDINANCE

- (e) No private rooms or booths other than necessary restrooms shall be permitted, unless they relate to the practice of palmistry.
- (f) The practice of palmistry shall be prohibited:
 - (1) Between the hours of one a.m. and eight a.m., Mondays through Fridays;
 - (2) Between the hours of two a.m. and eight a.m. on Saturdays and legal holidays; and
 - (3) Between the hours of two a.m. and one p.m. on Sundays.
- (g) The permit shall be posted in a conspicuous location upon the premises.
- (h) The chief of police or any of the chief of police's subordinates or any health, fire or law enforcement officer of the city, the State of Hawaii or of the United States, may at any time enter the premises for the purpose of inspecting the same.

Sec. 41-9.6 Restriction on location.

The practice of palmistry shall be allowed only in business districts.

Sec. 41-9.7 Suspension or revocation of permit.

The chief of police may summarily suspend or revoke any permit issued hereunder, if the chief of police deems it necessary for the preservation and protection of public safety or morals.

Sec. 41-9.8 Violation—Penalty.

Any person who falsely swears to any application for a permit hereunder or who knowingly violates or assists in the violation of any of the conditions prescribed in a permit or who violates any provision of this article shall, upon conviction, be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding one year or by both."]

SECTION 3. Ordinance material to be repealed is bracketed. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets or the bracketed material.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon approval.

INTRODUCED BY:

Walter Zanni (BR)

DATE OF INTRODUCTION:

DEC 3 1 2012

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Pearl May

Deputy Corporation Counsel

APPROVED this 8th day of April, 2013.

[Signature]
~~PETER B. CARROLL, Ex-Mayor~~ KIRK CALDWELL, MAYOR
City and County of Honolulu

CITY AND COUNTY OF HONOLULU
RECEIVED
DEC 3 1 2012

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 78 (2012)

Introduced: 12/31/12 By: NESTOR GARCIA (BR)

Committee: PUBLIC SAFETY AND
ECONOMIC
DEVELOPMENT

Title: A BILL FOR AN ORDINANCE RELATING TO PALMISTRY.

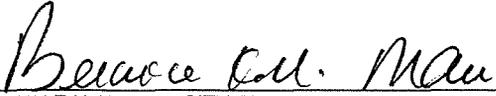
Links: [BILL 78 \(2012\)](#)
[CR-16 \(2013\)](#)
[CR-47 \(2013\)](#)

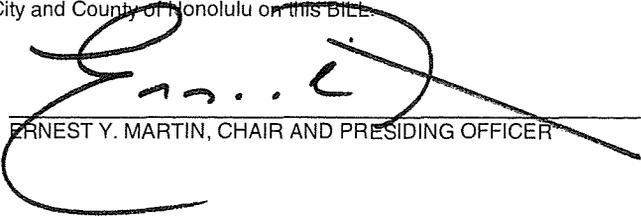
Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

			NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013				
COUNCIL	01/30/13	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT.					
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y
PUBLISH	02/09/13	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.					
PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	02/12/13	CR-16(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.					
COUNCIL/PUBLIC HEARING	02/20/13	CR-16(13) ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC SAFETY AND ECONOMIC DEVELOPMENT.					
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y
PUBLISH	02/25/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER					
PUBLIC SAFETY AND ECONOMIC DEVELOPMENT	02/26/13	CR-47(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.					

COUNCIL	03/20/13	CR-47(13) ADOPTED AND BILL 78 (2012) PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	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


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



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.

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.



A BILL FOR AN ORDINANCE

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) In the event of a disagreement between the department of community services, department of budget and fiscal services, or any other city agency involved in the administration of the program as to a disputed charge, the decision of the director of community services shall prevail.
- (g) At any given time, no more than five percent of the monies in the fund shall be used for administrative expenses.
- (h) 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.



A BILL FOR AN ORDINANCE

Sec. 6-___.5 Administration.

The director of budget and fiscal services shall administer the fund and the director of community services shall 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 may be established by the director of community services by rule.

Sec. 6-___.6 Annual report.

The director of community 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."



A BILL FOR AN ORDINANCE

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. For projects funded through the fiscal year 2014 budget only: 1) the deadline for the submission of applications shall be June 28, 2013; 2) the commission shall submit a report setting forth its recommendations to the city council by August 1, 2013; 3) the council may review the projects considered by the commission and may establish priorities for the expenditure of monies from the fund; and 4) funding may be provided only for 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:

Ameyla Kristo
Deputy Corporation Counsel

APPROVED this 8th day of April, 2013.

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 4 (2013), CD2, FD1

Introduced: 01/24/13 By: ERNEST MARTIN

Committee: BUDGET

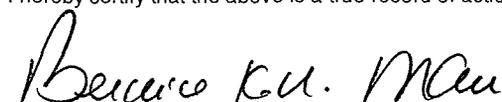
Title: A BILL FOR AN ORDINANCE RELATING TO THE GRANTS IN AID FUND.

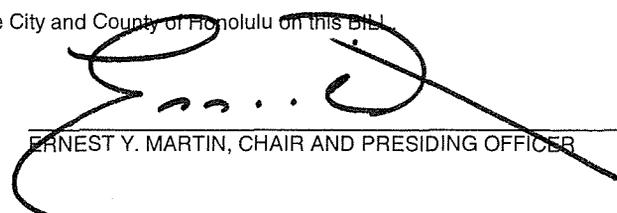
Links: [BILL 4 \(2013\)](#)
[BILL 4 \(2013\), CD1](#)
[BILL 4 \(2013\), CD2](#)
[BILL 4 \(2013\), CD2, FD1](#)
[CR-30](#)
[CR-59](#)

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

COUNCIL	01/30/13	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON BUDGET.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PUBLISH	02/09/13	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
BUDGET	02/13/13	CR-30 – 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	02/20/13	CR-30 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON BUDGET.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PUBLISH	02/25/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
BUDGET	02/27/13	CR-59 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.							
COUNCIL	03/20/13	BILL AMENDED TO CD2, FD1.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
		CR-59 ADOPTED AND BILL 4 (2013), CD2, FD1 PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	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


 ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER