CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **31 (2014), CD1**

A BILL FOR AN ORDINANCE

RELATING TO AGENCY REPORTING REQUIREMENTS.

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

SECTION 1. Council Findings and Purpose. The Council finds that in April of 2013 the Council Chair requested the City Administration to review a proposal to repeal or modify a number of agency reporting requirements that had, over time, been enacted into ordinance but may now be unnecessary or have inaccurate references. Via Mayor's Message 7, dated January 27, 2014, the Administration agreed with most of the recommendations contained in the proposal, but recommended in some instances that certain reports be retained, but provided less frequently and that certain reporting requirements be clarified.

The purpose of this ordinance is to implement City agency reporting requirement recommendations for which there is consensus between the Council and City Administration. By doing so, this ordinance will relieve agencies from having to file unnecessary reports and reduce the frequency of the filing of other reports. This ordinance also updates references to City agencies that have been renamed since the enactment of the ordinances requiring them to file reports with the Council.

SECTION 2. Section 3-2.7, Revised Ordinances of Honolulu 1990, as amended ("Art in city buildings") is amended by amending subsection (d) to read as follows:

"(d) [On or about March 1 of each year, the director of finance shall report to the council the amount of money appropriated for art pursuant to Section 3-2.7 which lapsed as of December of the immediately preceding calendar year.] Monies which the commission was unable to expend or encumber in the immediately preceding calendar year for the acquisition of works of art prior to their lapsing pursuant to Revised Charter Section 9-106.3 may be reappropriated in the capital budget effective July 1 of the fiscal year next following the lapsing of such funds."

SECTION 3. Section 3-2.8, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 3-2.8 Art inspection, inventory and maintenance.

(a) In order to preserve and account for the city's movable and permanent works of art, the mayor's designated coordinator and liaison to the commission, henceforth referred to as the arts coordinator, shall:

(1) Annually inspect and conduct an inventory of such works of art; [and]

(2) Develop an annual maintenance, preservation and restoration program and budget for the city's movable and permanent works of art[.]; and

(3) File with the city clerk on a biennial basis a report on the art inspections and inventories conducted since the immediately prior report.

The arts coordinator may engage consultants as is necessary to assist in the performance of these duties.

(b) On or before March 1 of every year, the arts coordinator shall submit [a report] to the mayor and the council [on]:

[(1) The results of the annual inspection and inventory; and

(2)](1) An annual maintenance, preservation and restoration program for the city's art inventory, including a description of the program, its needs and accomplishments; and

[(3)](2) The amount of funds budgeted for the upcoming fiscal year for the annual inspection and inventory, and for the maintenance, preservation and restoration program.

(c) To accomplish the duties provided in this section, the arts coordinator may request funds through the annual operating budget.

(d) For the purposes of this section, "movable and permanent works of art" means a work of art, as defined in Section 3 2.1, purchased or otherwise acquired by the city or made an integral part of a city building."

SECTION 4. Section 4-7.2, Revised Ordinances of Honolulu 1990, as amended, is repealed:

["**Sec. 4-7.2 Report by mayor or designated representative on anticipated or ongoing collective bargaining matters.**

(a) Prior to entering into negotiations for or amendments to collective bargaining agreements, or as soon thereafter as practicable, the mayor or designated representative shall appear at a council or committee meeting and report on the

position to be presented by the mayor and administration on matters concerning the anticipated collective bargaining with the exclusive representative of a bargaining unit including city employees.

(b) Prior to signing any agreement on matters concerning collective bargaining with the exclusive representative of a bargaining unit including city employees, or as soon thereafter as practicable, the mayor or designated representative shall appear at a council or committee meeting and report on the wages, hours, terms and conditions being agreed to."]

SECTION 5. Section 6-47.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 6-47.1 Use of wastewater system facility charges.

(a) All moneys received as wastewater system facility charges are intended to recover an equitable share of the value of the capacity in the backup facilities which were or will be constructed to serve that new applicant for sewer service or an existing sewer user and shall be deposited into the sewer fund created by Section 14-8.1 and shall be accounted for and expended for the expansion of and addition to the capacity of wastewater facilities. Unencumbered or lapsed wastewater facility charge moneys shall remain in the sewer fund earmarked for the stated wastewater facility charge purpose and shall not become available for other sewer fund uses.

(b) For the purposes of this section, "wastewater system facility charges" and "backup facilities" mean the same as defined in Section 14-1.2.

[(c) The director of finance shall provide a separate accounting of the moneys received and expended as wastewater system facility charges in the director's quarterly fiscal report.]"

SECTION 6. Section 6-50.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 6-50.2 Purpose.

All proceeds from the sale of surplus animals from the Honolulu Zoo shall be deposited into the zoo animal purchase fund. Donations made to the Honolulu Zoo, specifically for the purchase of animals, shall also be deposited into this fund. All monies deposited into this fund shall be expended for the acquisition of zoo animals for

the city, including shipping, insurance, travel and other costs related to the purchase of such animals. [Whenever funds are expended from this fund, a report on the expenditure shall be provided to the council by the department of parks and recreation by the end of the quarter following the quarter in which the expenditure was made.]"

SECTION 7. Section 9-1.11, Revised Ordinances of Honolulu 1990, as amended ("Mandatory recycling program for city government"), is amended by amending subsection (e) to read as follows:

"(e) Articles 5 and 6 of this chapter shall not apply to any violation of the mandatory recycling program.

[At least once every two years from July 1, 2004, the division shall evaluate this subsection and recommend to the council whether:

(1) Articles 5 and 6 should remain inapplicable to the mandatory recycling program; or

(2) Articles 5 and 6 should be made applicable in order to eliminate or reduce violations of the program.

The division shall submit its recommendation to the council by July 1 of every even-numbered year.]"

SECTION 8. Section 9-3.1, Revised Ordinances of Honolulu 1990, as amended ("Business"), is amended by amending subsection (c) to read as follows:

"(c) The owners of liquor-serving establishments shall arrange and provide for the separate collection and recycling of glass containers and the owners of office buildings shall provide for the separate collection and recycling of office paper, newspaper and corrugated cardboard. In so doing, liquor-serving establishments and office buildings shall not place those recyclable materials in the same containers as those holding refuse, or in a manner which causes or is intended to cause the collection of the recyclable materials with refuse. For the purposes of this subsection:

(1) "Liquor-serving establishment" means a business establishment that sells liquor or intoxicating liquor to be consumed on the premises of the establishment, and shall include bars, nightclubs, cabarets, taverns, and any restaurant where liquor or intoxicating liquor is sold for consumption on the premises, including restaurants within hotels and office buildings;

(2) "Liquor or intoxicating liquor" means the same as is defined in HRS Section 281-1[.]; and

(3) "Office building" means any building with, or group of connected buildings with an aggregate of, 20,000 square feet or more of office space, excluding common areas; provided that office space shall not include any portion of a building used for resort, retail or educational purposes.

An office building, as defined in this subsection, which is occupied by city agencies, in whole or in part, shall be subject to the requirements of this subsection, except where the city agencies are already participating in a recycling program under Section 9-1.11.

The owner of a liquor-serving establishment or office building may petition the chief for an exemption from the recycling requirements of this subsection in part or in full if the owner can demonstrate that the establishment or office building, as the case may be, does not generate a sufficient amount of the designated recyclable material to warrant separate collection for recycling.

The owner of a liquor-serving establishment or office building may petition the chief to suspend the applicability of this subsection to the applicant if the applicant demonstrates that recycling service for the items the applicant is required to recycle is unavailable to the applicant, or that the cost of recycling the applicable recyclable materials exceeds the cost of disposing of those same items at the HPOWER facility or the city's landfills. If the chief grants the application, the requirements of this subsection shall be suspended until such time as recycling service becomes available to the applicant, or the cost of the recycling service is less than or equal to the cost of disposal of the recyclable items at the HPOWER facility or the city's landfills. The chief shall, from time to time, review the availability and cost of the recycling service to those persons for whom the requirements of this subsection have been suspended. For the purposes of this subsection, the "cost of the recycling service" shall include only those costs that the recycler would charge the owner of a liquor-serving establishment or office building, whichever is applicable, for picking up and disposing of the items to be recycled, and the cost of disposal of the items to be recycled at the HPOWER facility or the city's landfills shall include the city's tipping fee and the cost of transporting the recyclable items to either of the aforementioned disposal facilities. If the chief determines that the requirements of this subsection shall no longer be suspended with regard to a particular liquor-serving establishment or office building, the chief shall notify the owner of the

establishment or building by registered mail and such owner shall be required to recycle the appropriate items in accordance with this subsection within 60 days of receipt of the notice.

The chief may also suspend the requirements of this subsection during the period of a work stoppage or any other interruption of refuse collection service to the office buildings and liquor-serving establishments that are subject to this subsection.

[The chief shall prepare and submit to the council an annual report on the progress of the implementation of this subsection. The report shall be submitted on July 1st of each year; provided that the first annual report shall be submitted on July 1, 1997.]"

SECTION 9. Section 10-2.12, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 10-2.12 Fees for use and rental of facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park facilities, Hans L'Orange baseball facility, recreational fields, gymnasiums, and other facilities.**

(a) The director of parks and recreation is authorized to issue a permit and charge a fee for the use and rental of the facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, and other recreational facilities to help cover operating and maintenance expenses. The department may require a custodial deposit to serve as security for the cleaning, repairing, and restoration of any damage resulting from the use of the field, gymnasium, or facility. Prior to establishing the fees, the director shall notify all duly constituted park advisory organizations concerning the proposed fees.

(b) Permittees may charge a reasonable admission fee to any person desiring to attend special events at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, or other recreational facility; provided however, that the permittee may not exclude members of the public from entering or remaining on portions of the park or facility that are not subject to the permit.

For purposes of this subsection,

"Permittee" means the promoter, sponsor, exhibitor, league, or other person who obtains a permit for the purpose of conducting a special event at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, or other recreational facility.

"Special events" include but are not limited to:

(1) Athletic practices and events involving:

(A) Professional teams;

(B) Collegiate teams;

(C) National amateur teams;

(D) For-profit organizations; and

(E) Teams and organizations utilizing the facilities for tournament play;

(2) International, national or regional events; and

(3) Entertainment events.

[(c) The director shall provide the council with a semiannual report setting forth the permit fees established at Waipio Peninsula Soccer Park, Central Oahu Regional Park, and Hans L'Orange baseball facility, or other recreational facility, including recreational fields and gymnasiums and the amount of fees collected for each facility. The report shall be submitted no later than 30 days following the end of the January 1 – June 30 and July 1 – December 31 reporting periods.

(d)]<u>(c)</u> The director of parks and recreation shall adopt rules pursuant to HRS Chapter 91, having the force and effect of law, for the implementation, administration, and enforcement of this section, including procedures and criteria for the waiver of permit fees."

SECTION 10. Section 10-7.2, Revised Ordinances of Honolulu 1990, as amended, is repealed:

["**Sec. 10-7.2 Annual report to the council.**

The director of parks and recreation shall submit a report to the council by December 31 of each year on the director's ongoing comprehensive strategic evaluation of the department's programs, facilities and fees."]

SECTION 11. Section 11-1.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 11-1.2 Child care coordinator.**

[(a)] There is established in the department of community and social resources, for administrative purposes only, without regard to HRS Chapter 76, a child care coordinator, whose duties shall be to help implement the policies contained in Section 11-1.1, bring focus and coordination to the city's activities relating to child care, and provide a wide range of assistance to public and private entities interested in expanding child care services on Oahu.

[(b) The child care coordinator shall report at least quarterly to the mayor and the city council on the coordinator's activities and achievements.]"

SECTION 12. Section 11-1.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 11-1.3 Child care advisory board.**

(a) There is established within the department of community [and social resources,] <u>services,</u> for administrative purposes only, a child care advisory board, the purpose of which shall be to advise the child care coordinator established in Section 11-1.2 on means to encourage the private sector to become partners with the city in expanding child care services, and on means to increase the public's awareness of child care issues. The board shall also serve as a forum for the various sectors of the community to address child care needs and consider appropriate actions for public and private implementation. The board may hold public hearings to seek advice and information from the public in furtherance of its duties.

(b) The board shall consist of nine members. Four members shall be appointed by the mayor. Four members shall be appointed by the presiding officer of the council, subject to the approval of the council. The ninth member shall be appointed by the mayor and confirmed by the council. Except as provided

otherwise in this section, the board shall be governed by the provisions of Section 13-103, Revised Charter of Honolulu 1973, as amended.

[(c) The board shall report at least quarterly to the mayor and the city council on the board's activities, findings and recommendations.]"

SECTION 13. Section 12-1.22, Revised Ordinances of Honolulu 1990, as amended, is repealed:

["**Sec. 12-1.22 Annual reports.**

The director shall submit to the council, prior to the council's consideration of the annual executive branch operating budget request, a report, with recommendations deemed appropriate by the director, pertaining to all matters relating to the administration of this article."]

SECTION 14. Section 12-5.11, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"**Sec. 12-5.11 Limitation of pedicabs.**

(a) The city council shall establish a limit on the number of pedicabs used to carry fare-paying passengers for hire operating in the City and County of Honolulu upon a finding of public convenience and necessity based on the recommendation by the director of transportation services. The director of transportation services [shall make an annual recommendation] <u>may periodically recommend modification of the established limit</u> to the city council based upon the director of transportation services' study and review, which shall include, but not be limited to, the following:

(1) The effect on the consumer;

(2) The number of pedicabs for hire already in operation;

(3) Whether existing transportation is adequate to meet the public needs;

(4) The probable effect of pedicab for hire service on traffic conditions, especially in the Waikiki resort areas;

(5) The effect on revenues of existing holders of taxi business licenses;

(6) The effect on the wages or compensation and working conditions of existing pedicab licensees;

(7) Public convenience and necessity; and

(8) Any other facts which the director deems relevant.

(b) [Said limit may be set prior to July 1st annually beginning in 1979. Said recommendation shall be submitted 60 days prior thereto. The director of transportation services shall, by May 1, 1979 and each May 1st thereafter, submit to the city council a recommendation on the limit on the number of pedicabs for hire.] Subsequent to the adoption and approval of this article, there will be no issuance of any business license for pedicabs for hire until action by the city council, or the recommendation on the limit on the number of such vehicles, is taken."

SECTION 15. Section 13-4.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 13-4.1 Authorization.

The department shall provide a special transit service and establish policies and guidelines for its operation. The policies and guidelines shall conform to the short-range transit plan and any update. The department shall contract the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the special transit service on behalf of the city. [The department shall submit to the council the policies and guidelines for the special transit service, together with revenues anticipated and costs estimated to be incurred, with all annual budget and supplementary appropriation requests.]"

SECTION 16. New ordinance material is underscored. Ordinance material to be deleted 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 underscoring, the brackets or the bracketed material.

A BILL FOR AN ORDINANCE

SECTION 17. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin

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DATE OF INTRODUCTION:

April 3, 2014
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20___.

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KIRK CALDWELL, Mayor
City and County of Honolulu