



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BE IT FURTHER RESOLVED that Resolution 86-298 and Resolution 06-049 are superseded by this Resolution and declared null and void as of the effective date of this Resolution; and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

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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:

Rene Mansho

Councilmembers

DATE OF INTRODUCTION:

JUL 19 1989
Honolulu, Hawaii

(OCS/052589/ec)

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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:

Deveney O'Wong
for RAYMOND K. PUA
CITY CLERK

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

Dated JUL 26 1989

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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

HPDSIS03.R93

PHS

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

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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			
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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.

RESOLUTION

BE IT FINALLY RESOLVED that the clerk be directed to transmit certified copies of this Resolution to the mayor, the managing director, and the director of the department of parks and recreation.

INTRODUCED BY:

Tuba B. (B/R)

Councilmembers

DATE OF INTRODUCTION:

JUN 04 1996

Honolulu, Hawaii

(OCS/060396/mg)

- 3 -

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:

Genevieve Wong

GENEVIEVE G. WONG
CITY CLERK

John DeSoto

JOHN DeSOTO
CHAIR AND PRESIDING OFFICER

Dated 8/7/96

ADOPTED MEETING HELD			
8/7/96			
	AYE	NO	A/E
BAINUM			E
FELIX			
HANNEMANN			
HOLMES			
KIM			
MANSO			E
MIRIKITANI			
YOSHIMURA			
DeSOTO			
	7	0	2

Reference Report No. BF-389

Resolution No.
96-168

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 05-349, CD1, FD1

Introduced: 10/21/05 By: CHARLES DJOU

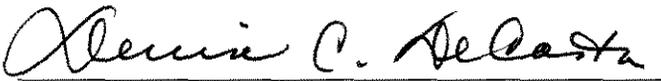
Committee: EMLA

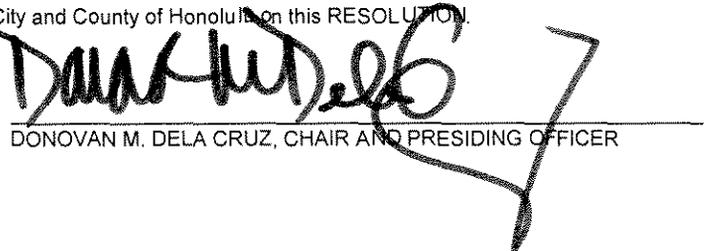
Title: RESOLUTION REVISING THE GUIDELINES FOR THE SOLICITATION AND RECEIPT OF GIFTS ON BEHALF OF THE CITY, SUPERSEDING RESOLUTION 86-298 AND RESOLUTION 05-049, AND AMENDING RESOLUTIONS 89-340, 94-23, AND 96-168.

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