BILL NO. 63

(DRAFT 2)

ORDINANCE NO. 19 75

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 25, SECTION 2-139, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PROCEDURE FOR AWARDING GRANTS TO NONPROFIT ORGANIZATIONS.**

**BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:**

**SECTION 1.** Chapter 2, article 25, section 2-139, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by amending subsection (a) to read as follows:

- “(a) All grant awards made to a nonprofit organization by the County shall be made in accordance with one of the following procedures:
- (1) Grants-in-aid awarded annually in the operating budget:
    - (A) Annually, before November 30, the director shall, for the purpose of soliciting applications, establish a sum of at least [~~\$1,000,000~~] \$2,500,000 to be available in the ensuing fiscal year for funding requests by nonprofit organizations. The director shall publish a notice soliciting applications in two newspapers of general circulation within the County by November 30.
    - (B) All applications for grants shall be submitted to the director on or before January 31 preceding the County's fiscal year, which begins on July 1. Applications shall be prepared on forms provided by the director. Applications not in conformance with the requirements of this Code may be rejected. All application forms shall include detailed information on specific, measurable outcomes and public benefits to be derived from the expenditure of County funds.
    - (C) The director shall submit to the council all qualifying applications as provided in sections 2-137 and 2-138 for its review and appropriation of funds. Site visitations of nonprofit organizations submitting complete applications may be conducted by the council and its designated staff, as deemed necessary by the chair of the appropriate committee, after January 31 but prior to final action on the operating budget by the council. Any site visitations shall be publicly noticed and conducted in a manner that allows flexible councilmember participation and designated staff support.

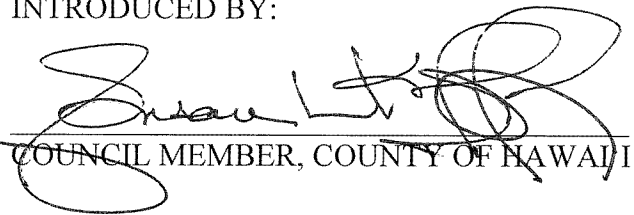
- (D) Upon favorable action by the council to appropriate funds for the grant, a written contract shall be prepared with the nonprofit organization which shall meet all legal requirements of the County and shall include program, fiscal, and audit reporting requirements sufficient to allow the director, the legislative auditor, or council to effectively monitor and evaluate the use of the grant funds. Agencies shall be notified by the director of their funding or lack thereof by August 31.
- (2) Grants From District Contingency Relief Funds:
  - (A) Appropriations from the district contingency relief account shall be transferred to an accepting County department/agency via resolution identifying the nonprofit organization and the specific program, project, event, activity, service, equipment, materials, or supplies for which the grant shall be used.
  - (B) Any equipment purchased by a nonprofit organization shall be domiciled with that nonprofit organization, which shall assume any and all liability for such equipment.
  - (C) A contract shall be prepared with the nonprofit organization which shall meet all legal requirements of the County and shall include program, fiscal, and audit reporting requirements sufficient to allow the legislative auditor or council to effectively monitor and evaluate the use of the grant funds.
- (3) Other Grants:
  - (A) Grant awards in excess of \$25,000 to nonprofit organizations shall specifically identify the organization receiving the grant funds and the purpose for which the grant funds shall be used in an ordinance or resolution.
  - (B) Grant awards in excess of \$25,000 to organizations that do not qualify as nonprofit organizations shall specifically identify the purpose for which the funds shall be used in an ordinance or resolution and be subject to competition in compliance with chapter 103D of the Hawai'i Revised Statutes.
  - (C) Grant awards of \$25,000 or less may be authorized by the finance director for public purpose projects or programs upon written request of a funding agency or department. Such grant awards shall not be limited to nonprofit organizations but shall specifically identify the organization and program, project or event for which the grant funds shall be used and comply with the rules and regulations of the director of finance.”

**SECTION 2.** Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

**SECTION 3.** Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 4.** This ordinance shall take effect July 1, 2019.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hi Lo, Hawai'i  
Date of Introduction: May 21, 2019  
Date of 1st Reading: May 21, 2019  
Date of 2nd Reading: June 4, 2019  
Effective Date: July 1, 2019

REFERENCE Comm. 234.2

OFFICE OF THE COUNTY CLERK  
 County of Hawai'i  
 Hilo, Hawai'i

COUNTY CLERK  
 COUNTY OF HAWAII

2019 JUN 17 PM 1:33

(Draft 2)

Introduced By: Susan L. K. Lee Loy  
 Date Introduced: May 21, 2019  
 First Reading: May 21, 2019  
 Published: June 1, 2019

REMARKS: \_\_\_\_\_  
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Second Reading: June 4, 2019  
 To Mayor: June 13, 2019  
 Returned: June 17, 2019  
 Effective: July 1, 2019  
 Published: June 29, 2019

REMARKS: \_\_\_\_\_  
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ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Eoff	X			
Kaneali'i-Kleinfelder	X			
Kierkiewicz	X			
Lee Loy	X			
Poindexter	X			
Richards	X			
Villegas	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 17<sup>th</sup> day  
 of June, 2019.

Harry K.  
 MAYOR, COUNTY OF HAWAII

COUNCIL CHAIRPERSON

[Signature]  
 COUNTY CLERK

Bill No.: 63 (Draft 2)  
 Reference: C-234.2/FC-37  
 Ord No.: 19 75