

House District \_\_\_\_\_

Senate District \_\_\_\_\_

**THE TWENTY-SEVENTH LEGISLATURE  
APPLICATION FOR GRANTS AND SUBSIDIES  
CHAPTER 42F, HAWAII REVISED STATUTES**

Log No: \_\_\_\_\_

For Legislature's Use Only

Type of Grant or Subsidy Request:

GRANT REQUEST – OPERATING

GRANT REQUEST – CAPITAL

SUBSIDY REQUEST

"Grant" means an award of state funds by the legislature, by an appropriation to a specified recipient, to support the activities of the recipient and permit the community to benefit from those activities.

"Subsidy" means an award of state funds by the legislature, by an appropriation to a recipient specified in the appropriation, to reduce the costs incurred by the organization or individual in providing a service available to some or all members of the public.

"Recipient" means any organization or person receiving a grant or subsidy.

STATE DEPARTMENT OR AGENCY RELATED TO THIS REQUEST (LEAVE BLANK IF UNKNOWN): \_\_\_\_\_

STATE PROGRAM I.D. NO. (LEAVE BLANK IF UNKNOWN): \_\_\_\_\_

**1. APPLICANT INFORMATION:**

Legal Name of Requesting Organization or Individual:  
Hawaii Law Enforcement Memorial Foundation (www.hlemf.org)

Dbas:

Street Address:  
4348 Waiialae Avenue, No. 527, Honolulu, HI 96816

Mailing Address:  
Same as above

**2. CONTACT PERSON FOR MATTERS INVOLVING THIS APPLICATION:**

Name Thomas K. Aiu

Title Executive Director

Phone # 808.330.1888

Fax # \_\_\_\_\_

e-mail hawaii1811@yahoo.com

**3. TYPE OF BUSINESS ENTITY:**

- NON PROFIT CORPORATION
- FOR PROFIT CORPORATION
- LIMITED LIABILITY COMPANY
- SOLE PROPRIETORSHIP/INDIVIDUAL

**6. DESCRIPTIVE TITLE OF APPLICANT'S REQUEST:**

The Hawaii Law Enforcement Memorial Foundation (www.hlemf.org) respectfully requests that a grant of \$250,000 be provided. This request is made as the Foundation, regrettably, must continue to add names of our fallen law enforcement officer who continue to die "In the Line of Duty." This Memorial, unlike others (e.g. war memorials) will be a perpetual Memorial honoring those officers who will continue to make the ultimate sacrifice in selfless service to our community and state. Monies requested will be for costs incurred for additional marble plates, inscription costs, and continued maintenance and upkeep of the Memorial.

4. FEDERAL TAX ID #:                     

5. STATE TAX ID #: \_\_\_\_\_

**7. AMOUNT OF STATE FUNDS REQUESTED:**

FISCAL YEAR 2015: \$ 250,000.00

**8. STATUS OF SERVICE DESCRIBED IN THIS REQUEST:**

- NEW SERVICE (PRESENTLY DOES NOT EXIST)
- EXISTING SERVICE (PRESENTLY IN OPERATION)

SPECIFY THE AMOUNT BY SOURCES OF FUNDS AVAILABLE AT THE TIME OF THIS REQUEST:

STATE \$ 0.00

FEDERAL \$ 0.00

COUNTY \$ 0.00

PRIVATE/OTHER \$ 150,000

Thomas K. Aiu, Executive Director

NAME & TITLE

1.31.2014

DATE SIGNED

## Application for Grants and Subsidies

*If any item is not applicable to the request, the applicant should enter "not applicable".*

### I. Background and Summary

This section shall clearly and concisely summarize and highlight the contents of the request in such a way as to provide the State Legislature with a broad understanding of the request. Include the following:

1. A brief description of the applicant's background;
2. The goals and objectives related to the request;
3. The public purpose and need to be served;
4. Describe the target population to be served; and
5. Describe the geographic coverage.

### II. Service Summary and Outcomes

The Service Summary shall include a detailed discussion of the applicant's approach to the request. The applicant shall clearly and concisely specify the results, outcomes, and measures of effectiveness from this request. The applicant shall:

1. Describe the scope of work, tasks and responsibilities;
2. Provide a projected annual timeline for accomplishing the results or outcomes of the service;
3. Describe its quality assurance and evaluation plans for the request. Specify how the applicant plans to monitor, evaluate, and improve their results; and
4. List the measure(s) of effectiveness that will be reported to the State agency through which grant funds are appropriated (the expending agency). The measure(s) will provide a standard and objective way for the State to assess the program's achievement or accomplishment. Please note that if the level of appropriation differs from the amount included in this application that the measure(s) of effectiveness will need to be updated and transmitted to the expending agency.

### III. Financial

#### Budget

1. The applicant shall submit a budget utilizing the enclosed budget forms as applicable, to detail the cost of the request.
2. The applicant shall provide its anticipated quarterly funding requests for the fiscal year 2015.

Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total Grant
\$250,000				\$250,000

3. The applicant shall provide a listing of all other sources of funding that they are seeking for fiscal year 2015.
4. The applicant shall provide a listing of all state and federal tax credits it has been granted within the prior three years. Additionally, the applicant shall provide a listing of all state and federal tax credits they have applied for or anticipate applying for pertaining to any capital project, if applicable.
5. The applicant shall provide the balance of its unrestricted current assets as of December 31, 2013.

### IV. Experience and Capability

#### A. Necessary Skills and Experience

The applicant shall demonstrate that it has the necessary skills, abilities, knowledge of, and experience relating to the request. State your experience and appropriateness for providing the service proposed in this application. The applicant shall also provide a listing of verifiable experience of related projects or contracts for the most recent three years that are pertinent to the request.

#### B. Facilities

The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the request. If facilities are not presently available, describe plans to secure facilities. The applicant shall also describe how the facilities meet ADA requirements, as applicable.

**V. Personnel: Project Organization and Staffing**

**A. Proposed Staffing, Staff Qualifications, Supervision and Training**

The applicant shall describe the proposed staffing pattern and proposed service capacity appropriate for the viability of the request. The applicant shall provide the qualifications and experience of personnel for the request and shall describe its ability to supervise, train and provide administrative direction relative to the request.

**B. Organization Chart**

The applicant shall illustrate the position of each staff and line of responsibility/supervision. If the request is part of a large, multi-purpose organization, include an organizational chart that illustrates the placement of this request.

**C. Compensation**

The applicant shall provide the annual salaries paid by the applicant to the three highest paid officers, directors, or employees of the organization by position..

**VI. Other**

**A. Litigation**

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgement. If applicable, please explain.

**B. Licensure or Accreditation**

The applicant shall specify any special qualifications, including but not limited to licensure or accreditation that applicant possesses relevant to this request.

## **Application for Grants and Subsidies**

### **I. Background and Summary**

1. The Hawaii Law Enforcement Memorial Foundation (hereinafter "Foundation" or "HLEMF") ([www.hlemf.org](http://www.hlemf.org)) is a recognized 501(c)(3) not for profit organization dedicated to build a Memorial honoring the selfless and ultimate sacrifice of Hawaii's law enforcement officers. Their sacrifice, made in the service and protection of our community and state, while always a recognized event, too soon becomes just a sad and regrettable memory. However, the death of a law enforcement officer is never forgotten by the family left behind, who continue to mourn, and fellow officer who shoulder the passing each day as a reminder of the risks of the job.

Most notably, Hawaii is the only state in the entire United States which does not have such a law enforcement memorial. The Foundation seeks to honor, in perpetuity, those which have died "In the Line of Duty" and gave selflessly to protect and serve all Hawaii.

2. The goals and objectives of the Foundation are to simply build the Memorial honoring Hawaii's 64 federal, state, local, and military law enforcement officers who died "In the Line of Duty." The Memorial will stand as an ever vigilant reminder of each officer's ultimate sacrifice.

The Foundation requests this Grant Request, not for construction purposes, but for the ongoing costs related to the placement of additional names of fallen on the Memorial (e.g. purchase of additional marble plaques, engraving costs of names, badges, End of Duty dates, etc.) and ongoing maintenance and security costs. Unlike a war memorial which has a definitive beginning and end and thereby, a finite number of "killed in action" (KIA) soldiers, the Hawaii Law Enforcement Memorial will continue to add names, in perpetuity, as Hawaii law enforcement officers will sadly continue to die each year "In the Line of Duty."

3. The primary purpose of the Memorial is to bring public attention to the sacrifice of our fallen law enforcement who have died in service and protection of our community. It will also stand as a constant reminder that our law enforcement officers do so selflessly, never failing to run into harm's way to safeguard our children, our families, our businesses, and our island way of life. They leave their families each day, not knowing what hazards await them; some not returning, all in service to the people of Hawaii.
4. The target population to be served will be the entire State of Hawaii.
5. The geographical coverage will be the entire State of Hawaii.

## II. Service Summary and Outcomes

1. The scope of work, tasks, and responsibilities of all those involved to build the Memorial have been monumental. The idea started with a dream of the late Joan Gribbin-Aiu, former HLEMF Founder and Executive Director, who recognized that Hawaii was the only state without a memorial honoring our fallen officers. She recognized that the only place where Hawaii families could go to honor their fallen was the National Law Enforcement Memorial in Washington, D.C. There, inscribed along with names of the country's 19,000 other fallen law enforcement officers, were the name of Hawaii's own. However, Ms. Gribbin-Aiu also recognized that such a trip would be costly for the family members of those fallen and especially difficult on our kupuna.

In 2010, Ms. Gribbin embarked on forming the Foundation, a 501(c)(3) not for profit organization, honoring Hawaii's fallen by building a Memorial. Thereafter, a formal Board of Directors was formed and work to build the Memorial began.

In 2011, by Foundation request, a House Concurrent Resolution (No. 139) was unanimously passed by the 25th Legislature. HCR 139 recognized that 1) Hawaii was the only state without a law enforcement memorial, 2) Capitol land should be set aside for the Memorial, and 3) the Foundation should be fund raising arm for the Memorial.

In 2012, again by Foundation request, House Bill 1622 was unanimously passed by both the House and Senate and stated in pertinent part that *"a state law enforcement memorial shall be constructed in the Capitol District, preferably on the Diamond Head side of the Kalanimoku building; provided that private funds shall be solicited and used for the construction of the memorial."* HB 1622 was subsequently signed into law by Governor Neil Abercrombie and is now recognized as Act 14.

By the authority of Act 14, the Foundation now has an equitable interest in a dedicated area of Capitol land; a quiet area just behind the Kalanimoku Building.

Later, the Foundation met with the Dean of the School of Architecture, University of Hawaii at Manoa who agreed to have his students propose a Memorial design. Over 250 students gathered and competed. Over 50 design models were submitted and judged, first by peer groups and later by a panel of architectural professors and architects in the community. Finally, three models emerged as finalists. It was during a 2012 Law Enforcement Benefit Gala Event where over 900 attendees voted for their favorite design.

Thereafter, the winning design was provided to Pacific Architects, Inc., which fine tuned the design to conform to City and County of Honolulu and State of Hawaii building requirements.

Permits and clearances have been received by the following state and city and county agencies:

- Department of General Accounting (DAGS), which administers oversight of state lands;
  - Department of Land and Natural Resources (DLNR), which also has oversight of state lands;
  - Historic Preservation Division of DLNR;
  - Department of Planning and Permitting (DPP), City and County of Honolulu.
2. Construction of the Memorial is anticipated during 2nd quarter of 2014 (April through June 2014). The services of a construction contractor, Designer Built Systems, Inc. has been secured. Please note that Grant funds requested will not be for construction purposes but rather for expected costs for additional names of fallen officers to be added and maintenance.
  3. All plans for the building of the Memorial have been reviewed first by the Board of Directors. Secondly, the plans and projected costs of the Memorial were reviewed and made available to every agency head of every law enforcement agency in the State of Hawaii (e.g. Chiefs of Police, agency heads of all state agencies, agency heads of the ATF, DEA, FBI, ICE, NCIS, USSS, USMS, U.S Attorney's Office, etc.).

During the time of construction and thereafter, in perpetuity, the Foundation will have oversight monitored of the Memorial. Further, the Foundation has secured, via Memorandums of Understanding, agreements with every federal, state, and local law enforcement agency, to continually monitor, evaluate, and improve the Memorial.

4. The Foundation will provide the Legislature and/or its oversight designee, a complete and comprehensive accounting of all monies used, expended, or held for future use, for anticipated Memorial costs (other than construction).

### **III. Financial**

#### Budget

1. Budget forms are attached.
2. Anticipated quarterly requests for fiscal 2015 is attached.
3. The Foundation is presently in final negotiation with several private foundations. These private foundation are expected to provide funding and allow construction to begin in April 2014.

4. The Foundation has not utilized any state or federal tax credits for the past three years. The Foundation has not applied for any state or federal tax credits nor does it anticipate doing so.
5. Balance of current unrestricted assets as of December 2013 is \$150,000. The projected grown of capitol is expected to reach \$550,00 by March 2014.

#### **IV. Experience and Capability**

##### **A. Necessary Skills and Experience**

The Foundation, a relatively new organization, is formed with personnel comprised of retired law enforcement officers, concerned citizens, and family of fallen officers. All are joined together with a unified vision to build the Hawaii Law Enforcement Memorial. Although none had previous experience with such an undertaking, all are dedicated to making the dream a reality.

Since its formation, the Foundation, has made significant headway by first obtaining necessary legislation, then securing capitol land, obtaining an award winning design, and lastly obtaining all necessary permitting to build the Memorial. These milestones, accomplished in a relatively short period of time (2010 to present) clearly demonstrates that the Foundation skill set, abilities, knowledge, and experience relating to the request.

##### **B. Facilities**

Please see attached drawing and renderings as well as Plat Maps of the Memorial site. All plans have been reviewed and permitted by various state and city and county departments.

#### **V. Personnel: Project Organization and Staffing**

##### **A. Proposed Staffing, Staff Qualifications, Supervision and Training**

The Foundation is made up of a seven Director contingent with no staff or support personnel. All duties and responsibilities of the Foundation are borne by the Directors on a pro bono basis. No remuneration for services are provided for Directors as prescribed in the Foundation's Articles of Organization.

When necessary, as to architectural or construction detail consultation, the Foundation will seek outside counsel from either Pacific Architects, Inc. or Designer Built Systems, Inc. No other outside consulting has been necessary.



## **B. Organizational Chart**

Thomas K. Aiu, Executive Director  
Katherine P. Kealoha, Director, Vice President  
Debbie Luna, Director, Treasurer  
Sidney A. Hayakawa, Director, Co-Secretary  
Cory Lee, Director, Co-Secretary  
Kuuhaku Park, Director  
Rusty Spray, Director

## **C. Compensation**

As per the Articles of Organization, no remuneration is provided for any Director. All serve in a pro bono capacity.

## **VI. Other**

### **A. Litigation**

The Foundation is not engaged in type of litigation, either as plaintiff or defendant, in any civil, criminal, or administrative matter.

### **B. Licensure or Accreditation**

The Foundation does not require any special licensure or accreditation to operate as a not for profit law enforcement foundation.

**BUDGET REQUEST BY SOURCE OF FUNDS**  
(Period: July 1, 2014 to June 30, 2015)

Applicant: Hawaii Law Enforcement Memorial Foundaton

<b>BUDGET CATEGORIES</b>	<b>Total State Funds Requested</b> (a)	(b)	(c)	(d)
<b>A. PERSONNEL COST</b>				
1. Salaries	0.00	0.00	0.00	0.00
2. Payroll Taxes & Assessments	0.00	0.00	0.00	0.00
3. Fringe Benefits	0.00	0.00	0.00	0.00
<b>TOTAL PERSONNEL COST</b>	<b>0.00</b>			
<b>B. OTHER CURRENT EXPENSES</b>				
1. Airfare, Inter-Island	0.00			
2. Insurance	800.00			
3. Lease/Rental of Equipment	0.00			
4. Lease/Rental of Space	0.00			
5. Staff Training	0.00			
6. Supplies	0.00			
7. Telecommunication	0.00			
8. Utilities	0.00			
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
<b>TOTAL OTHER CURRENT EXPENSES</b>	<b>800.00</b>			
<b>C. EQUIPMENT PURCHASES</b>	<b>0.00</b>			
<b>D. MOTOR VEHICLE PURCHASES</b>	<b>0.00</b>			
<b>E. CAPITAL</b>	<b>0.00</b>			
<b>TOTAL (A+B+C+D+E)</b>	<b>800.00</b>			
<b>SOURCES OF FUNDING</b>		Budget Prepared By:		
(a) Total State Funds Requested	250,000	Thomas K. Aiu	808.330.1888	
(b)		(Signature or print)	Phone	
(c)			1-21-14	
(d)		Signature of Authorized Official	Date	
<b>TOTAL BUDGET</b>		Executive Director		
		Name and Title (Please type or print)		

## BUDGET JUSTIFICATION PERSONNEL - SALARIES AND WAGES

Applicant: Hawaii Law Enforcement Memorial Foundation

Period: July 1, 2014 to June 30, 2015

POSITION TITLE	FULL TIME EQUIVALENT	ANNUAL SALARY A	% OF TIME ALLOCATED TO GRANT REQUEST B	TOTAL STATE FUNDS REQUESTED (A x B)
No salaries are permitted				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
<b>TOTAL:</b>				
<b>JUSTIFICATION/COMMENTS:</b>				
NA				

## BUDGET JUSTIFICATION - EQUIPMENT AND MOTOR VEHICLES

Applicant: Hawaii Law Enforcement Memorial Foundation Period: July 1, 2014 to June 30, 2015

DESCRIPTION EQUIPMENT	NO. OF ITEMS	COST PER ITEM	TOTAL COST	TOTAL BUDGETED
HLEMF does not own any equipment			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
<b>TOTAL:</b>				0.00
<b>JUSTIFICATION/COMMENTS:</b>				
NA				

DESCRIPTION OF MOTOR VEHICLE	NO. OF VEHICLES	COST PER VEHICLE	TOTAL COST	TOTAL BUDGETED
HLEMF does not own or operate any motor vehicles.			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
<b>TOTAL:</b>				0.00
<b>JUSTIFICATION/COMMENTS:</b>				
NA				

## BUDGET JUSTIFICATION CAPITAL PROJECT DETAILS

Applicant: Hawaii Law Enforcement Memorial Foundation

Period: July 1, 2014 to June 30, 2015

FUNDING AMOUNT REQUESTED						
TOTAL PROJECT COST	ALL SOURCES OF FUNDS RECEIVED IN PRIOR YEARS		STATE FUNDS REQUESTED	OTHER SOURCES OF FUNDS REQUESTED	FUNDING REQUIRED IN SUCCEEDING YEARS	
	FY: 2012-2013	FY: 2013-2014	FY:2014-2015	FY:2014-2015	FY:2015-2016	FY:2016-2017
PLANS			0.00			
LAND ACQUISITION			0.00			
DESIGN			0.00			
CONSTRUCTION (Post Construction Costs)			250,000	0.00	0.00	0.00
EQUIPMENT			0.00			
<b>TOTAL:</b>			250,000	0.00	0.00	0.00
<b>JUSTIFICATION/COMMENTS:</b>						
NA						

**DECLARATION STATEMENT OF  
APPLICANTS FOR GRANTS AND SUBSIDIES PURSUANT TO  
CHAPTER 42F, HAWAI'I REVISED STATUTES**

The undersigned authorized representative of the applicant certifies the following:

- 1) The applicant meets and will comply with all of the following standards for the award of grants and subsidies pursuant to Section 42F-103, Hawai'i Revised Statutes:
  - a) Is licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant or subsidy is awarded;
  - b) Complies with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
  - c) Agrees not to use state funds for entertainment or lobbying activities; and
  - d) Allows the state agency to which funds for the grant or subsidy were appropriated for expenditure, legislative committees and their staff, and the auditor full access to their records, reports, files, and other related documents and information for purposes of monitoring, measuring the effectiveness, and ensuring the proper expenditure of the grant or subsidy.
- 2) The applicant meets the following requirements pursuant to Section 42F-103, Hawai'i Revised Statutes:
  - a) Is incorporated under the laws of the State; and
  - b) Has bylaws or policies that describe the manner in which the activities or services for which a grant or subsidy is awarded shall be conducted or provided.
- 3) If the applicant is a non-profit organization, it meets the following requirements pursuant to Section 42F-103, Hawai'i Revised Statutes:
  - a) Is determined and designated to be a non-profit organization by the Internal Revenue Service; and
  - b) Has a governing board whose members have no material conflict of interest and serve without compensation.

Pursuant to Section 42F-103, Hawai'i Revised Statutes, for grants or subsidies used for the acquisition of land, when the organization discontinues the activities or services on the land acquired for which the grant or subsidy was awarded and disposes of the land in fee simple or by lease, the organization shall negotiate with the expending agency for a lump sum or installment repayment to the State of the amount of the grant or subsidy used for the acquisition of the land.

Further, the undersigned authorized representative certifies that this statement is true and correct to the best of the applicant's knowledge.

Hawaii Law Enforcement Memorial Foundation

(Type Name of Individual or Organization)

1.31.2014

(Date)

Thomas K. Au

(Typed Name)

Executive Director

(Title)



GOV. MSG. NO. 1114

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 25, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 25, 2011, the following bill was signed into law:

HB1622 HD1

RELATING TO HISTORIC PRESERVATION  
ACT 014 (11)

A handwritten signature in black ink, appearing to read "Neil Abercrombie".

NEIL ABERCROMBIE  
Governor, State of Hawaii

ORIGINAL

Approved by the Governor

APR 25 2011

ACT 014

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

H.B. NO. 1622  
H.D. 1

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## A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. A state law enforcement memorial shall be  
2 constructed in the Capitol District, preferably on the Diamond  
3 Head side of the Kalanimoku building; provided that private  
4 funds shall be solicited and used for the construction of the  
5 memorial.

6           SECTION 2. This Act shall take effect on July 1, 2011.

APPROVED this 25 day of APR, 2011



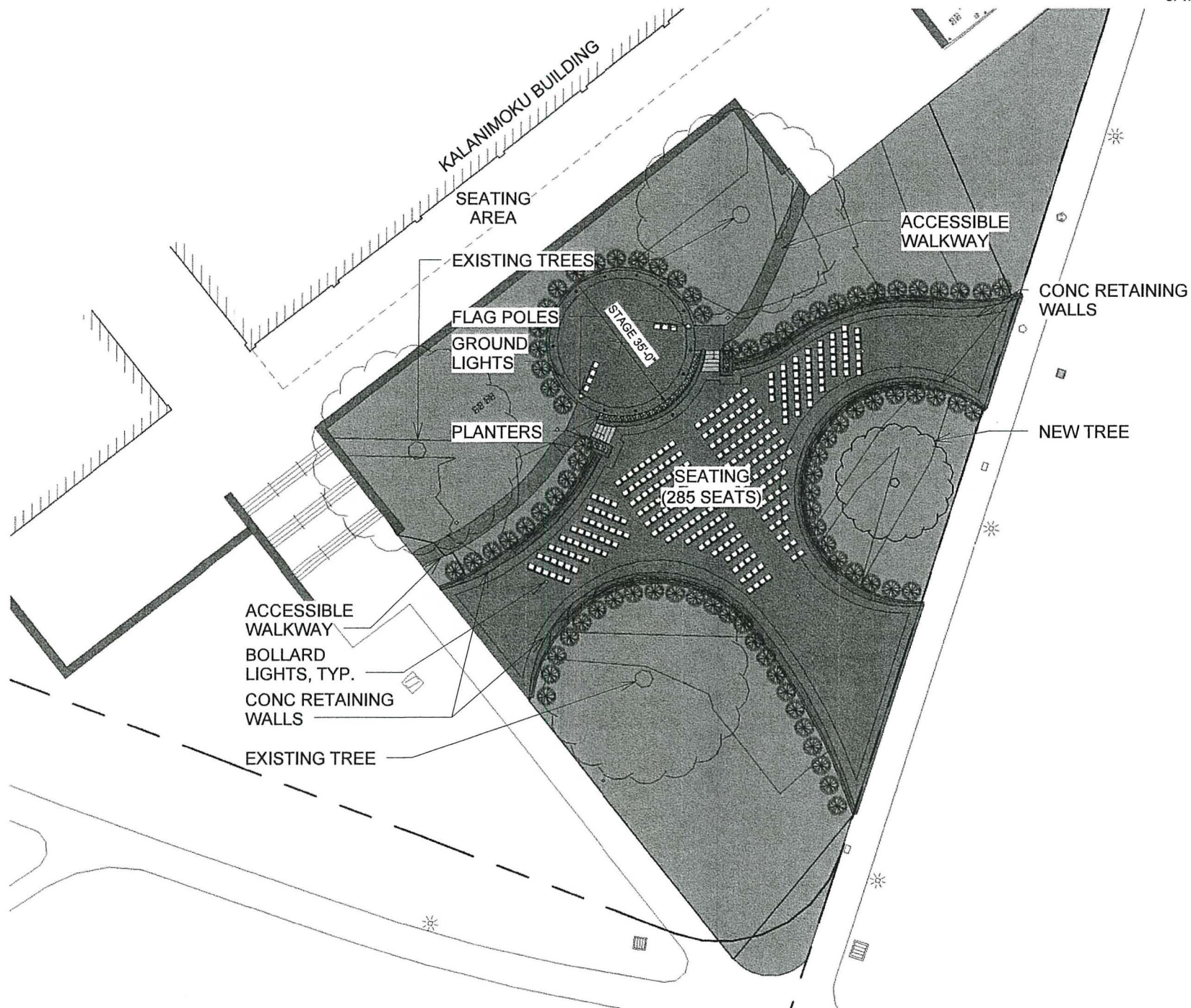
GOVERNOR OF THE STATE OF HAWAII

HB1622 HD1 HMS 2011-2613



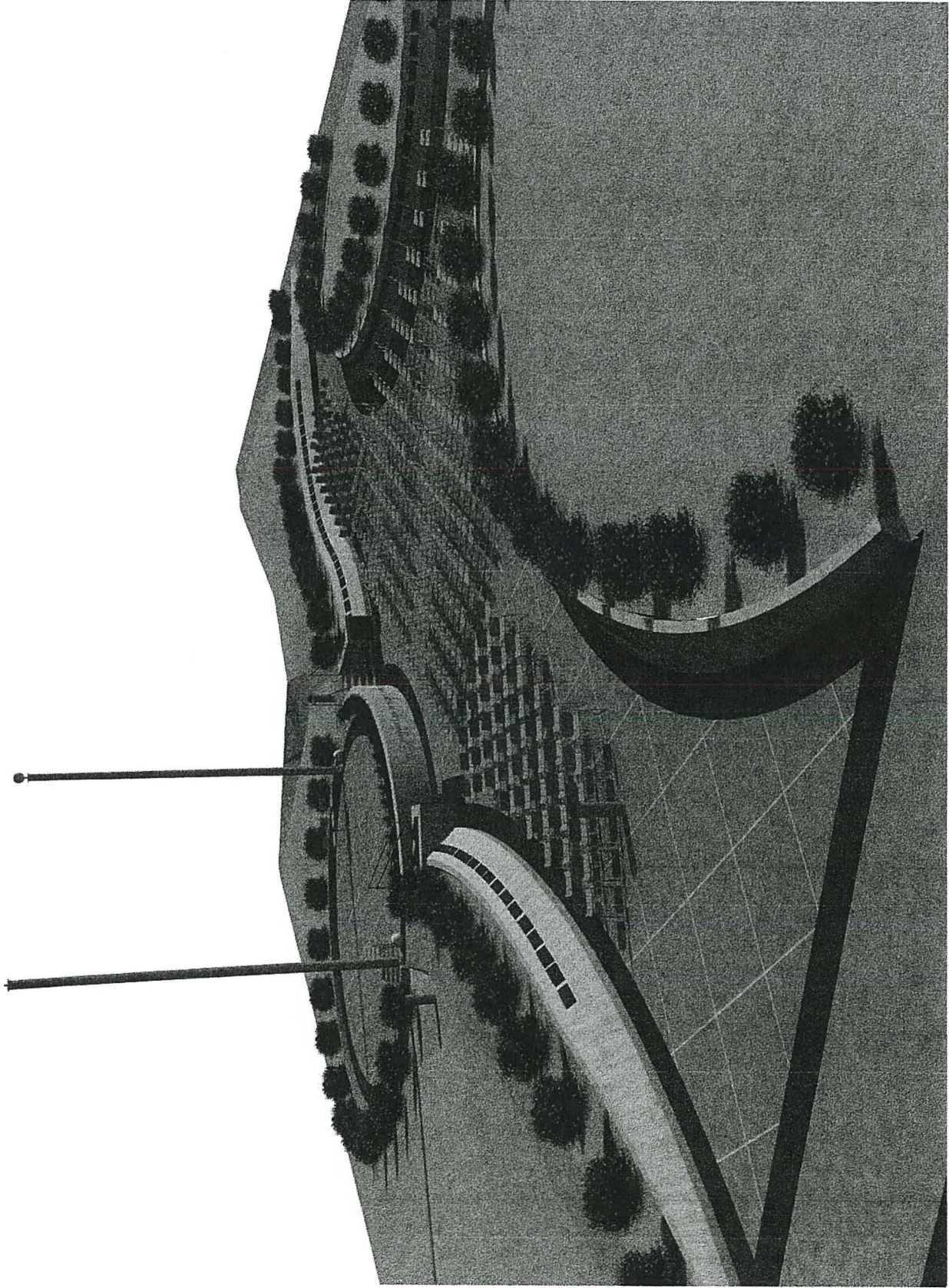
EXHIBIT "B"





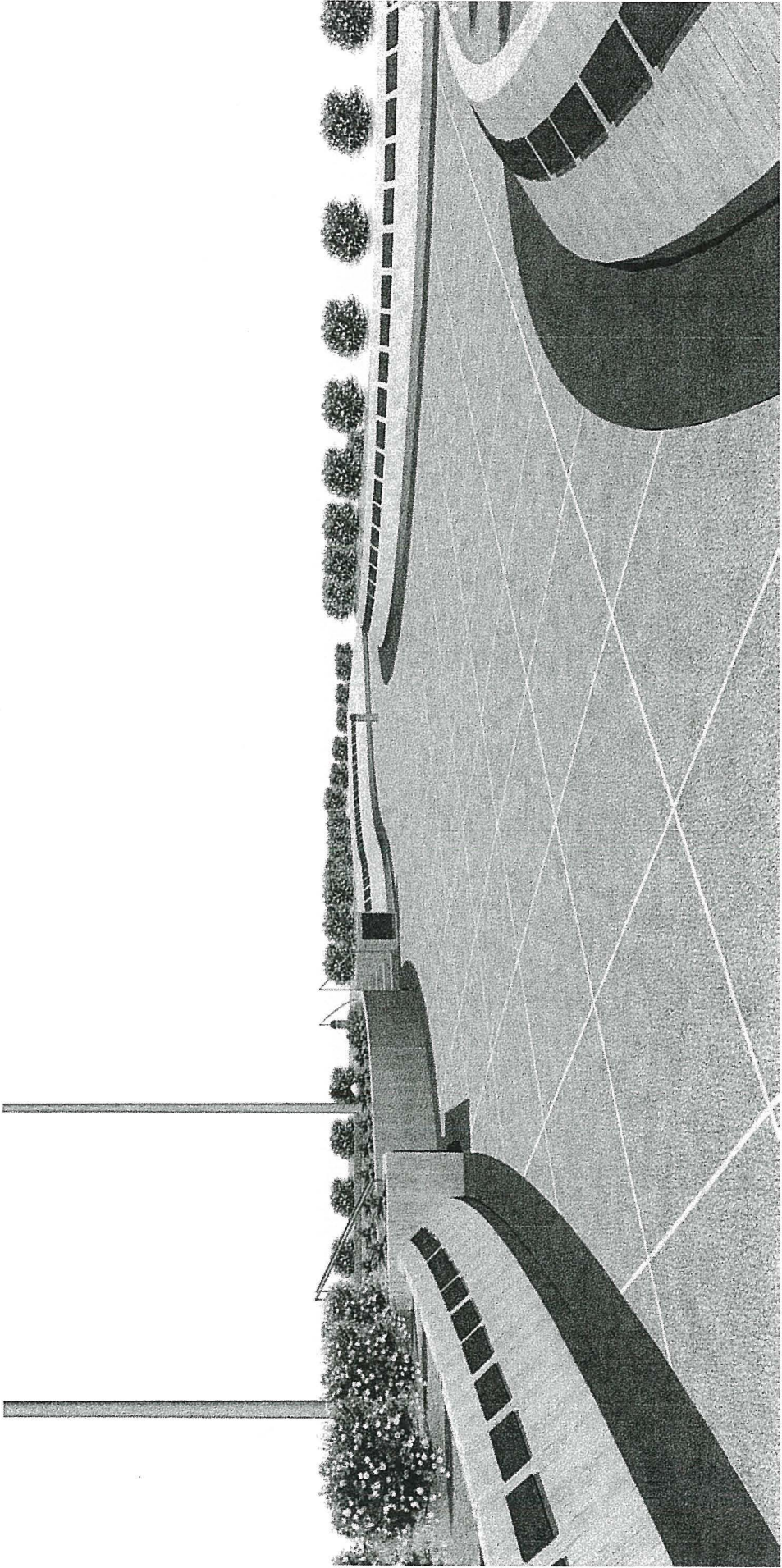
HLEM - SITE PLAN

1/32" = 1'-0"



VIEW-1





VIEW - 2



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

December 9, 2011

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

OAHU

Cancellation of Governor's Executive Order No. 3576 and Reset Aside to  
Department of Accounting and General Services for Kalanimoku Building and  
Law Enforcement Memorial Purposes, Honolulu, Oahu, Tax Map Key: (1) 2-1-  
033:025.

CONTROLLING AGENCY (of subject executive order):

Department of Accounting and General Services

APPLICANT (requesting set aside):

Department of Accounting and General Services

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1)  
2-1-033:025, as shown on the attached map labeled Exhibit A.

AREA:

5.293 acres, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: B-2

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Governor's Executive Order No. 3576 setting aside 5.293 acres to Department of Accounting and General Services for Kalanimoku Building site purposes.

PURPOSE OF SET ASIDE:

For Kalanimoku Building and Law Enforcement Memorial purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

None

REMARKS:

In 1992, Governor's Executive Order No. 3576 was issued to the Department of Accounting and General Services (DAGS) for Kalanimoku Building site purposes.

Pursuant to House Concurrent Resolution (HCR) 139 which was passed during the 2010 Legislative session; HB 1622 which was passed during the 2011 Legislative session; and Act 14 which was signed into law by Governor Abercrombie on April 25, 2011. A copy of Act 14 is attached as Exhibit B. Act 14 relates to the construction of a State law enforcement memorial in the Capitol District, preferably on the Diamond Head side of Kalanimoku Building.

DAGS-Planning Branch will be responsible for the compliance process under Chapter 343, HRS relating to environmental assessment for the project. Further, the Hawaii Law Enforcement Memorial Foundation will enter into a Memorandum of Understanding (MOU) with DAGS. The MOU between the Foundation and DAGS will fully outline all foreseeable expectations and responsibilities of both parties prior to, during, and following the construction of the Memorial.

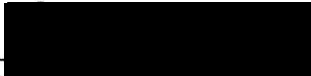
Staff notes the purpose of EO 3576 needs to be revised to include the proposed memorial. Therefore, staff brings the request to the Board.

There are no other pertinent issues or concerns for the request. Staff does not have any objection to the request.

RECOMMENDATION: That the Board:

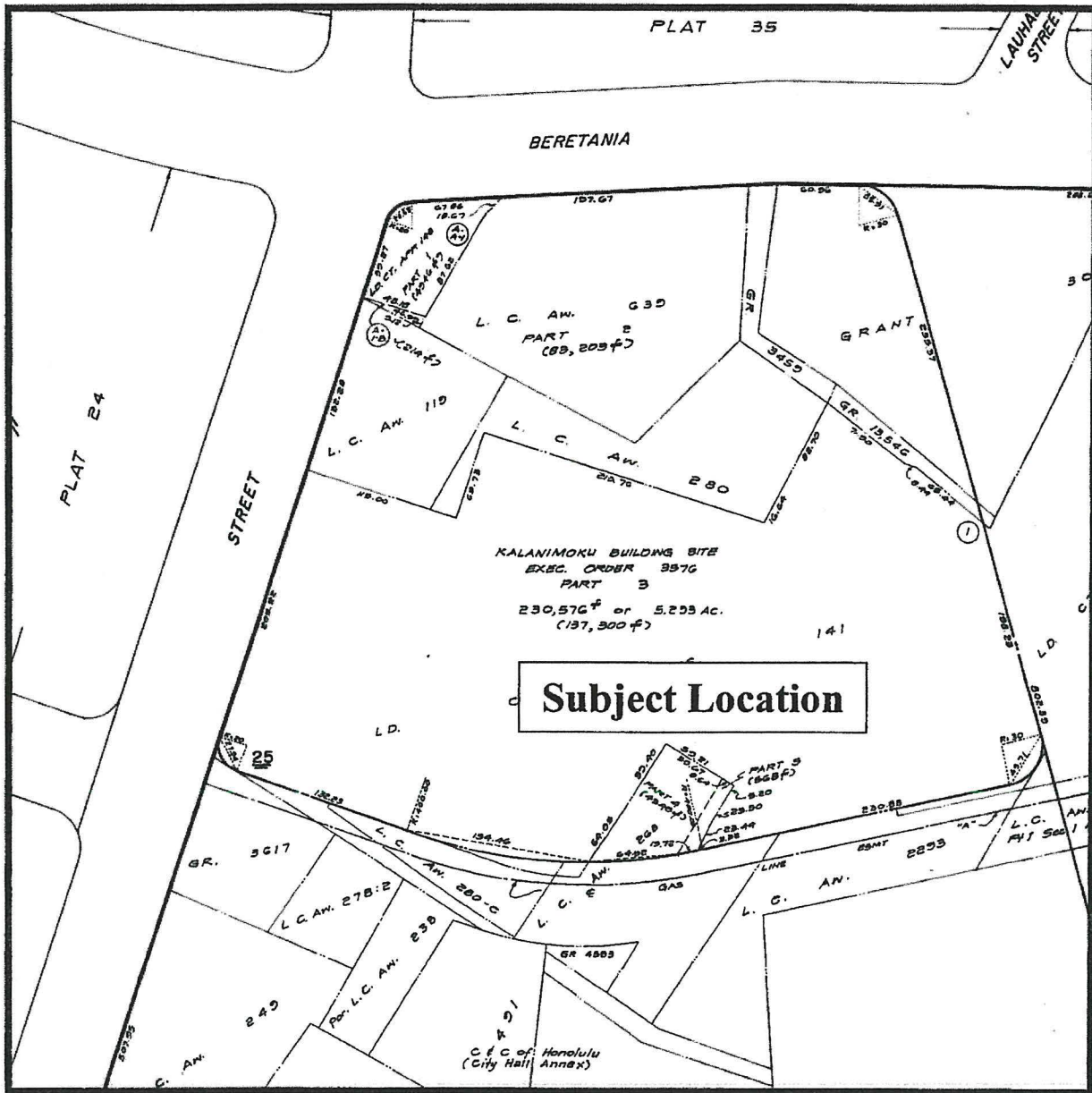
1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 3576 and subject to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
  
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Accounting and General Services under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:





TMK (1) 2-1-033:025

**EXHIBIT A**

MEMORANDUM OF AGREEMENT  
HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION

THIS MEMORANDUM OF AGREEMENT (MOA), is effective this 30 day of November, 2012, by and between the Department of Accounting and General Services, State of Hawaii, hereinafter (DAGS) or (State) by and through its Comptroller, and the Hawaii Law Enforcement Memorial Foundation, a non-profit corporation organized under the laws of the State, whose address is 4348 Waialae Ave., #527, Honolulu, Hawaii 96816, hereinafter (HLEMF) or (Foundation).

RECITALS

- A. During the 25<sup>th</sup> Legislative Session in 2010, the House and Senate unanimously passed House Concurrent Resolution 139, which requests DAGS to work with the HLEMF and others to plan and construct the Hawaii State Law Enforcement Memorial (Memorial) on the grounds of the Hawaii State Capitol.
- B. During the 26<sup>th</sup> Legislative Session in 2011, the HLEMF worked with former Representative and current Deputy Chief of Staff Blake Oshiro for the passage of House Bill 1622 which identified a preference for the location of the Memorial to be on the Diamond Head side of the Kalanimoku Building and that private funds shall be solicited and used for the construction of the Memorial.
- C. House Bill 1622 was signed into law as Act 14 and took effect on July 1, 2011.
- D. By Executive Order No. 3576, DAGS was given control and management over the property comprised of approximately 203,000 square feet on the corner of Beretania and Punchbowl Streets (TMK: No. 2-1-33:25) (Premises), including its grounds and the buildings thereon, also commonly known as the Kalanimoku Building. See Exhibit A attached hereto and made a part hereof.
- E. As the State agency responsible for controlling, managing and maintaining the Premises, DAGS is responsible for capital and day-to-day upkeep of the buildings and grounds of the Premises.

NOW THEREFORE, in consideration of the promises contained in this MOA, as follows:

- 1. Rights and Prerogatives of the HLEMF. At its own expense and consistent with the reservations by the State contained in this MOA, the HLEMF agrees to use its best efforts to:
  - a. Stimulate the interest of all citizens in Hawaii's history, more particularly the role that Hawaii's Federal, State, local, and military law enforcement agencies have played in protecting and serving the people of Hawaii.



- b. Assist the State with all aspects of the historic research, interpretation, preservation, restoration, repair and maintenance of the Memorial.
  - c. Solicit private funds to be used for the construction of the Memorial, including requesting and obtaining any revenues, grants, and donations, whether in money or in kind.
2. Responsibilities of the HLEMF. The HLEMF further agrees that throughout the term of this MOA, it shall:
- a. Liability Insurance. Insure that its contractors, consultants, and/or persons acting for or on the HLEMF's behalf, procure at their own expense, and maintain during the entire period of this MOA, from an insurance company or companies licensed to do business in the State of Hawaii, a policy or policies of comprehensive public liability insurance, in the amount acceptable to the State (\$1,000,000 per incident/\$2,000,000 aggregate) insuring the State of Hawaii against all claims for personal injury, death, and property damage. The State of Hawaii is to be named as additional insured on the HLEMF's policy or policies. The policy or policies shall cover the entire area in use by the memorial.
  - b. Assignments. Not transfer or assign any right, interest, or obligation under this MOA, without the prior written consent of the State.
  - c. Compliance with Laws. Comply with all Federal, State, and County laws, ordinances, codes, rules, and regulations, as they may be amended, that in any way affect the HLEMF's performance under this MOA.
  - d. Installation and Maintenance of New CCTV Surveillance Cameras. Install and maintain two (2) new CCTV surveillance cameras to record all activities 24 hours a day, seven (7) days a week, surrounding the Memorial. The recording equipment will be installed in the offices of the Department of Land and Natural Resources (DLNR) however, monitoring by police personnel will be done on a sporadic and not on a continuous basis. All agreements and approvals with DLNR shall be coordinated and maintained by the HLEMF.
  - e. Maintenance of the Memorial. Provide general maintenance of the Memorial on a monthly or quarterly basis, including sweeping of leaves, removal of debris, polishing each fallen officer's marble/granite marker, fertilizing shrubs and plants, and addressing other maintenance matters as they arise. In doing so, the HLEMF, its contractors, consultants, and/or persons acting for or on its behalf, shall use appropriate

precautions and measures to minimize inconveniencing the occupants of the Kalanimoku Building and the public in general.

3. Responsibilities of the State. Throughout the term of this MOA, the State agrees it will:
  - a. General Maintenance. Water the Memorial lawn, plants, and trees and cut the lawn on the same regular schedule that is utilized for the Kalanimoku Building.
  - b. Make Premises Available. Make the Premises available to the HLEMF to organize and conduct activities that are open to the public, including tours, lectures, exhibits, group events and other programs; subject to closure from time to time for maintenance, repair, renovation and other good cause. All public areas shall be subject to such use restriction, security controls, and other requirements as the State deems reasonably necessary or appropriate for the safety, preservation and security of the Premises. The Governor and the State may use the Premises for official State functions and will use best efforts to coordinate its needs to use the Premises for official State functions with the HLEMF.
  - c. Approvals Not Unreasonably Withheld. Not unreasonably withhold its consent or approval when its approval or consent is required by this MOA and requested by the HLEMF.
  - d. Appropriate Permitted Use. All future requests for additional permitted use of the memorial area shall be reviewed to ensure the desired activity is commensurate with the intended use of the area.
4. Term of the MOA. The original term of this MOA shall be for the life of the Memorial. Either party may terminate this MOA for cause with one (1) year's prior written notice to the other party. This MOA may also be terminated by the mutual agreement of the parties at any time.
5. Hawaii Law. This MOA shall be construed, interpreted, and governed by the laws of the State of Hawaii.
6. Partial Invalidity. If any term, provision, or condition of this MOA should be held to be invalid, void, or unenforceable, the remainder of this MOA shall continue in full force and effect and shall in no way be affected, impaired or invalidated thereby.
7. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give the other party or any other

person shall be in writing and either personally delivered or sent by prepaid, first-class mail, to the other party at the address set forth below. A notice shall be deemed to have been received forty-eight (48) hours from the time of mailing or at the time of actual receipt, whichever is earlier.

To State: Department of Accounting and General Services  
Attention: Public Works Division  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

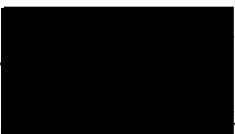
To Foundation: Hawaii Law Enforcement Memorial Foundation  
4348 Waialae Avenue, #527  
Honolulu, Hawaii 96816

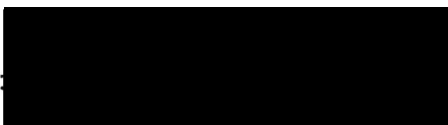
8. Integration and Amendments. This MOA sets forth all of the agreements, conditions, understandings, promises, and representations made by or on behalf of the State and the HLEMF with respect to this MOA. This MOA supersedes any prior agreement, condition, understanding, promise, and representation. There are no agreements, conditions, understandings, promises, or representations, oral or written, express or implied, between the State and the HLEMF other than as set forth or as referenced herein. No amendment or modification of this MOA shall be effective unless incorporated in writing and executed by the State and the HLEMF.

In View of the Above, the parties execute this MOA on the dates below, to be effective as of the date first above written.


HAWAII LAW ENFORCEMENT  
MEMORIAL FOUNDATION

DEPARTMENT OF ACCOUNTING &  
GENERAL SERVICES

By:   
Asst. Executive Director

By: 

APPROVED AS TO FORM:

  
Deputy Attorney General

NEIL ABERCROMBIE  
GOVERNOR



Dean H. Seki  
Comptroller  
Maria E. Zielinski  
Deputy Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

DEC 27 2012

(P)1302.2

Mr. Thomas K. Aiu  
Hawaii Law Enforcement Memorial Foundation  
4348 Waiialae Avenue, Suite 527  
Honolulu, Hawaii 96818

Dear Mr. Aiu:

Subject: Revocable Right of Entry (ROE) for a  
Hawaii Law Enforcement Memorial Foundation

This is in response to your request for approval to construct and maintain the Hawaii Law Enforcement Memorial on the Diamond Head side of the Kalanimoku Building.

Pursuant to the authority granted to me by the Governor by Executive Order No. 3576, I grant to the Hawaii Law Enforcement Memorial Foundation (Foundation) a revocable ROE to the State Land identified as TMK: 2-1-33:25 (Premises), including its grounds and the buildings thereon, commonly known as the Kalanimoku Building, for use by the Foundation, its representatives, contractors, and agents in order to access the Premises to construct and maintain the Hawaii Law Enforcement Memorial (Memorial).

1. This ROE shall take effect from the acceptance date of this letter by the Foundation, or the date of approval by the Department of Accounting and General Services (DAGS) of the location and placement of the memorial, whichever is the latter. The ROE will expire upon mutual agreement or removal of the memorial and related memorial elements, whichever is sooner, and in accordance with the attached memorandum of agreement (MOA) dated November 30, 2012.
2. This ROE is limited to areas necessary for the installation and maintenance of the subject memorial and is conditioned upon the Foundation providing full maintenance of the Memorial and related services upon completion of the installation, all in accordance with the attached MOA, to ensure that it remains a respectable work of art and symbol in perpetuity.
3. The Foundation shall indemnify, defend, and hold harmless the State of Hawaii, DAGS, its officers, employees, and agents, from and against any and all liability, loss, damage, cost, or expense, and all claims and demands arising out of or

resulting from the acts or omissions, of the Foundation or its officers, employees, contractors, and agents under this ROE. The Foundation shall ensure that its contractors, consultants, agents, and/or persons acting for or on its behalf, shall indemnify, defend and hold harmless the State of Hawaii, DAGS, its officers, employees, and agents, from and against any and all liability, loss, damage, cost, or expense, and all claims or demands arising out of or resulting from any act or omission of the Foundation's contractors, consultants, agents, and/or persons acting for or on its behalf, under this ROE.

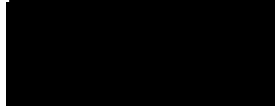
4. The Foundation shall ensure that its contractors, consultants, agents, and/or persons acting for or on its behalf, procure at their own expense and maintain during the entire period of this ROE, from an insurance company or companies licensed to do business in the State of Hawaii, a policy or policies of comprehensive public liability insurance, in the amount acceptable to the State (\$1,000,000 per incident/\$2,000,000 aggregate) insuring the State of Hawaii against all claims for personal injury, death and property damage. The State shall be named as an additional insured. The policy or policies shall cover the entire ROE area in the use of the Foundation and/or its contractor, consultants, agents, and/or persons acting for or on its behalf in the exercise of this ROE.
5. The Foundation, its contractors, consultants, agents, and/or persons acting for or on its behalf in the exercise of this ROE, shall use appropriate precautions and measures to minimize inconveniencing surrounding landowners, building occupants, and the general public.
6. In the event any unanticipated burial sites remains such as shell bone or charcoal deposits, human remains, rock or coral alignments, paving or walls, are encountered by the Foundation, its contractors, consultants, agents, and/or persons acting for or on its behalf in the exercise of this ROE, the Foundation shall stop work and contact the State Historic Preservation Division in Honolulu at 692-8015 immediately.
7. DAGS reserves the right to impose additional, responsible terms and conditions, at any time it deems necessary while this ROE is in effect.

If you concur with the above terms and conditions, please sign and return to me making a copy for the Foundation.

Mr. Thomas K. Aiu  
(P)1302.2  
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If you have any questions, please call me at 586-0400 or have your staff call Mr. Alva Nakamura of the Public Works Division at 586-0488.

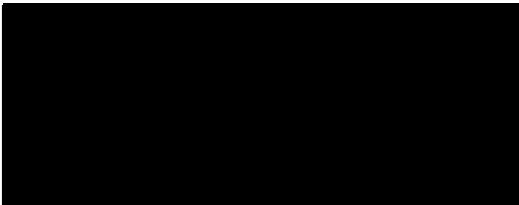
Sincerely



DEAN H. SEKI  
Comptroller

AN:Inn  
Enclosure  
c: DAGS-CSD  
DLNR-Land Division

ACCEPT:



Date: 12/28/12

ial Foundation

DEPARTMENT OF FACILITY MAINTENANCE  
**CITY AND COUNTY OF HONOLULU**

455 Kokea Street, Honolulu, Hawaii 96817  
Phone: (808) 768-7797 • Fax: (808) 768-7740  
Website: www.honolulu.gov

KIRK CALDWELL  
MAYOR



ROSS S. SASAMURA, P.E.  
DIRECTOR & CHIEF ENGINEER

CLARICE H.F. KAM  
DIVISION CHIEF

July 25, 2013

Mr. Thomas K. Aiu  
Hawaii Law Enforcement Memorial Foundation  
4348 Waiialae Avenue, Suite 527  
Honolulu, Hawaii 96817

Dear Mr. Aiu:

Subject: Consent to Enter and Non-Exclusive License Agreement (CENLA) for a  
Hawaii Law Enforcement Memorial Foundation

This is response to your request for approval to use the Lauhala Street Extension to gain access to the Diamond Head side of the Kalanimoku Building. I grant to the Hawaii Law Enforcement Memorial Foundation, its representatives, contractors, and agents, consent to enter the City & County land identified as Tax Map Key No. 2-1-033:010 (Premise), including the grounds commonly known as the Fasi Civic Center Grounds, in order to access the Diamond Head side of the Kalanimoku Building Grounds.

The attached CENLA shall take effect from the date of acceptance and will expire upon mutual agreement or completion of the project.

If you concur with the attached CENLA with the terms and conditions, please sign and return to me making a copy for Foundation. If you have any questions, please call me at 768-7731 or have your staff call Mr. Conkling McKee, Acting Assistant Division Chief, Public Building and Electrical Maintenance Division, at 768-7795.

Sincerely,

A large black rectangular redaction box covers the signature of the sender.

Chief

CK:cm

Attachments