

TITLE 15
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

SUBTITLE 9
CONVENTION CENTER AUTHORITY

CHAPTER 110
RULES FOR THE MANAGEMENT, OPERATION
AND MAINTAINANCE OF THE
HAWAI'I CONVENTION CENTER

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SUBCHAPTER 1

GENERAL PROVISIONS

§15-110-1 Purpose. This chapter governs the management, operation, and maintenance of the convention center. This chapter is authorized under chapter 206X, HRS, and shall be construed to effectuate the purposes of that chapter. [Eff 2/26/96] (Auth: HRS §206X-4, 206X-4.5, 206X-7) (Imp: HRS §206X-4, 206X-4. 5, 206X-7)

§15-110-2 Definitions. As used in this chapter, unless the context specifically or otherwise indicates, the following definitions apply:

"Convention center" shall mean and have reference to all of the area comprising the Hawai'i Convention Center as now existing or as the same may hereafter be expanded and developed and shall include all of its facilities, rooftops, garden and landscaped areas, entrances, exits, sidewalks, and public areas within the authority's jurisdiction.

"Event" means the purpose for which the convention center is rented or used, including a convention, tradeshow, cultural or athletic event, any function, performance, program, exhibition, rally, or meeting.

"Licensee" means a person granted the privilege of using the convention center or any part thereof.

"Manager" means the professional manager selected by the authority and managing the convention center pursuant to a management agreement. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-3 Hawai'i Convention Center; office, mailing address. The convention center shall be known as the "Hawai'i Convention Center" The office of the authority shall be in Honolulu, Hawaii at such location as the authority shall select from time to time. Information and requests on matters within the jurisdiction of the authority may be obtained by appearing in person at the office of the authority or by writing to the executive director, Convention Center Authority. [Eff 2/26/96] (Auth: HRS § 206X-4) (Imp: HRS §206X-4)

§15-110-4 General operating objectives. The convention center shall be managed, operated, and maintained as a world-class facility with the following general operating objectives and goals:

- (1) To create a unique convention experience for customers of the convention center by conveying to them the aloha spirit and Hawaiian sense of place;
- (2) To enhance the State of Hawaii as a convention destination;
- (3) To position the convention center to effectively compete in the international, Pacific rim, national and regional marketplace;
- (4) To generate a broad mix of events including conventions, new trade shows and selected civic events;
- (5) To provide superior services to users of the convention center and patrons and visitors attending events at the convention center, thereby maximizing customer satisfaction as exhibited by an industry-wide positive image of the convention center and rebookings;
- (6) To maximize economic impact to all islands in the State, as generated by conventions and shows using the convention center;
- (7) To maximize the use of Hawaii residents and Hawaii-based business to meet the convention center's needs for employees and for supplies and services;
- (8) To encourage hotel, restaurant and retail patronage, and tourism in all islands of the State by users of the convention center;
- (9) To maximize the utilization of the convention center and its revenue generating capacity while minimizing the cost of operating the convention center to the State;
- (10) To properly maintain the convention center's condition so as to enhance its suitability for public enjoyment and preserve its value; (k) To obtain high standards of maintenance and supervision of major repairs and, as the need arises, capital investment, in order to protect the State's investment in the convention center;
- (11) To provide for the safety of the individuals attending convention center events while enhancing the flow of commerce and enjoyment of the area by the public at-large;
- (12) To respond to the ever-changing needs of the community and users of the facility with recommendations for expansions, renovations and upgrades of services; and

(13) To develop and maintain ongoing relationships with the State Legislature, the Hawaii Visitors Bureau, community groups, labor unions, and all other related groups and governmental agencies to make the convention center an integral part of convention activity in the State, and a good neighbor in the surrounding community. [Eff 2/26/96] (Auth: HRS §§206-1, 206X-4) Imp: HRS §§206-1, 206X-4)

§15-110-5 Reserved.

§15-110-6 Reserved.

SUBCHAPTER 2

SELECTION OF PROFESSIONAL MANAGEMENT

§15-110-7 Selection of professional management. The authority by itself, or in combination with qualified persons or public agencies, by any form of request for proposals, as determined by the authority, any law to the contrary notwithstanding, may solicit, accept, review, reject, modify, or approve proposals, and thereafter enter into contracts, for the management, operation and maintenance of the convention center, and to take such additional actions necessary and proper to effectuate the purposes of chapter 206X, HRS. The request for proposals shall be conducted in accordance with chapter 206X, HRS, this subchapter, chapter 103D, HRS, and applicable sections of the rules promulgated thereunder. [Eff 2/26/96] (Auth: HRS §206X-4(b) (7)); HRS § 206X-4(b) (13); HRS §206X-4(b) (21)) (Imp: HRS §206X-4(b) (7); HRS §206X-4(b) (13); HRS §206X-4(b) (21))

§15-110-8 Selection process. The authority's review, selection, and approval of contracts for the management, operation and maintenance of the convention center shall be pursuant to the request for proposals process. The decisions of the authority made pursuant to the request for proposals process as set forth in this subchapter, including, but not limited to, the qualification and selection of a professional manager, shall be governed by chapter 206X, HRS, this subchapter, chapter 103D, HRS, and the applicable rules promulgated thereunder, and shall not be subject to a confessed case hearing. [Eff FEB 2 6 1996] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-9 Eligible parties. Any party with the requisite qualifications and experience set forth in the request for proposals may submit a proposal to the authority for review and evaluation pursuant to the request for proposals process established under this subchapter. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-10 Conflict of interest. No member, officer, employee, or agent of the authority shall participate in the request for proposals process established under this subchapter if such participation would violate chapter 84, HRS. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)]

§15-110-11 Ex parte communications. Except as otherwise provided herein and in chapters 15-106 to 15109 and other applicable law, members, officers, employees, and agents of the authority shall refrain from communicating with any person submitting a proposal in response to the request for proposals, or with any member, owner, partner, stockholder, officer, director, employee, or agent thereof, on any matter of substance contained in, or pertaining to, any proposal submitted in response to the request for proposals. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-12 Suspension, termination, or extension of time. (a) The authority shall complete the request for proposals process for the selection of a manager for the management, operation and maintenance of the convention center as expeditiously as possible and in a manner consistent with the purposes, policies, and provisions of chapter 206X, HRS.

(b) The authority may suspend or terminate the request for proposals process if the authority deems the suspension or termination necessary or appropriate under any of the following circumstances:

- (1) New or pending legislation affecting matters of substance in or pertaining to chapter 206X, HRS;
- (2) Lack of adequate response to the request for proposals; or
- (3) (3) Where the suspension or termination would best serve the purposes, policies, and provisions of chapter 206X, HRS.

Prior to continuing or recommencing the request for proposals process after the suspension or termination, the authority shall publish appropriate notice of the continuation or recommencement of the request for proposals process, and of any revised schedule therefor, as provided for in section 15-110-14(d).

(c) The authority may extend any period within which action is required to be taken, prescribed or allowed by the request for proposals, if the authority deems the extension necessary or appropriate to best serve the purposes, policies, and provisions of chapter 206X, HRS. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-13 Request for proposals process, generally. The authority's review, selection, and approval of a contractor for the management, operation, and maintenance of the convention center shall be pursuant to a request for proposals process which shall encompass a publicly advertised request for proposals, an evaluation of timely submitted proposals, selection of a proposal or a priority list of proposals from among the timely submitted proposals, and negotiation, finalization and execution of a convention center management agreement. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-14 Request for proposals process, specified steps. (a) Subject to this subchapter and other applicable law, the request for proposals process shall be as provided in this section.

(b) The request for proposals shall be developed and prepared by the executive director and shall, among other things:

- (1) Describe the convention center facilities and utilization estimates;

- (2) Describe the general operating objectives and expectations of the authority;
- (3) Describe the term of the management agreement and option provisions;
- (4) Describe the scope of services to be provided by the manager;
- (5) Describe the submission requirements;
- (6) Describe the qualification and evaluation criteria and the evaluation process;
- (7) Describe the request for proposal timetable;
- (8) Invite qualified parties to submit a timely proposal to manage, operate, and maintain the convention center;

(c) The authority shall approve the request for proposals prior to its issuance.

(d) Appropriate notice of the request for proposals shall be published not less than one (1) time in a major Honolulu newspaper. Additional publication may be accomplished in the authority's reasonable discretion or if necessary to comply with applicable laws.

(e) All proposals shall comply with the requirements of this subchapter, the request for proposals, section 15-106-24, chapter 103D, HRS, and the applicable rules promulgated thereunder. The contents of any proposal received shall be kept confidential and shall not be disclosed to the public or to other parties who are participating in the request for proposals process until after a management agreement is executed, but only to the extent required by chapter 103D, HRS, and the applicable rules promulgated thereunder.

(f) The request for proposals shall provide that all proposals, along with any security the authority may reasonably require, shall be received by the authority within a definite and prescribed period of time. The authority, in its reasonable discretion, may refuse to accept or consider any proposal which is untimely, unsecured, or not in compliance with the request for proposals. The authority may reject any or all proposals when in the authority's sole and independent opinion such rejection will be in the best interest of the State.

(g) As soon as practicable following the submission deadline, an evaluation board named by the authority's executive director shall begin the review and evaluation of all responses to the request for proposals that comply with the submission requirements. Upon completion of the review, the evaluation board shall provide recommendations to the authority. The evaluation board may be advised by functional area experts who may review selected portions of the proposals.

(h) The authority may require each party who has submitted a response to make a presentation of its proposal to the authority or the evaluation board. These presentations shall be timed, scheduled, and otherwise organized at the sole discretion of the authority. Parties responding to the request for proposals may be required to disseminate proprietary or other confidential information during such presentations, therefore, the authority may limit presentations to members of the authority, officers and staff of the authority, consultants retained by the authority, counsel to the authority, members of the evaluation board and such other persons or public agencies as the authority deems appropriate to assist in the review and evaluation process. The authority shall keep the substance of the presentations private and confidential until after a management agreement for the convention center has been finalized and executed, and thereafter, public disclosure shall only be made to the extent required by chapter 103D, HRS, and the applicable rules promulgated thereunder. The presentations shall be exclusively for purposes of fact-

finding and investigation, and in no case shall the authority make any decisions or deliberate toward any decision regarding selection of a proposal at the presentation sessions.

(i) The authority or its evaluation board may, if required, request one or more proposers to clarify portions of their proposals. Clarification will not involve substantive changes to the proposal and will be used for clarification only. Requests for clarification and responses thereto shall be in writing.

(j) The authority shall select the best and final proposal through the process of evaluation, selection and negotiation set forth in the request for proposal and shall conclude negotiations and execute a management agreement in accordance with the procedure set forth in the request for proposal.

(k) The authority shall not enter into a management agreement unless the party selected has fully complied with all provisions of chapter 206X, HRS, and all applicable laws. The management agreement shall require the deposit of such security as the authority deems proper, and shall contain provisions which the authority deems necessary or appropriate to carry out the purposes, policies, and provisions of chapter 206X, HRS, to protect the legitimate interests of the authority and the State, and to conform the management agreement to applicable law.

(l) If the authority and the selected proposer fail to enter into a management agreement within the time specified in the request for proposal or such additional time as the authority may agree to or if the authority determines that satisfactory progress is not being made toward execution of a convention center management agreement, the authority, in its discretion, may take any of the following actions which the authority deems necessary or appropriate to best serve the purposes, policies, and provisions of chapter 206X-HRS:

- (1) Disqualify the selected proposal and select a new proposal from the remaining qualified proposals;
- (2) Disqualify the selected proposal and repeat the request for proposals process.
[Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-15 Submission requirements. The request for proposals shall require, at a minimum, submission of the following information or material:

- (1) Management firm information and qualifications;
- (2) Subcontractor information and qualifications;
- (3) Professional resumes for key personnel;
- (4) Staffing plan;
- (5) Marketing plan;
- (6) information regarding the management firm's financial stability;
- (7) Commitment to provide a performance bond;
- (8) Scope of services;
- (9) Proposed management and award fee, including fees for food and beverage;
- (10) Proposed operating budget;
- (11) Other information as determined by the authority. The authority shall have the right to add, delete, or modify any of the submission requirements contained in this section where the authority deems it is necessary to best serve the purposes, policies, and

provisions of chapter 206X, HRS. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5, 206X-6, 206X-7)

§15-110-16 Selection criteria. In evaluating and selecting a proposal, the authority shall be guided by the evaluation criteria listed in this section, which is listed in no particular order of priority or importance:

- (1) Management philosophy and approach;
- (2) Management firm qualifications;
- (3) Key personnel qualifications;
- (4) Subcontractor information and qualifications;
- (5) Staffing and organizational plans;
- (6) Financial stability;
- (7) Scope of Services;
- (8) Management fee and award payments;
- (9) Financial benefits of the proposal;
- (10) Overall creativeness.

The authority shall have the right to delete or modify any of the criteria contained in this section, or add any other criteria if the authority deems it is necessary to best serve the purposes, policies, and provisions of chapter 206X, HRS. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5, 206X-6, 206X-7)

§15-110-17 Consulting and cooperative agreements. The authority may enter into consulting and cooperative agreements with qualified persons or public agencies, where the powers, services, and capabilities of such persons or public agencies are deemed necessary and appropriate to assist the authority in its review, selection, and approval of a proposal for the management, operation and maintenance of the convention center. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4, 206X-5)

§15-110-18 Reserved.

SUBCHAPTER 3

RULES GOVERNING THE MANAGEMENT .AND OPERATION OF THE CONVENTION CENTER

§15-110-19 Powers of the authority in general. The authority shall have the power to manage, operate, and maintain or enter into contracts for the professional management, operation, and maintenance of the convention center. In the furtherance of its responsibilities, the authority shall have the power to do any and all things necessary and appropriate to carry out its purposes and exercise the powers given and granted to it, including, but not limited to, the following:

- (1) Sue and be sued;
- (2) Make and execute contracts and all other instruments necessary or convenient for the exercise of its power and functions;

(3) Adopt rules in accordance with chapter 91, HRS, with respect to the convention center and its operations, properties, and facilities;

(4) Cause qualified parties to prepare plans, specifications, and designs, which are subject to the review and approval of the authority, for the improvement, alteration, or repair of the convention center;

(5) Procure insurance against any loss and any liability in connection with the convention center and other related assets and operations in such amounts and from such insurers as it deems desirable;

(6) Contract for and accept gifts or grants in any form from any public agency, or other sources;

(7) On behalf of the State, accept the authority to operate, manage, and maintain the convention center;

(8) Pledge or assign all or any part of the receipts and revenues of the authority;

(9) Set and collect rents, fees, charges, or other payments for the lease, use, occupancy, or disposition of the convention center;

(10) Acquire, lease as lessee or lessor, own, rent, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties;

(11) Operate, own, manage, repair, reconstruct or enlarge the convention center;

(12) Issue revenue bonds in the name of the authority subject to the approval of the legislature;

(13) Reimburse the State general fund for debt service on general obligations bonds or reimbursable general obligation bonds issued by the State for purposes of the convention center. [Eff 2/26/96] (Auth: HRS § 206X-4) (Imp: HRS §206X-4)

§15-110-20 Possession and control of the convention center. The authority shall have possession, management, charge, superintendence, and control of the convention center, the land upon which it is located and all furniture, fixtures, equipment, accommodations, operating systems, and facilities associated therewith or necessary for the operation thereof; and such other property as it may acquire or which shall be placed under its control. Upon completion of the convention center, the authority shall make the convention center, including all furniture, furnishings, fixtures and equipment therein, and all operating systems and facilities appurtenant thereto, available to the manager selected through the request for proposals process, for the performance by the manager of its obligations in accordance with the provisions of the management agreement. [Eff FEB 26 1996] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-21 Power to enter into licenses, permits, or lease agreements. (a) in the conduct of any business related to the use or rental of the convention center, the authority shall have power to enter into licenses, permits, leases, or similar agreements with any person, trade association, professional association, group, firm, partnership, joint venture, or corporation for the use or rental of all or any portion of the buildings, grounds, facilities, utilities, and structures within the convention center, as well as for services rendered, products or materials provided and/or sold, in connection with operations and activities of the convention center.

(b) The authority, in consultation with the manager, shall adopt standard form permits, licenses, leases, and other agreements for the use and rental of facilities and services of the convention center.

(c) All such permits, licenses, and leases shall be granted and entered into subject to such terms and conditions and such rents, fees, and compensation as the authority may prescribe. [Eff 2/26/96] (Auth: HRS § 206X-4) (Imp: HRS §206X-4)

§15-110-22 Fixing and regulation of rents, fees, and charges. (a) The authority shall have the power to fix and regulate all rents, fees, charges, or other payments for the use or rental of all buildings, grounds, facilities, utilities, and structures within the convention center, as well as for services rendered, products or materials provided and/or sold, by the authority, by or on behalf of the manager, or by any third parties, in connection with operations and activities of the convention center.

(b) Rents, fees, charges, or other payments shall be reviewed periodically by the authority. In consultation with the manager and other appropriate parties, the authority shall fix such rents, fees, charges, or other payments or such ranges of rents, fees, charges, or other payments as it determines will best achieve the purposes and objectives of the authority.

(c) Where the authority establishes a range of rents, fees, charges, or other payments, the manager shall have the power to charge the rents, fees, charges, or other payments within the range established by the authority.

(d) The adoption, establishment, or modification of rents, fees, charges, or other payments for any business related to the use or rental of the convention center shall not require the adoption of new rules or the amendment of these rules, but shall require action by the authority at a duly noticed public meeting held pursuant to chapter 92, HRS; provided, however, that the range of rental fees for space for local events shall be established only through adoption of new rules or amendment of these rules. Local events are defined as those non-convention-type events at which attendance by non-residents of Hawaii is less than ten percent of total anticipated attendance. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X- 4)

§15-110-23 Marketing, public relations and bookings. The authority shall, in consultation with the manager, and other appropriate parties, establish policies and standards for, and implement and contract for, the short-term and long-term marketing of and bookings for events to be conducted at the convention center, including, without limitation, all activities relating to advertising, public relations, client relations, and the negotiation of license agreements. [Eff 2/26/96] (Auth: §206X-4) (Imp: HRS §206X-4)

§15-110-24 Financial management. The authority shall implement and administer or cause the manager to implement and administer a financial management program for the sound fiscal administration of the convention center which shall provide for:

(1) The establishment of bank accounts, the collection and deposit of revenues, the payment of creditors, the payment of debt service, and the establishment and implementation of appropriate accounting policies and procedures, financial record keeping, reporting requirements and audit controls;

(2) The preparation and presentation to appropriate agencies or the legislature of the State, of an annual operating and capital budget, in order to obtain such State appropriations as the authority deems necessary or desirable with respect to the convention center, including, without limitation, appropriations for capital improvements, replacement of furniture, fixtures and equipment, maintenance and repairs, projected operating deficits, and for contingencies and reserves deemed necessary or desirable by the authority.

(3) The collection and deposit of all rentals, fees, charges, payments and all other income of the convention center that is not expressly required to be collected by the manager pursuant to the provisions of the management agreement.

(4) The authority shall have the right, at all reasonable times, to have access to examine the books, papers, and records of the manager, which examination may be made by the authority, or its duly authorized representative; and the authority shall have the right to require the manager to provide periodic financial reports regarding the operation of the convention center in such form as the authority may prescribe. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-25 Personnel and labor matters. The authority shall review, approve in advance, and require the manager to conform all personnel manuals and all personnel policies, rules, and regulations that may be developed by the manager, to the requirements of this chapter, the management agreement, and applicable laws. In addition, the authority shall review and approve in advance, and require the manager to conform all contracts entered into by the manager with labor unions, and all policies, rules, and regulations that may be established or agreed to by the manager with labor unions, to the requirements of this chapter, the management agreement, and applicable laws. [Eff 2/26/96] (Auth: HRS § 206X-4) (Imp: HRS §206X-4)

§15-110-26 Administration of the management agreement. The authority shall have the power and shall monitor, oversee, and control the performance of the management agreement by the manager, and all aspects of the operation of the convention center. Without limiting the foregoing, the authority shall have the power to:

(1) Amend or modify the management agreement where it would serve the best interest of the State.

(2) Terminate the management agreement where wood cause exists or where it would serve the best interest of the State.

(3) In anticipation of or upon termination of the management agreement, select a new professional manager through the request for proposal process provided in this chapter.

(4) Monitor and oversee the bookings, revenue collection, costs and expenses, budgetary, and other financial activities of the convention center.

(5) Monitor and oversee all contracts entered into by the manager in connection with the operation and maintenance of the convention center.

(6) Review and approve in advance, and in writing, all operational policies for the convention center, including without limitation, scheduling and booking policies, deposit policies, television, radio and media access, cancellation policies, parking, food and

beverage services, plans for services and facility operations, security and emergency response plans, and the delineation of specific types and levels of services to be provided to licensees. [Eff 2/26/961] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-27 Expansion or changes to the convention center. The authority shall have the power to work with the State and appropriate agencies to evaluate the need for any expansions of or changes to, or both, the convention center, and to explore alternative means of implementing the expansions or changes, if any, in such manner as the authority may deem to be in the best interests of the convention center and the State. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-28 Public relations. The authority shall have the power to conduct or cause to be conducted all inter-governmental relations and community relations relating to the convention center; and to implement or cause to be implement all public relations and information programs developed for the convention center. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HR§206X-4)

§15-110-29 Non-limitation provision. The foregoing provisions are not intended to and shall not limit or restrict, or be deemed to limit or restrict, the rights and powers of the authority to manage, operate, and maintain the convention center pursuant to chapter 206X, HRS. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-30 Reserved.

§15-110-31 Reserved.

SUBCHAPTER 4

RULES GOVERNING THE USE OF THE CONVENTION CENTER

§15-110-32 General provisions. (a) The convention center shall be operated and used to provide a place for conventions, trade shows, programs, exhibitions, cultural and athletic events, and other activities that, in the opinion of the authority, best serve the objectives stated herein.

(b) The use of the convention center shall be prohibited to any activity that, in the opinion of the authority, may cause damage or injury to the convention center facility or any part thereof, or which is, in the opinion of the authority, detrimental or contrary to the objectives stated herein or the public interest.

(c) All persons in the convention center or any part thereof shall be governed by these rules and any and all persons using the convention center or any of its facilities shall comply with each and all of these rules. [Eff FEB 26 1996] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-33 Resolution of disputes. (a) An aggrieved party seeking resolution of a dispute concerning the operation or management of the convention center shall initially seek no resolve the dispute with the responsible individual or entity.

(b) Any dispute which can non be resolved by mutual agreement shall be decided by the executive director of the authority. The complainant shall submit a written statement concerning the matter in dispute to the executive director within a reasonable period of time following the event leading to the dispute or the failure no resolve the dispute by mutual agreement. The written statement shall describe the nature of the dispute, the result of attempts no resolve the dispute, and the redress desired by the complainant. The executive director may require any person with knowledge concerning the dispute to provide additional information, as needed.

(c) The executive director shall not be required to conduct any hearing in resolving any dispute or in responding to a complaint but may communicate as needed with any person with information regarding the master.

(d) The executive director's decision shall be in writing and shall be final. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-34 Scheduling and booking policies. The scheduling and booking of events shall be conducted in a manner consistent with the objectives contained herein. Subject to the authority's review and approval, the manager shall establish and adopt policies for the scheduling and booking of events. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-35 Applications for use of the convention center. (a) Applications for the use of the convention center shall be made in writing on a form prescribed by the authority.

(b) The applicant shall set forth such information as may be requested by the authority, including, but not limited to:

- (1) Name, address, telephone number of applicant or sponsoring person;
- (2) The names of the officers, principals, or partners, if applicable;
- (3) Detailed description of proposed event or events;
- (4) Estimated revenue and expenses for the proposed event or events;
- (5) Proposed admission or other charges;
- (6) Areas of the convention center requested for use;
- (7) Date or dates requested;
- (8) Hours of use requested;
- (9) Special services, equipment, construction needed, if any;
- (10) (10)Financial statements, income tax returns, and other documentation of financial condition; and
- (11) References. [Eff 2/26/96] (Auth HRS §206X-4) (Imp: HRS §206X-4)

§15-110-36 Processing of applications. (a) The applicant shall submit the completed application to the manager for approval or rejection. If the application is rejected, the manager shall so inform the applicant in writing stating the reasons therefor. If the application is approved, the manager shall determine a reasonable amount of cash

deposit which shall be required of the applicant in order to reserve the facilities requested and to cover the estimated costs that may be incurred by the authority in handling the event. The manager may grant preliminary approval of a date subject to final approval at a later date.

(b) After consultation with the applicant, the level of staff, security, cleanup, and other services shall be determined by the manager. The manager may revise these requirements up to the event date. The applicant shall at all times be responsible for strict compliance with the authority's requirements and restrictions for the use of the convention center.

(c) The applicant shall execute the license, permit, or lease agreement prepared by the authority and pay the required deposit in cash or by certified check or cashier's check.

(d) Notwithstanding any representation or understanding to the contrary, the license, permit, or lease agreement shall not be binding upon the authority until it is executed by both the applicant and the manager on behalf of the authority. [Eff 2/26/96 (Auth: HRS §206X-4) (Imp: HRS §206X- 4)]

§15-110-37 Deposit. The amount of the deposit shall be determined in accordance with the policies established by the manager and approved by the authority. Any deposit made to the authority shall not bear any interest. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-38 Staffing and other charges.

(a) The manager shall determine and furnish the staff necessary to operate the facility for an event. The cost of staffing including but not limited to the cost of food service personnel, security personnel, electrical, lighting, and clean-up personnel shall be at the licensee's expense. In addition, the licensee shall reimburse the authority for all other expenditures made or incurred by the authority in connection with the event, plus an amount to cover administrative and overhead expenses.

(b) Labor, equipment, and rental rates shall be at the prevailing rates as established by the authority from time to time. The schedule of rates may be obtained by request at the office of the authority. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-39 Rental charges, payment. All rental charges, fees, reimbursable expenses, and other charges shall be paid promptly by the licensee in accordance with the terms of the license, permit, or lease agreement. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-40 Insurance; indemnification. (a) Licensees, permittees, lessees, and other users of the convention center shall purchase and provide, at their own cost and expense, comprehensive general liability insurance in an amount set by the authority. The policy or policies shall cover all the acts and omissions of the licensee, permittee, lessee, or user, its officers, employees and agents, the persons attending, observing, or participating in the events, and the persons operating the convention center or the facilities utilized therein for the particular event. The policy or policies shall contain a waiver of subrogation endorsement, shall provide that the authority be given at least thirty days

written notice prior to any termination, cancellation, or material change in the insurance coverage, shall name the authority, the manager, and their respective officers and employees as additional insured, and shall be deposited with the manager. The policy or policies must be written and executed by an insurance carrier acceptable to the authority.

(b) Licensee shall be required to indemnify and hold harmless the State, the authority, the manager, and their respective officers and employees, from any and all claims for loss, injury, damage or liability sustained or claimed to have been sustained by reason of the use or occupation of the convention center facilities or premises by the licensee or by an act or omission of the licensee, its officers, agents and employees, guests, patrons, invitees, and persons admitted to the convention center by consent of the licensee. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS § 206X-4)

§15-110-41 Prohibited equipment, material, or product. (a) No equipment, material, or product that is hazardous or dangerous or that may cause damage or injury to the participants or attendees of any event or to the exhibition hall, meeting rooms, or other areas or facilities of the convention center may be used at the convention center.

(b) The use of any electrical, mechanical, or other equipment not furnished by the authority or the manager or not specifically approved by the manager is prohibited. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS § 206X-4)

§15-110-42 Sale or distribution of articles. (a) The authority or the manager shall approve the sale or distribution of all articles in the convention center.

(b) Each person who desires to sell or distribute any articles within the convention center shall submit a written request for approval to the manager. The written request shall include the following information:

- (1) The name, address, and telephone number of the person;
- (2) The names and telephone numbers of the officers, principals, partners or authorized representatives;
- (3) The date or dates of sale or distribution;
- (4) The number of persons participating in the sale or distribution; and
- (5) A sample or detailed description of the articles to be sold or distributed.

(c) Any written request which does not conform to subsection (b) may be disapproved by the manager. The authority or the manager may disapprove of any request for the sale or distribution of articles which are detrimental or contrary to the purposes and objectives contained herein, or may impose such terms and conditions as shall best serve the purposes and objectives contained herein. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-43 Parking rates, parking stalls. (a) The authority shall, from time to time, establish and modify the rates for the privilege of parking at the convention center.

(b) The manager may designate the number of parking stalls and their location for the use of the licensee, permittee, or lessee.

(c) Except as to stalls or sections designated and reserved by the manager, a licensee, with the approval of the authority, in connection with its use of the convention

center for an exhibition, event, convention, rally, or meeting, may rent the parking areas of the convention center. [Eff FEB 2 6 1996] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-44 Traffic and parking rules. (a) No person shall operate any vehicle on the convention center premises:

(1) At a speed which is not safe, taking into consideration the conditions and movement of traffic thereon; or

(2) In a careless or negligent manner or in such a manner as to endanger or injure persons or property; or

(3) In a direction other than as indicated by signs erected and designated for one-way traffic movement unless otherwise directed by an authorized official; or

(4) While under the influence of intoxicating liquor or narcotic drugs.

(b) Persons entering the convention center by vehicle shall enter by means of those driveways, entrances, and vehicular accesses which are specifically designated for those purposes.

(c) All persons driving any vehicle on the driveways of the convention center shall follow and comply with all traffic control signs and signals.

(d) The driver of any vehicle shall stop before entering any cross walk and shall permit pedestrians to safely cross the driveway before proceeding.

(e) Parking rules:

(1) Unless otherwise directed by authorized personnel, no person shall park a vehicle in any of the following places:

(A) Wherever the curbs are painted red to indicate no parking;

(B) In marked pedestrian crosswalks and walkways;

(C) On roadways and locations where a parked vehicle may constitute an obstruction, or a traffic hazard;

(D) Places where official signs prohibit parking; and

(E) Areas designated by convention center management as restricted areas;

(2) No person shall park a vehicle on the roadway or in any area of the parking lot in such a manner as to block other vehicles, or to restrict the free movement of vehicular traffic unless otherwise directed by an authorized official;

(3) Parking is on a "first come, first park" basis and reserving parking stalls, or spaces shall be prohibited unless written authorization is obtained from the manager. Each vehicle shall be parked wholly within a designated stall and shall not straddle or occupy space of an adjoining stall; and

(4) Vehicles parked in violation of this subsection may be towed off the premises at the expense of the vehicle owner or driver. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-45 Unlawful and unauthorized entry, (a) Entry into the convention center or any portion thereof by unauthorized means of entry, or without an authorized purpose shall be considered unlawful.

(b) No person shall be permitted in any restricted area as designated by the manager, including but not limited to the equipment and mechanical rooms, kitchen areas, food service areas, storage areas, electrical rooms, telephone switchrooms, administrative

offices, and maintenance areas, without prior authorization by the manager. [Eff 2/26/96] (Auth: HRS § 206X-4) (Imp: HRS §206X-4)

§15-110-46 Advertising in the convention center. Advertising in the convention center is prohibited, except as authorized by the manager or as specifically provided for in the license, permit, or lease agreement. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)

§15-110-47 Miscellaneous provisions. (a) Except as permitted in writing by the manager, the following restrictions shall apply to all persons in the convention center:

- (1) No person shall use the convention center or engage in any business or commercial activity of any kind whatsoever in the convention center without first having applied for and obtained the appropriate license, lease, permit, waiver, or consent therefor;
- (2) No person shall solicit funds for any purpose on any part of the convention center without first having applied for and obtained the appropriate license, lease, permit, waiver, or consent therefor;
- (3) No person shall post, distribute, or display signs, advertisements, posters, billboards, pictures, or any printed or written matter on the convention center or any part thereof without first having applied for and obtained the appropriate license, lease, permit, waiver, or consent therefor;
- (4) No person shall take any still photo or motion picture in or on the convention center or any part thereof for commercial purposes without first having applied for and obtained the appropriate license, lease, permit, waiver, or consent therefor, except for representatives of the press or news media taking pictures or photos for news purposes;
- (5) No person shall drink any intoxicating liquors upon any portion of the convention center open to the public, except in such restaurant, dining or other area as shall be properly designated and licensed for the sale and dispensing of liquor;
- (6) No person shall become intoxicated on any portion of the convention center, nor shall any intoxicated person enter upon or loiter on or about the convention center or any of its facilities;
- (7) No person shall bring or permit the bringing upon the convention center of any animal, except a seeing-eye dog, without first having applied for and obtained a permit, waiver, or consent to do so;
- (8) No person shall accumulate, store, or keep any garbage, papers, waste, or other trash or refuse material upon any portion of the convention center except in closed metal containers which have been approved by the manager;
- (9) No person shall conduct or participate in any gambling in any form or operate any gambling device or game upon the convention center;
- (10) No person shall commit any disorderly, obscene, indecent, or unlawful act or commit any nuisance upon the convention center;
- (11) No outside food or beverage shall be brought into the convention center proper without the prior authorization of the manager;

- (12) Except for the areas designated for parking or vehicular access, no bicycle, motorcycle, or other vehicle shall be permitted into the convention center proper unless used in the exhibition or event conducted by the licensee and upon prior approval of the manager;
- (13) Demonstrations, sit-ins, and activities not part of or inconsistent with the purposes of an event shall be prohibited in the convention center;
- (14) Throwing of any object or missile is prohibited; and
- (15) No fireworks, airborne, or other disruptive noisemaker shall be permitted into or allowed to be used in the convention center, without the prior authorization of the manager.

(b) Licensee's use of any space or area within the facility must be specifically granted in the license agreement or by the manager. Misuse of any facilities may be cause for the manager to immediately disallow or suspend the continued use of that area, and any damages incurred therefrom shall be reimbursed by the licensee.

(c) The authority shall not be responsible, directly or indirectly, for publicity for any licensee nor for any event. However, should publicity of a licensee be misleading or be a misrepresentation of facts, the manager may require the licensee to immediately correct such publicity, at licensee's sole cost and expense, or take other appropriate action.

(d) The manager or an authorized representative shall be authorized to immediately remove or cause the removal of any person from the convention center for violating this chapter or any other applicable laws.

(e) Nothing in this chapter shall operate or be construed as prohibiting the authority from referring a complaint against any person found to be in violation of this chapter or any other applicable laws to the appropriate agencies. [Eff 2/26/96] (Auth: HRS §206X-4) (Imp: HRS §206X-4)