

BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*

Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i & Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i & Lāna'i

Brendon Kalei'aina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



STATE OF HAWAII'
OFFICE OF HAWAIIAN AFFAIRS

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, April 15, 2021

TIME: 10:00 am

PLACE: Virtual Meeting

Viewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477,

Webinar ID: 995 7382 4499

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Eighteenth Supplementary Proclamation dated February 12, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 995 7382 4499

AGENDA

- I. Call to Order
- II. Approval of Minutes
 1. March 25, 2021
 2. April 1, 2021
 3. April 8, 2021
- III. Public Testimony on Items Listed on the Agenda* (Please see page 1 & 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- IV. **Executive Session†**
 - A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to The Office of Hawaiian Affairs v. Leslie H. Kondo, et al.; Civil No. 1CCV-20-0000259 (JPC) lawsuit and House Bill 204, Relating to the Budget of the Office of Hawaiian Affairs, pursuant to HRS § 92-5(a)(4).
 - B. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(C) and HRS§92-5(4).
- V. **New Business**
 - A. Deliberation and decision making on the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(c)
 1. Action Item BOT#21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group
 2. Action Item BOT#21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant
 3. Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

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STATE OF HAWAII OFFICE OF HAWAIIAN AFFAIRS

B. Committee on Beneficiary Advocacy and Empowerment

1. 2021 OHA Legislative Positioning – Matrix 2**†, April 14, 2021

VI. Community Concerns and Celebrations* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)

VII. Announcements

VIII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email rainag@oha.org no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Monday, April 12, 2021 and posted to OHA's website at:

www.oha.org/bot

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.** Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

** Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting materials at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony** emailed at least 24 hours prior to the scheduled meeting, or (2) live, **oral testimony online** during the virtual meeting.

(1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to BOTmeetings@oha.org at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**

(2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:

https://zoom.us/webinar/register/WN_115r_e2qQSKh0zHviUjyNw

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue

PHONE (808) 594-1888

FAX (808) 594-1868

BOARD OF TRUSTEES

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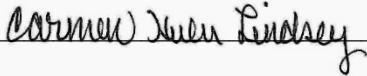
John Waihe'e IV, Trustee At-Large



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>



Trustee Carmen Hulu Lindsey
Chairperson, Board of Trustees

4/9/2021

Date

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

II. Approval of Minutes

1. March 25, 2021
2. April 1, 2021
3. April 8, 2021

DRAFT
To be approved on
4/8/2021

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Seventeenth Supplementary Proclamation dated December 16, 2020 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
March 25, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Vice-Chairperson Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'āina Lee
Trustee Keola Lindsey
Trustee John Waihe'e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Ramona Hink, CFO
Sterling Wong, Chief Advocate
Raina Gushiken, CC
Robert Klein, Board Counsel
Kevin Chak, IT Support
Erin Nakama, IT Support

Guest:

Germaine Meyers
Kamealoha Smith

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Wednesday, March 25, 2021 to order at 10:00 a.m. Chair Hulu calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	x	
TRUSTEE	DAN	AHUNA	x	
TRUSTEE	KALEI	AKAKA	x	
TRUSTEE	KELI‘I	AKINA	x	
TRUSTEE	LUANA	ALAPA	x	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	x	
TRUSTEE	KEOLA	LINDSEY	x	
TRUSTEE	JOHN	WAIHE‘E		Joins meeting at 10:13 a.m.
CHAIRPERSON	CARMEN HULU	LINDSEY	x	
			8	

At the Call to Order, **Eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chairperson Hulu Lindsey Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Eighteenth Supplementary Proclamation dated February 12, 2021 that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Before we begin, I would like to note that items:

1. IV.A.1, 2, and 3 and IV.B.1 were received under the 72-hour deadline.

Please mute your mics when you are not speaking. Trustees and our CEO, please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the meeting.

We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is Sylvia Hussey our CEO, Judge Robert Klein, Colin Kippen-Chief of Staff, Board Secretary-Lehua Itokazu, and my Aides - Kanani Iaea and Amber Kahlua.

I would like to call upon our Ka Pouhana Sylvia to announce the administrative staff that is present.

Sylvia Hussey, CEO Thank you Chair and good morning Trustees. Today we have Casey Brown-Chief Operating Officer, Ramona Hink-Chief Financial Officer, Raina Gushiken-Senior Legal Counsel, Sterling Wong – Chief Advocate, and our IT staff Kevin and Erin for support.

Chairperson Hulu Lindsey Thank you. I will move on to approval of minutes. Before I move on to ask for a motion to approve the minutes please note that on page 2 of the March 11 minutes the date reads February 11th. Our Board Secretary will make the corrections to reflect the accurate date. If there are no other corrections to be made can I get a motion to accept the minutes for February 25, 2021 and March 11, 2021.

Trustee Lee

Approval of Minutes

Trustee Ahu Isa I so move.

Trustee Akina Seconds the motion.

Chairperson Hulu Lindsey Roll call

Minutes: February 25, 2021 and March 11, 2021						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA	X		X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE					X	
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE‘E						Joins meeting at 10:13 a.m.
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7		1	
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes and one (1) ABSTENSION vote.						

Public Testimony

Chairperson Hulu Lindsey I would like to move on to Public testimony on the agenda, do we have anyone signed up?

Board Secretary Yes, we have one person, Germaine Meyers.

Chairperson Hulu Lindsey Before our guest speaks, I will go over our guidelines. Public Testimony should be limited to matters listed on the meeting agenda and will occur during the Public Testimony portion of the agenda. Once the public testimony section on the agenda has concluded, oral testimony online will no longer be accepted. Your name will be called, and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted, and the next testifier will be called.

Your name will be called again before the conclusion of the public testimony section. State your name, organization if applicable, agenda items you are testifying on, and your position on each of the agenda items.

If you begin to address other issues not on the meeting agenda, I will call you Out of Order and direct you to limit your testimony to items listed on the agenda.

Oral testimony online will be limited to 5 minutes. A timer will be on the screen to count down the time. Your mic will automatically be muted once you have completed your oral testimony or if your allotted time for testimony expires. You will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community concerns. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on livestream. Also, any late testimony will be distributed after the BOT meeting. I will now call on staff to call on the list of testifiers.

Germaine Meyers Aloha Chair Hulu, Vice Chair Ahu Isa, OHA staff, and Lāhui. My name is Germaine Meyers and I am an OHA beneficiary for Beneficiary Advocacy and Empowerment. I am also a Nanakuli Hawaiian Homestead Lessee. Trustees, I continue to support and stand by me testimony that I expressed on Tuesday regarding the House concurrent bill that wants to create a group that will make recommendations on how Kakaako makai will be developed. This includes OHA's Kakaako Makai lots. Trustees, please stand up for indigenous Native Hawaiians. We are being blocked and pushed away from using OHA's property to thrive in Honolulu. Trustees, thank you for rising up for us all. Ke akua pu, God Bless you, and God Bless us all.

Chairperson Hulu Lindsey Thank you Germaine. We will move on to item IV. New business. I would like to call on Trustee Akaka regarding the referrals from the BAE committee.

New Business

A. Committee on Beneficiary Advocacy and Empowerment

1. 2021 OHA Legislative Positioning – Matrix 2†, March 17, 2021**

Trustee Akaka Madam Chair, your Committee on Beneficiary Advocacy and Empowerment, having met on March 17, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To approve Administration's recommendations on:

New Bills (Items 1-26) and BILL POSITIONS FOR RECONSIDERATION (Items 27-30), along with the following revisions:

ADD Measures

- HCR129, as OPPOSE
- HCR111, as OPPOSE
- SCR216. As OPPOSE

On the OHA Legislative Positioning Matrix dated March 17, 2021.

Trustee K. Lindsey seconds the motion.

Trustee Akaka moves to approve Administration's recommendations on:
New Bills (Items 1-26) and BILL POSITIONS FOR RECONSIDERATION (Items 27-30), along with the following revisions:

ADD Measures

- HCR129, as OPPOSE
- HCR111, as OPPOSE
- SCR216. As OPPOSE

On the OHA Legislative Positioning Matrix dated March 17, 2021.

Trustee K. Lindsey seconds the motion.

	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY		X	X			
TRUSTEE JOHN WAIHE‘E						
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			

MOTION: ☐ UNANIMOUS ☒ PASSED ☐ DEFERRED ☐ FAILED

Motion passes with eight (8) YES votes and zero (0) EXCUSED vote.

A. Committee on Beneficiary Advocacy and Empowerment

2. 2021 OHA Legislative Positioning – Matrix 2†, March 24, 2021**

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on March 24, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To approve Administration's recommendations on:

NEW BILLS (Items 1-93) and BILL POSITIONS FOR RECONSIDERATION (Item 94), along with the following revisions:

ADD Measures

- **GM739, as SUPPORT**
- **GM740, as SUPPORT**
- **GM741, as SUPPORT**
- **GM745, as SUPPORT**
- **GM746, as SUPPORT**
- **GM747, as SUPPORT**
- **GM748, as SUPPORT**

CHANGE Measures:

- **Item 94, from SUPPORT to COMMENT**

On the OHA Legislative Positioning Matrix dated March 24, 2021

Trustee K. Lindsey Seconds the motion.

Trustee Ahuna I would like to say that I hope OHA can take a position next time on GM681. We spoke about this yesterday. This is about a Cultural Partitioner position. We have so many qualified Hawaiians, to have a non-Hawaiian I think it infringes on our self-determination. We have all these task force forming. We have many qualified people. I don't agree with what's happening now with the Cultural Practitioner position and I am hoping we can take a position. Thank you for your time and I will be voting yes on this motion.

Chairperson Hulu Lindsey Thank you, proceed with roll call please.

Trustee Akaka moves To approve Administration's recommendations on:
NEW BILLS (Items 1-93) and BILL POSITIONS FOR RECONSIDERATION (Item 94), along with the following revisions:

ADD Measures

- **GM739, as SUPPORT**
- **GM740, as SUPPORT**
- **GM741, as SUPPORT**
- **GM745, as SUPPORT**
- **GM746, as SUPPORT**
- **GM747, as SUPPORT**
- **GM748, as SUPPORT**

CHANGE Measures:

- **Item 94, from SUPPORT to COMMENT**

On the OHA Legislative Positioning Matrix dated March 24, 2021

Trustee K. Lindsey seconds the motion.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA					X	

TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY		X	X		
TRUSTEE JOHN	WAIHE'E			X		
CHAIRPERSON HULU	LINDSEY		X	X		
TOTAL VOTE COUNT				8	1	
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes and zero (0) no vote.						

Chairperson Hulu Lindsey Thank you. Trustee Akaka you can move onto item IV.A. 3 on the agenda.

A. Committee on Beneficiary Advocacy and Empowerment

3. Action Item: BAE #21-01: Approval of Wilmina K. English as the Moloka'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD)

Trustee Akaka Thank you Chair. Looking at the Action Item for approval of Wilmina K. English as the Moloka'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD)

Trustee K. Lindsey seconds the motion.

Trustee Akaka moves to approve Administration's recommendations on:						
Action Item BAE #21-01: Approval of Wilmina K. English as the Moloka'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD)						
Trustee K. Lindsey seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA		X			
TRUSTEE DAN	AHUNA		X			
TRUSTEE KALEI	AKAKA	X	X			
TRUSTEE KELI'I	AKINA		X			
TRUSTEE LUANA	ALAPA		X			
TRUSTEE BRENDON	LEE		X			
TRUSTEE KEOLA	LINDSEY		X			
TRUSTEE JOHN	WAIHE'E		X			
CHAIRPERSON HULU	LINDSEY		X			

TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Chairperson Hulu Lindsey Mahalo. We will move on to IV.B. and I would like to call on Trustee Waihe'e.

B. Committee on Resource Management

1. Action Item RM #21-02: Approval to Close the Native Hawaiian Rights Fund (Special Fund S-331-z1) †

Trustee Waihe'e Thank you. Madam Chair, your Committee on Resource Management, having met on March 23, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To Approve the closure of the Native Hawaiian Rights Fund (Special Fund S-331-z1) account, including completing the necessary documentation with the department of Accounting and General Services.

Trustee Ahuna seconds the motion

Trustee Waihee moves to approve Administration's recommendations on:						
To Approve the closure of the Native Hawaiian Rights Fund (Special Fund S-331-z1) account, including completing the necessary documentation with the department of Accounting and General Services.						
Trustee K. Lindsey seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Chairperson Hulu Lindsey Thank you Trustees. We are now on Item IV.C. I would like to call on Pou Hana. This particular item was placed on the agenda because we will soon be traveling to neighbor islands for our meetings. This will be good to get a refresher on our process and the requirements.

C. Workshop on Travel Services Business Travel Procedures – with Administration

Sylvia Hussey, CEO Aloha Trustees, to set context before we start – travel was suspended when COVID started. This applied for in-state and outer-state due to COVID restrictions. Just recently travel was released for in-state travel and only for Board business. Only Board business is essential travel. Regardless of the process of travel the over arching is safety so we are in the process of gathering each County restrictions. We will be getting this to the Trustees so that you can do adequate planning. The travel is one aspect but our greatest concern is that the meetings are held safely. Our beneficiaires can access our Trustees and bring their concerns to the Trustees but again travel is done safely for everyone. In December of 2019 based on some challenges we did a pilot for Travel and tried to get more efficiency in our travel. Due to COVID all of this was suspended, some of things you will see relating to policy is emerging policy as it came to as a result from our experiences in learning good policy and practices. We wated to align as we taked about policy, procedure and practice. This way we have a policy that makes sense. A procedure that enables that policy and that we are all being consistent so that we don't have any risky behaviors as it relates to procedure. What you will see is emerging policy development. Through IT we have many online capabilities; workflow, access various systems from the outside – which means you do not need to be on the work premises. This is something our IT department has been able to help us with. Improvements are policy procedure alignment and technology improvments. The last piece is experience, 65% of travel is done by the Board Suite. Paying attention to the procedures and the necessity of Board travel is important to us. We want the travelers experience is an efficient one and there is balance between policy, procedure, and practice. I will turn the time over to Ramona Hink, our CFO.

THE OFFICE OF HAWAIIAN AFFAIRS
Empowering Hawaiians, Strengthening Hawai'i



THE OFFICE OF HAWAIIAN AFFAIRS
Empowering Hawaiians, Strengthening Hawai'i



Board of Trustees
Thursday, March 25, 2021
Workshop on Travel Services
Business Travel Procedures

Business Travel Policy	
Subject: Business Travel	Effective Date: Upon approval by the Board
Super: Organization	Don Reardon/Executive: Upon approval by the Board
Requesting Office: Administration, Planning and Finance Office	Non-Scheduled Review Date: Two (2) years from Effective Date or when necessary, as determined by the Board
Policy Administration: Administration, Planning and Finance Office	
<p>I. POLICY AND GENERAL STATEMENT</p> <p>Travel from primary work site to other locations, in-state, out-of-state and international locations is necessary to effectively conduct the official business of the Office of Hawaiian Affairs (OHA) regarding, but not limited to, the following:</p> <ul style="list-style-type: none"> • Representing the Board of Trustees (BOT) at various events. • Representing the Board of Trustees (BOT) at various events. • Representing the Board of Trustees (BOT) at various events. • Representing the Board of Trustees (BOT) at various events. <p>The policy applies to all employees of OHA, including full-time employees, part-time employees, and other Board positions (e.g., Chief of Staff, Board Secretary, Administration and Finance employees, and as needed and approved non-employees (e.g., consultants, vendors, contractors, consultants) who are not on the staff of OHA, in compliance with OHA's business activities (e.g., Board Secretariat, non-employee representatives).</p> <p>II. SCOPE/COVERAGE</p> <p>The rules and regulations established herein and approved by the BOT on April 20, 2021 as part of the Board Governance Framework, provide the basis for the policy. BOT's goal is to ensure the policy is consistent with the purpose and mission of OHA.</p>	

Business Travel Policy – Draft

- Travel from in-state, out-of-state and international locations, necessary to effectively conduct OHA's strategic, tactical and operational business activities.
- Applies to the Board of Trustees, their Aides and Staff, Administration full-time employees, and non-employees, as needed and approved.
- Regulatory Basis-- Administrative Rules. In accordance with Hawai'i Administrative Rule (HAR) § 3-10-3 the applicability of HAR Chapter 3-10 (administrative rules as they relate to travel expenses incurred by state employees and representatives in connection with the official business of the State).

Ramona Hink, CFO Good morning Trustees. I will be going over the a high level overview of our Travel Business Policies, Procedures, and Practices. Starting with the Business Travel Policy which is still in draft. The business travel policy pertains to business travel in-state, outer-state, and International locations. This policy applies to the Board of Trustees (BOT), their Aides and other Board positions (e.g., Chief of Staff, Board Secretary), full-time employees and as needed and approved, non-employees.

Regulatory Basis -- Administrative Rules. In accordance with Hawai'i Administrative Rule (HAR) § 3-10-3 the applicability of HAR Chapter 3-10 (administrative rules as they relate to travel expenses incurred by state employees and representatives in connection with the official business of the State).

The next slide displays the travel approval structure required by all travel.

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Business Travel Policy – Draft (continued)

Scope and Delegation of Authorized Travel Approvals

Travel – Board of Trustees	Trustee	COO	CEO	BOT Chair
In-State Travel	Initiator	FINAL		FINAL
Out-of-State Travel	Initiator		FINAL	FINAL
BOT Chairperson Travel	Initiator			FINAL
Non-employee (e.g., Board Counsel, Contractor)	Chief of Staff			FINAL

Travel – BOT Staff	Aide/Staff	Trustee	COO	CEO
In-State Travel	Initiator	1st	FINAL	
Out-of-State Travel	Initiator	1st		FINAL

Travel – Administration	Staff	Program Manager	Director	COO	CEO	BOT Chair
Administration Staff In-State Travel	Initiator	1st/Initiator	FINAL	FINAL for Director	FINAL for COO	FINAL for CEO
Administration Staff Out-of-State Travel	Initiator	1st/Initiator	2nd/1st	FINAL	FINAL for COO	FINAL for CEO
Non-employee (e.g., Contractor, NRELE Board Member)	Initiator	1st	FINAL			

3

The traveler is responsible for obtaining all required approvals prior to submitting the Travel Request Form to Travel Services.

There are scope and delegation of authority for travel approvals for the Trustee, the Trustee's staff, and Administration.

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Hawaii Administrative Rule (HAR) § 3-10-3

<p>DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES</p> <p>Amendment of Chapter 3-10 Hawaii Administrative Rules</p> <p>June 23, 1999</p> <p>§ 3-10-3</p> <p>1. §§ 3-10-1 to 3-10-4 are amended.</p> <p>2. §§ 3-10-4 to 3-10-14 are amended.</p> <p>3. Chapter 3-10 is compiled.</p>	<p>Travel Purpose: To provide uniform application as they relate to travel expenses.</p> <p>Applicability: To all persons employed by the State.</p> <ul style="list-style-type: none"> Rules apply to all travel expenses regardless of the source of funding. Takes precedence over conflicting travel policies of any department or agency of the state. <p>Travel Status: Begins with departure of common carriers from the island on which the traveler's regular place of business is located and terminates upon the traveler's return to that island.</p> <p>Routing of Travel: The most economical and direct route available to the point of business destination.</p> <ul style="list-style-type: none"> Travel tickets shall be for complete routes, including all direct connections. Any charges related to travel not applicable to state business will be the responsibility of the employee.
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4

The Hawaii Administrative Rule – The purpose of these rules is to provide uniform application as they relate to travel expenses. These rules apply to all persons employed by the State.

- Rules apply to all travel expenses regardless of the source of funding.
- Takes precedence over conflicting travel policies of any department or agency of the state.

These rules take precedence over conflicting travel policies, written or unwritten of any department or agency of the State.

Sylvia Hussey, CEO Trustees, a reminder - if another entity funds your trip, you can put in a request for the State Ethics Commission to assess if it is appropriate.

Ramona Hink, CFO The routing of travel should be the most economical and direct route available to the point of business destination. Travel tickets shall be for complete routes, including all direct connections. Any charges related to travel not applicable to state business will be the responsibility of the employee. This includes stop overs, short-run trips, back tracking, personal side trip, airline preferences, or any other routing that would impact the lowest possible rate.

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SharePoint Homepage

1. Navigate to SharePoint Homepage

2. Click on icon on task bar

or type in browser:
<https://oha2.sharepoint.com/>

5

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SharePoint access to Business Travel Services

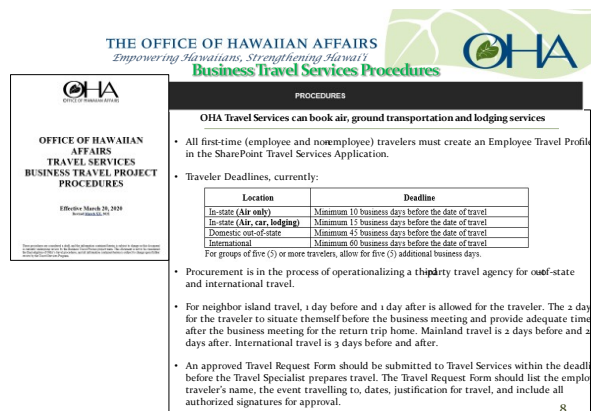
2. Select "Travel Services"

Forms and Resources

- Emergency Travelcard
- Check Insurance Form
- Request for Payment On Contract
- Purchase Card Disputes
- Employee Reimbursement
- Manage Reimbursement
- Travel Product of Assistance (TPA) Disbursement Form
- Travel Services**

6

These slides display how to reach Travel Services site via the OHA Sharepoint.



- OHA Travel Services can book air, ground transportation, and lodging services. All first-time (employee and non-employee) travelers must create an Employee Travel Profile in the SharePoint Travel Services Application. The Traveler profile will be kept on the system and accessible only to Travel Services staff. The procurement department is in the process operationalizing a third party agency like Panda for out-of-State and International travel. A proposal to the travel procedure is to add travel time before and after the travel time of the trip in order for the traveler to situate themselves before and after the business meetings.
- For neighbor island travel, 1 day before and 1 day after is allowed for the traveler. The 2 days are for the traveler to situate themselves before the business meeting and provide adequate time after the business meeting for the return trip home. Mainland travel is 2 days before and 2 days after. International travel is 3 days before and after.

Sylvia Hussey, CEO Trustees these parameters were added because most Continental travel is to DC and we want our trustees and travelers to be as fresh as possible. We are not advocating that you take a red-eye out on a Sunday to attend a meeting the next morning. Administration does not believe this adequate preparation for your engagement on the continent. In addition, we are traveling very far, we normally take advantage of additional meetings. Some airlines do not offer next day travel. We want our Trustees and all travelers to be their best when attending these meetings. This includes our International trips specifically when gathering our iwi kupuna and bringing them home. We want them to be adequately situated.

Trustee Lee I have a question regarding the process on how we select a travel agent for out-of-State and International travel. What is the purpose for that? I have worked in the travel industry and I have concerns about this. The reason why is, not many people use them any more because of the cost. You literally can visit one website that has the ability to search the entire web for the best rates on airlines, hotel, and cars. Why are we going with a route that will cost the most money?

Sylvia Hussey, CEO For out-of-State and International that can be done. But to have staff deal with the time frame and currency change I would rather have a professional and pay a one time fee then to have our staff do that. I would utilize our staff for local bookings. I definitely do not want iwi kupuna, International travel to be done by in staff, I want the experts. We have learned from experience when trying to schedule all the consultations and collections, while crossing multiple countries and timelines we do not know where the best lodging is to get to the museum or where the train stations are. For these reasons, I would prefer to use an expert. If it is a one time fee of fifty dollars to book, plus the travel – the fifty dollars is much lower than a

staff members time and benefits. It is being sought to be used as an option to be able to utilize in addition to our own staff.

Trustee Lee I just want to be clear. You mentioned “option” several times. If I provide the necessary quotes that your policy states then that option does not need to be exercised, correct? If we are going to DC in June as a Board and I provide two quotes for airfare and hotel that satisfies policy then, the lower quote and routings of the two will be utilized, correct?

Ramona Hink, CFO As long as it's the lowest cost.

Trustee Lee I always find the lowest cost. That is part of my concern, travel agencies are not under that option. The way travel agencies get their routing and cost is they pre-purchase bulk seatings and then it's their responsibility to go sell them. Airlines typically have lower rates that get published after that happens because travel agencies have to purchase those far in advance. In my eight years at the airlines I never once seen a travel agency price lower than a published airline rate. I will hold administration to this, as long as full fill those two quotes then that option will not need to be exercised.

Sylvia Hussey, CEO Alternatively, if another trustee does not want to do that the flexibility is there for us to use the agent.

Trustee Lee Correct, I am not speaking for other Trustees

Sylvia Hussey, CEO It is the opportunity to exercise that additional way to book travel.

Trustee Lee When you use DC as an example, the most economical way is through Dulles Airport. Dulles is almost two hours away from DC vs. Ronald Reagan International about ten minutes away from the city.

Sylvia Hussey, CEO Hawaiian flies to Regan International through Boston or JFK

Trustee Lee Correct, but they offer only one flight. To make that connection you must fly the red eye. There is no other flight out of Logan to Regan until that night so, if you miss that flight, you are stuck for nine hours until that evening. This is using their code share route. I bring this up because of the policy about direct flights, the only other way is to change airlines in Logan, which cost more money, and you will need to leave security to enter another terminal. Again, this is why I bring this up.

Sylvia Hussey, CEO We appreciate that. Another observation is we want to make sure the experience is well. The lowest flight could be three layovers (L/O) that is not the booking we would choose. The objective is to get the traveler there safely and prepared. Three stops may be the cheapest is not supporting the policy of having our travelers being prepared. If the policy is to get our traveler there in the best condition, alert, coherent, and prepared for the business then booking three L/O is not going to be booked. It will probably not be the lowest fare but that's our policy and we will adhere to that in the process and practice.

Ramona Hink, CFO That is also consistent with HAR 3-10/3, the travel route would be the most economic and direct route available to the point of destination.

Sylvia Hussey, CEO The other observation made as frequent travelers, the connection in Chicago may involve trucking it under the tarmac. Even a thirty-minute connection is not sufficient to allow the traveler to

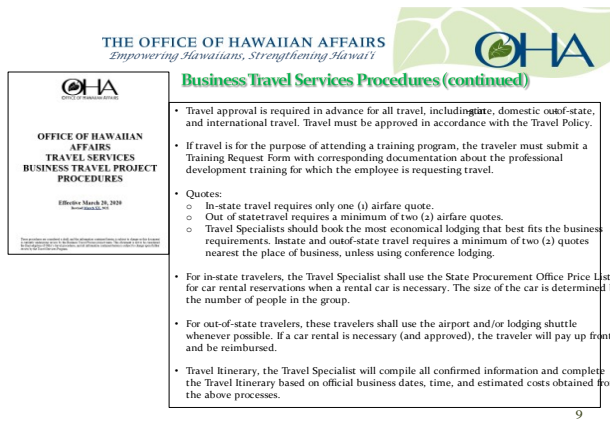
comfortably transition in the L/O. These are other arrangements that need to be mindful in the implementation of the policy and procedure.

Trustee Lee Thank you.

Ramona Hink, CFO An approved Travel Request Form should be submitted to Travel Services within the deadlines before the Travel Specialist prepares travel. The Travel Request Form should list the employee traveler's name, the event travelling to, dates, justification for travel, and include all authorized signatures for approval.

Trustee Akina If there is a need for sudden travel, is there a procedure if we cannot meet the deadlines?

Ramona Hink, CFO Yes, that is coming up shortly.



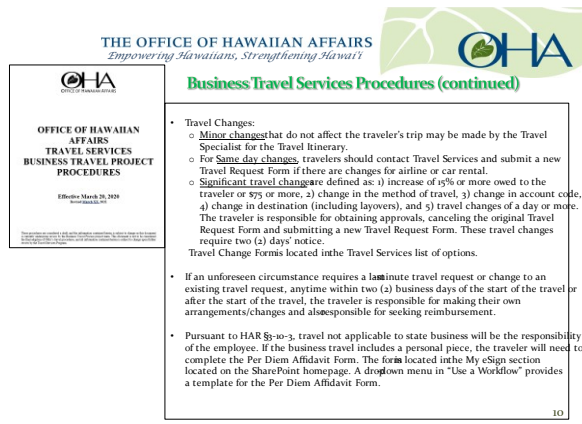
Travel approval is required in advance for all travel, including in-state, domestic out-of-state, and international travel. Travel must be approved in accordance with the Travel Policy. All official travel and business should be conducted within the work week, Monday – Friday, and within the typical work day. Expenditures for weekend and holiday travel may be disallowed if deemed to be unwarranted by the BOT Chair or CEO. If travel is for the purpose of attending a training program, the traveler must submit a Training Request Form with corresponding documentation about the professional development training for which the employee is requesting travel.

Sylvia Hussey, CEO Because the Board travels often for investment training, we would want to coordinate that all together.

Ramona Hink, CFO In-state travel requires only one (1) airfare quote.

Out of state-travel requires a minimum of two (2) airfare quotes. Per Diem does not extend beyond 24 hrs prior to reporting for duty and ends upon arrival at the home airport. Travel Specialists should book the most economical lodging that best fits the business requirements. In-state and out-of-state travel requires a minimum of two (2) quotes nearest the place of business, unless using conference lodging. The travel specialist should pack ground transportation and note the traveler's confirmation number on the travel confirmation form. For in-state travelers, the Travel Specialist shall use the State Procurement Office Price List for car rental reservations when a rental car is necessary. The size of the car is determined by the number of people in the group. The default size is a compact size car. Gas is included and the State is self-insured for the no insurance option. For out-of-state travelers, these travelers shall use the airport and/or lodging shuttle whenever possible. If a car rental is necessary (and approved), the traveler will pay up front and be reimbursed. Travel Itinerary, the Travel Specialist will compile all confirmed information and complete the Travel Itinerary based on official business dates, time, and estimated costs obtained from the above processes.

Travel Changes - Minor changes that do not affect the traveler's trip may be made by the Travel Specialist for the Travel Itinerary. For Same day changes, travelers should contact Travel Services and submit a new Travel Request Form if there are changes for airline or car rental. Significant travel changes are defined as: 1) increase of 15% or more owed to the traveler or \$75 or more, 2) change in the method of travel, 3) change in account code, 4) change in destination (including layovers), and 5) travel changes of a day or more. The traveler is responsible for obtaining approvals, canceling the original Travel Request Form and submitting a new Travel Request Form. These travel changes require two (2) days' notice. Travel Change Form is located in the Travel Services list of options.



Sylvia Hussey, CEO We want to be as mindful as possible with our agendas. To plan as far ahead, but changes can happen daily. We want to be as planful as possible. Trustee business does not always follow a business timeline. The sooner changes are made helps everyone. We do not want you to show up and not have a hotel or flight. Some of you have experienced this and this is not what we want you to experience.

Trustee Lee Ramona, I would like to go back and speak on the rental car. There was an issue about two years ago about cars, since then I've checked with State Ethics. As you stated, agencies and officials should use the provided rate card from the State for rental cards. I checked with State ethics and it is "should". If an agency or official can provide a lower rate from a rental car service that is not on the provided list from the State then that can be used. There is no law or policy with the State the precludes that. What will we do if a Trustee is able to get a lower rate in-state-car than what is provided by the State list?

Sylvia Hussey, CEO Trustee Lee, we will circle back to that question and be sure we have an align policy. We will be very clear with the in-state rental and the State procurement list in the event there is a lower rate found by the traveler. Conceptually that makes sense, but we want to make sure our policy and procedure aligns.

Trustee Lee Okay, Thank you.

Trustee Ahuna I am not sure if this is correct but one of the reason, we do not use other companies is because they are not on the State vendor list.

Sylvia Hussey, CEO If they are on the State procurement list, then the State procurement office has vetted their qualifications to be on that list. Going back to the objective is to get our travelers to their destination safely and in time to be prepared. We do not want travelers to have to use their own credit card. There is a process to get an advance on the per diem if it is approved. The objective is that travelers should not need to use their own resources while traveling on business.

Trustee K. Lindsey On slide four – Administrative rules for most economical fares being put in place back in 1999, I think the industry has changed a lot where you see restrictive fares such as cost to carry on, availability of seats. I hope there is some ability for travel or travel agent to navigate those scenarios.

Sylvia Hussey, CEO I think that goes with the three stops L/O type of itinerary – you can get the lowest option if you go all over the place but this does not get the traveler their in the most optimal space. These would be considerations within the parameters. We would not want to buy a restricted ticket. Lowest far in one consideration but it can not be the only consideration.

Ramona Hink, CFO Continuing on with slide ten – significant travel changes. Significant travel changes are defined as: 1) increase of 15% or more owed to the traveler or \$75 or more, 2) change in the method of travel, 3) change in account code, 4) change in destination (including layovers), and 5) travel changes of a day or more. The traveler is responsible for obtaining approvals, canceling the original Travel Request Form and submitting a new Travel Request Form. These travel changes require two (2) days' notice. The form can be located in the Travel Services list of options.

Any unforeseen circumstance requires a last-minute travel request or change to an existing travel request, anytime within two (2) business days of the start of the travel or after the start of the travel, the traveler is responsible for making their own arrangements/changes and also responsible for seeking reimbursement. If any changes are from a result of an emergency or unforeseen circumstance and has received proper approvals then this section doesn't apply to the employee.

Trustee Lee If it's Monday and I get called to Hawaii Island for a Friday then I still send my travel-to-Travel Services? Because this says two business days.

Ramona Hink, CFO Yes, If its two business days before the travel.

Trustee Lee Yes, So I book my own and pay for my own and then I submit for reimbursement. I am fine with this. I am perfectly capable of finding and booking my own travel, I usually do it better. Nothing against Travel Services but I use work in the travel industry. What is administration going to consider "reasonable cost" for reimbursement? We should keep in mind as we are frequent travelers, that we can change flights for free. The cheapest flight is the last flight out and changing your flight on the same day of travel is free. I am curious on administrations view on reasonable cost, what will administration require from me for *the travel was necessary and you needed to go* vs. *I know you had to go to a meeting, but we do not think that meeting was necessary so, sorry you are not going to be reimbursed for your flight and car.*

Sylvia Hussey, CEO The process is still the same, you would still submit your paperwork. It will go to the COO for approval. The authorization process has not changed. Myself and our COO have not denied any travel.

Trustee Lee I know you haven't but I am not going to be in the position nine months from now of not having ask this question and then something happens and someone say *well you should've asked that question.*

Sylvia Hussey, CEO Pertaining to this question and other questions that we are picking up through this discussion Administration will issue a follow up memo to this workshop for clarification on all of the points being brought up. This way everyone will have the same information and same expectations.

Ramona Hink, CFO Pursuant to HAR § 3-10-3, travel not applicable to state business will be the responsibility of the employee. If the business travel includes a personal piece, the traveler will need to complete the Per Diem Affidavit Form. The form is located in the My eSign section located on the SharePoint homepage. A drop-down menu in “Use a Workflow” provides a template for the Per Diem Affidavit Form.

Sylvia Hussey, CEO For example, we go to lei draping in D.C. for one week in June but there is also a Commonfund training in the North East two weeks later. The business purpose is there but travel may be broken up so, the affidavit is filled out. You would list dates and state Saturday, Sunday, and Monday attended Lei draping – Business (Per Diem will calculated). In between the training you decide to visit family and go to Vegas but then come back to the training, then you would state your Per Diem on the next business segment. Normally, per diem is calculated by round trip. If there is a break in service then that’s when you would fill out the affidavit.

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Business Travel Services Procedures (continued)

OFFICE OF HAWAIIAN AFFAIRS
TRAVEL SERVICES
BUSINESS TRAVEL PROJECT
PROCEDURES

Effective March 20, 2020

- Travelers are required to complete and submit a Statement of Completed Travel (SOCT) within 5 business days after return from travel and submitted to Travel Services. SOCT should have the dates and times of travel and justification for any changes. Original electronic or paper receipts (airline, lodging, and ground transportation) are the traveler's responsibility. Any out-of-pocket expenses must be itemized on the SOCT.
- The Travel Services from the Forms and Resources tab on the SharePoint homepage provides these options:
 - Travel Services Application- Use to initiate a Travel Request Form. First time users will need to sign up.
 - Procedures and Manual- Detailed information and desktop procedures of the what, when, why, where and how OHA travel is executed.
 - Travel Change Form
 - Instructional training video
 - FAQ
 - Instructions of how to locate the Per Diem form on eSign and how to complete it.
 - COVID-19 Updates, Hawaii Traveler Information with links for updates.

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Per Diem

OFFICE OF HAWAIIAN AFFAIRS
TRAVEL SERVICES
BUSINESS TRAVEL PROJECT
PROCEDURES

Effective March 20, 2020

- The SOCT triggers the Per Diem calculation. It is automatically calculated on the SOCT by the travel application. It is based on the departure date/time and the return date/time and whether lodging was paid for by OHA. Once approved, Travel Services reviews it and then Financial Services doublechecks and processes it for payment.
- Travel Services Per Diem allowance covers traveler's expenditures incident to travel such as meals, lodging, tips, laundry, and other necessary personal expenditures incident to travel.

Time	Departure Date Per Diem Credit	Return Date Per Diem Credit
12:01 A.M. to 6:00 A.M.	1 day	1/2 day
6:00 A.M. to 12:00 P.M.	1/2 day	1/2 day
12:00 P.M. to 6:00 P.M.	1/2 day	1/2 day
6:00 P.M. to 12:00 A.M.	1/2 day	1 day

- Meals included as part of a trip or conference fee will be deducted from the travel per diem payment as follows: breakfast 8% of total per diem, lunch 12% of total per diem, and dinner 20% of total per diem.

Ramona Hink, CFO The Statement of Completed Travel triggers the per diem calculations. It is automatically calculated by the app. It is based on departure date/ time and the return date/ time, and if lodging was paid for by OHA. Once approved, travel Services reviews it and the Financial Services double-checks and processes it for payment.

Sylvia Hussey, CEO Payment is also done directly to your bank accountants. It very important to close out your travel so that all your per diems can get calculated, uploaded, and then direct deposited into your bank accounts. Reminder the work flow begins once you approve.

Ramona Hink, CFO Per diem is calculated on a quarter day system. The earlier you depart the higher the per diem rate and the later you return home, then the higher the per diem rate.

Chair Hulu Lindsey Can you please tell us how much is a whole day? I seem to hear different figures from others that work in the State.

Ramona Hink, CFO The in-State per diem is \$90 for overnight travel, if OHA is paying for lodging than \$50 is deducted per night from the per diem. If it is a same day round trip, it is still based on quarter day but subject to two quarters for \$45. Out of State-travel is similar to in-State but the per diem amount is \$145, if OHA is paying for lodging than \$85 is deducted per night from the per diem.

Sylvia Hussey, CEO Can we ask Travel Services or Procurement to compare these reimbursements to other agencies?

Chair Hulu Lindsey Yes, I would like to see those comparisons too. I've gotten different comments from other State workers. Realistically, is \$60 is enough for a trip on the mainland to eat three meals a day?

Sylvia Hussey, CEO A previous employer used the Federal General Services Administration (GSA) rate that identifies the different rates for different States. New York and California would have a higher GSA rate also Hawaii and Alaska. We can follow up on the various rates for different destinations and international trips.

Chair Hulu Lindsey We can see if our rates are up to date. Thank you.

Trustee Keola Lindsey With that being said, where do these numbers come from?

Sylvia Hussey, CEO My previous employer used the GSA rate, the site offers tables based on various regions. We will find out where we get our rates from. We can also find out when it was established and the last time, we reviewed it. We can also add it to our policy – how often do we refresh and look at these per diem rates.

Ramona Hink, CFO Under the Hawaii Administrative Rules 3-10-3 the per diem amounts are significantly lower than ours.

Sylvia Hussey, CEO We can get that comparison from a variety of places so that we can share that comparison.

Trustee Keola Lindsey These are rules that were written in 1999.

Sylvia Hussey, CEO They are, they codified in some of the rules for example the retirement gift during the Service Awards, it is written based on the double carnation lei, the cost is written in. That is what was pegged as the modest gift to a retiring employee. And we know that is not correct.

Ramona Hink, CFO The IRS publishes per diem amounts, we can take a look at that too.

Sylvia Hussey, CEO That will be a good comparison to bring back and share.

Ramona Hink, CFO One last thing is meals. The conference fee will be deducted from the payment as follows:

Breakfast 8% of the total per diem

Lunch is 12% of the total per diem

Dinner is 20% of the total per diem

The amounts are deducted from the per diem if the trip includes meals.

Sylvia Hussey, CEO Chair could you refresh the Trustees the parameters for the upcoming meetings.

Chair Hulu Lindsey Yes, thank you. For the neighbor island travel – the hosting Trustee is welcome to take their aides with them to help and assist with the meetings and site visits. All other Trustees are entitled to one aide to travel with them.

Sylvia Hussey, CEO Also, each County has their own rules, Corp Counsel will help us aggregating all the current rules and add the parameters as it related to the Governor's proclamation. That we can still meet virtually as well and if a Trustee is not able to attend physically then it does not count as an absence.

Chair Hulu Lindsey If any Trustee does not want to attend the meeting in person they can still log on virtually and participate in the meeting, this is acceptable.

Trustee Lee I remember the memo coming out and it stating the parameters were being looked into and the viability of having in person meetings on neighbor islands but I do not recall seeing one since saying that we were going to. Are we saying that we are in fact going to have in-person meetings on the neighbor islands? And we begin our travel plans?

Sylvia Hussey, CEO On the administration side we are supporting the on island Trustee as they are finding their locations and parameters.

Trustee Lee Okay, I have not seen that. Are we saying the other islands; Hawaii island, Kauai, Molokai, Maui, and Lana'i are all having in person meetings and so my office can start our travel plans?

Chair Hulu Lindsey Trustee we will send out a memo. Trustees were still confirming their dates.

Trustee Lee Okay.

Sylvia Hussey, CEO Administration is working with the outer island Trustees. For example: Kaua'i is currently limited to only 10 people indoors. We are figuring out how to balance that so we are working with Trustee Ahuna and his staff. How ever we can help; IT support is on and digital print media will live stream. The travel and essential travel will support if your aides need to go up a month ahead of time to plan and scope out site visits and speak to community groups that is considered essential travel as well. To the extent that your island is requiring Covid testing – that is a business expense. We will cover that.

Chair Hulu Lindsey I think this workshop has been very helpful to all of us. At this time I would like to move on to item V. Community Concerns.

Community Concerns and Celebrations

Chairperson Hulu Lindsey Do we have anyone signed up?

Board Secretary Yes, we have Germaine Meyers and Kamealoha Smith for community concerns.

Germain Meyers Aloha Chair Hulu, Vice-Chair Ahu Isa, OHA Staff and Lahui.

My name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

Trustees, I appreciate hearing the robust dialogue between Trustees and Administration related to travel procedures and the honoring of OHA policies, procurement rules, and the seeking of clarity from the ethics commission. I appreciate hearing Trustees and Administration deep concerns for everyone's safety and well being, I also appreciate everyone's concerns for the proper spending of OHA funds. Thank you for sharing your time with me today and for giving me the opportunity to express my beneficiary concerns to you all. Trustees contrary to what some believe there are fourteen types of business audits and not just one business

audit. Audits are another way to say and show accountability. Accountability is an impairitive way leaders show that they are trust worthy. Trustees, I reviewed the packet and see it regards to State audit 18-03 ten items are outstanding. Please forgive me if I misread the packet. State audit 18-03 was published in 2018, three years ago. As a beneficiary, why ten items are outstanding, in addition, the CLA audit of OHA was published in 2019, two years ago. As a beneficiary I am concerned that the previous administration didn't bring accountability to the lahui for the red flag items that were outlined in the CLA audit report. Trustees, I look forward to receiving feedback from OHA Trustees and Administration regarding the concerns I have expressed to you today. Ke akua pu, God bless you, and God bless us all.

Chair Hulu Lindsey Thank you Germaine. Kamealoha you are next.

Kamealoha was unable to connect to meeting.

Announcements

Chair Hulu Lindsey Our next Board meeting is scheduled for April 1st at 10 am.

Adjournment

Trustee Akaka moves to adjourn the meeting.

Trustee Waihe'e seconds the motion.

Chairperson Lindsey calls for a **ROLL CALL VOTE**.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9		0	0

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 11:28 a.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on March 25, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

Power Point – BOT Workshop: Travel Services Business Travel Procedures

DRAFT
To be approved on
4/15/2021

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Eighteenth Supplementary Proclamation dated February 12, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, [Webinar ID](#)

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
April 1, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Vice-Chairperson Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'aina Lee
Trustee Keola Lindsey
Trustee John Waihe'e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Ramona Hink, CFO
Raina Gushiken, CC
Kevin Chak, IT Support
Erin Nakama, IT Support

Guest

P. Kapi Kenoi-Chin
M. Keolanui Kenoi-Okajima
R. Kina Kenoi-Sai

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Wednesday, April 1, 2021 to order at 10:10 a.m. Chair Hulu calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA	x	
TRUSTEE	DAN	AHUNA	x	
TRUSTEE	KALEI	AKAKA	x	
TRUSTEE	KELI'I	AKINA	x	
TRUSTEE	LUANA	ALAPA	x	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	x	
TRUSTEE	KEOLA	LINDSEY	x	
TRUSTEE	JOHN	WAIHE'E	x	
CHAIRPERSON	CARMEN HULU	LINDSEY	x	
			9	

At the Call to Order, **nine (9)** Trustees are PRESENT, thereby constituting a quorum.

Chairperson Hulu Lindsey Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Eighteenth Supplementary Proclamation dated February 12, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream

Before we begin, I would like to note that items:

1. IV.B.1 and IV.C.1 were received under the 72-hour deadline. I will also be deferring Item IV.D to another date.

Please mute your mics when you are not speaking. Trustees and our CEO, please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the meeting.

We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is Sylvia Hussey our CEO, Judge Robert Klein, Colin Kippen-Chief of Staff, Board Secretary-Lehua Itokazu, and my Aides - Kanani Iaea and Amber Kahlua.

I would like to call upon our Ka Pouhana Sylvia to announce the administrative staff that is present.

Sylvia Hussey, CEO Thank you Chair and good morning Trustees. Today we have Casey Brown-Chief Operating Officer, Ramona Hink-Chief Financial Officer, Raina Gushiken-Senior Legal Counsel, and our IT staff Kevin and Erin for support.

Public Testimony

Chairperson Hulu Lindsey Thank you. I will move on to Public Testimony, item III. On the agenda. Do we have anyone signed up?

Board Secretary No one is signed up.

New Business

Action Item BOT #21-02: A Resolution of the Office of Hawaiian Affairs Honoring the Contributions of William “Billy” Punapaiaalaikahala Kenoi to the Native Hawaiian Community and the State of Hawai‘i

Chairperson Hulu Lindsey Our next item is IV.A on the agenda and I would like to call upon our Hawaii Island Trustee Keola Lindsey to read and assist with this resolution that reads Action Item #21-02. Trustee Lindsey please proceed.

Trustee Keola Lindsey Mahalo Chair. I appreciate the opportunity to honor a man who provided a true impact and who left a lasting legacy here on Hawaii Island, throughout the State, and across the world. He left behind a large ohana and many friends. Before I read the resolution I would like to introduce the family members that have joined us today Deidre Kailiawa-sister, Kapi Kenoi-Chin-sister, Keolanui Kenoi-Okajima-sister, and Kina Kenoi-Sai, sister. I would like to offer this resolution for consideration.

A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS HONORING THE CONTRIBUTIONS OF WILLIAM “BILLY” PUNAPAIAALAIKAHALA KENOI TO THE NATIVE HAWAIIAN COMMUNITY AND THE STATE OF HAWAI‘I

WHEREAS, William “Billy” Punapaiaalaikahala Kenoi was born on November 9, 1968, to Clayton Philip and Nancy Kenoi in Kalapana, Hawai‘i; and

WHEREAS, William “Billy” Punapaiaalaikahala Kenoi graduated from Waiakea High School and attended both Hawai‘i Community College and the University of Hawai‘i at Hilo before graduating from the University of Massachusetts Amherst; and

WHEREAS, in 1992, William “Billy” Punapaiaalaikahala Kenoi worked as a Congressional intern to Hawai‘i Senator Daniel K. Inouye, attending the Democratic National Convention in New York City and establishing a lifetime friendship with the Senator; and

WHEREAS, after graduating from the William S. Richardson School of Law at UH Mānoa in 1996, William “Billy” Punapaiaalaikahala Kenoi passed the bar exam and then served as a clerk for Judge Richard K. Perkins of the Eighth Division of the First Circuit; and

WHEREAS, William “Billy” Punapaiaalahala Kenoī then worked as a deputy public defender, representing many Native Hawaiians in the judicial system, where he served in the Appellate, Family Court, Juvenile Criminal and Adult Family Court divisions, before finishing his career at the Public Defender’s Office at the Circuit Court; and

WHEREAS, beginning in 2001, William “Billy” Punapaiaalahala Kenoī served as an executive assistant to Hawai‘i Mayor Harry Kim for seven years, managing high-priority county projects, including community grants, a multi-agency initiative combatting a crystal meth epidemic, and a program to control invasive species; and

WHEREAS, in 2008, William “Billy” Punapaiaalahala Kenoī ran for, and at the age of 39 was one of the youngest to ever be elected, mayor of the County of Hawai‘i where he served two consecutive terms leaving office in December 2016; and

WHEREAS, as Mayor Kenoī, William “Billy” Punapaiaalahala Kenoī received praise for his efforts to unite the population, leading for two terms through a recession, maintaining services to its 198,000 residents, overseeing \$630 million in capital improvement projects, strategically investing in economic development initiatives, and effectively managing 2,500 employees and a \$463 million annual operating budget; and

WHEREAS, after his term as mayor ended, William “Billy” Punapaiaalahala Kenoī underwent several blood transfusions, bone marrow transplants and aggressive chemotherapy to treat his leukemia yet continued to serve his family, his friends and his community with guidance and advice; and

WHEREAS, on January 26, 2021, William “Billy” Punapaiaalahala Kenoī passed away at his home in Volcano, surrounded by his three children Justin, Liam and Mahina, and his wife of 25 years, Takako; and

WHEREAS, William “Billy” Punapaiaalahala Kenoī will always be fondly remembered as a passionate civic leader who cared deeply for the community he served and who had a genuine love and aloha for all the families who resided in his island home; and

WHEREAS, William “Billy” Punapaiaalahala Kenoī was gifted with charisma, intelligence, a deep personal commitment to the Hawaiian people and perhaps more than anything an exceptional mastery of the skill of public speaking, able to discuss and debate any issue as an orator with an inspiring eloquence rarely experienced; and

WHEREAS, it is said that William “Billy” Punapaiaalahala Kenoī’s 2014 commencement speech to graduates of Hawai‘i Pacific University stands as one of the finest commencement speeches ever delivered in the Hawaiian Islands. In encouraging graduates to chase their dreams, he took the well-known Hawai‘i phrase of “If can, can. If no can, no can” and pleaded with graduates that “There is no such thing as no can...always can!”; and

WHEREAS, William “Billy” Punapaiaalahala Kenoī spent his last days still inspiring his community, giving a stirring speech on overcoming crisis through opportunity to the Chamber of Commerce of Hawai‘i’s 170th conference and virtual summit; and giving his last public speech at the inauguration of Hawai‘i County Mayor Mitch Roth in December 2020, stating to all that “by chasing perfection, we reach excellence.”

NOW, THEREFORE, BE IT RESOLVED, the undersigned duly recognized as the Board Chair and Trustees of the Office of Hawaiian Affairs, on this 1st day of April 2021, do set forth their hand to recognize, honor, and

memorialize the life of William “Billy” Punapaiaalaikahala Kenoi.

ADOPTED this 1st day of April 2021, island of O‘ahu, State of Hawai‘i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

**I move that the Board of Trustees of the Office of Hawaiian Affairs approve:
A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS HONORING THE CONTRIBUTIONS
OF WILLIAM “BILLY” PUNAPAIAALAIIKAHALA KENOI TO THE NATIVE HAWAIIAN
COMMUNITY AND THE STATE OF HAWAI‘I’**

Trustee Ahuna Seconds the motion.

Chair Hulu Lindsey Any discussion? Roll Call.

Trustee Keola Lindsey moves						
that the Board of Trustees of the Office of Hawaiian Affairs approve: A resolution OF THE OFFICE OF HAWAIIAN AFFAIRS HONORING THE CONTRIBUTIONS OF WILLIAM “BILLY” PUNAPAIAALAIIKAHALA KENOI TO THE NATIVE HAWAIIAN COMMUNITY AND THE STATE OF HAWAI‘I’						
Trustee Ahuna Seconds the motion.						
	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY	X		X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Kina Kenoi-Sai Aloha, I am the youngest sister but I am going to defer to my other older sister who is on the phone, Keola.

Keola Kenoi-Okajima Thank you Trustees. On behalf of my sister-in-law Takako and Billy’s children, Liam, Justin, and Mahina and all of our family members, we are so very honored for the reading of this resolution. We thank you all, we hope that you continue to serve our community and thank you for your time today.

Deirdre Kailiawa I just want to thank everyone for being here and honoring our very special brother who we all loved dearly and can't say how proud we all are of his accomplishments. He brought us all so much happiness. He has done so much for everyone. I just want to say Aloha, especially to his family, Takako, Liam, Justin, and Mahina, they have lost their most precious valuable resource in their family. I am sure it is not easy for any of us. Love you all.

Chair Hulu Lindsey From all of the Trustees, we mahalo all of you for joining us this morning as we share our Aloha with you and your family for someone who we think quite highly off as well. So, mahalo nui. We will be moving on to Item B. I would like to call on Trustee Waihee.

B. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management

- 1. Action Item BAE-RM #21-02: Approval to Reallocate the FY20 and FY21 Unspent Balance of Contract #3363 in the Amount of \$838,332; and Reclassify FY21 Unencumbered Sponsorships of \$205,921; for the Combined Purpose to Award a Grant of \$1,044,253 for Emergency Financial Assistance to Hawai'i Community Lending**

Trustee Waihe'e Your Committee on Beneficiary Advocacy and Empowerment (BAE) and your Committee on Resource Management (RM), having met on March 30, 2021 and after full and free discussion, recommends approval of the following three actions to the Board of Trustees:

Action 1:

Reallocate the FY20 and FY21 unspent balance of Contract #3363 in the amount of \$838,332 for the purpose of an aggregated emergency financial assistance grant award. This award will be given to Hawaii Community Lending.

Trustee Akaka Seconds the motion.

Trustee Waihe'e moves						
Reallocate the FY20 and FY21 unspent balance of Contract #3363 in the amount of \$838,332 for the purpose of an aggregated emergency financial assistance grant award. This award will be given to Hawaii Community Lending.						
Trustee Akaka seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			

CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9		1	
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) no vote.						

Chairperson Hulu Lindsey Trustee Waihee.

Trustee Waihe'e Thank you Madam Chair. Madam Chair I would like to move to:

Action 2:

Reclassify FY21 \$135,000 (Board Trustees) and \$70,921 (Kaiaulu) Sponsorships for a total of \$205,921 from 56560 Grants in Aid Sponsorships to 56510 Grants in Aid Program Grants for the purpose of an aggregated emergency financial assistance grant award.

Trustee Akaka Seconds the motion.

Trustee Waihe'e moves to						
Reclassify FY21 \$135,000 (Board Trustees) and \$70,921 (Kaiaulu) Sponsorships for a total of \$205,921 from 56560 Grants in Aid Sponsorships to 56510 Grants in Aid Program Grants for the purpose of an aggregated emergency financial assistance grant award.						
Trustee Akaka seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Trustee Waihe'e Madam Chair, I would like to move to:

Action 3

Award the total of \$205,921 to and contract with Hawai'i Community Lending for the purpose of an emergency financial assistance grant award.

Trustee Akaka Seconds the motion.

Trustee Waihe'e moves to						
Award the total of \$205,921 to and contract with Hawai'i Community Lending for the purpose of an emergency financial assistance grant award.						
Trustee Akaka seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Chairperson Hulu Lindsey Thank you, Moving on to New Business C. Committee on Resource Management.

A. Committee on Resource Management (RM)

1. Action Item RM: #21-03: Approval of the OHA Financial Statements with Independent Auditor's Report for the Year ended June 30, 2020; and the OHA Report of Independent Certified Public Accountants in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2020

Trustee Waihe'e Thank you Madam Chair Your Committee on Resource Management, having met on March 30, 2021 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

To approve the:

- **OHA Financial Statements with Independent Auditor's Report for the Year Ended June 30, 2020 at Attachment A; and**
- **OHA Report of Independent Public Accountants in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2020 at Attachment B.**

Trustee Akina Seconds the motion.

Trustee Waihe'e moves to

approve the:

- **OHA Financial Statements with Independent Auditor's Report for the Year Ended June 30, 2020 at Attachment A; and**
- **OHA Report of Independent Public Accountants in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2020 at Attachment B.**

Trustee Akina seconds the motion.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Chair Hulu Lindsey Trustees after the agenda was filed it became apparent that item D should have been made an Executive Session item even though the Report will not be discussed at this stage. The Report itself contains proprietary and confidential information and should only be released in Executive Session with proper steps taken to address the confidentiality safeguards that must be put in place. Consequently, as Chair, I am deferring this item until the next BOT Meeting when it can be released in Executive Session subject to adequate safeguards. Mahalo. Any questions? If not we will move on to Community Concerns.

Community Concerns and Celebrations

Chairperson Hulu Lindsey Do we have anyone signed up?

Board Secretary There is no one signed up.

Announcements

Chairperson Hulu Lindsey Our next Board meeting is scheduled for April 8, 2021 at 10 A.M.

Adjournment

Trustee Akaka moves to adjourn the meeting.

Trustee Waihe'e seconds the motion.

Chairperson Lindsey calls for a **ROLL CALL VOTE**.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9		0	0

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 10:36 a.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on April 15, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Action Item/Resolution BOT#21-02

DRAFT

DRAFT
To be approved on
4/15/2021

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

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Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
April 8, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'āina Lee
Trustee Keola Lindsey
Trustee John Waihe'e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Sterling Wong, Chief Advocate
Kalani Fronda, Land Assets Director
Raina Gushiken, CC
Everett Ohta, CC
Kevin Chak, IT Support
Daniel Santos, IT Support

Guest

Kamealoha Smith

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday April 8, 2021 at 10:01 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA		EXCUSED
TRUSTEE	DAN	AHUNA	x	
TRUSTEE	KALEI	AKAKA	x	
TRUSTEE	KELI‘I	AKINA	x	
TRUSTEE	LUANA	ALAPA	x	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	x	
TRUSTEE	KEOLA	LINDSEY	x	
TRUSTEE	JOHN	WAIHE‘E	x	
CHAIRPERSON	CARMEN HULU	LINDSEY	x	
			8	

At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chairperson Hulu Lindsey Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Eighteenth Supplementary Proclamation dated February 12, 2021 that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream

Before we begin, I would like to note that items:

1. IV.A.1 and V.A were received under the 72-hour deadline.

I would also like to take the agenda out of order by moving item VI. Community Concerns to follow New Business and before the Executive Session.

I will go over some quick announcements. Please mute your mics when you are not speaking. Trustees and our CEO, please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the meeting.

We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is Sylvia Hussey our CEO, Judge Robert Klein, Colin Kippen-Chief of Staff, Board Secretary-Lehua Itokazu, and my Aides - Kanani Iaea and Amber Kalua.

I would like to call upon our Ka Pouhana Sylvia to announce the administrative staff that is present.

Sylvia Hussey, CEO Thank you Chair and good morning Trustees. Today we have Casey Brown-Chief Operating Officer, Ramona Hink-Chief Financial Officer, Raina Gushiken-Senior Legal Counsel, Everett Ohta-Legal Counsel, Kalani Fronda-Land Director, and our supportive IT Staff.

Public Testimony

Chairperson Hulu Lindsey Thank you. I will move on to Public Testimony – Do we have anyone signed up?

Board Secretary No one is signed up.

New Business

Committee on Beneficiary Advocacy and Empowerment 2021 OHA Legislative Positioning – Matrix 2†, April 7, 2021**

Chairperson Hulu Lindsey Our next item is IV.A.1 under New Business. I would like to call upon our BAE Chair Trustee Akaka.

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on April 7, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To approve Administration's recommendations on:

NEW BILLS (Items 1-90) and BILL POSITIONS FOR RECONSIDERATION (Items 91-96), On the OHA Legislative Positioning Matrix dated April 7, 2021

Trustee Waihee Seconds the motion.

Chair Hulu Lindsey Any discussion? Roll Call.

Trustee Akaka moves

To approve Administration's recommendations on:

NEW BILLS (Items 1-90) and BILL POSITIONS FOR RECONSIDERATION (Items 91-96), On the OHA Legislative Positioning Matrix dated April 7, 2021

Trustee Waihee seconds the motion.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						X
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			

TRUSTEE KELI'I	AKINA			X		
TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E		X	X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				8		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes and zero (0) EXCUSED vote.						

Community Concerns and Celebrations

Chair Hulu Lindsey We will start our Community Concerns, do we have someone?

Board Secretary Yes, We have one person, Kamealoha Smith.

Kamealoha Smith Aloha everybody, this is Kamealoha. About two weeks ago I sent a request in to Sylvia to ask how to get access to someone in Oahu to facilitate discussions with the County. The County is trying to build a resilient center out in Wainiha and are asking families who may have members of their own 'ohana buried there to participate in a burial litigation plan. It has been two weeks and I have not received a response yet. The second question that I asked was how to get the OHA trustees to visit the neighbor islands and how to get on the agenda. The third question is what is the appropriate way to do a presentation. The last time in October things did not go so well. I figured this would be an opportunity to re-do a presentation so we can complete it. I did make some contact with Dan Ahuna. I think you folks may be coming to Hanalei. I work in Hanalei and on the Hanalei river. There is some type of confusion about me not working here, but I have for a long time. There is land that we steward here on Hanalei river and on Waiouli Valley. We have not been able to do a lot due to the landslide. I know you folks are planning to come to Hanalei and spend time on the river. I am hoping you folks can stop by our project site. When contacted by Dan, he asked us to set everything up. Once I got the email, I immediately went to set everything up like I was asked to do. Then last night I got an email saying that was not the case. I figure if you folks are going to be in Hanalei that's right where we're at. We have this project going on, Hau bush removal. We would like everyone to come because its all Hawaiians, the lands are owned by Hawaiian family; the land is leased to a Hawaiian non-profit, people working on the project are all Hawaiians; and it's right there in the epicenter of the landslide and the flood. We are still down the river in a safe place but you folks will be landing right where our project is. I thought it would be an indignant thing, in my opinion. You folks are right here, we are right down the road, and you folks don't stop by and say Aloha to us. I know you folks are pressed for time so I am trying to figure out the best way to do this. That is the mana'o I wanted to share. As far as the iwi kupuna, this is the first time the County has been open to the idea of including Hawaiians in this process. It has been a fight for so many years, but thanks to people like Eddie and Halealoha Ayau, whom I worked with before on burial litigation in Honolulu. I feel things have changed for Hawaiians with the County and the State understanding the need to be proactive and consult with native Hawaiians whether or not they receive federal funding or not. It makes sense to be proactive knowing there is most likely going to be iwi kupuna so how about we try and figure out how to consult, even if its not mandatory. Over the past few years things have been changing and I am so happy to get calls from the County saying *"eh we think the idea of working with families and*

lineal descendants from these certain areas will be good.” Its so hard with this email thing because we don’t talk to people, the ambiguity of it. Your email will say one thing, but you meant something else. This where I’m at. Thank you for your consideration.

Chair Hulu Lindsey Mahalo, Kamealoha. I will confer with Trustee Ahuna and talk to our CEO about your other questions and get back to you. Mahalo for coming on our Zoom and we hope to see you in Kaua’i.

Kamealoha Smith Mahalo again, thank you for the opportunity. Nice to see everybody, I wish we could see everyone in person. A hui hou, malama pono.

Executive Session

IV. Executive Session‡

A. Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA’s Nā Lama Kukui and Kaka’ako Makai Properties, no discussion. Pursuant to HRS§92-2.5(b)(1)(B) and pursuant HRS§92-5(4)

Trustee Lee Madam Chair I move to excuse our selves into Executive Session.

Trustee Keola Lindsey Seconds the motion.

The Board recuses into Executive Session at 10:15 a.m.

Motion to recuse into executive session pursuant to HRS Section 92-5						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						X
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE KEOLA LINDSEY		X	X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

The Board returns to open session at 10:30 a.m.

Announcements

Chairperson Hulu Lindsey Every Thursday this month we will be having a Board meeting.

Adjournment

Trustee Waihee moves to adjourn the meeting.

Trustee Akaka seconds the motion.

Chairperson Lindsey calls for a **ROLL CALL VOTE**.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						X
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		X	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E	X		X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				8		0	0

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 10:32 a.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on April 15, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments: none

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

IV. Executive Session‡

A.Consultation with Board Counsel Robert G. Klein
re: questions and issues pertaining to the Board's
powers, duties, privileges, immunities, and
liabilities with respect to The Office of Hawaiian
Affairs v. Leslie H. Kondo, et al.; Civil No.
1CCV-20-0000259 (JPC) lawsuit and House Bill
204, Relating to the Budget of the Office of
Hawaiian Affairs, pursuant to HRS § 92-5(a)(4).

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

IV. Executive Session

B. Consultation with Board Counsel Robert G. Klein
re: questions and issues pertaining to the Board's
powers, duties, privileges, immunities, and liabilities
with respect to the Report of the Permitted Interaction
Group re: to Investigate the Development of Land
and Commercial Property Policies and Strategies
relating to the Development of OHA's Nā Lama
Kukui and Kaka'ako Makai Properties, pursuant to
HRS§92-2.5(b)(1)(C) and HRS§92-5(4).

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

V. New Business

A. Deliberation and decision making on the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(c)

1. Action Item BOT#21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group

OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

April 15, 2021

BOT #21-03

Action Item Issue: Accept the Report of the Land and Commercial Property Permitted Interaction Group

Co-Prepared by:



Kalani Fronda
Ka Pou Kihi Kanaloa 'Āina, Land Director

Apr 10, 2021

Date

Co-Prepared by:



Casey K. Brown
Ka Pou Nui, Chief Operating Officer

Apr 10, 2021

Date

Reviewed by:



Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

Apr 10, 2021

Date

Reviewed by:



Carmen Hulu Lindsey
Ke Kaupohu o ke Kaupoku
Chair, Board & Permitted Interaction Group

Apr 10, 2021

Date

Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group

I. Action

Accept the report of the Land and Commercial Property Permitted Interaction Group (PIG) as attached.

II. Issue

Whether or not the Board of Trustees (BOT) will accept the report of the Land and Commercial Property (LCP) Permitted Interaction Group (PIG) as attached. The LCP PIG was authorized and formed on January 28, 2021, via Action Item #21-01, consistent with Hawai'i Revised Statutes §92-2.5(b)(1), to investigate the development of land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties.

III. Discussion

A. **Authorization and Scope.** When authorized, the Permitted Interaction Group's (PIG) purview, membership and term/duration was established and described below via Action Item #21-01 on January 28, 2021:

1. **Permitted Interaction Group - Purview.** PIG to investigate the development of land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties. The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai; (2) Implications of other fiscal policies' impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.
2. **Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group approved as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina'ala Ahu Isa; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey served as the Chair of the Permitted Interaction Group and Trustee Leina'ala Ahu Isa served as its Vice Chair. Sylvia M. Hussey, Ka Pouhana, functioned as the Project Manager.
3. **Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expired at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2021. With this action item, the term and duration of this PIG ended on April 8, 2021 the delivery of the report to the Board.

B. **PIG Investigation Activities and Related Recommendations.** Authorized on January 28, 2021, the PIG immediately convened the following week and met weekly to address the scope of its work. The attached report plus appendices contain the results of the PIG's work: Nā Lama Kukui Long Term Strategies; Kaka'ako Makai Long Term Strategies, Requests to solicit for Request for Proposal Related to Kaka'ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees Actions, Including Permitted Interaction Groups. Each section of the report began with a context setting section, a section that described the authorized PIG's work and related recommendations.

Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group

IV. Funding Source

Not applicable, no dedicated funding needed to accept the report of the Land and Commercial Property Permitted Interaction Group as attached.

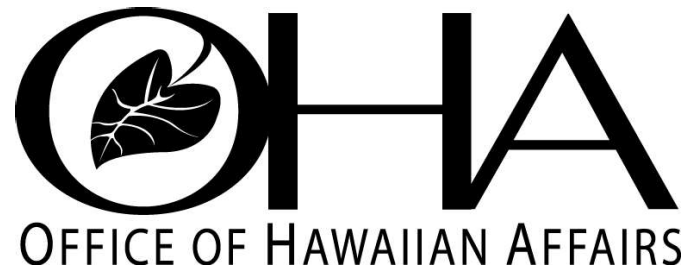
V. Recommended Action

The PIG recommends, the Board of Trustees accept the report of the Land and Commercial Property Permitted Interaction Group (PIG) as attached.

VI. Reference Document

Action Item BOT #21-01: Approve the Formation of a Permitted Interaction Group to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, dated January 28, 2021.

VII. Attachment: Office of Hawaiian Affairs, Report of the Permitted Interaction Group re: Land and Commercial Property, April 2021



Office of Hawaiian Affairs
Report of the Permitted Interaction
Group re: Land and Commercial
Property

April 2021

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I. EXECUTIVE SUMMARY

Overview. On January 28, 2021, via Action Item BOT #21-01, the Board of Trustees (“BOT” or “Board”) approved the formation of a Permitted Interaction Group (PIG)¹ to investigate the development of land and commercial property policies and strategies relating to the development of OHA’s Nā Lama Kukui (NLK) and Kaka’ako Makai (KM) properties. The purview, members and term/duration details as approved are listed below:

- A. Permitted Interaction Group - Purview.** The purview of the PIG is for the BOT, BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA’s Nā Lama Kukui and Kaka’ako Makai; (2) Implications of other fiscal policies’ impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA’s Nā Lama Kukui and Kaka’ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA’s Nā Lama Kukui and Kaka’ako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.
- B. Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group is as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina’ala Ahu Isa; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina’ala Ahu Isa will serve as its Vice Chair. Sylvia M. Hussey, Ka Pouhana, will function as the Project Manager.
- C. Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2021.

PIG Investigation Activities and Related Recommendations. Authorized on January 28, 2021, the PIG immediately convened the following week and met weekly to address the scope of its work. The report covers the results of the PIG’s work: Nā Lama Kukui Long Term Strategies; Kaka’ako Makai Long Term Strategies, Requests for Proposal Related to Kaka’ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees Actions, Including Permitted Interaction Groups. Each section begins with a context setting section, a section that describes the PIG’s work and related recommendations.

Aggregation of Recommendations. Section IX below aggregates the PIG’s recommendations from each of the areas which aligns to the purview and scope as authorized by Action Item #21-01 and will be transferred to Action Items for future Board review, discussion, deliberation and action.

¹ Consistent with Hawai’i Revised Statutes §92-2.5(b)(1)

II. NĀ LAMA KUKUI LONG TERM STRATEGIES

- A. **Context.** Nā Lama Kukui (NLK), consists of 217,012 square feet (4.98 acres) and is zoned IMX-1 (mixed-use industrial). The maximum height limit for the property is 150 feet. The floor area ratio (FAR) is 2.5, but under the Transit Oriented Development (TOD) neighborhood plan, that would increase to 7.5 on the Iwilei side and 3.9 on the Nimitz side. The property was built in either 1927 or 1934. Due to its age and the unique architecture of its Iwilei Road frontage, this building is eligible for listing on the State Register of Historic Places.



Figure 1. – Nā Lama Kukui, Nimitz Highway View

Any building permit application involving a significant change to this frontage would require approval from the State Historic Preservation Division. The building on the NLK property is leased as well as used by OHA as administrative offices. Currently, OHA occupies 34.4 percent (46,802 square feet) of the total leasable area of the NLK building (136,062 square feet). The remainder of the building offers a unique choice of office, retail, warehouse and storage spaces. The NLK building has flexible floor plans with high ceilings and skylights on many spaces on the second floor, which create an open and inviting atmosphere. OHA believes that the property has potential beyond its current utilization and wishes to use the review to develop a real estate master plan for the property.

Additional property information is as follows:

- **Location:** The property is located on a city block bound by N. Nimitz Highway to the south, Iwilei Road to the north, Sumner Street to the east, and Pacific Street to the west. The immediate surrounding properties feature a mixture of light industrial, retail and office buildings. Address: 560 North Nimitz Highway, Honolulu, Hawaii 96817;
- **County Zoning:** IMX-1, Industrial-Commercial Mixed-use District (150 –feet height limit);
- **Tax Map Key Designation:** Division 1, Zone 1, Section 5, Plat 10, Parcel 15; and
- **Tenant Mix:** Retail, warehouse, office, restaurant.

**NOTE L - LONG-TERM LIABILITIES**

On August 14, 2012, OHA entered into a \$21,370,000 long term note payable with a bank, to finance the purchase of Na Lama Kukui. The interest rate is fixed at 3.35%. The note is due in full on September 1, 2022 and is collateralized by a mortgage lien on the property, assignment of OHA's right, title and interest as landlord in and to any rents under tenant leases and rental agreements on Na Lama Kukui and security interest in all furniture, fixtures, and equipment. On July 26, 2013 the agreement was modified to increase the interest rate to 3.6% and include certain financial covenants. At June 30, 2019, OHA was in compliance with those covenants. In the event of default, OHA is liable for the immediate repayment of 53.2% of the outstanding principal balance of the loan, together with accrued interest and reimbursement of the fees and costs incurred by the bank in connection with the loan. The remaining 46.8% of the principal balance of the loan and all other obligations under the loan shall be enforced solely against the collateral.

As of June 30, 2019, future principal and interest payments from direct borrowings for the note payable are as follows:

<u>Fiscal Year ending June 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2020	\$ 618,274	\$ 679,319	\$ 1,297,593
2021	640,903	656,691	1,297,594
2022	664,360	633,234	1,297,594
2023	<u>17,212,948</u>	<u>154,543</u>	<u>17,367,491</u>
	<u>\$ 19,136,485</u>	<u>\$ 2,123,787</u>	<u>\$ 21,260,272</u>

Figure 2. – Note L - Long Term Liabilities, Excerpt Financial Statements and Independent Auditor's Report, June 30, 2019

B. PIG Investigative Work. In its investigation activities, the PIG reviewed and considered the following about Nā Lama Kukui (NLK):

1. **Area History.** NLK is in the middle of the industrial sector of Iwilei, whose history is very closely tied to the harbor area. Although it is now known as Honolulu Harbor, it was once known as Māmala. Nu‘uanu Stream flowed into the bay. The village of Kou also stood on the Kewalo banks of the harbor.
2. **Building History.** 1925 – Built for can manufacturing Del Monte & Coke; 1985 – Gentry Pacific Ltd. Purchase \$7,500,000; 2012 OHA Purchase \$21,370,000; 2013 OHA relocated Corporate offices (from 711 Kapiolani), named Nā Lama Kukui; 2017 Appraised Value - \$31,760,000; 2019 Real Property Tax Value - \$48,357,000; 2021 – 100% leased (OHA occupies approximately 29% of the building).
3. **Recent Building Financial Information.** Refer to Figure 3 below for the most recent financial statement information.
4. **Building Financing Information.** A balloon payment of \$17,171,536 is due on July 31, 2022 (FY23) and interest rate is currently at 3.6%.
5. **Transit Orient Development Opportunities.** NLK is projected to be located roughly a quarter of a mile from the Iwilei and Chinatown stations (defined as a 5-minute walking distance).

6. **3rd Party Studies and Reports.** Administration contracted a 3rd party to provide a Site Assessment Report of NLK and an Asset Strategy Report for the NLK site, including considerations for the highest and best use, OHA strategic plan alignment or a hybrid approach.

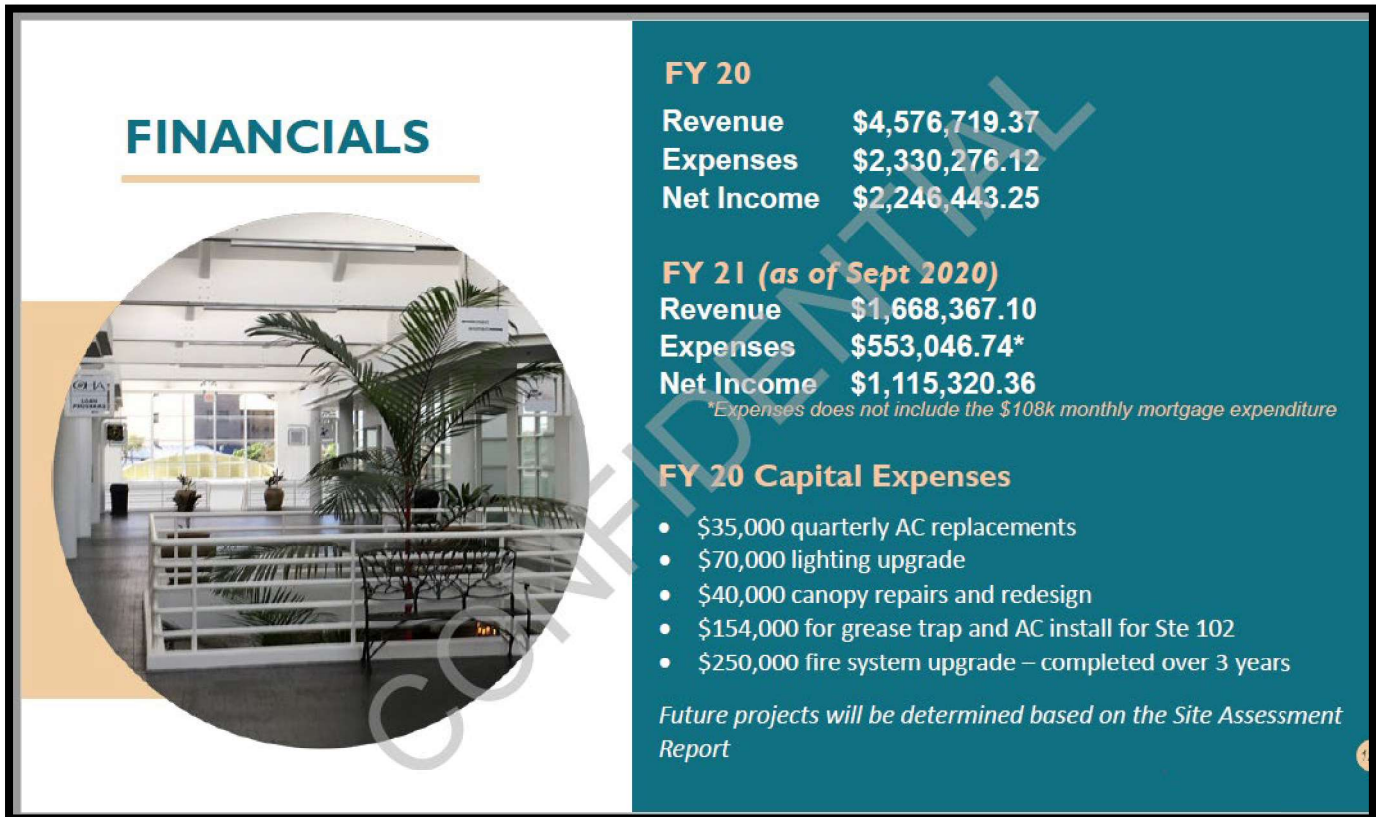


Figure 3. – Nā Lama Kukui Recent Financial Information

C. Recommendation re: Nā Lama Kukui Long Term Strategies

Based on the PIG's investigative work activities, the PIG recommends that the Board create a guiding goal and vision regarding NLK including related assumptions, policies and strategies (e.g., development, messaging, operational).

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of underutilized commercial property with an estimated value of \$200 million. The settlement value of \$200 million relied upon the assumption that a height of 400 feet for certain parcels and the building of residential would be allowed. As of April 2021, OHA has yet to be given those allowances. These parcels were substantively conveyed to OHA on July 1, 2012. Prior to this acquisition, OHA trust fund assets were primarily comprised of cash and investments. The settlement, by itself, created a substantial commercial real estate portfolio for OHA, elevating the Native Hawaiian Trust Fund to new heights. To rise to the new challenges, the Board of Trustees participated in two rounds of workshops from May 22 to 25 and August 20 to 21 (2012) to establish guiding principles and policies for property management and development of KM.

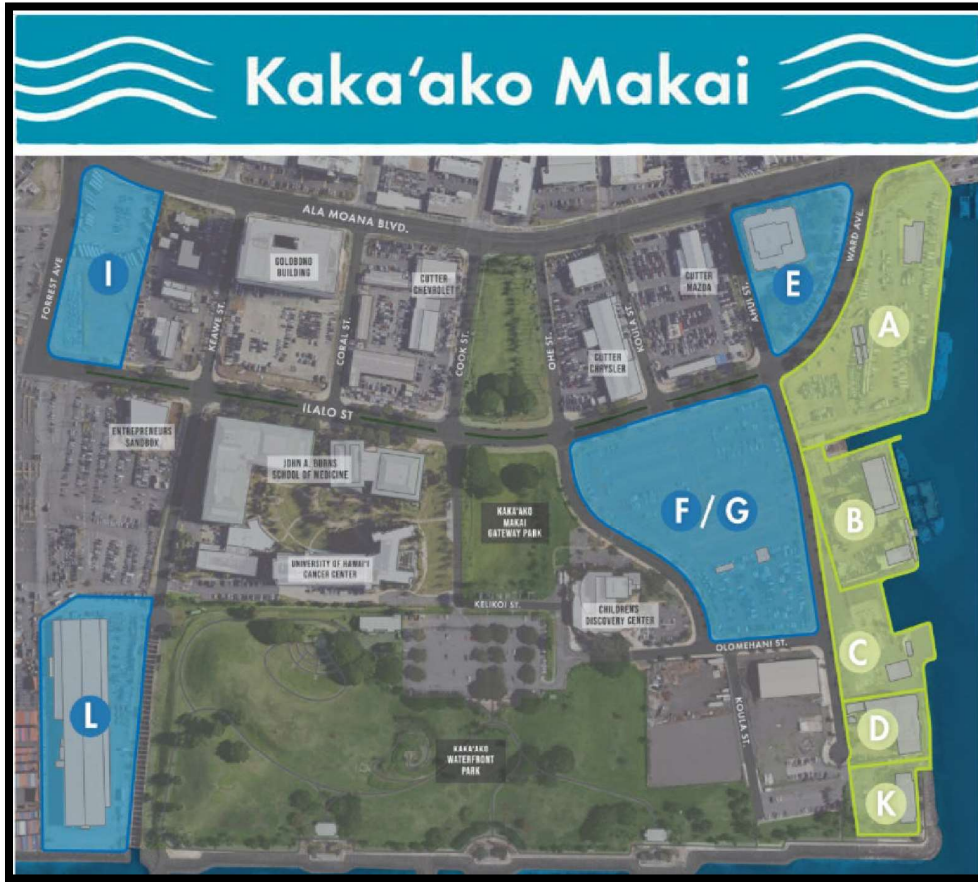


Figure 4. – Kaka`ako Makai, Aerial View

The current policies related to KM include: (1) Real Estate Vision, Mission and Strategy Policy (2007); (2) Kaka`ako Makai Policy (2012, amended 2017 and 2019); and (3) Committee on Land and Property Policy Guidelines (2014). Activities from KM based on policy, impact the Grants and Legacy Land program budgets.

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Figure 5. – Kaka'ako Makai Event Timeline Overview

Figure 5 provides an overview of the activities between 2012 and 2019. Due to COVID-19, the organization transitioned to (and continues in) telework since March 2020. With new Trustees elected in November 2020 and the Board reorganized in December 2020, KM is a priority of new Board leadership. Note: While OHA has a legacy land portfolio of properties to steward (e.g., Wahiawā lands, Wao Kele O Puna, Pahua Heiau), legacy land policies and strategies were out of scope for the PIG other than to note KM's gross and net revenue amounts fund grants and legacy land programs, respectively.

B. PIG Investigative Work. In its investigation activities, the PIG revisited, reviewed and refreshed recollections and materials of prior legislative, community and conceptual master plan activities, between 2012 and 2019, for Kaka'ako Makai (KM). The PIG also reviewed current policies related to KM include: (1) Real Estate Vision, Mission and Strategy Policy (2007); (2) Kaka'ako Makai Policy (2012, amended 2017 and 2019); and (3) Committee on Land and Property Policy Guidelines (2014). Activities from KM based on policy, impact the Grants and Legacy Land program budgets; refer to Section V for policy recommendations. Figure 6. – Kaka'ako Makai Development Roadmap shown below, was also a part of the investigative work.

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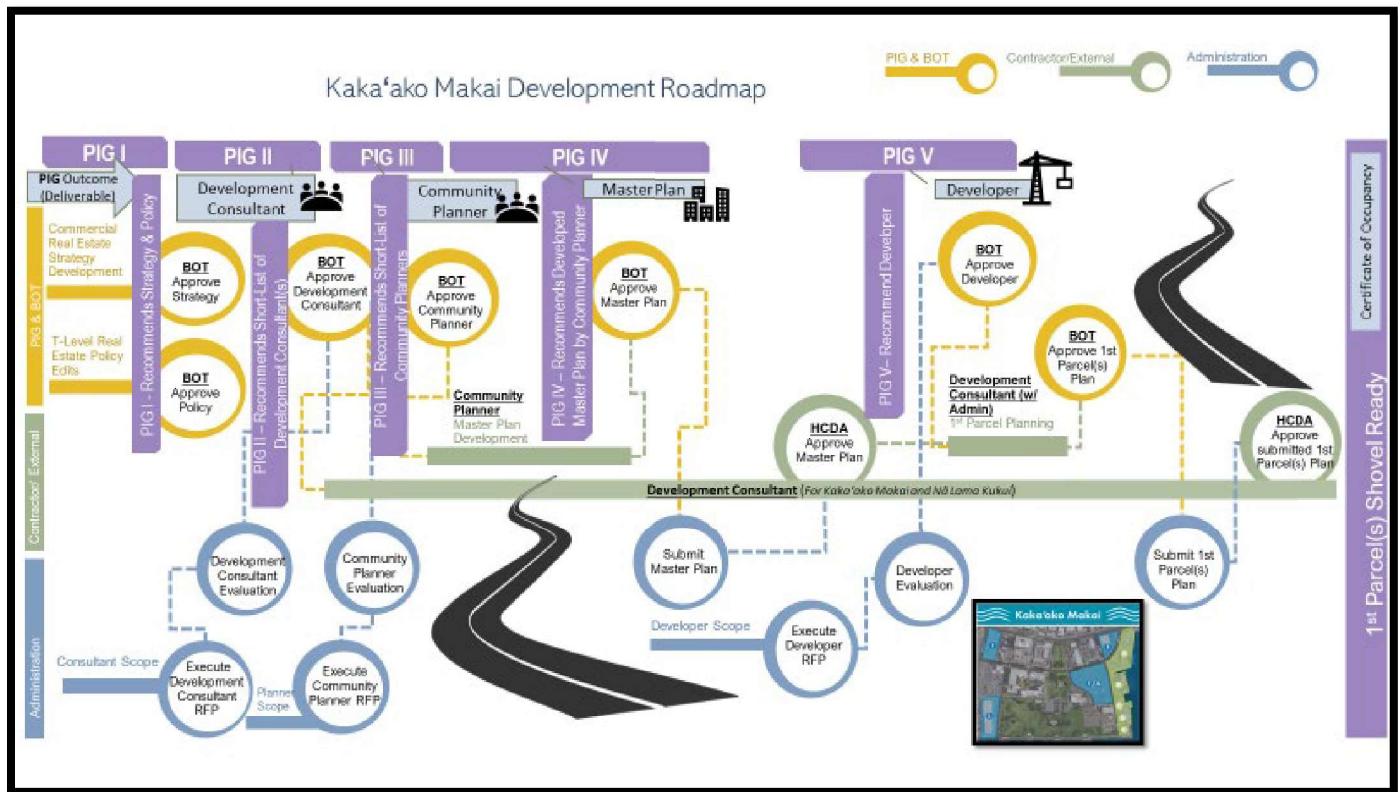


Figure 6. – Kaka'ako Makai Development Roadmap

C. Recommendation re: Kaka'ako Makai Long Term Strategies

Based on the PIG's investigative work activities, the PIG recommends that the Board acknowledge prior work and historical insights and create a guiding goal and vision regarding KM including related assumptions, policies and strategies (e.g., legislative, development, messaging, operational).

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IV. 3RD PARTY ASSISTANCE

A. PIG Investigative Work. The investigative work of the PIG illuminated the need for professional 3rd party assistance in the furtherance of development and deployment of strategies for Nā Lama Kukui (NLK) and Kaka‘ako Makai (KM). Working definitions and descriptors of such 3rd party assistance is provided below in support of recommendations. While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.

1. *Development Consultant.* Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka‘ako Makai Land Development Plan including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the master plan.

2. *Community Planner.* Prepares and delivers a Land Development Plan to include a vision, physical master plan and implementation strategies to guide the future development opportunities of the Kaka‘ako Makai, thirty (30) acres of land considering all of the related attributes (e.g., size, characteristics, height, use or other restrictions).

3. *Developer.* Real estate or property development encompasses a range of activities such as renovation and releasing of existing buildings, purchase and finance of raw land and sale of developed land to others. Developers coordinate all activities from converting ideas from paper to tangible real property. While there are similar activities, real estate development as a business process does differ from construction or house building. Entity is responsible to determine the marketing of the property, develop the building program and design, obtain the necessary public approvals and financing, build the structure(s), rent out, and manage.

B. Recommendations re: 3rd Party Assistance

The following recommendations are made by the Permitted Interaction Group:

1. Select and engage a **Development Consultant** within OHA derived parameters;
2. Select and engage a **Community Planner** within OHA derived parameters; and
3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s).

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V. LAND AND COMMERCIAL PROPERTY POLICY COMPLIANCE AND UPDATES

A. Context. As part of the formation of the PIG, the following policies were noted:

1. Real Estate Vision, Mission and Strategy Policy, June 6, 2007 (Appendix A);
2. Committee on Land and Property, Policy Guidelines, Adopted July 3, 2014 (Appendix B); and
3. Kaka‘ako Makai Policy, September 20, 2012², as Amended August 1, 2017 via RM #17-05, as Amended August 21, 2019 via RM #19-10 (2012 policy at Appendix C).

B. PIG Work. The PIG’s work noted the following:

1. ***Real Estate Vision, Mission and Strategy Policy, June 6, 2007 (Appendix A).*** Based on the date of the 2007 developed policy, the PIG did not have institutional knowledge as to the context for its initial development; the policy did not appear to be updated in 2012 and a stand-alone Kaka‘ako Makai policy was developed. The PIG recommends further effort be expended to review and update this policy by the next approved PIG.
2. ***Committee on Land and Property, Policy Guidelines, Adopted July 3, 2014 (Appendix B).*** Based on the recollection of PIG members and the preamble, the Board’s Committee on Land and Property determined that it is “...*prudent to establish certain general policy guidelines, procedures, and project best practices governing land acquisitions, dispositions, development, management, and use by the Office of Hawaiian Affairs in order to provide general guidance to the Committee in dealing with all matters which fall within the purview of the Committee and to better implement and enact OHA’s real estate vision, mission and strategy. These policy guidelines, procedures, and project best practices are not intended to be immutable or unchangeable, and revisions, modifications, supplements, and clarifications thereto are and should be anticipated and encouraged as the real estate holdings of OHA evolve and the members of the Committee may change over time.*”

The Board’s committees eventually were consolidated to the current two committees: Committee on Resource Management and Committee on Beneficiary Advocacy and Empowerment. The policy adopted in 2014 has not been updated since its initial adoption. The PIG recommends further effort be expended to review and update this policy by the next approved PIG.

3. **Kaka‘ako Makai Policy (Appendix C).** Drafted initially on September 20, 2012, the policy was amended August 1, 2017 via RM #17-05, and amended August 21, 2019 via RM #19-10. As the revenue policy provisions ‘sunset’ on June 30, 2021, it is recommended to address the revenue provisions without a sunset period, allocating 60% of the net revenues (estimated to \$1.8MM) to the legacy land program³. As Kaka‘ako Makai revenues increase as a result of development, the policy can be revisited and updated as needed.

² Initial policy (2012) noted 10% of gross revenues would be allocated to grants; amendment #1 in 2017 expanded the policy to be 10% of gross revenue to grants and 30% of net to legacy land program with a two-year deadline; and amendment #2 in 2019 expanded the policy to 20% of gross revenue to grants and 50% of net revenues to legacy land program with an extended deadline to June 30, 2021.

³ As the grants strategy for FB22-23 is projected to utilize the Public Land Trust revenues of \$15.1MM for grants, the Kaka‘ako Makai revenue is recommended to be focused on the net revenues to the legacy land program.



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Refer to Appendices C to E for recommended policy changes.

C. Recommendations re: Land and Commercial Property Policies

The following recommendations are made by the Permitted Interaction Group:

1. Refer the Real Estate Vision, Mission and Strategy Policy, June 6, 2007 (Appendix A) to the next authorized PIG for closer review and alignment;
2. Refer the Committee on Land and Property, Policy Guidelines, Adopted July 3, 2014 (Appendix B) to the next authorized PIG for closer review and alignment; and
3. Approve the 3rd amendment to the Kaka‘ako Makai Policy (Appendices C to E).

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VI. IMPLICATION OF OTHER FISCAL POLICIES

- A. Context – Fiscal Policies.** On September 10, 2020, via Action Item BOT #20, the Board approved the formation of a Permitted Interaction Group (PIG) to investigate the development of T-Level Trustee policies for OHA’s Board Governance Framework. The purview of the new PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the alignment and update of existing T-Trustee level Investment, Debt, Spending, Kaka’ko Makai and development of Endowment specific policies and related documents; (2) Establish consistent format, review and update parameters, mechanisms and processes; (3) Review the implementation of the specified T-Trustee level policies; (4) Determine the scope of specified T-Trustee level policies, including delegation of policies to the C-CEO level; and (5) Integrate the specified T-Trustee level policies and related documents into the Board Governance Framework.

This PIG noted the Native Hawaiian Trust Fund Investment Policy Statement effective October 1, 2017; Native Hawaiian Trust Fund Spending Policy, as Amended, February 27, 2014, Economic Development Policy and Debt Management policies both adopted on May 22, 2019 with implementation procedures adopted on September 25, 2019. The PIG’s report was distributed at the October 22, 2020 Board meeting, with no discussion or action needed at the subsequent October 29, 2020 Board meeting (Appendix F).

- B. PIG Work.** The PIG reviewed the report at appendix F and considered the impact and implications on land and commercial property policies; refer to recommendations below.

C. Recommendations re: Other Fiscal Policies

The following recommendations are made by the Permitted Interaction Group:

1. Acknowledge the distribution of the Permitted Interaction Group re: the investigation of the development of specified T-Level Trustee policies for OHA’s Board Governance Framework report at the October 22, 2020 Board meeting, with no discussion or action needed at the October 29, 2020 Board meeting (Appendix F); and
2. Direct Administration to utilize the report to bring policy recommendations forward to the Board via the Committee on Resource Management.

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VII. ALIGNMENT WITH THE STRATEGIC PLAN 2020-2035 IMPLEMENTATION

Via Action Item BOT #20-7: Approval of Strategic Plan 2020 – 2035 Reworded Strategies, New Endowment Strategies and Strategic Outcomes, September 17, 2020, the BOT approved, among other strategies, Strategy 9 and 10, articulated in Figure 7.

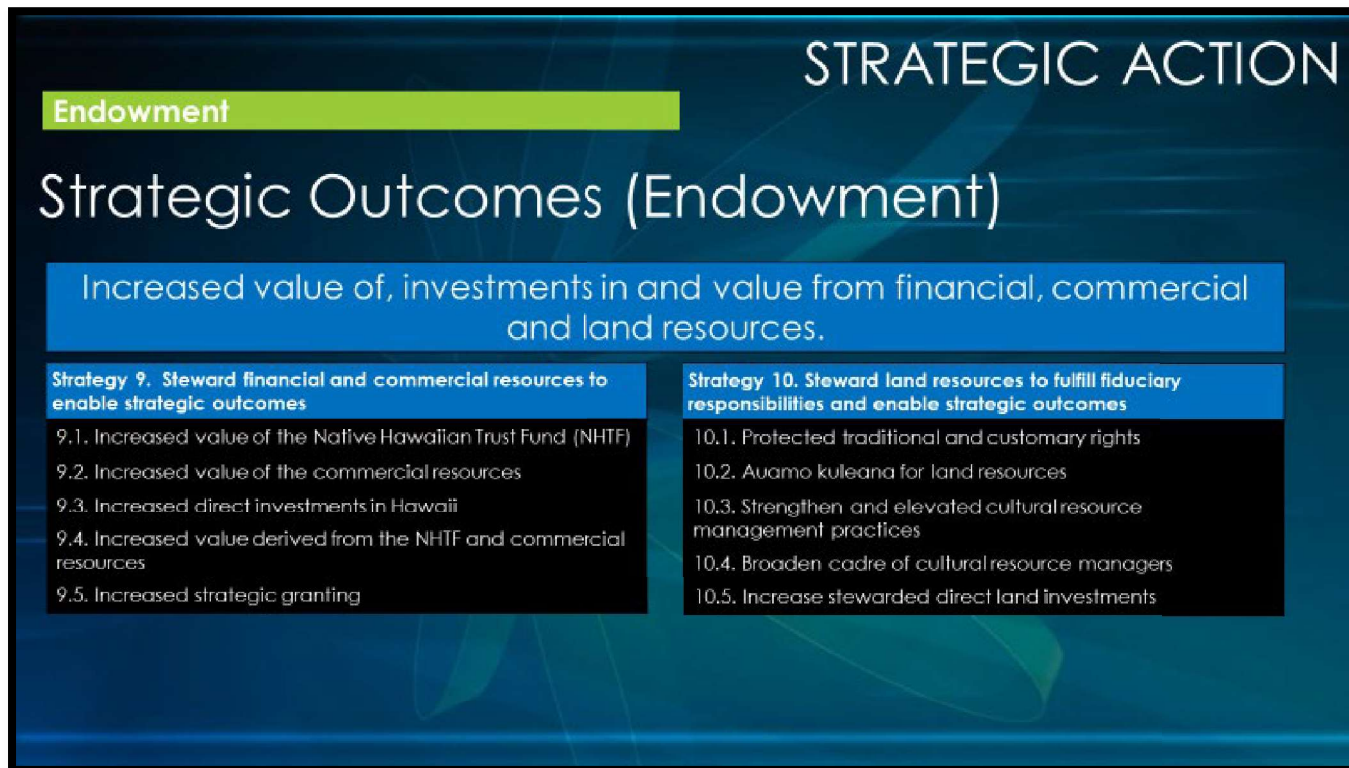


FIGURE 7. – ENDOWMENT STRATEGIC ACTION, STRATEGIES, OUTCOMES

Outcomes for Strategy 9 are enumerated at 9.1 to 9.5, including increased strategic granting. Strategic granting is an enabler for Strategy 10 by increasing resources to fulfill land stewardship fiduciary responsibilities, outcomes which are also enumerated at 10.1 to 10.5. Therefore, the PIG recommendations contained herein align with Endowment strategies 9 and 10.

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VIII. NEXT BOARD OF TRUSTEES ACTIONS, INCLUDING PERMITTED INTERACTION GROUPS

As the Board of Trustees utilized the Permitted Interaction Group⁴ (PIG) working construct in the Board Governance Framework work (e.g., framework, L-Lāhui policies, Board By-laws, T-level Trustee policies) and this first land and commercial property PIG, with the desired efficiencies and outcomes; and knowing that 3rd party assistance will be needed, the following sequenced recommendations are made:

- 1. Permitted Interaction Group #1⁵. Formed to investigate land and commercial property strategies and policies.**
 - a. Action Item BOT #21-XX: Accept the Report of the Land and Commercial Property Permitted Interaction Group
 - b. Action Item BOT #21-XX: Approve the Solicitation of a Request for Proposal for a Development Consultant
 - c. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner
- 2. Permitted Interaction Group #2. To be formed to assess the proposals for a Development Consultant and recommend a short list of eligible entities for selection; investigate land and commercial property policies; and to investigate the development and implementation of a Request for Proposal for a Community Planner.**
 - a. Action Item BOT #21-XX: Accept the Report of the Development Consultant, Policies and Community Planner Permitted Interaction Group
 - b. Action Item BOT #21-XX: Approve Selection of a Development Consultant
 - c. Action Item BOT #21-XX: Approve the Solicitation of a Request for Proposal for a Community Planner
 - d. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Investigate the Proposals for a Community Planner and Recommend a Short List of Eligible Entities for Selection
- 3. Permitted Interaction Group #3. To be formed to assess the proposals for a Community Planner and recommend a short list of eligible entities for selection.**
 - a. Action Item BOT #21-XX: Accept the Report of the Community Planner Permitted Interaction Group
 - b. Action Item BOT #21-XX: Approve the Selection of a Community Planner
 - c. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Facilitate Engagement with Community Planner to Form Recommendations to bring to the Board related to Kaka'ako Makai Master Planning

⁴ Consistent with Hawai'i Revised Statutes §92-2.5(b)(1)

⁵ Authorized by Action Item BOT #21-01, January 28, 2021



- 4. Permitted Interaction Group #4. To be formed to facilitate engagement with Community Planner to form recommendations to bring to the Board related to Kaka’ako Makai master planning.**
 - a. Action Item BOT #21-XX: To be determined
 - b. Action Item BOT #21-XX: To be determined
 - c. Action Item BOT #21-XX: To be determined

- 5. Permitted Interaction Group #5. To be determined**
 1. Action Item BOT #21-XX: To be determined
 2. Action Item BOT #21-XX: To be determined
 3. Action Item BOT #21-XX: To be determined

The above recommendations will be aggregated in the next section with other recommendations.

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IX. AGGREGATION OF RECOMMENDATIONS

Based on the recommendations detailed above, the following aggregates the recommendations from the investigative PIG which aligns to the purview and scope as authorized by Action Item #21-01, approved on January 28, 2021; and will be transferred to action items and agenda for further Board review, discussion, deliberation and action:

A. Recommendation re: Nā Lama Kukui Long Term Strategies

Based on the PIG's investigative work activities, the PIG recommends that the Board create a guiding goal and vision regarding NLK including related assumptions, policies and strategies (e.g., development, messaging, operational).

B. Recommendation re: Kaka'ako Makai Long Term Strategies

Based on the PIG's investigative work activities, the PIG recommends that the Board acknowledge prior work and historical insights and create a guiding goal and vision regarding KM including related assumptions, policies and strategies (e.g., legislative, planning, development, messaging, operational).

C. Recommendations re: 3rd Party Assistance

The following recommendations are made by the Permitted Interaction Group:

1. Select and engage a **Development Consultant** within OHA derived parameters;
2. Select and engage a **Community Planner** within OHA derived parameters; and
3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s).

D. Recommendations re: Land and Commercial Property Policies

The following recommendations are made by the Permitted Interaction Group:

1. Refer the Real Estate Vision, Mission and Strategy Policy, June 6, 2007 (Appendix A) to the next authorized PIG for closer review and alignment;
2. Refer the Committee on Land and Property, Policy Guidelines, Adopted July 3, 2014 (Appendix B) to the next authorized PIG for closer review and alignment; and
3. Approve the 3rd amendment to the Kaka'ako Makai Policy (Appendices C to E).

E. Recommendations re: Other Fiscal Policies

The following recommendations are made by the Permitted Interaction Group:

1. Acknowledge the distribution of the Permitted Interaction Group re: the investigation of the development of specified T-Level Trustee policies for OHA's Board Governance Framework report at the October 22, 2020 Board meeting, with no discussion or action needed at the October 29, 2020 Board meeting (Appendix F); and
2. Direct Administration to utilize the report to bring policy recommendations forward to the Board.



F. Recommendations re: Next Board of Trustees Actions, Including Permitted Interaction Groups

- 1. Permitted Interaction Group #1⁶. Formed to investigate land and commercial property strategies and policies.**
 - d. Action Item BOT #21-XX: Accept the Report of the Land and Commercial Property Permitted Interaction Group
 - e. Action Item BOT #21-XX: Approve the Solicitation of a Request for Proposal for a Development Consultant
 - f. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner
- 2. Permitted Interaction Group #2. To be formed to assess the proposals for a Development Consultant and recommend a short list of eligible entities for selection; investigate land and commercial property policies; and to investigate the development and implementation of a Request for Proposal for a Community Planner.**
 - e. Action Item BOT #21-XX: Accept the Report of the Development Consultant, Policies and Community Planner Permitted Interaction Group
 - f. Action Item BOT #21-XX: Approve Selection of a Development Consultant
 - g. Action Item BOT #21-XX: Approve the Solicitation of a Request for Proposal for a Community Planner
 - h. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Investigate the Proposals for a Community Planner and Recommend a Short List of Eligible Entities for Selection
- 3. Permitted Interaction Group #3. To be formed to assess the proposals for a Community Planner and recommend a short list of eligible entities for selection.**
 - d. Action Item BOT #21-XX: Accept the Report of the Community Planner Permitted Interaction Group
 - e. Action Item BOT #21-XX: Approve the Selection of a Community Planner
 - f. Action Item BOT #21-XX: Approve the Formation of a Permitted Interaction Group to Facilitate Engagement with Community Planner to Form Recommendations to bring to the Board related to Kaka'ako Makai Master Planning

⁶ Authorized by Action Item BOT #21-01, January 28, 2021



- 4. Permitted Interaction Group #4. To be formed to facilitate engagement with Community Planner to form recommendations to bring to the Board related to Kaka’ako Makai master planning.**
 - d. Action Item BOT #21-XX: To be determined
 - e. Action Item BOT #21-XX: To be determined
 - f. Action Item BOT #21-XX: To be determined

- 5. Permitted Interaction Group #5. To be determined**
 4. Action Item BOT #21-XX: To be determined
 5. Action Item BOT #21-XX: To be determined
 6. Action Item BOT #21-XX: To be determined

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X. REFERENCE DOCUMENTS

The following documents are listed as reference documents for report development purposes:

1. **Action Item BOT #21-01:** Approve the Formation of a Permitted Interaction Group to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, January 28, 2021;
2. **Action Item BOT #20-05:** The BOT approved the formation of a Permitted Interaction Group to investigate the development of T-Level Trustee policies for OHA's Board Governance Framework, September 10, 2020;
3. **Action Item RM #19-14:** The BOT approved the Economic Development Policy implementation procedures as detailed in Attachment A, September 25, 2019;
4. **Action Item RM #19-15:** The BOT approved the Debt Management Policy implementation procedures as detailed in Attachment A, September 25, 2019;
5. **Action Item RM #19-10:** The BOT approved a second amendment to BOT #12-05 - Kaka'ako Makai Policy relating to the allocation of revenue from OHA's Kaka'ako Makai properties to the Land Legacy Program, August 21, 2019; and
6. **Action Item RM #19-07:** The BOT: Approved the Economic Development Policy, noting that Administration will return with the implementation procedures for Board action; Approved the Debt Management Policy, noting that Administration will return with the implementation procedures for Board action; Acknowledged the Spending Policy language and the existing Native Hawaiian Trust Fund (NHTF) Spending policy, as Amended, noting Administration will return with consolidated policy document for Board action; and Acknowledged the Investment and Real Estate Policy language and the existing NHTF Investment and Real Estate Vision, Mission, and Strategy policies, noting Administration will return with consolidated policy document(s) for Board action.

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**Land and Commercial Property
Permitted Interaction Group Report
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XI. CONCLUSION AND NEXT STEPS

Consistent with Hawai'i Revised Statutes §92-2.5(b)(1), on January 28, 2021 via Action Item #21-02, the Board approved the formation of a Permitted Interaction Group (PIG) to investigate the development of land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties.

The report distribution is agendized for the April 8, 2021 Board meeting and consistent with past practice, no discussion will be held. Full and free discussion and related Board actions will be agendized for a April 15, 2021 Board meeting.

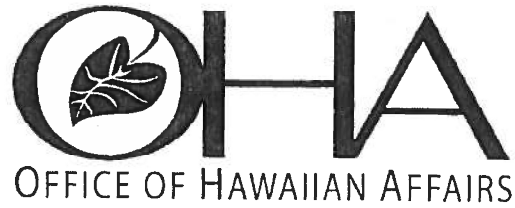
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**Land and Commercial Property
Permitted Interaction Group Report
April 2021**

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- A** AS IS: REAL ESTATE VISION, MISSION AND STRATEGY POLICY, JUNE 6, 2007 (INITIAL)
- B** AS IS: COMMITTEE ON LAND AND PROPERTY, POLICY GUIDELINES, ADOPTED JULY 3, 2014 (INITIAL)
- C** AS IS: KAKA‘AKO MAKAI POLICY, SEPTEMBER 20, 2012, AS AMENDED AUGUST 1, 2017 VIA RM #17-05, AS AMENDED AUGUST 21, 2019 VIA RM #19-10
- D** REDLINED: KAKA‘AKO MAKAI POLICY, 3RD AMENDMENT
- E** CLEAN: KAKA‘AKO MAKAI POLICY, 3RD AMENDMENT
- F** REPORT OF THE PERMITTED INTERACTION GROUP RE: THE INVESTIGATION OF THE DEVELOPMENT OF SPECIFIED T-LEVEL TRUSTEE POLICIES FOR OHA’S BOARD GOVERNANCE FRAMEWORK; PRESENTATION ONLY, NO DISCUSSION OR DECISION-MAKING AS LISTED ON THE OCTOBER 22, 2020 BOARD AGENDA AND DISCUSSED AT THE OCTOBER 29, 2020 BOARD MEETING WITH NO ACTION NEEDED.



OFFICE OF HAWAIIAN AFFAIRS

REAL ESTATE VISION, MISSION, AND STRATEGY POLICY

First Reading: May 17, 2007
Second Reading: June 6, 2007

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I. VISION

The OHA real estate vision is to be the real estate partner of choice:

- By every person and entity with any involvement in Hawai'i lands: individuals, institutions, corporations, public purpose entities and government agencies.
- For any and every type of Hawai'i property and Property Involvement.

II. MISSION

OHA shall protect and preserve Hawai'i lands and their cultural significance by:

- Bridging the ancient use of lands with future land use patterns
- Advocating for land use and transaction practices and regulations congruent with the Hawaiian Sense of Place.
- Creating financially viable Property Involvements.

III. OHA REAL ESTATE STRATEGY

1. OHA Will Champion Real Estate Best Practices

A. Best Practices

- 1) The Board and Staff will model Best Practices in all OHA Property Involvements.
- 2) The OHA Real Estate Strategy shall be consistent with OHA's mission, values, goals, and resources.
- 3) The implementation of the OHA Real Estate Strategy will be guided by a congruent OHA Real Estate Business Plan and OHA Real Estate Investment Policy.
- 4) OHA Property Involvements shall be World Class and have congruency among the following elements:
 - a. Strategy
 - b. Structure
 - c. Staff

- d. Rewards
- e. Tasks
- f. Resources
- g. Systems
- h. Style.

5) OHA will meet Prudent Investing Standards applicable to investment properties.

B. Real Estate Asset Allocation Model

1) OHA shall prioritize resource allocation by adopting a Real Estate Asset

Allocation Model to include:

a. Legacy Lands

i. Conservation and Preservation Lands

ii. Cultural Lands

b. Corporate Real Estate

c. Programmatic Lands

i. Housing Lands

ii. Agricultural Lands

iii. Educational Lands

iv. Health & Human Services Lands

v. Community Lands

d. Investment Lands

i. Directly held Lands

ii. Value creation (development) Lands

iii. Real Estate Investment Fund

2) The Real Estate Asset Allocation Model shall be congruent with and developed in

conjunction with the OHA Investment Policy.

C. Prudent Investment Standard

- 1) OHA shall develop specific investment decision criteria consistent and congruent with the OHA Real Estate Business Plan and OHA Real Estate Investment Policy.
- 2) OHA shall conduct Due Diligence on all Property Involvements in order to assess risk and reward.
- 3) The implementation of Property Involvements will include the separation of (1) opportunity origination; (2) Due Diligence and evaluation; and (3) approval functions.

D. World Class Strategic Management

- 1) Trustees shall devote their attention, time, energy and resources to big picture, high-level, major policy priorities – not transaction specific deal-making.
- 2) The Board of Trustees shall emphasize policy making and approval of capital commitments.
- 3) Staff shall be responsible for implementation of the Board of Trustees decisions.

E. Mandatory Property Standards

- 1) Every Property Involvement shall be considered in light of and be consistent with Real Estate Asset Allocation Model and specific decision criteria.
- 2) OHA shall only consider Property Involvements in which a complete information package consistent with OHA specifications is provided.
- 3) Once a proposal for a Property Involvement has been submitted to OHA, Trustees shall have no contact, in any form (including social occasions) with any person associated with the Property Involvement until after the closing or a denial of the proposal.

- 4) Any Trustee who has any personal relationship with any person or any entity associated with a particular Property Involvement, shall reveal the nature of the relationship prior to voting on any associated matter. The Board shall, in consultation with counsel, decide whether that Trustee should be barred from voting prior to taking the vote.

F. Types of Property Involvements

- 1) OHA shall acquire the following kinds of Property Involvements:
 - a. Ceded Lands to be held in trust for the future Nation.
 - b. Other Property Involvements as part of a land base to support the future Nation.
 - c. Property Involvements that enhance the stature, self-respect, self-sufficiency and well-being of all Hawaiians.
 - d. Property Involvements that promote the well-being of all people with a connection to Hawai'i.
 - e. Property Involvements that promote and respect Hawaiian places and their sacred cultural traditions.
 - f. Property Involvements that provide places to promote OHA purposes, activities and programs.
 - g. Property Involvements that generate the financial resources to sustain OHA, its programs, purposes and mission.

G. Specific Decision Criteria / Dual Priority for Economic and Cultural Concerns

- 1) OHA shall develop specific decision criteria for each aspect of a Property Involvement.
- 2) OHA shall apply multi-factor decision model – combining financial and non-financial factors – to all property decisions.

- 3) Sacred land involvements shall have economic integrity, for if they do not, their financial sustainability shall be compromised and ultimately their sacred purposes shall be compromised.
- 4) Entrepreneurial, profit seeking land involvements must respect all OHA values, priorities and objectives.

2. OHA Shall Seek Portfolio Expansion

A. Beyond Ceded Lands

- 1) OHA shall proactively pursue control of Hawaiian properties beyond Ceded Lands.
- 2) OHA shall pursue control of Hawaiian properties beyond Ceded Lands in order to be the catalyst to transform Hawai'i land stewardship.

B. Collaboration and Relationships

- 1) OHA shall seek to partner with other organizations to pursue all of its land-based objectives – rather than independently trying “to do it all.”
- 2) OHA shall encourage private parties to pursue land involvements consistent with OHA values, priorities, and objectives.
- 3) OHA shall be an advocate/agent/representative/partner of multiple levels of government: federal/state/local.
- 4) OHA shall seek to be known as the pre-eminent joint venture partner for any property project in Hawai'i.
- 5) OHA shall seek to be the organization that those who care about Hawai'i – its people, its culture, its history, and its lands – choose as the recipient for their donations and their estates.

3. OHA Shall Seek Decision Making Influence over All Land in Hawai'i

A. Every Property in Hawai'i is Sacred

- 1) OHA shall promote the idea that every property in Hawai'i is sacred and pursue initiatives that help achieve a broad acceptance of this truth.
- 2) OHA shall pursue initiatives that respect the sacred qualities and cultural legacy of every property.
- 3) OHA shall address issues for each land parcel and Property Interest that reflect its sacred circumstances.
- 4) OHA shall model respect for the land and honoring Hawaiian Sense of Place.

B. Sacred Lands Assessment

- 1) OHA shall assess the sacred status and relative priority of every property in Hawai'i.
- 2) OHA shall implement a GIS-based inventory of all property in Hawai'i that includes information about property circumstances, owners, and their motives.
- 3) OHA shall initiate relationships with stakeholders of significant properties.

C. Advocate Superior Land Policy

- 1) OHA shall advocate that every property analysis and appraisal report for any property transaction shall contain an assessment of how that property and transaction may influence the Hawaiian Sense of Place.
- 2) OHA shall advocate that a precondition to implementing any proposed Property Involvement – particularly property development and modification - shall be an assessment of how that proposed Property Involvement would affect the Hawaiian Sense of Place.
- 3) OHA shall take leadership to articulate and document the Hawaiian Sense of Place.

- 4) OHA shall employ its power, stature, and influence to encourage responsible land stewardship and development.

D. Sacred Land Advocacy

- 1) OHA shall pursue education, advocacy, collaborative development relationships, legislative initiatives, and – where necessary/appropriate – litigation to protect, preserve and enhance Hawai‘i lands.
- 2) OHA shall protect Hawai‘i places that need protection.
- 3) OHA shall employ its power to encourage urban development that models the Hawaiian Sense of Place.

4. OHA Shall Establish Superior Organization and Infrastructure

A. Professional Property Investing and Stewardship

- 1) To provide competent, responsible stewardship of land in Hawai‘i, OHA shall develop its Land organization to a meaningful scale.
- 2) OHA’s Land organization shall contain diverse organization capabilities in order to respond to the diverse property priorities of OHA stakeholders.
- 3) OHA’s Land organization structure shall combine generalist professional skills in integrative functions with specialist knowledge and capabilities.

B. World Class Strategic Management System

- 1) OHA shall invest in technology, staff, data and expertise to classify all Hawai‘i land and property interests.
- 2) OHA shall obtain a comprehensive portfolio management database/system.
- 3) OHA shall leverage staff productivity by investing in sophisticated property analysis software plus data retrieval and project management automation systems.

5. OHA Shall Build a Strong Financial Foundation for All Property Involvements

A. Interlinked Financial Foundation

- 1) OHA shall provide organizational, managerial and financial support to facilitate the OHA Real Estate Strategy.
- 2) Each important OHA property shall be managed by a separate legal entity and supported by an independent foundation.
- 3) OHA shall establish where appropriate a family of Hawai'i land foundations at three levels:
 - a. Hawai'i
 - b. Each island
 - c. Each property/land parcel
- 4) OHA shall design an overlay governance structure to balance Trustee leadership and guidance with local community initiative and self-determination.
- 5) OHA shall encourage those who care about preserving the traditions of Hawai'i to invest in Hawaii's future through contribution of lands and money to the family of Hawai'i land foundations.

B. Prudent Real Estate Investment Policy

- 1) Capital investment decisions shall reflect risks and rewards.
- 2) OHA shall not set arbitrary limits or pursue one-size-fits-all capital budgeting, as that would be contrary to Best Practices.
- 3) OHA shall not set an arbitrary capital spending ceiling, as that would be in conflict with fiduciary duty to beneficiaries.

IV. STATUS / EFFECTIVE DATE

This document is effective as of June 6, 2007.



OFFICE OF HAWAIIAN AFFAIRS

COMMITTEE ON LAND AND PROPERTY POLICY GUIDELINES

Adopted by the Board of Trustees, July 3, 2014

PREAMBLE:

The Committee on Land and Property (the “**Committee**”) has determined that it is prudent to establish certain general policy guidelines, procedures, and project best practices governing land acquisitions, dispositions, development, management, and use by the Office of Hawaiian Affairs (“**OHA**”) in order to provide general guidance to the Committee in dealing with all matters which fall within the purview of the Committee and to better implement and enact OHA’s real estate vision, mission and strategy. These policy guidelines, procedures, and project best practices are not intended to be immutable or unchangeable, and revisions, modifications, supplements, and clarifications thereto are and should be anticipated and encouraged as the real estate holdings of OHA evolve and the members of the Committee may change over time.

GENERAL GUIDELINES:

1. **Protection, Preservation, and Enhancement.** Land acquisitions, dispositions, development, management and use shall be guided by the following general principals which seek to protect and preserve OHA’s lands and their cultural significance while enhancing the revenue generated therefrom for the purpose of preserving, protecting, and maintaining OHA’s lands and to also provide supplemental funding for OHA sponsored programs by:

- Bridging the ancient use of lands with future land use patterns.
- Advocating for land use and transaction practices and regulations congruent with the Hawaiian Sense of Place.
- Creating financially viable Property Involvements.

It is recognized that over time changes will occur but nonetheless the intention is that they be accomplished within the context of maintaining OHA’s primary objective of maintaining, protecting and preserving OHA’s lands and their cultural significance while enhancing the revenue generated therefrom in order to provide supplemental funding for OHA sponsored programs.

2. **Balancing of OHA’s Real Estate Portfolio.** OHA currently holds lands which are classified as (a) legacy lands, (b) corporate real estate, (c) programmatic lands, and (d) investment properties (collectively, the “**OHA Lands**”). Over time OHA will add to or dispose of certain of these lands and it is prudent for the Committee to periodically review not less than every 3 years the overall allocation of these real estate holdings into each category and to strive for a balance among these categories which satisfies the objectives of Paragraph 1 above, while still generating an overall return which provides a sustainable source of revenue to (x) maintain, preserve, and protect the OHA land holdings in all categories, and (y) generate sufficient revenue to provide the necessary supplemental funding for OHA sponsored programs. In the periodic review and balancing of the OHA’s Real Estate Portfolio the Committee shall recognize and assign a special priority to the preservation, maintenance, upkeep and protection of the

designated legacy lands, including legacy lands which are only a portion of larger tracts of lands owned or controlled by OHA, due to their special cultural significance to OHA and the Native Hawaiian community notwithstanding their lack of revenue generating potential for other OHA purposes.

3. **OHA Real Estate Strategy.** The Committee with the assistance of its retained consultant(s) shall formulate and submit to the OHA Board for approval an overall OHA Real Estate Strategy to guide the Committee's overall strategy with respect to the (a) the targeted balance of OHA's Real Estate Portfolio among the 4 property categories, (b) the maintenance, preservation, and protection of the OHA Lands, and (c) the acquisition, development, operation, and disposition of the OHA Lands. Once established the OHA Real Estate Strategy shall be considered a guiding principal of the Committee. The OHA Real Estate Strategy shall be periodically reviewed by the Committee and as appropriate shall be adjusted, modified or supplemented to address (a) the changing real estate environment in Hawaii, (b) the evolving and changing needs and requirements of OHA, and (c) any changes which may occur from time to time in the balancing of OHA's Real Estate Portfolio among the 4 property categories. This review shall occur not less frequently than every 3 years.
4. **OHA Real Estate Business Plan.** The Committee with the assistance of its retained consultant(s) shall formulate and submit to the OHA Board for approval an OHA Real Estate Business Plan intended to implement the OHA Real Estate Strategy and to guide the Committee's overall strategy with respect to the OHA Lands. Once established the OHA Real Estate Business Plan shall be considered a guiding policy of the Committee. The OHA Real Estate Business Plan shall be periodically reviewed by the Committee and as appropriate shall be adjusted, modified or supplemented to address (a) the changing real estate environment in Hawaii, (b) the evolving and changing needs and requirements of OHA, and (c) any changes which may occur from time to time to the OHA Real Estate Strategy. This review shall occur not less frequently than every 3 years and always in conjunction with any review and update of the OHA Real Estate Strategy.

The OHA Real Estate Business Plan shall also include guidelines relating to the form of ownership by OHA of the various categories of OHA Lands within OHA's Real Estate Portfolio, and financing options relative to development and operation of, and capital improvements to, the OHA Lands.

5. **OHA Real Estate Investment Policy.** The Committee with the assistance of its retained consultant(s) shall formulate and submit to the OHA Board for approval an overall OHA Real Estate Investment Policy in conformance with the OHA Real Estate Strategy and the OHA Real Estate Business Plan. Once established the OHA Real Estate Investment Policy shall guide the Committee's overall real estate investment strategy. Once established the OHA Real Estate Investment Policy shall be considered a guiding policy for the Committee in its review and evaluation of new potential real estate investments, and in its periodic review and evaluation of existing OHA real estate investments. The OHA Real Estate Investment Policy shall be

periodically reviewed by the Committee and as appropriate shall be adjusted, modified or supplemented to address (a) the changing real estate environment in Hawaii, (b) the evolving needs and requirements of OHA, and (c) any changes which may occur to the OHA Real Estate Strategy and OHA Real Estate Business Plan. This review shall occur not less frequently than every 3 years, and always in conjunction with the review and update of the OHA Real Estate Strategy and OHA Real Estate Business Plan.

6. **Oversight of the Use and Condition of OHA's Real Estate; Policy for Proper Use and Stewardship of such Real Estate.** The proper management, operation, maintenance and upkeep of the OHA Lands in good order and condition is a prerequisite to the OHA guiding principles of competent and responsible stewardship and the protection and preservation of the OHA Lands and their cultural significance. The implementation of a proper program of management, operation, maintenance and upkeep of the OHA Lands will require a careful balance between those functions which can be effectively and efficiently performed by OHA staff and the retention of various third-party professionals/vendors in property management, operation, leasing, landscaping, maintenance and repair.
7. **Avoid Short Timelines.** Decisions related to the foregoing matters are best made following appropriate investigation, analysis, study, and recommendations by highly reputable, experienced, and competent retained consultants, and a reasonable time period thereafter for review, comment and follow up by Committee members prior to making any final decision. Therefore, absent special circumstances, the Committee should strive to avoid short timelines for its decision making.
8. **Plan for Subsequent Review of Capital Budget.** While the initial capital budget for a project must be approved in advance by the OHA Board, the actual cost is usually only refined and confirmed after responses to the Request for Proposals are received and reviewed and further discussions with the successful consultant/vendor/bidder have been completed. If the final cost is in excess of the then approved capital budget, the Committee shall review and consider various alternative options to address the shortfall in the approved capital budget for such project, including without limitation, (a) seeking an increase in the approved capital budget from the OHA Board, or (b) the modification or alteration of the project scope and/or plans in order to bring the contemplated project back within the approved capital budget, or (c) the possible delay of the project to a time when adequate funding is available. The Committee's recommended course of action shall be subject to approval by the full OHA Board.

PROJECT RELATED BEST PRACTICES:

1. **Request for Proposals (RFPs).** Given the nature of the undertakings and responsibilities of the Committee the selection and retention of highly reputable and recognized real estate experts/consultants and investment advisers/consultants in the formulation of the OHA Real Estate Strategy, the OHA Real Estate Business Plan, and the OHA Real Estate Investment Policy

is prudent. In addition the selection and retention of highly reputable and responsible third-party professionals/vendors to be contractually responsible for property management, operation, leasing, landscaping, maintenance and repair of certain OHA Lands is also prudent.

The use of a process of issuing a Request for Proposal with clearly defined criteria and requirements will result in a competitive selection process which will assist the Committee in making a knowledgeable and informed final decision.

2. **General Guidelines for RFPs.** The following general guidelines are established for use by the Committee when it deems it appropriate to use a Request For Proposal ("**RFP**") process for any matter or project undertaken:
 - a. Establish Clear Criteria and Requirements. RFP's shall establish clear criteria and requirements for use in the competitive bid process to assure that each bidder is responding to a correct and accurate request so that the bid responses can be reviewed and compared against the RFP to assure compliance with the criteria and requirements and that the scope of work and price comparisons are on a relatively equal basis in terms of achieving the delivery of a detailed project at a specified quality for the best price consistent with the proposed capital budget for said matter or project from a responsible, reputable and reliable consultant or contractor.
 - b. Retention of Appropriate Consultant(s) to Establish RFP. With respect to any matter or project to be undertaken the Committee shall first retain the services of reputable and competent consultant(s) to (i) assist with the establishment of the criteria and requirements to be included within an RFP to be issued to prospective bidders, (ii) make knowledgeable recommendations as to the persons or companies from whom bids should be solicited, (iii) establish a review and evaluation process for the responsive RFPs, (iv) review and assist the Committee in reviewing the bids for compliance with the RFP, and (v) upon completion of the work to review and confirm satisfactory completion and performance in compliance with the RFP and Contract.
 - c. Competitive Bids. It is generally recommended that at least three (3) consultants/contractors/vendors be solicited to respond to the RFP. It is understood that in some cases otherwise qualified consultants/contractors/vendors who are solicited may choose not to respond to the RFP, and that in such cases if not less than two (2) responses to the RFP are received from qualified consultants/contractors/vendors there should be no requirement to solicit other consultants/contractors/vendors on that particular RFP. The lowest responsible bidder is not necessarily the low bidder in terms of cost and there shall be no requirement to accept the lowest bid in terms of cost as all other pertinent factors and components shall be appropriately considered and weighed in reaching the final decision.

- d. Conformance with OHA Procurement Procedures. The RFP process set forth herein shall at all times be consistent with and conform to all applicable OHA Procurement Procedures in effect from time to time.
3. **Establish Clear Responsibility for Oversight and Completion.** For all Committee matters and projects the Committee shall establish a clear line of responsibility for oversight and successful completion of the approved matter or project. It is a best practice to ensure that the responsibility for project oversight and completion is clear.
- a. Single Accountable Project Leader. Except in special circumstances as may be approved by the Committee it is recommended that the responsibility for successfully implementing and managing a Committee approved matter or project should be assigned and delegated to one (1) member of the Committee (the "**Project Leader**"), as may be designated by the Committee as a whole or by the Committee Chair. The designated Project Leader shall be the initial and primary point of contact on the matter or project for the OHA staff member(s) assigned to implement, manage and oversee the completion of the matter or project.
- b. Role of Continuing Committee Oversight. The designated Project Leader shall make recommendations to the Committee Chair or the Committee as a whole when and if matters or issues arise during the course of the matter or project requiring discretionary approval or resolution which do not fall within the scope or purview of the designated Project Leader and the Committee shall exercise that discretion, unless the Committee determines it requires OHA Board approval.
- c. Conflict Resolution. If any conflicts or disputes arise between the consultant/contractor/vendor selected for the project and the OHA staff responsible for project oversight, implementation, and completion, such conflict or dispute will be referred to the Project Leader for resolution, but if the Project Leader decides such resolution is not within the Project Leader's delegated authority, then and in such event resolution of the dispute shall be referred to the Committee Chair, and/or in the Committee Chair's discretion either (a) to an ad hoc committee of members of the Committee so designated to handle any such matters, or (b) the Committee, as a whole.
4. **Effective Use of the Committee.** The OHA Board has complete oversight over the formation of and assignment of responsibilities to the Committee. Effective use of the Committee can and will facilitate the review, analysis, and informed consideration of the alternatives and options available so as to assist the OHA Board in making prudent and informed final decisions relating to the matters or projects within the purview of the Committee. Nonetheless it shall remain clear that absent a specific delegation to the Committee from the OHA Board, the final decision making authority on all matters remains with the OHA Board.

CONFORMANCE WITH OHA BOARD POLICIES AND GUIDELINES:

These policy guidelines and procedures are intended at all times to be consistent with and not in conflict with any policies, guidelines or procedures which may be adopted from time to time by the OHA Board. In the event of any such conflicts the provisions of the policies, guidelines and procedures adopted by the OHA Board shall control over these policy guidelines and procedures. If any such inconsistency is found to exist, the Committee shall modify and amend its policy guidelines and procedures to bring them into full conformance.



OFFICE OF HAWAIIAN AFFAIRS

KAKA‘AKO MAKAI POLICY

First Reading: August 30, 2012
Second Reading: September 20, 2012

Kaka‘ako Makai Policy of the Office of Hawaiian Affairs

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Kaka'ako Makai Policy of the Office of Hawaiian Affairs

PURPOSE

The purpose of this policy is to set forth guidelines for the management and development of its Office of Hawaiian Affairs' (OHA) Kaka'ako Makai parcels received through Act 15, Session Laws of Hawai'i, consistent with the existing Real Estate Vision, Mission, and Strategy Policy. The Real Estate Vision, Mission and Strategy Policy currently provides for real estate best practices and world class caliber developments. Factors affecting management and development of the Kaka'ako Makai parcels focus upon five objectives:

- 1) Relationship to OHA's vision and strategic priorities;
- 2) Design and use, including cultural values;
- 3) Revenue generation and proceeds;
- 4) Timetable and process; and
- 5) Governance and decision-making

The following set of policy guidelines reflects the objective of maximizing revenue and total returns to increase OHA's programmatic reach without compromising OHA's kuleana to perpetuate Hawaiian culture in OHA's management and development of the parcels.

POLICY GUIDELINES

1. Relationship to OHA's Vision and Strategic Priorities

Create synergy between OHA's Kaka'ako Makai parcels and OHA's vision and strategic priorities.

A. Commercial kuleana to maximize revenues while providing economic development opportunities for Native Hawaiians.

- 1) Create a sustainable revenue stream to support OHA's strategic priorities
- 2) Create opportunities for Native Hawaiian self-sufficiency
- 3) Create programmatic opportunities for employment of Native Hawaiians

B. Cultural kuleana to incorporate Native Hawaiian culture in both intrinsic and extrinsic design elements and purposes.

- 1) Proceed in a way that has in mind the transfer of the assets to the Nation

- 2) Raise an architectural landmark/signature that signifies Kaka‘ako Makai as a Hawaiian place
- 3) Create a sense of Nation - acting boldly

2. Design and Use, including Cultural Values

Ensure that cultural and stewardship values drive/provide the base for design and use decisions.

A. Create a Hawaiian sense of place – a cohesive Hawaiian identity that creates a place in which the physical structures and environment are connected to the socio-psychological, cultural and spiritual aspects of living Hawaiian that reflects the past, present and future.

- 1) Understand that history can guide us – consider the trajectory of historical uses of the area
- 2) Incorporate cultural uses
- 3) Introduce Kaka‘ako Makai as a meeting place for Native indigenous leaders of the Western hemisphere and Pacific Islands
- 4) Encourage uses and activities that attract Hawaiians and locals to Kaka‘ako Makai
- 5) Incorporate the cultural identity of the area - stories, names, guardians, wind and elements – as a guide for planning, design and use
- 6) Proceed with our cultural/kanaka foot
- 7) Create a signature architectural Hawaiian landmark

B. Balance pono and commerce.

- 1) Encourage cohesiveness among parcels/projects
- 2) Establish priority for qualified Hawaiian businesses and professionals
- 3) Incorporate mixed uses
- 4) Use green (environmentally friendly) technology
- 5) Prioritize the use of indigenous plants

C. Collaborate with other Native Hawaiian organizations

- 1) Work with Kamehameha Schools on potential partnerships with KS's adjoining properties
- 2) Work with other Ali'i Trusts

3. Revenue Generation and Proceeds

Balance near-term revenue stream and/with long-term financial and strategic goals and decisions.

A. Near-term kuleana to balance near-term revenue generation for programmatic use with long-term vision.

- 1) Create a sustainable revenue stream for strategic priorities
- 2) Allocate 10% of gross revenue for grants (*policy to be revisited in two years)
- 3) Set leases and other contractual arrangements at market value; anything below market value should be exceptions, and will require Board approval

B. Long-term kuleana to balance revenue generation with OHA strategic goals.

- 1) Maximize revenue generation, consistent with design, use, and cultural values
- 2) Balance pono and commerce

4. Timetable and Process

Develop a timely, accountable process.

A. Key planning considerations

- 1) Have an overall conceptual plan before considering or initiating major proposals
- 2) Establish a timeline for tasks that need to be accomplished

B. Key execution considerations

- 1) Engage professionals – finance, real estate, marketing, development, etc.
- 2) Maintain the momentum, in keeping with fiduciary duties

- 3) Proceed in ways that grow, preserve, and protect the assets to the Nation

C. Transparency and communication kuleana

- 1) Embrace community engagement – ensuring dialogue with the community and neighbors
- 2) Have a robust communications and information-sharing infrastructure

5. Governance and Decision-Making

Exercise appropriate leadership and management.

A. Vision for master planning and property management.

- 1) Implement knowledge-based decision-making
- 2) Establish efficient management
- 3) Act in ways that are consistent with Kaka'ako Makai being a flagship of actions, values and leadership
- 4) Create a sense of nation - acting boldly
- 5) Retain policy direction at the level of the Trustees

B. Accountability

- 1) Lead with people who have financial, management, and development expertise
- 2) Complete an annual budget and a 5-year management and operating budget

UPDATE AND MAINTENANCE

The OHA Chief Executive Officer shall be responsible for the update and maintenance of these policies. A review shall be done at a minimum annually to insure that amendments or changes in the laws are duly incorporated or as requested by the Chairperson of the Board of Trustees or Chairperson of a Standing Committee.

STATUS / EFFECTIVE DATE

This document is effective as of September 20, 2012.



OFFICE OF HAWAIIAN AFFAIRS

KAKA 'AKO MAKAI POLICY

[3rd Amendment, April X, 2021](#)

[2nd Amendment, August 21, 2019](#)

[1st Amendment, August 1, 2017](#)

First Reading: August 30, 2012

Second Reading: September 20, 2012

Kaka'ako Makai Policy of the Office of Hawaiian Affairs

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Kaka'ako Makai Policy of the Office of Hawaiian Affairs

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- 1) Relationship to OHA's vision and strategic priorities;
- 2) Design and use, including cultural values;
- 3) Revenue generation and proceeds;
- 4) Timetable and process; and
- 5) Governance and decision-making

The following set of policy guidelines reflects the objective of maximizing revenue and total returns to increase OHA's programmatic reach without compromising OHA's kuleana to perpetuate Hawaiian culture in OHA's management and development of the parcels.

POLICY GUIDELINES

1. Relationship to OHA's Vision and Strategic Priorities

Create synergy between OHA's Kaka'ako Makai parcels and OHA's vision and strategic priorities.

A. Commercial kuleana to maximize revenues while providing economic development opportunities for Native Hawaiians.

- 1) Create a sustainable revenue stream to support OHA's strategic priorities
- 2) Create opportunities for Native Hawaiian self-sufficiency
- 3) Create programmatic opportunities for employment of Native Hawaiians

B. Cultural kuleana to incorporate Native Hawaiian culture in both intrinsic and extrinsic design elements and purposes.

- 1) ~~Proceed in a way that has in mind the transfer of the assets to the Nation~~
- 2) ~~Raise an architectural landmark/signature that signifies Kaka'ako Makai as a Hawaiian place~~
- 3) ~~Create a sense of Nation—acting boldly~~

2. Design and Use, including Cultural Values

Ensure that cultural and stewardship values drive/provide the base for design and use decisions.

A. Create a Hawaiian sense of place — a cohesive Hawaiian identity that creates a place in which the physical structures and environment are connected to the socio-psychological, cultural and spiritual aspects of living Hawaiian that reflects the past, present and future.

- 1) Understand that history can guide us — consider the trajectory of historical uses of the area
- 2) Incorporate cultural uses
- 3) Introduce Kaka 'ako Makai as a meeting place for Native indigenous leaders of the Western hemisphere and Pacific Islands
- 4) Encourage uses and activities that attract Hawaiians and locals to Kaka'ako Makai
- 5) Incorporate the cultural identity of the area - stories, names, guardians, wind and elements — as a guide for planning, design and use
- 6) Proceed with our cultural/kanaka footprint
- ~~7) Create a signature architectural Hawaiian landmark~~

B. Balance pono and commerce.

- 1) Encourage cohesiveness among parcels/projects
- 2) Establish priority for qualified Hawaiian businesses and professionals
- 3) Incorporate mixed uses
- 4) Use green (environmentally friendly) technology

- 5) Prioritize the use of indigenous plants
- C. Collaborate with other Native Hawaiian organizations
 - 1) Work with Kamehameha Schools on potential partnerships with KS's adjoining properties
 - 2) Work with other Ali'i Trusts

3. Revenue Generation and Proceeds

Balance near-term revenue stream and/with long-term financial and strategic goals and decisions.

- A. Near-term kuleana to balance near-term revenue generation for programmatic use with long-term vision.
 - 1) Create a sustainable revenue stream for strategic priorities
 - 2) Allocate ~~20% of gross revenue for grants and 65%~~ 50% of net revenue for OHA's Legacy Land Program (net revenue equals gross revenue minus direct operating expenses, excluding Kaka'ako Makai planning and development-related costs) ~~(*The 50% allocation of net revenues to LLP shall be reviewed at the end of FY 2021)~~
 - 3) Set leases and other contractual arrangements at market value; anything below market value should be exceptions, and will require Board approval
- B. Long-term kuleana to balance revenue generation with OHA strategic goals.
 - 1) Maximize revenue generation, consistent with design, use, and cultural values
 - 2) Balance pono and commerce

4. Timetable and Process

Develop a timely, accountable process.

- A, Key planning considerations
 - 1) Have an overall conceptual plan before considering or initiating major proposals
 - 2) Establish a timeline for tasks that need to be accomplished

B. Key execution considerations

- 1) Engage professionals — finance, real estate, marketing, development, etc.
- 2) Maintain the momentum, in keeping with fiduciary duties
- 3) Proceed in ways that grow, preserve, and protect the assets ~~to the Nation~~

C. Transparency and communication kuleana

- 1) Embrace community engagement — ensuring dialogue with the community and neighbors
- 2) Have a robust communications and information-sharing infrastructure

5. Governance and Decision-Making

Exercise appropriate leadership and management.

A. Vision for master planning and property management.

- 1) Implement knowledge-based decision-making
- 2) Establish efficient management
- 3) Act in ways that are consistent with Kaka'ako Makai being a flagship of actions, values and leadership

~~4) Create a sense of nation—acting boldly~~

~~5)4)~~ Retain policy direction at the level of the Trustees

B. Accountability

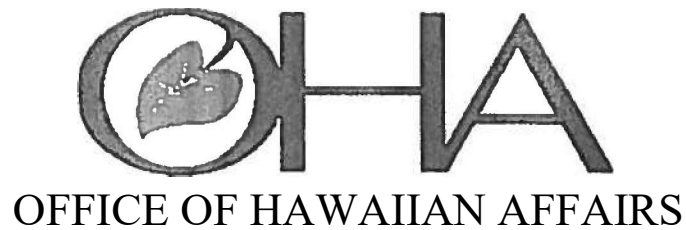
- 1) Lead with people who have financial, management, and development expertise
- 2) Complete an annual budget and a 5-year management and operating budget

UPDATE AND MAINTENANCE

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STATUS / EFFECTIVE DATE

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OFFICE OF HAWAIIAN AFFAIRS

KAKA 'AKO MAKAI POLICY

3rd Amendment, April X, 2021
2nd Amendment, August 21, 2019
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Kaka'ako Makai Policy of the Office of Hawaiian Affairs

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C. Collaborate with other Native Hawaiian organizations

- 1) Work with Kamehameha Schools on potential partnerships with KS's adjoining properties
- 2) Work with other Ali'i Trusts

3. Revenue Generation and Proceeds

Balance near-term revenue stream and/or with long-term financial and strategic goals and decisions.

A. Near-term kuleana to balance near-term revenue generation for programmatic use with long-term vision.

- 1) Create a sustainable revenue stream for strategic priorities
- 2) Allocate 60% of net revenue for OHA's Legacy Land Program (net revenue equals gross revenue minus direct operating expenses, excluding Kaka'ako Makai planning and development-related costs)
- 3) Set leases and other contractual arrangements at market value; anything below market value should be exceptions, and will require Board approval

B. Long-term kuleana to balance revenue generation with OHA strategic goals.

- 1) Maximize revenue generation, consistent with design, use, and cultural values
- 2) Balance pono and commerce

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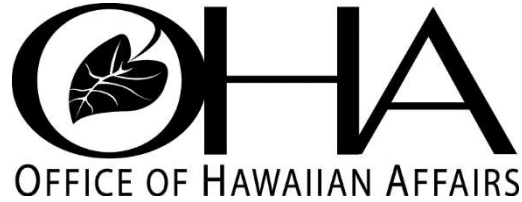
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This document is effective as of September 20, 2012, 1st amendment and effective date August 1, 2017, 2nd amendment and effective date August 21, 2019 and 3rd amendment effective upon the second Board approval.



OFFICE OF HAWAIIAN AFFAIRS

BOARD OF TRUSTEES

TRUSTEE-LEVEL FISCAL POLICIES PERMITTED INTERACTION GROUP REPORT

**Presented to the Board of Trustees
October 2020**

I. INTRODUCTION

The Board of Trustees (BOT) is responsible for setting Office of Hawaiian Affairs (OHA) policy and managing the agency's trust. OHA's Administration is responsible for the operationalization of these policies. Action Item BOT #20-05 was approved at the BOT meeting on September 10, 2020, which was formed to approve the formation of a Permitted Interaction Group (PIG) to "investigate the development of T-Level policies for OHA's Board Governance Framework." The expected end date of the PIG will be on November 3, 2020.

The Trustee (T) - Level PIG Report is a formal, approved document used to manage PIG execution. It documents the actions necessary to define, prepare, integrate, and coordinate the various PIG activities. It is also the gateway to request funding on a PIG and is a major go/no-go decision point. The major purpose is to provide a comprehensive baseline of what has to be achieved by the PIG, how it is to be achieved, who will be involved, how it will be reported and measured, and how information will be communicated. It should be used as a reference for any decision that is made on the PIG to ensure that the management of the PIG is carried out consistently in line with policy and procedures.

II. EXECUTIVE SUMMARY

A. PIG Purpose and Scope

The goal and purpose of the PIG articulates the PIG to OHA's ongoing work and strategic priorities. Development of future policies is recommended to adhere to the scope as agreed to by the PIG team in the identification of the policies outlined here and in the subsequent measures needed to take to maintain the policies. The planning work assures Trustees and Administration staff the ability to maintain and grow its assets for programs related to the betterment of the conditions of Native Hawaiians.

1. Goal/Purpose

There will be the creation of a unified policy framework of OHA BOT T-level fiscal policies that will assist the Trustees in fulfilling their fiduciary duties in alignment with OHA's mission of ensuring the long-term viability of the Native Hawaiian Trust Fund and maintaining the principal while producing large, stable, predictable spending for the betterment of present and future generations of Native Hawaiians.

2. Scope/Definition

OHA will have a central electronic location with all updated comprehensive T-level fiscal processes, policies, and procedures, in the areas of Spending, Debt, Investments, Land Assets, and Economic Development that will be comprehensive and in alignment with one another.

Additionally, to ensure the continuous maintenance of the T-level fiscal policies and procedures framework, a compliance function, internal audit function, and training is recommended for Trustees, Resource Management Committee leadership, Trustee Aides, and Administration.

B. Baseline Current State

The baseline current state of the PIG is the clearly defined starting point for the commencement of the PIG and provides a fixed reference point to measure and compare the PIG's progress against. This allows the PIG team to assess the performance of the PIG over time. The baseline details the requirements of the PIG and seeks to articulate the problem that the PIG is trying to solve. It is highly recommended that the PIG refers to this portion of the report to ensure that the PIG team is actively engaged in meeting these requirements and rectifying the problems identified in the current assessment of the baseline state. The PIG's findings regarding current assessments of the current baseline state are as follows:

- Some T-level financial policies that **exist are in outdated forms, others that are contradictory, and some remain non-existent**

- The lack of a formal financial policy inventory promotes **instability and lack of continuity** causing a continuous need to reinvent responses to recurrent issues
- T-level financial policies and procedures **do not clarify and crystallize strategic intent** for fiscal management
- **Boundaries are undefined** and are often open to interpretation which **creates confusion** on actions the Board and Administration may take
- The existing T-level policies **do not promote long-term and strategic thinking**
- The T-level financial policies **do not manage risks of financial conditions**

C. PIG Benefits and Drivers

Identified benefits that improve policy would make this PIG worthwhile. Identified benefits clearly articulate the core need and reason for the PIG's existence. Tracking the benefits that arise helps PIG members ensure that they are in alignment with OHA's organizational strategies and ensure that PIG controls focus appropriately on achieving these end-goal benefits. These benefits should be considered in the performance of any possible future PIG that may focus on the execution of plans articulated in this PIG.

1. Benefits

- Promote **strategic intent**
- **Protect the assets** of OHA
- **Manage the risk** to the Native Hawaiian Trust Fund
- Promote **consistency** amongst the BOT's financial activities
- Provide a **governance framework** for the BOT's financial decision making
- Articulate **roles and responsibilities** to establish operating standards and behavioral expectations
- Ensure **alignment** with other existing OHA infrastructure
- Ensure **compliance** with federal and state legal requirements and best practices

Drivers are defined as items driving the PIG to complete its work.

2. Drivers

- OHA has faced continued criticism that its **land management infrastructure is inadequate**, unable to support the agency's growing portfolio, nor any future land involvements, despite an increasing demand to develop its commercial real estate activities. Without **improving its investment framework and processes** to ensure that it meets its fiduciary duties to beneficiaries, the Board will continue to lack adequate investment or financial knowledge to properly oversee its trust investments. Without addressing these issues, OHA's **current real estate portfolio will continue to be unbalanced** if revenues generated from its commercial properties are unable to offset expenses from legacy and programmatic land holdings.
- OHA is particularly susceptible to audits that evaluate OHA's fiscal policies which highlight inefficiencies within its current fiscal processes, policies, and procedures. To avoid repeating these recurrent themes, the BOT should actively ensure that **objectives are aligned and that they proactively seek diverse opportunities to increase revenues** (e.g. real estate, intangibles, etc.) while maintaining their constitutional and statutory obligations.
- The BOT should dedicate itself to preserve the intergenerational equity of its assets **despite turnover of Trustees who have varying levels of fiscal and land management knowledge**.
- In a time of increased economic hardship for our beneficiaries, there is an **increased need to explore financial growth** that will ensure funding for needed programs for our beneficiaries. These economic hardships highlight an increased need to pursue more proactive funding measures such as Public Land Trust (PLT) revenue.
- **Increased compliance** with legal (statutory and regulatory) measures and best practices of similarly situated trusts and other organizations is needed.

- OHA's **Board Governance Framework and Strategic Plan** provides opportunities for alignment between these financial policies and new measures of governance reform.

D. PIG Stakeholders

PIGs are influenced by many stakeholders. Stakeholders are invested in the PIG as they will be affected by decisions made by the PIG team at any point along the way; their input can directly impact the outcome of the PIG. Stakeholders come with varied interests, perspectives, objectives, and other characteristics that play a role in the PIG's planning and executing processes. It is usually necessary and expedient to consider all PIG stakeholders during the initiating and planning phases. The key benefit of engaging with stakeholders is that it helps bring understanding to the complex subject matter of the PIG in the most effective way and identifies the actions necessary to satisfy the varied interests, needs, and perspectives of all team members.

1. Internal Stakeholders

- Board of Trustees
- Chief of Staff to the Board of Trustees
- Trustee Aides
- Board Counsel
- Resource Management (leadership and staff)
- Chief Executive Officer
- Chief Operating Officer
- Chief Financial Officer
- Land Director
- Controller
- Investments Manager
- Commercial Property Manager
- OHA Legal Counsel
- Human Resources

2. External Stakeholders (as determined by the PIG)

- Professional Services (e.g. subject matter experts who are not employees of OHA)
 - Financial consultants (e.g. money managers)
 - Policy consultants
 - Other individuals/firms in selected financial sectors identified through the stakeholder analysis workshops
 - Portfolio governance committees
 - Voluntary Investment Advisory Committees
 - Partners for future public-private partnerships for new economic development and real estate ventures
 - Philanthropy sector advisors
 - Ali'i Trusts and other Native Hawaiian serving organization
- Beneficiaries

E. Resources

PIG resources are the people, capital, and/or material goods required for the successful execution and completion of the PIG. Commencement of the remaining work on the PIG is dependent on whether the BOT appoints a PIG to execute the work as outlined in this report. Resources for PIGs can be determined at the time of a PIG's appointment.

F. Communication Agreements

The PIG Communications Agreement facilitates PIG communication and expectations among all team members. The PIG team developed appropriate approaches and planned for communications activities based on the information needs of each stakeholder on this PIG and the needs of PIG members. The Agreements describe how communications are planned, structured, monitored, and controlled. Some of the content from the Agreements can be found below. To ensure successful internal communication, it is recommended that all team members and assigned stakeholders follows the Communications Agreements outlined above to enable an efficient and effective flow of information between the PIG team members and stakeholders assigned to work on the PIG team.

- Status updates are provided to the PIG Manager
- Documents, reports, and action items will be drafted by the PIG Manager and will be forwarded to the PIG Sponsor for approval
- PIG communications include status updates and subsequent reports to both Administration and the Trustees that are members of the PIG

G. Key Milestones

Key milestones provide for subsequent actions that need to be taken at the planning level (BOT) and execution level (Administration) should the Trustees decide to appoint a future PIG.

1. Planning (BOT Actions):

The PIG outlined the subsequent steps that need to be completed by the BOT for the planning of this PIG to be completed. The final PIG Report will be prepared for PIG Chair Lee by October 15, 2020 for presentation before the full BOT at the following meetings:

- **October 22, 2020 (PIG Report presented to the Board of Trustees. There will be no discussion at this time.)**
- **October 29, 2020 (full and free discussion with Board of Trustees on PIG Report)**

H. Risks of Not Continuing with the PIG

Risks are uncertain events or conditions that have a negative or positive effect on a PIG's objectives. PIG members sought to increase the likelihood and impact of positive events and decrease the likelihood and impact of negative events. The PIG team identified potential risks, the probability that the risk event would occur, and the impact of such risks should the risks have come to fruition. Monitoring these high probability, high impact risks ensure that risks are mitigated throughout the work period and that issues that could jeopardize the future of the PIG's schedule, resources, or scope/quality of the work do not come to fruition. Below are three high probability, high impact risks identified by PIG members:

- With a **reorganization** of the Board of Trustees, it will be important that the both the Chief of Staff of the Board of Trustees and the Resource Management leadership and staff remain engaged in the progress of the development of the fiscal policies and procedures since a change in board and/or committee leadership will lead to a "learning curve" for those in potential new positions. This includes ensuring that BOT staff prepare materials for comprehensive BOT workshops to discuss these policies in order to ensure Trustees have the proper tools to make informed decisions on fiscal matters in alignment with their role as fiduciaries and to **secure commitments** from trustees.
- The writing, drafting, and integration of these policies will not be enough to ensure the success of the PIG; **proper internal controls and a compliance monitor will be needed** to ensure that OHA maintains its commitment to a centralized inventory with updated, comprehensive, streamlined T-level fiscal policies and related consistent practices to proactively manage risks.
- **The Board currently does not have the subject-matter expertise needed in investment and fiscal matters.** The Board is obligated to follow The Uniform Prudent Investor Act (UPIA); therefore, the Board must continue to rely on advisory committees that may assist them in evaluating the advice it receives

from its money managers, investment managers, and policy consultants. As portfolio advisors to the BOT, these governing committees must be given the proper deference and necessary consideration.

I. PIG Human Resource Recommended Estimates

The PIG team estimated the processes involved in planning and managing the recommended human resources estimates needed for this PIG. All policies should be developed concurrently using different compositions of teams with the proper subject-matter expertise. Upon completion of the policies and approval of these policies by the BOT, the completion of other deliverables may be executed by Administration. It is recommended that the rest of the deliverables should be developed subsequently using different teams with the proper subject matter expertise.

Human Resources/Contractor/Staff Resource Estimates:

- **PIG Management Deliverables – 6 months** (suggested resource: PIG Manager)
- **T-Level Fiscal Policies – 3 months**
 - Spending Policy – 3 months
 - Debt Policy – 3 months
 - Investment Policies – 3 months
 - Land Assets Policies – 3 months
 - Economic Development Policy – 3 months
- **T-Level Fiscal Policy Procedures – 2 months** (suggested resource: CEO)
 - Spending Policy Procedures – 2 months
 - Debt Policy Procedures – 2 months
 - Investment Policies Procedures – 2 months
 - Land Assets Policies Procedures – 2 months
 - Economic Development Policy Procedures – 2 months
- **T-Level Fiscal Policy Framework – 2 months** (suggested resource: CEO, sub-deliverable owners: CFO and IT)
 - T-Level Fiscal Policy Repository – 2 months
 - Project Portfolio Management framework for T-Level Fiscal Policies and Procedures – 2 months
- **Compliance Function – 2 months** (suggested resource: CEO)
- **Internal Audit Function – 2 months** (suggested resource: CEO)
- **Training Function – 2 months** (suggested resource: CEO, sub-deliverable owners: HR and CC)

J. Quality Metrics

Quality Metrics provide detailed and specific measurements about the PIG and how its deliverables should be measured. Metrics are consulted in the quality assurance process to ensure that the processes used will meet the metrics. The deliverables or processes are measured to determine if the result is acceptable or if corrective action or rework is required. The following are the key metrics that the team believes will define successful T-level fiscal policies:

- One comprehensive and updated **Debt Policy** with complementary implementation procedures compliant with legal requirements and aligned with various debt strategies that address core vs. non-core functions and specify internal processes and responsibilities for obtaining debt approval from the board as well as managing and monitoring approved debt
- Comprehensive and updated **Investment Policies** with complementary implementation procedures developed for securities and real estate that identify realistic investment targets and manage financial assets for active returns, favoring niche opportunities, and differential strategies, including Hawai'i direct investment opportunities

- Comprehensive and updated **Land Asset Policies** with complementary implementation procedures provide for proper allocation of revenues from both its legacy lands and commercial properties to manage commercial real estate primarily for long-term returns from lease rents, create value through asset management, and planning within OHA's Strategic Plan
- One comprehensive and updated **Economic Development Policy** with complementary implementation procedures that have unified objectives to promote opportunities that provide for an increased generation of revenues with due diligence
- One **Spending Policy** with complementary implementation procedures that are in alignment with the Board governance framework and identify core and non-core functions, resolve conflicting spending policy objectives, discuss the need for and role of reserve funds, and resolve comingling of funds

K. Procurement Needs

No procurement need was identified.

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

V. New Business

A. Deliberation and decision making on the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(c)

2. Action Item BOT#21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant


OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES


April 15, 2021

BOT #21-04

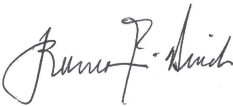
Action Item Issue: Approve the Solicitation of a Request for Proposal for a Development Consultant

Co-Prepared by:  Apr 10, 2021


Kalani Fronda Date
Ka Pou Kihi Kanaloa 'Āina, Land Director

Co-Prepared by:  Apr 10, 2021


Casey K. Brown Date
Ka Pou Nui, Chief Operating Officer

Reviewed by:  Apr 10, 2021

Ramona G. Hinck Date
Ka Pou Kihi Kanaloa Wai, Chief Financial Officer

Reviewed by:  Apr 10, 2021

Sylvia M. Hussey, Ed.D. Date
Ka Pouhana, Chief Executive Officer

Reviewed by:  Apr 10, 2021

Carmen Hulu Lindsey Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

I. Action Item

Approve the Solicitation of a Request for Proposal for a Development Consultant.

II. Issue

Whether or not the Board of Trustees (BOT) will approve the solicitation of a request for proposal (RFP) for a Development Consultant as recommended by the land and commercial property permitted interaction group¹ report delivered to the BOT on April 8, 2021².

III. Discussion

A. Setting Context for the Solicitation of a Request for Proposal for a Development Consultant

- 1. Land and Commercial Property Permitted Interaction Group.** Via Action Item #21-01 on January 28, 2021, the Board authorized a permitted interaction group (PIG) to investigate the development of land and commercial property (“LCP”) policies and strategies relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai properties (“LCP PIG”). The purview of the LCP PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai; (2) Implications of other fiscal policies’ impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA’s Nā Lama Kukui and Kakaako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.

The report of the LCP PIG was delivered to the Board on April 8, 2021 and attached to Action Item BOT #21-03 dated April 15, 2021. The report covered the results of the LCP PIG’s work: Nā Lama Kukui Long Term Strategies; Kaka‘ako Makai Long Term Strategies, Requests for Proposal Related to Kaka‘ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees Actions, including Permitted Interaction Groups. Each section of the report began with a context setting section, a section that describes the authorized PIG’s work and related recommendations. Figure 1. – Kaka‘ako Makai Development Roadmap shown below, was also a part of the investigative work.

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¹ Authorized by Action Item BOT #21-01 on January 28, 2021

² Refer to Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group, for the Board’s action regarding the delivered report.

Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

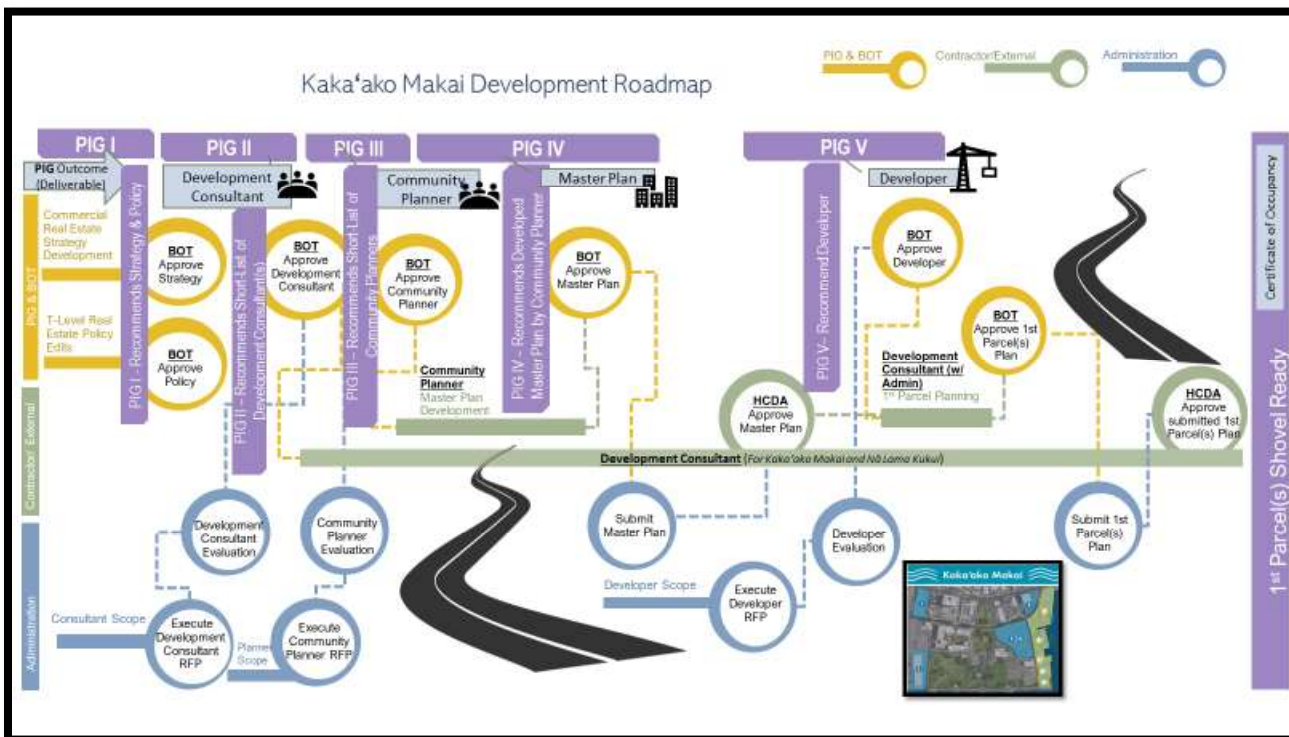


Figure 1. – Kaka'ako Makai Development Roadmap

2. **3rd Party Assistance.** The following is an excerpt from the LCP PIG report delivered to the BOT on April 8, 2021:

"3RD PARTY ASSISTANCE"

- A. **PIG Investigative Work.** *The investigative work of the PIG illuminated the need for professional 3rd party assistance in the furtherance of development and deployment of strategies for Nā Lama Kukui (NLK) and Kaka'ako Makai (KM). Working definitions and descriptors of such 3rd party assistance is provided below in support of recommendations. While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.*
 1. **Development Consultant.** *Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka'ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.*
 2. **Community Planner.** *Prepares and delivers a Land Development Plan to include a vision, physical master plan and implementation strategies to guide the future development opportunities of the Kaka'ako Makai, thirty (30) acres of land considering all of the related attributes (e.g., size, characteristics, height, use or other restrictions).*
 3. **Developer.** *Real estate or property development encompasses a range of activities such as renovation and releasing of existing buildings, purchase and finance of raw land and sale of developed land to others. Developers coordinate all activities from converting ideas from paper to tangible real property. While*

Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

there are similar activities, real estate development as a business process does differ from construction or house building Entity is responsible to determine the marketing of the property, develop the building program and design, obtain the necessary public approvals and financing, build the structure(s), rent out, manage.

Recommendations re: 3rd Party Assistance

The following recommendations are made by the Permitted Interaction Group:

- 1. Select and engage a **Development Consultant** within OHA derived parameters for Kaka'ako Makai;*
- 2. Select and engage a **Community Planner** within OHA derived parameters for Kaka'ako Makai; and*
- 3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s).*

B. Request for Proposal Elements to Select and Engage a Development Consultant

- 1. RFP and Scope.** As noted above, the LCP PIG recommended that a request for proposal (RFP) procurement process be utilized. The RFP process, rather than the professional services procurement process, provides OHA the broadest opportunity (and transparency) to seek a swath of subject matter local, national and/or international expertise and opportunity. As noted in the LCP report above, a Development Consultant, *“Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka'ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.”* As also noted in the LCP PIG report, *“While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.”* Therefore, the scope of the Development Consultant is broad in its intended application. The actual RFP document will conform to the standard OHA RFP format and processes.
- 2. RFP Activities.** RFP activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related Kaka'ako Makai or Nā Lama Kukui 3rd party assistance (e.g., Community Planner, Developer).** Administration plans for a short list of recommended and qualified respondents to be brought forward to the BOT for final selection.
- 3. RFP Timeline.** The process will start as soon as the authorization is provided via this Action Item and the minimum public posting period is 30 days. Consideration can be given for a slightly longer period, say 45 days, if the additional time is deemed necessary. If the RFP response time is extended (e.g., 30 to 45 days), the 15 days (as an example) will only compress the evaluation period and the resulting timing of bringing the short list of recommendations to the BOT for final selection. A no later than date of July 31, 2021 is stated herein to set expectations, however, all best efforts will be made to bring the short-list information to the BOT by the end of the fiscal year, June 30, 2021.

Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

4. **Contracting Terms.** After selection, contracting will follow the standard OHA format and be the umbrella agreement with the statement of work (SOW) format used to trigger specific work activities or streams on a time and materials basis. A SOW format assumes the respondents have provided a rate per hour by team member (e.g., consultant, senior consultant, manager, senior manager, partner). The numbered SOW document would capture the details of the work—tasks, activities, timelines, milestones (for deliverables and billing), deliverables and any anticipated pre-approved travel and/or other necessary execution costs.

Figure 2 describes the anticipated SOW process within the Development Consultant contract to better activate, manage, receive and pay for desired services.

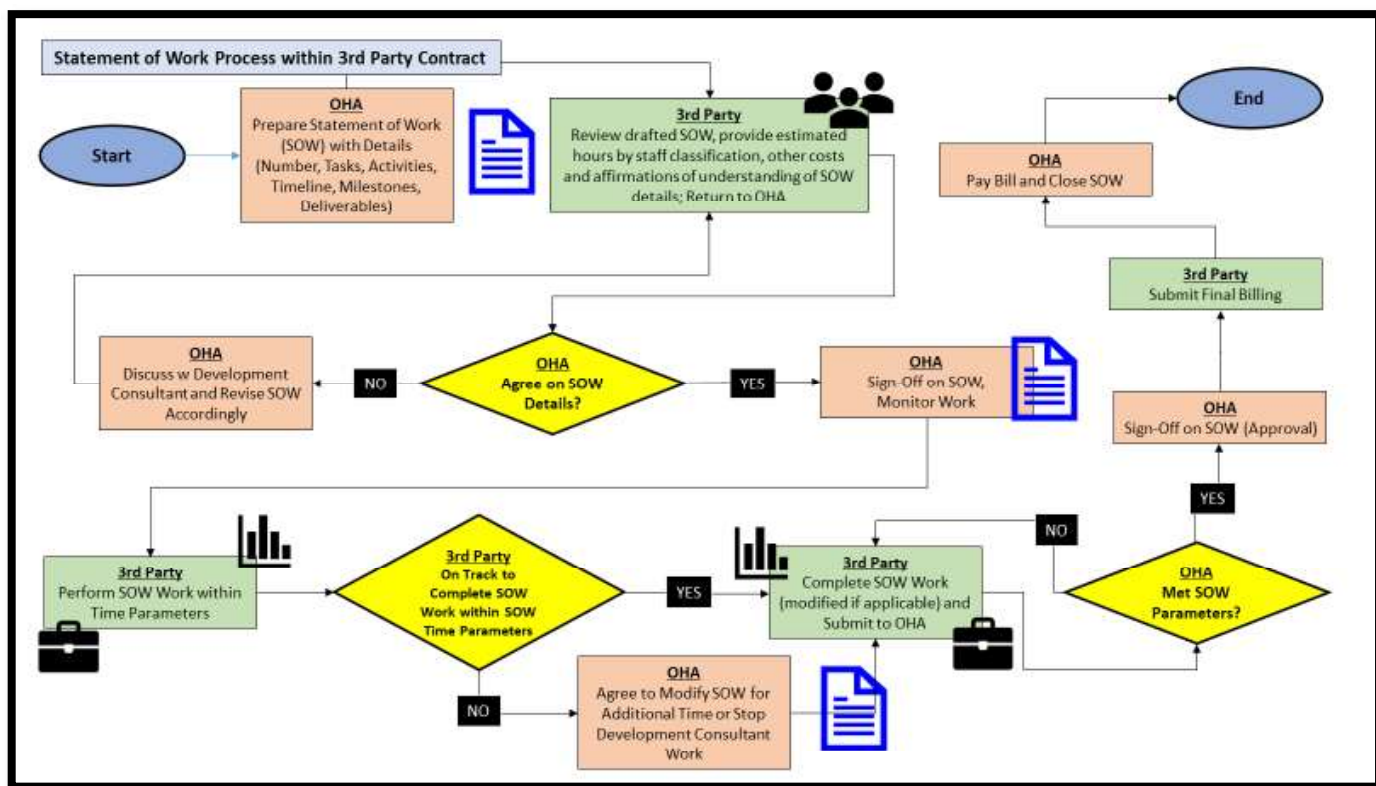


Figure 2. - Statement of Work Process within 3rd Party Contract

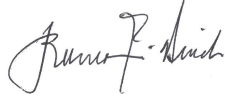
IV. Funding Source

No dedicated funding is needed for a solicitation process as it is supported by existing internal Administration labor (e.g., land and commercial property, procurement, executive office). Any resources needed to carry out related activities will conform with existing budgetary, spending and procurement authorities, policies and procedures. The need for such a consultant was anticipated and included in the BOT approved FY21 non-core land and commercial property budget.

Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

V. Certification

The following is the certification by the Chief Financial Officer that the funds are available for the recommended solicitation of a Request for Proposal process:



Ramona G. Hinck
Chief Financial Officer
Date: April 15, 2021

VI. Recommended Action

Administration recommends the BOT approve the solicitation of a Request for Proposal for a Development Consultant.

VII. Reference: BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group.

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

V. New Business

A. Deliberation and decision making on the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(c)

3. Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner


OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES


April 15, 2021

BOT #21-05


Action Item Issue: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

Co-Prepared by:  Apr 10, 2021


Kalani Fronda Date
Ka Pou Kihi Kanaloa 'Āina, Land Director

Co-Prepared by:  Apr 10, 2021

Casey K. Brown Date
Ka Pou Nui, Chief Operating Officer

Reviewed by:  Apr 10, 2021

Sylvia M. Hussey, Ed.D. Date
Ka Pouhana, Chief Executive Officer

Reviewed by:  Apr 10, 2021

Carmen Hulu Lindsey Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

I. Action Item

Approve the formation of a Permitted Interaction Group to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner.

II. Issue

Whether or not the Board of Trustees (BOT) will approve the formation of a Permitted Interaction Group (PIG), consistent with Hawai'i Revised Statutes §92-2.5(b)(1), to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner.

III. Discussion

A. Applicable Law in Hawaii Revised Statutes, Permitted Interaction Groups In accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND RECORDS §92-2.5 Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board; provided that: (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

B. Setting Context for the Formation of a Permitted Interaction Group

Via Action Item #21-01 on January 28, 2021 the Board authorized a PIG to investigate the development of land and commercial property ("LCP") policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties ("LCP PIG"). The purview of the LCP PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai; (2) Implications of other fiscal policies' impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.

The report of the LCP PIG was delivered to the Board on April 8, 2021 and is attached to Action Item BOT #21-03 dated April 15, 2021. The report covered the results of the LCP PIG's work: Nā Lama Kukui Long Term Strategies; Kaka'ako Makai Long Term Strategies, Requests for Proposal Related to Kaka'ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees

Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

Actions, including Permitted Interaction Groups. Each section of the report began with a context setting section, a section that describes the authorized PIG's work and related recommendations.

- C. **3rd Party Assistance.** The following is an excerpt from the LCP PIG report delivered to the BOT on April 8, 2021:

"3RD PARTY ASSISTANCE"

A. **PIG Investigative Work.** *The investigative work of the PIG illuminated the need for professional 3rd party assistance in the furtherance of development and deployment of strategies for Nā Lama Kukui (NLK) and Kaka'ako Makai (KM). Working definitions and descriptors of such 3rd party assistance is provided below in support of recommendations. While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.*

1. Development Consultant. *Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka'ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.*

2. Community Planner. *Prepares and delivers a Land Development Plan to include a vision, physical master plan and implementation strategies to guide the future development opportunities of the Kaka'ako Makai, thirty (30) acres of land considering all of the related attributes (e.g., size, characteristics, height, use or other restrictions).*

3. Developer. *Real estate or property development encompasses a range of activities such as renovation and releasing of existing buildings, purchase and finance of raw land and sale of developed land to others. Developers coordinate all activities from converting ideas from paper to tangible real property. While there are similar activities, real estate development as a business process does differ from construction or house building. Entity is responsible to determine the marketing of the property, develop the building program and design, obtain the necessary public approvals and financing, build the structure(s), rent out, manage.*

Recommendations re: 3rd Party Assistance

The following recommendations are made by the Permitted Interaction Group:

- 1. Select and engage a **Development Consultant** within OHA derived parameters for Kaka'ako Makai;*
- 2. Select and engage a **Community Planner** within OHA derived parameters for Kaka'ako Makai; and*
- 3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s)*

Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

IV. Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

- A. **Permitted Interaction Group - Purview.** Via this Action Item, approval is sought to form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner. The purview of the PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the:
1. **Request for Proposal Process – Development Consultant.** Request for Proposal (RFP) process activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related 3rd party assistance (e.g., Community Planner, Developer).** A resultant and recommended short list of eligible entities will be brought to the Board for action.
 2. **Land and Commercial Property Policies.** Investigate and review the Real Estate Vision, Mission and Strategy Policy, June 6, 2007; and the Property, Policy Guidelines, Adopted July 3, 2014.
 3. **Request for Proposal – Community Planner.** Investigate the development and preparation of an RFP for a Community Planner.
- B. **Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group is as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina`ala Ahu Isa; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina`ala Ahu Isa will serve as its Vice Chair. Sylvia M. Hussey, Ka Pouhana, will function as the Project Manager.
- C. **Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than July 31, 2021.

V. Funding Source:

No dedicated funding is needed to authorize and form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; land and commercial property policies; and the development and implementation of a request for proposal for a Community Planner. Any resources needed to carry out related activities will conform with existing budgetary, spending and procurement authorities, policies and procedures.

Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

VI. Recommended Action

Approve the formation of a Permitted Interaction Group to form a PIG to investigate the Development and Implementation of a Request for Proposal for a Development Consultant; and Recommend a Short list of Eligible Entities to the Board, with the following purview, members and term/duration:

- A. **Permitted Interaction Group - Purview.** Via this Action Item, approval is sought to form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner. The purview of the PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the:
1. **Request for Proposal Process – Development Consultant.** RFP process activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related 3rd party assistance (e.g., Community Planner, Developer).** A resultant and recommended short list of eligible entities will be brought to the Board.
 2. **Land and Commercial Property Policies.** Investigate and review the Real Estate Vision, Mission and Strategy Policy, June 6, 2007; and the Property, Policy Guidelines, Adopted July 3, 2014.
 3. **Request for Proposal – Community Planner.** Investigate the development and preparation of an RFP for a Community Planner.
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- C. **Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject later adjustment, but in no event later than July 31, 2021

VII. Reference: Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group

Office of Hawaiian Affairs
Meeting of the Board of Trustees
April 15, 2021
10:00 A.M.

V. New Business

B. Committee on Beneficiary Advocacy and
Empowerment

1. 2021 OHA Legislative Positioning – Matrix 2**†,
April 14, 2021