

**STATE OF HAWAI'I**  
OFFICE OF Hawaiian AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES

February 28, 2024 10:00 a.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

EXCUSED:

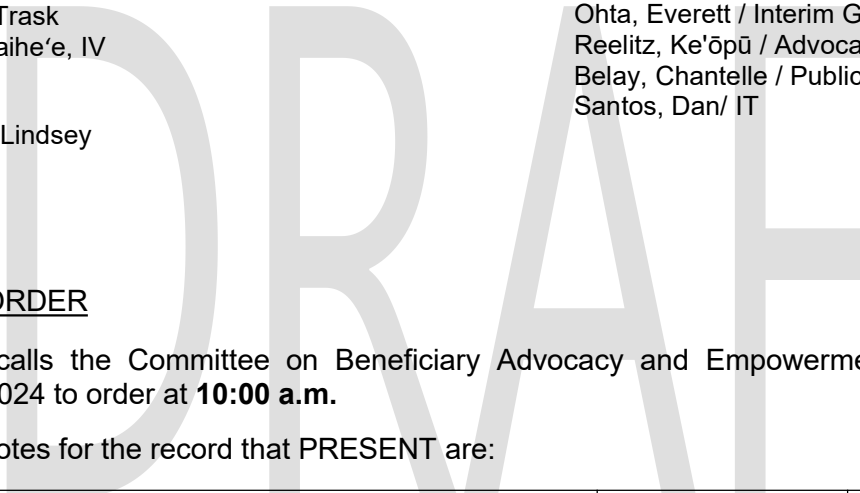
Trustee C. Hulu Lindsey

BAE STAFF:

Nathan Takeuchi  
Mark Watanabe

ADMINISTRATION STAFF:

Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Reelitz, Ke'opū / Advocacy Division Director  
Belay, Chantelle / Public Policy Manager  
Santos, Dan/ IT



I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, February 28, 2024 to order at **10:00 a.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
Trustee	DAN	AHUNA	EXCUSED	10:03 a.m.
Trustee	KELI'I	AKINA	EXCUSED	10:10 a.m.
Trustee	LUANA	ALAPA	PRESENT	
Trustee	BRICKWOOD	GALUTERIA	PRESENT	
Trustee	CARMEN HULU	LINDSEY	EXCUSED	
Trustee	KEONI	SOUZA	PRESENT	
Trustee	MILILANI	TRASK	PRESENT	
Trustee	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **SIX(6)** Trustees are PRESENT, thereby constituting a quorum.

II. New Business

**A. Action Item BAE #24-01: Changes to OHA-3 (related to intellectual and developmental disabilities) and OHA-4 (related to rural resiliency) Resolutions in OHA's 2024 Legislative Package**

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

**TWO TESTIFIERS ON THIS ITEM**

**Zuri Aki:** Aloha, Chair Akaka and members of the Board of Trustees. My name is Zuri Ka'apana Aki. I'm a Native Hawaiian beneficiary and I'm testifying on behalf of myself and my 'ohana, along with the various beneficiary 'ohana and communities who I work with as the former public policy manager to develop OHA-3 and OHA-4. I'm asking you to oppose motions one and two. I am asking for a motion to remove OHA-3 entirely from OHA's package and trusting it instead with Apuakea Native Hawaiian serving nonprofit organizations serving as the subject matter expert in this policy area. I strongly disagree with the statement that the Advocacy Director had difficulty finding interested Legislators to champion the resolution, as a former public policy manager, I had conversations with and commitments from Legislators. I also attended meetings with Legislators and the OHA CEO, where Legislators offered their strong support. One Legislator even wept hearing the proposal. OHA-3 and OHA-4 are catch all seed measures. They're designed to be broad, all-encompassing and to seed an idea, policy that can be continuously watered to grow to something massive with countless fruits with seeds of their own. OHA's advocacy leadership doesn't seem to understand the strategies and is instead proposing to limit the scope by focusing it only on the IEP process, a mere instance of someone's entire life. IEP is already enveloped into the original language of OHA-3. What 'ohana experiencing IDD need goes far beyond the IEP process. It touches every facet of life, from their birth to when they return to be among the ancestors and beyond. The very disconnected short sightedness that OHA's advocacy leadership is experiencing here with this proposal is exactly the reason why the language of OHA-3 is important. It speaks to the intimate struggle that our 'ohana are facing. Trustees, I'm a father and uncle of children experiencing intellectual and developmental disabilities. My subject matter expertise in IDD comes from my intimate knowledge and experiences with IDD. IDD was not a policy priority for OHA until I introduced it here. I made it a focus of OHA advocacy. I put out ads in the Ka Wai Ola and I convened an internal working group of beneficiary subject matter experts on IDD. This BAE meeting package states that the Advocacy Director investigated what improvements could be made to this resolution, yet she did not consult with any of the beneficiary and beneficiary serving organizations that participated in this working group, who contributed their time, energy and resources to developing OHA-3. If the Advocacy Director did, maybe she would understand why this proposal to annihilate that work is so offensive and falls gravely short of addressing the challenges faced by individuals in 'ohana experiencing intellectual and developmental disability. This rewrite does not honor the original intent of OHA-3, it solely undermines it. For these reasons, we ask you to entrust this work with those who began it and understand it as OHA Administration and Advocacy Division have ignored our request for consultation. We have continued this important work with the IDD resolution and secured commitment from the State Council on Developmental Disabilities. Along with Legislators willing to introduce and support the initiative.

Concerning OHA-4, over the 2023 year, OHA Public Policy worked hand in hand with Native Hawaiian rural and remote communities and the elected officials representing them to develop this resolution. The entire team even flew over to these communities to show OHA's responsiveness. OHA has been informed by and committed to this work for over four decades, we have more than enough data to do this work. When the leadership of this advocacy division says that it lacks the time, staff, and budget to develop a report to the Legislature on the greater challenges and disparities faced by rural and remote communities to stab off their immediate erasure, you really need to ask yourself what kind of people you have leading OHA's advocacy, a team of four dedicated advocates were already prepared to deliver a game changing report to the Legislature,

underfunded bare bones and no budget Native Hawaiian serving organizations are doing this work out of a labor of love, 'ohana are doing this work out of survival. If the problem is scope, then be concise. If the problem is budget, OHA's invested staff to do this work since 1978, you also have a handful of executive team members with six figure salaries with exempt status to earn their keep. If the problem is time, then change the amount of time you need to deliver this report, but do not waste any more time because these vanishing communities do not have the time. The real problem, it just seems is that OHA Administration doesn't seem to understand the significance of this resolution and the message it carries. Admin doesn't seem to understand these greater challenges faced by our rural and rural communities and how they interconnect with our overall erasure as Native Hawaiians, despite the glaring fact that for the first time in history of our existence, more Native Hawaiians live outside of our own homeland, not by their own choice.

Trustees, in conclusion, we are asking you to oppose motions one and two and we are also asking for a motion to remove OHA-3 entirely from OHA's package. The State Council on Developmental Disabilities is the more appropriate entity to introduce the resolution language appearing in OHA-3. Mahalo nui loa for your time.

**Makalani Kupau:** Aloha, Chair Akaka and Trustees. My name is Makalani Kupau. I'm a beneficiary, an OHA grant recipient through my Native Hawaiian serving nonprofit Apuakea and a mother of two children with intellectual developmental disabilities. Apuakea has received funding from Next for Autism and other corporations with a vested interest in IDD. As a Native Hawaiian serving organization with a network of individuals and families living with IDD, we give a voice to these 'ohana and to those who cannot speak for themselves. Apuakea answered OHA's call for subject matter experts in the area of IDD. As the Executive Director of the organization who entrusted this resolution to OHA, I can tell you that we crafted the original language of the resolution with the intention to be far reaching in scope of benefits for individuals and families living with IDD and especially for Native Hawaiians. My organization serves on the forefront of issues relating to the Native Hawaiian IDD community and extends our services out to the IDD community statewide. I'm here today to testify in opposition of the changes to OHA-3, the IDD resolution and I also would like to reiterate my request that it be removed from the OHA legislative package entirely. The Director of Advocacy claims to have worked with stakeholders to make changes to the resolution, however, we were not contacted or consulted. Furthermore, every attempt for us to establish contact and to establish a working relationship with public policies new leadership was met with no response. So I looked at the new resolution, as they're proposing it, and the newly proposed language and purpose for resolution is far too narrow in scope and vision. The impacts of IEPs are limited to school aged children and young adults until they age out of the DOE system, and this is a major oversight. Our keiki with IDD grow up to be adults with IDD. As a subject matter expert, navigating the IEP process on behalf of my own two children and in support of others who are, I must impress upon you that the individuals with IDD face challenges for their entire lives and their lives become far more challenging when they age out of their IEPs and lose their associated supports. We need to think bigger. We need to create pathways that will open up opportunities for resources, services and programs that reach into every facet of their lives, which is what the original resolution will accomplish, as we wrote it with that intention. It does not make sense to forego the universal implications of that original resolution for a focus on IEPs in this new resolution. As such, the State Council on Developmental Disabilities will be introducing the resolution in its original language as intended. I am a candidate for appointment to the Council in July. Giving our people a Native Hawaiian voice for IDD and the Council is the most appropriate entity to introduce this resolution. OHA can show its support for the IDD community, including many Native Hawaiians by supporting the resolution proposed by the Council in its original language, as it will be introduced by the State Council on Developmental Disabilities and this would go a long way in garnering support, respect and partnerships with other agencies, the community and OHA's beneficiaries. So Trustees, I urge you to hear us and again ask that you oppose the changes to OHA-3 and remove it from OHA's legislative package. Mahalo for your time and consideration, aloha.

**Chair Akaka** yields the floor to COO Brown

**COO Brown:** Mahalo, Chair Akaka and Trustees, we're going to move into the action item, but before we do

so, I do wanna say a couple of things. One thing that will hopefully address concerns by the testifiers. The first thing is that all OHA material, once it's in the BOT meeting folder is of public domain and so it becomes public material and beneficiaries and community groups are free to use that material. There really is no need for a release of the language or the measure. So the community is free to use the material. The second thing I want to mention Trustees and for the public, is that the testifiers who are of our community and our beneficiaries and for example, those that just testified just now, they bring a wide range of commentary and opinions and I want to stress that these are opinions of the testifiers and I want Trustees and the public to be assured that our advocacy has its attention where it needs to be. The advocacy is rooted in sound reasoning and sound due diligence, and Chief Advocate Ke'ōpū, who is doing an excellent job and has Administrations full backing in the action that's presented to you today.

**Chair Akaka:** Mahalo, Ka Pou Nui.

**COO Brown:** Okay, so let's jump right into the action item and in the particular page, it's going to be on page 6 of the 120 page meeting folder. I want to point your folks attention to roman numeral three of the action item and Ke'ōpū is going to start with the the rewrite of OHA-3, the IDD resolution and then she'll move into the removal of OHA-4. So I'm going to kick it to Chief Advocate Ke'ōpū to walk you through.

**Chief Advocate Reelitz:** Mahalo, Ka Pou Nui. Trustees, today as Ka Pou Nui mentioned, I'll be going through the two components of the first action item and the first one is what we're asking the Board to consider is a rewrite of OHA-3. So, I know there was a lot already documented, but just to sort of give some highlights. This resolution was passed by the Board in early December and as part of the Board package whenever we met with Legislators. We did present the full four measures that were voted on by the Board. We did not ever sort of solidify a specific Legislator that we met with that was willing to introduce it. But what I did at that moment was to take that as an opportunity to say is there a way to make this better or is there a way to make it so that we can get the champions that we need and so in that process I started to have some conversations and I'm not sure how much Trustees are aware, but I've worked in a couple of state agencies that work with in particular kids, but also adults who have special needs and differing abilities, including those with intellectual and developmental disabilities. And so I sort of put some of that hat on and one of the things that often is one of the first questions that would come out of a department when they would get a reso like this is what does that mean? Practically speaking, what do you want us to do if you want us to do more as far as bringing culturally appropriate programs and services and so that specificity is something that even in my conversations, there were questions about the specificity and what does that really mean and how do we move it forward. So from there, I continue to have conversations with Executive Branch Agencies as well as a couple of folks in the community that I know and trust are active advocates for keiki with special needs, including those with intellectual and developmental disabilities, Native Hawaiian children.

And so in the process of having these conversations, one of the ideas that came out of the community was to look at some of the inflection points. And so if you look at the inflection points of individuals with intellectual and developmental disabilities or even inflection points for any child and adult that has special needs or differing abilities, you see a number of different inflection points throughout their lives and as the testifiers say, it is true that it begins very early on. There are early childhood inflection points that also need to be addressed and could use some cultural appropriateness. There are inflection points in the teenage years and into the adult years that are incredibly important. One of the inflection points, however, that came up again and again and again in the conversations I had was the IEP process. The IEP process for folks who don't know, the individualized education plan is the process that a family has to go through if their child three years or older needs state sponsored programs and services for differing abilities or special needs, including those with intellectual and developmental disabilities. And so that IEP process is one of the first hurdles that a family may go through in their lives just to get that access to the services that they need. That process at best can be cold and difficult to navigate, even with the best intentions and the best efforts of school administrators and faculty, it can be a very difficult process to get through for any family. But it can be especially difficult for families who are Native Hawaiian and in the process of the conversations I had, there was sort of this understanding that

perhaps some of the problem, or maybe more importantly some of the solutions needed to be to have a more culturally appropriate and trauma informed process, and so we chose this inflection point because there seemed to be some rallying of folks around this work to collaborate on this one inflection point, which is not to say that there are no other inflection points that matter in someone's life if they have special needs or differing abilities. But it is an important one because it can set a child or a family up for success. It can set them up for unnecessary barriers and at worse it can set them up to fail quite frankly, particularly if they are not feeling supported in a way that supports their identity as Native Hawaiians.

And so the OHA rewrite came from those conversations. I do want to share personally it has been an inspiring process to sort of dig deeper and have some conversations with the very agencies that are in charge of providing these kinds of services. There has been a willingness that has been rare for me in my near decade of Civil Service, a willingness to identify that there is an issue with the IEP process and that it is especially acute for Native Hawaiian families and a willingness to be part of the solution. So you'll note that in the resolution I did get the okay, I did get the express okay from the Department of Education, Office of Student Support Services, which oversees SPED services, and I also got the express permission or agreement to name the Office of Hawaiian Education in DOE as well as the Office of Wellness and Resilience, because we see there's an opportunity to bring collaborative partners together to make some real recommendations. Whether that results in legislation, administrative changes or some other budgetary changes for the Department of Education, they're willing to come to the table and be a part of the solution, while also acknowledging that there is an issue.

The other thing I wanted to mention is that I did have a couple of conversations with folks in the community and they look forward to being part of the solution as well. So as the work sort of moves forward and we did set the report to be due before the 26th Legislature. So we can sort of have that groundwork, lay the groundwork to build trust and collaboration among partners and hopefully have time to include community partners in creating recommendations that everyone feels are actually going to move the needle and make a difference for families at this really important inflection point. So that's sort of your overview, a lot of it was written, but I wanted to give some highlights of sort of how the rewrite came to be and I'm happy to take any questions.

**Chair Akaka:** Mahalo, Ke'ōpū. Members, are there any questions or comments?

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you. You know, in listening to the last 15 minutes of this or maybe 10 or whatever. There's obvious acrimony going on between the parties here and that is one thing that is rather irritating to me. As a parent of, I don't like to call them special needs, I like to call them different ability person. So to the best of your guys' ability, whatever the ability is, I want to encourage you guys, all the parties that are on different sides to get together because the one thing that we don't want to see is nothing happen. Okay, we are at this inflection point where OHA can take a stand and every one of the parties that I'm listening to understands how making policy works. You're not gonna get everything you want. You can maybe get half of the pie, maybe even a quarter, and if you get a quarter of the pie let's be happy about that. But I want to encourage the parties to get together so that we have a consistent message going forward. Okay, if there's something that we can do, you know let's do something, get everybody together. Now Ke'ōpū, how far are we into the session?

**Chief Advocate Reelitz:** At the halfway point.

**Trustee Galuteria:** We're halfway point already.

**Chief Advocate Reelitz:** Just about, we're about to hit crossover. We'll go over the calendar when we go through the matrices.

**Trustee Galuteria:** And so we didn't have anybody carrying these pieces of legislation in for us? Nobody wanted to touch this?

**Chief Advocate Reelitz:** In the meetings that we went to, we did offer and ask if they wanted to introduce any of the resos. We did get a couple of folks who are interested in OHA-2 and OHA-4, but OHA-3 was the harder one to get anyone behind.

**Trustee Galuteria:** And no Native Hawaiian Legislator, none?

**Chief Advocate Reelitz:** Not that we met with, no.

**Trustee Galuteria:** Okay, alright so I did have a question. What is culturally appropriate with regard to IDD? What is culturally appropriate? What does that mean?

**Chief Advocate Reelitz:** So when it comes to the original write of OHA-3, I don't want to put words into the intentions of that, but what I can say in the discussions I've had with rewriting OHA-3, one of the things that we were very careful about in the discussions, in particular with DOE Office of Student Support Services is recognizing that things like even a task force aren't very culturally appropriate and so some of what needs to happen needs to be the foundational sort of information gathering of what does that look like and that would be one of the hopes that comes out of the report and collaborating with folks like, which is one of the reasons why we wanted to include Office of Hawaiian Education because for example, Kaiapuni has a SPED Program and they do the IEPs on site and so what does that look like, I think I don't want to presume and we wanted to bring the folks who are actually doing that work together to inform what that looks like and so that's one of the reasons why we included Office of Hawaiian Education because we wanted to ensure that they had, because they were already doing a lot of this work, why not bring them in and bring their expertise to the table.

**Trustee Galuteria:** One final statement, cultural appropriateness is quite subjective. You know, and my recent work with iwi kūpuna, nobody really had the rule book on that one. So I'm curious as to find out what cultural appropriateness in IDD is, so just bear that in mind because I want to come back with, you know, the same question the next time around and if we could be precise on that, I'd appreciate it. Thank you, Chair.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** Thank you, Chair. I'm a parent of a SPED student as well, so I'm really confused about both sides. My question is have we talked to the Native Hawaiian Charter Schools?

**Chief Advocate Reelitz:** We have not yet, but that was one of the hopes. One of the many conversations we had was a friend of mine that is in the Charter School Commission, that works for the Charter School Commission, and so I did start to ask. So some of the fact fighting was finding out what happens at the Native Hawaiian focused charter schools. So I did not have the time to get their buy in. But my hope is that we would include them because they also some of them have SPED services on campus, some of them, at least in the past had to go elsewhere and that was in part of understanding the inflection point as it relates to Native Hawaiian students is one of the things that sort of came up and kept bubbling up. So I have not gotten the express permission to include charter schools and Native Hawaiian focused charter schools, but I would like to continue that conversation and a friend who is in charter schools did help sort of inform my perspective on all of this.

**Trustee Ahuna:** Okay, so my question about SPED services and are we talking about IDEA?

**Chief Advocate Reelitz:** Yes

**Trustee Ahuna:** Okay, so I want to talk about culturally relevant, what Brickwood brought up and I just want to

say something. As Native Hawaiians, we grew up as people that didn't have a left to right culture, which means we didn't read left to right. We didn't do things left to right. We had ki'i's, you know, and we had different things so it wasn't a left to right culture. A lot of the developmental delays or the things happening to our kids every single day is they think they're dyslexic because they reading the last word before the first word and these are something that we grew up with as people. So for me the charter schools have all that information and what I'm confused is I don't want to be doing any changes. You know, I wanna know what are the changes because I'm thinking right now the charter schools struggle with IEPs and everything and I wanna tell you why. Okay, now it has to do with facilities and everything that they have to do with the per pupil allocation. See the reason why I'm saying this is because they cannot accommodate with all the SPED services on these campuses, they don't have those type of services. So today, we're talking about SPED and I'm lost, I'm totally lost because we need help in this area. I mean IEPs can be good, we can have advocates, we can do all those things. But the thing is are we providing the services even without this reso right now. So I want to know if these resos help our children and a lot of the kids that we're talking about today is in our Nā Lei Na'auao Schools and if we never talk to these kids yet I'm baffled because this is the connection we have to make. So I just need somebody to explain what are we trying to remove from the reso and what are we trying to, I'm just lost. Like when our two beneficiaries started talking I got confused again. So I just want to be clear. Like what is going on with SPED services because it's a federal mandate. I don't know what we're trying to change or anything but if we want to try and help our Native Hawaiian students, I want to know how are we going to do that or what is the approach and when we're going to talk to our charter schools, it's very, very important.

**Chief Advocate Reelitz:** If I may Chair, I think I can provide some background. Thank you, Trustee Ahuna. So I guess the first part of the question, what what we are asking the Trustees to consider is essentially to take a similar, I should say take a new reso in the place of OHA-3. So it would be doing away with the original reso as it was written, the original reso was broader as the testifiers talked about as far as looking, it was broad in the scope of looking at the entire lifespan of individuals with intellectual developmental disabilities who are Native Hawaiian. What the new reso does is essentially broaden out that it would be, the hope that it would make an impact for all children with special needs or differing abilities but focus on one of the inflection points and that would just be one of many, the hope is that. So that sort of just so you understand sort of the difference between the two and what we're coming before you today is to focus in on the IEP process. One of the hopes I will say is that we focus on the IEP process. But I think, I 100% hear you that that is some of the issues that I had been hearing at the conversations I had in the community is the fact that how do you provide an IEP, let alone the services that go along with the IEP that if you don't have the facilities, if you don't have the staffing, all of those things are key components that advocates that I have talked to and quite frankly staff, faculty and administration have seen as barriers. But what we want to do is bring that together in a report. Our Public Policy Program does have contact with KALO as a grantee, so I will make a point that our program staff will reach out to our Native Hawaiian focused charter schools in particular. But one of the things as I mentioned earlier that gives me the most hope is that we got DOE to the table to say this is an issue and we're willing to be part of the solution and so my hope is that because there has been such a willingness to bring them to the table that that will actually hopefully move the needle forward on things that folks like you were talking about, Trustee Ahuna, who we've known for awhile and I'm not sure if you were at the meeting, but I did share that I have children who have special needs and who have gone through IEP processes.

And so these are things that they're not secrets. They're things that we know and so how do we get them in a report, while getting the agencies that can draw down the money, that have the federal mandate and that can help be part of the difference at the table and so that's what the rewritten reso is trying to get at and trying to bring those folks to the table in the here and now to make the recommendations and hopefully get the stuff that we need forward and I will make a point of making sure our Program Manager touches base with Taffi and folks over at KALO because in the rush to sort of get this done, I did have some small conversations, but I didn't do the official reach out to KALO, so my apologies on that and we will reach out to them because we want them to be a part of the solution and be at that table with DOE.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. Just a quick question for Ke'ōpū. Since we don't have any legislative backing of the revised resolution, wouldn't it just be more practical to stay with the original?

**Chief Advocate Reelitz:** So I did have some preliminary conversations with a couple of Legislators who were willing to introduce the reworked reso.

**Trustee Akina:** But we don't have that at the table now. What is the time frame you're working with in order to make this effective?

**Chief Advocate Reelitz:** The reso would have to be introduced by next week and my plan was I wanted to wait for Board approval before I made any official asks of Legislators. So I did have some preliminary conversations with Legislators when I was at the Capitol last week, if they would be willing to introduce it. Which is more than at this point the original reso, I would have to do the same thing, cause none of the Legislators we've talked to have sort of asked to introduce or agreed to be champions of the reso.

**Trustee Akina:** So if we don't approve the change today, do we have a window of opportunity to do that in a timely fashion for this Legislative session?

**Chief Advocate Reelitz:** There would be no Board approval. We would have to go with the original reso and we would try. I mean, I wanna assure Trustees that and Chair Akaka has been in most if not all of the meetings with Legislators. So we have presented the full OHA package every time we talked with Legislators. I do want to assure you of that. But it would be the same thing and I would do what I'm doing with the reworked reso. and just sort of continue to have those conversations with Legislators in the next week.

**Trustee Akina:** Well, Ke'ōpū, I don't mean anything offensive by this, because I know how hard you and the whole team are working and I appreciate that very, very deeply. But I think we're at a bit of a disadvantage in terms of decision making on this today and it's hard for me to go forward with full support of the modification, especially because I think it's so very important for us to factor in the input of our beneficiaries, especially stakeholders on an issue that we're going forward with, thank you.

**Chair Akaka** recognizes Trustee Souza

**Trustee Souza:** Mahalo, Madam Chair. Ke'ōpū, thank you for everything that you're doing again. You know, this is not an issue that only affects our Native Hawaiian children or adults for that matter. But you know, we are OHA and like Trustee Galuteria said earlier, bringing us together, the more attention we can get on this matter from different perspectives, especially OHA, you know, we're talking about being culturally sensitive, cultural based opportunity to basically move the needle. So I don't disagree with us not supporting it. I agree with us supporting it, supporting the issue, but like also what Trustee Akina is saying, what is the timeline? Do we have time to get other Legislators on board or someone to introduce it on our behalf? If we do that will be my number one priority moving forward as of today. Maybe we can touch base later on who you reached out to and we could talk to our friends down there at the Capitol as well and try to get the support, so thank you.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** Thank you. Trustees, you know, I'm kind of concerned about this measure. This measure is one that we are coming now and we are moving in the Legislature. We're a few days away from crossover people. That's the only measure we got in. I notice that the two people that come to testify, one of which was recently discharged, lost his position and his position was given to Ke'ōpū. He keeps coming in with complaints about her. If you're going to come in and tell me that I should drop the only good bill I see moving now for Hawaiian children with disabilities then you give me the other bill in the hopper. This is in the hopper. It's a state bill and it's for our children with disabilities. We haven't made crossover. You don't like language, you



wanna add language, we have the time to do it, because this bill is in the hopper. When crossover occurs, we change houses. We go to the next committee and we fight for the legislation, the language we want to put in. But I don't want to drop our bill for children with disabilities when we don't have another vehicle. If you're a Trustee that doesn't like this, can you give me the number on the bill in the hopper for our children with disabilities this session. I couldn't find one. This is a bill, I agree we could make some better changes. Let's do it after crossover. This is a real vehicle. I hear two people complaining, but I don't see a vehicle to move to work together. You know, Brickwood is right, we could work together. But I don't know how we can do it, Brick, we only got a few days to crossover and the guys coming in to complain to me on this bill which is moving, don't have another bill and I'm not about to kill the only bill I have coming from my office for children with disabilities when I can still amend it and make it stronger. I'm not going to kill it for a bunch of people who don't even have a vehicle in for this session. I'm willing to work with people, but you better come in with your legislation prior to three days before crossover. I don't want to give up the good work we have. It's not about Zuri and his new girlfriend. It's about getting something for our children with disabilities out this session. There's no other vehicle we have, thank you.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Thank you, Madam Chair. I'd like to share a little bit of good news and that is we do have a vehicle. The original resolution is what is in the hopper and it's broader, sufficiently broad to include what we're trying to accomplish in the revised resolution. So we have before us the opportunity simply to go with the original and we can still stand in unison for the needs of our keiki, thank you.

**Trustee Trask:** The original is not on the agenda, people. You don't violate the law that requires the posting of a public agenda that gives full notice to our people. Maybe you do business that way Mr. Grassroot Akina, but we don't do that in this office.

**Chair Akaka:** Okay, alright, so Ke'ōpū.

**Chief Advocate Reelitz:** So I did just want to give some clarification, I think it's probably the best way to capture it. So my understanding is we have the Board approved resolution that was approved in December and we can move forward with that. What I do wanna just sort of share again and again I follow the Board. You folks tell us what to do and you folks set the policy. So if that is the will of the Board, I will carry it forward. That being said, I do want to share that again, the conversations I've had with folks in the executive branch in DOE is again and again, what do we do with this reso? Typically in the past when I've done resos that don't call for a report, there are things like identifying a day or a month. So that way you can pin some level of action accordingly, or it's to identify or commend a person or a community for doing certain things. Again, so you can sort of pin action to it. You can pin getting, you know, Legislators to understand it, to see it and to move forward and because this reso is in part supposed to go to the executive branch to encourage them to do more, to do culturally appropriate programs and services for Native Hawaiian individuals and families with intellectual and developmental disabilities, I do want to share the perspective from the executive branch that they will and have said what does that mean? And so that is why the OHA-3 was rewritten to help us get a little bit more to that what does that mean at a single inflection point, which does not mean that we can't do that same collaborative process in the future for the various other inflection points that are there for individuals with intellectual and developmental disabilities. But at the end of the day, if this motion does not pass, we will move forward with the original as was approved in December, as we have been going through the Legislature talking about and looking for introducers.

**Chair Akaka** recognizes Trustee Akina

**Trustee Akina:** Madam Chair, thank you. I just want to clarify something in response to what a Trustee has said previously, I want to correct the misinformation that an agenda item is being forwarded at this time regarding the resolution. That is not the case, there is no new agenda item. We as a Board adopted a

resolution back in December. That still stands. That is a vehicle that can be used to raise awareness of this important issue. Just a clarification, Madam Chair.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Ke'ōpū, To make sure I understand what we're doing by narrowing it down. So are you saying that by narrowing it down to this inflection point that we are now in this reso, we have identified based on a single inflection point what we want to end goal to be so we have that answer in this version?

**Chief Advocate Reelitz:** I think we can get there to have some concrete recommendations on what that means for the Department of Education, for Charter School Commission. At this point, I think this gets us there so that we would have a report, you know, as Trustee Ahuna was saying, like if you've been through the IEP process or you're an Educator, which we do, I always forget that our Public Policy Manager is also a former educator, so she has experience with the IEP process as well. We know where the pain points are. We know what the solutions are, but we need something solid to say this is what needs to move forward and that's been my experience. In other work in the past, I've been part of an agency that brought together collaborative partners. One of the other inflection points just so folks know is the transition from Part C to Part B of IDEA. So that's the move from DOH to DOE as far as jurisdiction goes and what has always been helpful is when we can get folks to the table to say what are you willing to do, what are you willing to push for the ledge? What are you willing to change in your protocols and your budgets to make these things happen and that is what we are proposing for the inflection point that is the IEP process for families.

**Trustee Waihe'e:** And we would not be able to identify what the end result would be if we kept everything in that's in the original reso?

**Chief Advocate Reelitz:** The original reso doesn't call for collaboration or a report, no.

**Trustee Waihe'e:** Could we call for that? I mean, I don't know, maybe this is naive, could we call for that for every inflection point that was in the original reso? You know what I mean? Instead of just focusing on one inflection point and calling for what you're saying, a report and you know, everything that you're saying we're doing with this one. Could we keep everything that was in the original reso and call for the same thing for all of them, or would that be too ambitious?

**Chief Advocate Reelitz:** It would be ambitious, but I do think, so my concern is that the work that would be due by 2026 would be too much for our staff, or actually would be the team cause we'd be working across Paia to handle so just to sort of answer your question very clearly up front. But what my hope is, is that if we have sort of this, if we develop this ability to start to bring folks to the table. So as I mentioned in the write up that you folks have, one of the other state agencies that was very interested but said you know, we'll just hang back and support as needed was Department of Health Children and Adolescent Mental Health Division. So there are other and CAMHD, as well as Early Intervention Services and DOH, those are folks that would be in another inflection point that I think could benefit from this and may actually come to the table and the collaboration. My hope is that in starting this conversation with one of the inflection points that it would hopefully spur, quite frankly we don't need a reso to do that work. We can do that work tomorrow, but my hope is that putting that name in a reso saying, you know, DOE, you said you're coming to the table. Office of Wellness and Resilience, you said you were coming to the table and the Legislature is expecting you to come to the table that we are making sure that we're sort of memorializing that and so moving that forward my hope was to start with one inflection point and then that work would carry forward from there. I hope that's answering your question, but I do see your point. We could do that, I'm concerned about scope at that point.

**Trustee Waihe'e:** Do you feel that by narrowing it to one inflection point, you would have an easier time getting someone to introduce it as well?

**Chief Advocate Reelitz:** Possibly, you know, the couple of Legislators I talked to were open to it. I think for some of the Legislators and the conversations we had with Legislators, the concern was the specificity. So I think to your point, if there was that specificity in there, we would probably get some, a little bit more championing of the measure. But again, I think the concern for me would then be scope.

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** You know, I'm very concerned about the vehicles. This bill may not be the strongest and the best for an outcome, but we do know that collaboration with the DOE and the Department of Health is a critical point here. That was not in original measure, but because of the discussions going on now in the Legislature, it moves and what it's telling us is that DOH, DOE are looking at this, they're talking with our team. We have the crossover period. Once crossover occurs, we will move the bill again and with the door open with DOH and DOE, we can still add and strengthen this vehicle. If not, we have no vehicle this session and I'm not satisfied with going back to what we had before. The reason why we're doing this is because we know what we had before was too narrow. But this is a real vehicle. It's moving this session. Conversations are moving with Department of Health and Education. Two critical state agencies that deal with our children with disabilities. I don't know why we would let the vehicle go instead of doing the work we're supposed to, which is finish up in the rest of this session and get the best bill out that we can. I don't see anything other than that, I hear complaints. But I don't see another vehicle, only this. So you know, I'm not about ready to throw in the towel. We got work to do this session and strengthen this measure and move it. No other measure comes before us at this time, on this topic. I don't want to give up for our children with disabilities and families. I don't want to give up this session, no.

**Chair Akaka:** Members, are there any other questions or comments on this? Seeing none, Ke'ōpū do you have anything else to share?

**Chief Advocate Reelitz:** We do have the second component of the Action Item which is OHA-4. OHA-4, if folks will remember, well I do sort of wanna recap. We spent a good chunk of time on OHA-3, I want to recap OHA-2 and OHA-4 just for quick jogging of memories. OHA-2 is a reso that would call for OHA to create a report about what is and I think to Trustee Galuteria's early question, what does cultural appropriate look like when it comes to state statutes, administration policies, procedures, protocols, and so that is one. We had two report resos, that's one report reso the other report reso was OHA-4, which is the rural resilience reso. In the conversations that we have with Legislators, I did have more Legislators express interest in this reso. That being said, in December when we voted on the entire OHA package, part of the discussion was Trustees asked us to look at our plans and budget for the resos, particularly the two resos that require the report.

So based on the request by Trustees to make sure that we are doing our due diligence and are able to carry these forward, Administration did look at the project plan and budget and I also started by making sure I fully understood the scope of OHA-4. The scope of OHA-4 would call for a report by the Office of Hawaiian Affairs to bring together folks to provide strategies for rural resilience in Native Hawaiian communities, and that it would have sort of three specific areas, one being innovative solutions on housing that are culturally appropriate. Healthcare solutions as well as traditional and customary rights, as well as cultural resources, and so those are three sort of big buckets of services and needs for individuals, whether they're in rural settings or a more urban setting. So sort of the scope of it would be that we would craft recommendations or report and recommendations that provide those kinds of strategies for that. Now sort of, I put on the hat of, you know, in addition to having worked in executive branch previously, I've also worked in nonprofit world and I've sat on the table to look at bids and proposals from folks who are doing the work that would be required of this reso and I've also been part of teams that have been on resos like this that asked to do these kinds of reports.

So I put that sort of experience hat on and thought about what would this take to do well and to make sure that we are doing justice to the communities that we are trying to kōkua in this measure. And sort of quickly, my

thought is we would need to have solid quality community engagement to ensure that we were, because as Native Hawaiians know, our wahi pana are very unique and so in that matter, what is going to work for housing solutions in Ka'ū is probably not gonna work for Hā'ena and it's not gonna work for Hana and it's not gonna work for Lana'i. They all got to be different because we have such different ecosystems and so to do justice to those communities, I feel like we would need to go into a lot of those communities and make sure that we have solid community engagement work. So we'd have to have a team for that with resources to staff that team and then we'd have to have a team that intakes that and has the specific knowledge when it comes to housing and healthcare, to be able to provide and cultural resources to make sure that we are taking that input and putting it through the expertise that it needs to, to put out solid recommendations, so those are two sort of teams that as I was trying to put on my project manager hat, two sort of teams that we would need. I do not believe that at the Advocacy Division has the staff right now that has both the time and capacity as well as the expertise to fill out those teams. We would have to hire in or contract out to have those teams be bulked up and to be able to move that forward. The additional sort of component is that if this passes in May. We'll have about 6 months time to do it. We'd have to have a Board approved report by early to mid December to make sure we turn it around in time for the Legislative Session.

So all those things combined as I thought through what would this take, like if I were to bid on it, my guess would be for staffing and everything to make sure we could actually get out and be in the communities and not be extractive in the way that we are in communities. It would be a minimum of \$150,000. My guess would probably be closer to \$200,000 to do it well as a bid if we were to contract it out for that limited time frame and so in that case, then we looked at the budget that was proposed, the budget that was proposed was \$200,000 over 2 years for OHA-2 and OHA-4. And so my concern is we don't have enough budget just to do OHA-4, let alone to do OHA-4 and OHA-2. I think that we have enough budget to do OHA-2 and so that is why what we are requesting the Board consider is to remove OHA-4. That is sort of the basic ask, but I do want to sort of reiterate or emphasize that OHA-4 is a very strong framework for what can the work of the Office of Hawaiian Affairs look like to build these kinds of strategies and as you folks know, having built the strategic plan Maui I Maui Ola, you know that these are components that are gonna be needed particularly for our rural communities and the Native Hawaiians in our rural communities. And so we can still use the reso and the framework and the work that went into creating that framework in our work from here into the next few years. But making it so that we have to create a report by essentially early to mid-december. My concern is that we do not have the staff that has the skill set to carry it out or the capacity to carry it out and we do not have the money to contract it out. We don't have the budget currently to contract it out and I would prefer not to come back to the Board to ask for that. Resos do not include appropriations, so it would have to come out of OHA's budget and so that is the rationale behind requesting to remove OHA-4.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Ke'ōpū, why do we need legislative resos to do any of this in the first place?

**Chief Advocate Reelitz:** We don't, it is good, I will say one of the interesting conversations I had with the Legislator who had agreed to introduce OHA-2, we had a good back and forth. Like why do you need OHA to do culturally appropriate? And we said hey, you know, you're a Legislator, you understand, sometimes you put into laws like culturally appropriate or culturally relevant. What do you mean by that? And the Legislators are like oh but, and so we had a really nice back and forth. And at the end of the day, that Legislator was like, oh yeah, I see why you would want the Legislature involved in this. So there are times when it's good to sort of bring the Legislature in and a reso is a good way to do that. So I do think that for that reason, I would say that is the reason, sort of doing a reso to bring them in at the forefront, but very clearly and simply we do not actually need a reso to do any of this work.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** My question is can we change the date on OHA-4, just change the date?

**Chief Advocate Reelitz:** We could change the date. I am still concerned about the the cost. But we could change the date.

**Chair Akaka:** Members, are there any other questions or comments? Ke'ōpū, do you have anything more to share on this? Can we please have the motion language?

**Trustee Waihe'e:** Madam Chair, I'd like to move to **approve the rewrite of OHA-3 Resolution related to Native Hawaiian individuals and families experiencing intellectual and developmental disabilities from OHA's 2024 legislative package, as provided in Attachment B.**

**Chair Akaka:** Is there a second? Is there a second for motion one? Okay, how should we move forward then?

**Trustee Galuteria:** Well, there's no second.

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** So I think we can bifurcate, right? So we're asking for OHA-3 to edit language and to drop OHA-4 or no? Because we don't want the the language change in OHA-3 and we don't want to drop OHA-4. I don't get it because like we never get one second motion, I don't know where this is going and this is killing me right now.

**COO Brown:** Madam Chair, so there's going to be two motions presented to the Board. The first motion will focus on the rewrite of OHA-3, whether or not Trustees want to accept it or not, the second motion will ask for the removal of OHA-4 so those two actions are separated. But I would also invite Everett to maybe speak a little bit to the non seconding of the motion here.

**Interim General Counsel Ohta:** Good morning, Chair Akaka and Trustees. So to the extent that the motion one did not receive a second, it's not before the Board and then the Board can move on to take up subsequent action at this meeting. I think as Casey said, the action item provides a second motion as part of the overall action item. So you know at the Chair and this Committees discretion, they can choose to take up that second motion if they so choose.

**Chair Akaka:** At a later date?

**Interim General Counsel Ohta:** No, I mean the second motion can still be brought. They're separate and they're not relying on or contingent on one another. So if the Committee wants to entertain the second motion, it can do so. Of course, go through the normal process of motion and a second and a vote if it does not want to then it doesn't have to.

**Chair Akaka** recognizes COO Brown

**COO Brown:** So Trustees and Madam Chair. So if we don't second this motion, then this motion, the action related to that motion is no longer in front of the Board, which means we will have OHA-3 as originally written and we will move forward with that measure. You guys can then take up the second motion, which will ask for the removal of OHA-4 and if you don't approve that one then OHA Administration will roll with OHA-4 as written as well.

**Chair Akaka:** Okay, we have motion two up.

**Chair Akaka** recognizes Trustee Waihe'e

**Trustee Waihe'e:** Thank you, Madam Chair. Madam Chair, I'd like to move to **approve the removal of OHA-4 Resolution related to rural resiliency strategies from OHA's 2024 legislative package.**

**Chair Akaka:** It's been moved. Is there a second?

**Chair Akaka** recognizes Trustee Ahuna

**Trustee Ahuna:** You know, I don't think we want to even remove OHA-4. I don't know where this meeting is going. I mean, I'm listening to all the Trustees and it's like we're trying to force feed something and I don't get it, I really don't get it. So somebody needs to start explaining because now you're gonna get another motion that's gonna fail and that that doesn't look good on us.

**Chair Akaka:** Okay, Ke'ōpū, did you want to explain what this motion means again?

**Chief Advocate Reelitz:** Sure, so as Trustees know, I started in December on December 1, when the Trustees approved the package it was my first full week at OHA. So I was still trying to understand what was happening. I also understood that there was already a presentation to the Board to go over the resolutions. The three resolutions as well as the bill that, the bill was introduced and the resos that will be introduced. As somebody who came in from doing a lot of advocacy work in the Legislature, I come to advocacy with a perspective in which I am trying to get things forward and that my goal is to pass good bills and good resos and to stop the ones that aren't so good, but with a focus on passing good bills and good resos and when I mean good bills and good resos, I mean good bills and good resos that are actually going to move the needle and get action and get investments that need to go where they need to go. So I share that perspective with you because as I was moving forward and carrying out the will of the Board and sharing all of the four measures that were approved by the Board, there was some clear instances in which there was a disconnect between what the measures that came in front of the Board and were voted on and what was actually going to move the needle both in the way in which the Legislators would be able to carry it through, but also the way in which it would be affected.

And so in these two resos, both the motion that failed previously and this motion, what we're trying to do is make sure that we are moving the needle. At the same time, we are trying to make sure that we are fiscally responsible and I want to apologize for any promises that were made previous to me, but I can tell you with the experience and I say this with all my heart, as somebody who has had a career in communications and community engagement that we wanna do OHA-4 well and we wanna do what is pono to those communities and I do not think that we are going to do it well if we keep to the budget that we have and the timeline that is in OHA-4 and so I say that with humility, and also with a lot of love in my heart to say I want to do this well and my concern in particular for this motion is that we cannot do this well because we did not plan appropriately for that and I am sorry for that and I apologize for any promises that were made that I do not think we can keep because I don't think the planning came forward with the right amount of expertise to understand what does it mean to go into the community, to honor communities and the way that they that we are showing up for them and being reciprocal and what we're giving and not just being extractive and that we're doing so where we are bringing our best expertise forward and so when they give us their input, that we are able to take it in and crunch out some really solid expertly crafted recommendations, and so that is where this motion is coming from and why it is not to say that we are not going to do it. It is just to say that as it is written, I am concerned about our ability to do it well and do it pono and to do it well by the communities that we are looking to actually help. And so I say that because I do also want to mention that I do think promises were made that we cannot keep. And so that is why I'm coming to you very sort of candidly and asking for your forgiveness in that and promises that were made that I don't know that we can keep.

**Chair Akaka:** All right, is there a second to this motion? Okay, seeing none, let's move forward then.

III. Unfinished Business

A. 2024 OHA State Legislative Bill Package - Matrix 1\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to COO Brown

**COO Brown:** Mahalo, Chair. I'm going to kick it to Ke'ōpū to run through the Matrices but she is going to start with the ledge calendar.

**Chief Advocate Reelitz:** Mahalo, Ka Pou Nui and Chair. So we'll start with the calendar we are currently at February 28th. Which means that we are a day away from single referral filing for Senate bills and two days away from first decking. So we are essentially nearing the, from a decision making standpoint, the halfway point. I do also want to call out that substantive reso deadline is next Friday, so we will get the resos introduced before next Friday but there are sort of a number of items on the Matrices that you see because we did have to complete it over the weekend. We pulled it before the last round of hearings, but for the most part, anything that is going to move forward would have had to have gotten its notice by today. So there are quite a number of bills that I went through yesterday to start to knock off the ones that did not get their hearing notices and probably about 40% of the ones that are still sort of in white have actually not gotten their hearing notice and will not move forward. So we'll have that reflected on our next matrix. But that is where we are in the legislative process. Any questions before we move into Matrix 1?

So Matrix 1, this is our OHA Package. So the items that you have in front of you, was the bill OHA-1. So OHA-1 as I had mentioned in our last BAE meeting did not receive its first hearing. Its subject matter hearing that it needed to get to move forward. So it will not be moving forward. However, I did not realize this but during our last BAE meeting last week, we actually got our hearing notice for SB2447, so it had a single joint hearing with AEN and JDC, Agriculture and Environment as well as Judiciary in the Senate. I am happy to share that it passed unanimously in the Senate in that joint hearing. It will survive crossover so it will be heard in the House, in the House Chamber and I do sort of want to share, at least put up front there that we are going to face an uphill battle in the House. We did have trouble getting, despite numerous visits and talks with Vice Chair as well as visits to Chair's Office in AG, we were not able to get it scheduled with a hearing. My understanding is that the Department of AG despite some of the assurances we were given earlier before session now has concerns. So we are continuing to have conversations and dialoguing with both Director and Deputy Director of AG to see if we can assuage any of those and we already have meetings set up with Chair of AG in the House so that we can hopefully soften that landing after crossover. I'm happy to take any questions, but I am happy to report that OHA-1 will be will be surviving crossover.

B. 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA - Matrix 2\*\*

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Thank you, Chair. So on Matrix 2, we do have, so the version I'm looking at is slightly

different from yours because I did go in and update things. The main update I want to give for Trustees is that Item 1, SB3336. Which was the appropriations bill for the PLT Working Group, did not receive its WAM hearing. I've still been getting texts and whatnot from friends that WAM did not give a lot of bills hearings, so this is not out of line with other measures that we've been hearing about, especially ones with appropriations. So it is kind of a bummer news but it is sort of in line with what we're hearing given the fiscal forecast that we discussed last week. So SB3336 will not be moving forward and a good chunk of the remaining, I think there's only one of the OHA named which was Item 3, HB1845 got a hearing to move forward. So those are your updates on that. Any of the still alive carryover bills, now is when they start to get active because now is sort of the crunch time because most of them make crossover or beyond and so there may be some more updates when we next meet on Matrix 2, but those are your updates for today on Matrix 2.

### C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\*

#### NO TESTIFIERS ON THIS ITEM

**Chair Akaka** yields the floor to Chief Advocate Reelitz

**Chief Advocate Reelitz:** Mahalo, Chair. So for Matrix 3 there's a just a handful of bills I wanted to bring to folks attention. So the first is Item 5, HB2074. Item 5 is the Kaiapuni Bill, so this was the original bill as written had 13 positions, 10 teacher positions, 3 curriculum specialist positions for Kaiapuni Schools, and the Office of Hawaiian Education. The Senate version has died. It did not get us a WAM hearing. The House bill did get a FIN hearing. I do want to sort of caution folks, that FIN blanked out the number of positions. You know, so we'll still have to sort of basically fight for it to be put back in for the original 13 positions to be put back in, but I think given the the financial outlook, the fact that the House Leadership and Finance Committee had the confidence to move it forward and move it to survive crossover, I think is a good sign. So we'll continue to work with 'Aha Kauleo. I was just texting with one of them this morning as well as the Office of Hawaiian Education to support them in moving this bill forward. I did want to give you that quick update on that one.

The next item that I wanted to update folks on is Item 29 which is HB2692. So HB2692 is a bill that would exempt the Mauna Kea Stewardship and Oversight Authority from sunshine during the transition period and it also clarifies that the authority will have sovereign immunity. There was a hearing last week and we did testify in opposition both in writing and in person. I do want to mention that it had did have a handful of other opposition testimonies from the community. If you're interested in looking in, watching the hearing or looking to see what other written testimonies were submitted, it did end up passing out of JHA, which is Judiciary and Hawaiian Affairs. But I did want to note that three Representatives voted no on this measure, and those Representatives were Representative Holt, Souza and Ganaden. So we'll be moving through crossover and we will continue that opposition. We don't have any recommendations for position change at this point and then the next item I wanted to alert the Board of and to request consideration on a position change is Item 160 and that bill is SB2591. So we originally had support on the measure and it was a bill that we thought had a lot of promise to finally help codify burial access and so we thought it was a very good bill and then between the original bill and SD1, it was essentially gutted. So essentially gutted, it's a totally different bill as far as, I mean it still relates to burial access, but the text of it is just completely different. So that is why we're asking for a position change. What the SD1 does is it replaces the original text with two components, one or two requirements under the penalty of law. Land owners must record with the Bureau of Conveyance, burial or archaeological sites located on the land owners property and that land owners must record property with the Hawai'i Register of Historic Places prior to, or concurrently with a real estate transaction. So what we are asking is for position change to support with amendments. We do think that the component requiring land owners to record with the Bureau of Conveyance is an important provision that can help with burial access. But we are very concerned with the requirement that a land owner must record property with the Hawai'i Register



of Historic Places because that can be a really burdensome process for land owners and so we wanna encourage burial access and not make it more onerous for land owners to do the right thing and to put it on essentially their deed or recording it with the Bureau of Conveyance. So we are asking that Trustees consider changing position on this item, given the fact that it was essentially gutted and replaced with new text, we still support the intent of burial access and one of the provisions, but would like to ask for the second provision to be struck from the language. I will pause here because this is a position change and see if there's any questions.

And the final bill I wanted to bring forth to the Board, just so you folks are aware, it's Item 64, SB3381, we currently have it as high monitor. I do anticipate, it is actually having a hearing right now or did have a hearing. I'm not sure it was a 10:01 agenda, so they may still be in session, but it had a hearing today. This is if you've seen in the news. This is the bill that would create the Lele Community District under the HCDA to help. I think the intent of the bill was to sort of build an authority that would allow for a thoughtful rebuilding. I'm trying to choose my words carefully. But you know, after the Lahaina fires, there's a lot of work to be done and so the intent of the bill is to create, under HCDA authority, a community district that would allow for representation to sort of make some decisions on that. The bill has changed a lot from its original draft and so we're still continuing to go through them and understand what it means and what the changes are. It does have quite a significant amount of appropriations attached, including at one point a \$200 million appropriation for the district into a special fund, and it does have essentially a Board that would have nine members that has once been, I think at the beginning was appointed by the Governor, but now would be elected by folks within the Lele District. So it would only be decided by folks by the district, it has been met with pretty significant opposition by folks in Lahaina, including Lahaina Strong. And so at this point we're still trying to do our due diligence to ensure that we are providing Trustees with adequate analysis that we feel confident in. I do anticipate we are going to change positions at some point once we can get that analysis to the Trustees, that will likely be when we come back for the next BAE meeting. But I did want to flag it for Trustees in case there was any discussion that folks wanted to have today.

**Chair Akaka** recognizes Trustee Galuteria

**Trustee Galuteria:** Thank you, Chair. Ke'ōpū, what's your sense on this new fund that the Governor introduced for Lahaina that will essentially help those who have been impacted with up to 1.5 million in a grant type of package. What's your sense in that? This is sidebar to everything we've been talking about, sorry about that. But you know the Legislature and how they haven't addressed this particular fund. So do you have an idea of how that thing will be proceeding without any type of real funding mechanism within the legislative process?

**Chief Advocate Reelitz:** You know I don't, part of my hope was after this meeting I would go back and watch decision making on this one because I'm hoping that might give some inklings on what's going to happen. I do know that if folks aren't aware, I'm pretty sure we mentioned it last week. I know we mentioned that it was a very negative fiscal outlook for the money committees but executive branch agencies have been asked to reject what would it take to have a 10% cut to their base budgets and so given that, part of that is that there is money freed up to cover what needs to happen in Lahaina and in other parts of Maui after the fires, but at the same time there's also been signaling of the need for more austere measures, and so I don't have a good sense at this point, but my hope is to go back and watch that decision making to see if there's any sort of clues as well as I'm planning on being down as I mentioned, I have a meeting with Chair Gates later this week for OHA-1 and so my hope was to sort of start to listen in and hear what the chatter is on the railings.

**Trustee Galuteria:** I see, so the executive is trying to do it within his purview in his departments by asking everybody to cut their budgets.

**Chief Advocate Reelitz:** No, so it was actually Senator Dela Cruz who asked. There was a letter sent by Senator Dela Cruz to all the departments. So that was my understanding what departments were all getting

and I will say one thing to mention as folks are thinking through the SB3381, is one of the concerns that a couple of community members have brought up is there's, and actually the Mayor's Office of Maui is I think there's some concern about how sort of an additional board or HCDA district might confused jurisdiction because I think to your point, Trustee Galuteria, there's sort of a lot of things moving at the same time and there's a little bit of confusion about how all the puzzle pieces are going to fit together.

**Trustee Galuteria:** Okay, mahalo for that. Thank you, Chair.

**Chair Akaka:** Thank you. All right, if we can have the motion up then. May I please have a motion to approve?

**Move to approve Administration’s recommendations on: Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians– dated February 28, 2024, with the following revision:**

**BILL POSITION CHANGE:**

**- Item 160, SB2591 from SUPPORT to SUPPORT with AMENDMENTS**

**Trustee Alapa:** So moved

**Trustee Waihe'e:** Second

**Chair Akaka:** It has been moved and seconded. Any other questions members, comments? Seeing none, Nathan, can I please have a **roll call vote** vote?

Trustee		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI’I	AKINA						EXCUSED
LUANA	ALAPA	1		X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>6</b>	<b>0</b>	<b>0</b>	<b>3</b>

**MOTION:** [ ] UNANIMOUS [  ] PASSED [ ] DEFERRED [ ] FAILED

IV. ANNOUNCEMENTS

NONE

V. ADJOURNMENT

**Chair Akaka:** I will entertain a motion to adjourn the meeting.

**Trustee Waihe'e:** So moved, Madam Chair.

**Trustee Alapa:** Second

**Chair Akaka:** It's been moved and seconded. Any other questions or comments, members? Seeing none, Nathan, can I please have a **roll call vote** to adjourn.

Trustee		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA						EXCUSED
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY						EXCUSED
KEONI	SOUZA			X			
MILILANI	TRASK						EXCUSED
JOHN	WAIHE`E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				6	0	0	3

**MOTION:** [    ] UNANIMOUS    [ X ] PASSED    [    ] DEFERRED    [    ] FAILED

**Chair Akaka:** Mahalo, Nathan, the meeting is now adjourned. Mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the BAE meeting at **11:33 a.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT