

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'āina 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, November 4, 2021

**TIME:** 10:00 am

**PLACE:** Virtual Meeting

Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR

Listen by phone: (213) 338-8477, Webinar ID: 845 1830 7233

**Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 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](http://www.oha.org/livestream) or listen by phone: (213) 338-8477, Webinar ID: 845 1830 7233**

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. September 8, 2021

**III. Public Testimony** on Items Listed on the Agenda\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)

**IV. 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)

**V. New Business**

A. Committee on Resource Management

1. Action Item RM#21-16: Iwilei Commercial Properties Non-Core Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23)

2. Action Item RM#21-17: FB22-23 Non-Core Budget Realignment #1

B. Action Item BOT#21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka'ako Makai Pursuant to HRS§92-2.5(b)(1)(C).

C. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration

D. Workshop: Board Governance Framework: Policy Framework

**VI. Executive Session‡**

A. Consultation with Board Counsel Robert Klein Esq. regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Action Item BOT#21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka'ako Makai Pursuant to HRS§92-2.5(b)(1)(C) and pursuant HRS§92-5(4).

B. Consultation with Board Counsel Robert Klein Esq. regarding 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. lawsuit (Civ. No. 1CCV-20-

## BOARD OF TRUSTEES

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**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

0000259) and case status, pursuant to HRS § 92-5(a)(4).

**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](mailto: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, November 1, 2021 and posted to OHA's website at:

[www.oha.org/bot](http://www.oha.org/bot). In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

† 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.

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](mailto: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://us06web.zoom.us/webinar/register/WN\\_RRaCFTt-Rx2AXPmLZ76fGA](https://us06web.zoom.us/webinar/register/WN_RRaCFTt-Rx2AXPmLZ76fGA)

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 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/>

*Carmen Hulu Lindsey*

Trustee Carmen Hulu Lindsey

10/29/2021

Date

**PHONE (808) 594-1888**

**BOARD OF TRUSTEES**

Carmen. Hulu Lindsey, *Chairperson*

Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i & Ni'ihau

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**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

Chairperson, Board of Trustees

**FAX (808) 594-1868**

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.

**II. Approval of Minutes**

**A. September 8, 2021**

Draft

**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 Proclamation Related to the COVID-19 Response, dated August 5, 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](http://www.oha.org/livestream) or listen by phone: (213) 338-8477**

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

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee 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, COS  
Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Casey Brown, Ka Pou Nui / COO  
Raina Gushiken, CC  
Everett Ohta, CC  
Ramona Hinck, CFO  
Kalani Fronda, Land Director  
Ryan H. Lee, Interim Investment Manager  
Daniel Santos, IT Support  
Tiger Li, IT Support  
Robert Klein, Board Counsel

**GUEST:**

Sam Chung, Financial Advisor to the Board  
Randall Sakumoto, OHA Attorney  
  
Germaine Meyers

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Wednesday, September 8, 2021, at 10:00 a.m. Before I ask for the roll call, I would like to read an announcement. As part of Governor Ige's emergency proclamation dated, August 5, 2021 (Exhibit C), there are new requirements for how public boards and commissions, including OHA's BOT and Standing Committees, must conduct their remote meetings under the Sunshine Law. As your name is called for roll call, please identify if anyone is present with you in the room. So Board Secretary, please take 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 10:10 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

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

**Chair Hulu Lindsey** Thank you. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation related to COVID-19 Response dated August 5, 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](http://www.oha.org/livestream) Some quick announcements-please mute your mics when you are not speaking. 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 my staff Colin Kippen-COS, Lehua Itokazu-Board Secretary, my Aides-Kanani Iaea and Amber Kalua, and Judge Klein. We also have Randall Sakumoto-OHA Attorney, Sam Chung-Financial Advisor, and our CEO-Sylvia Hussey. Sylvia, please announce who is joining us from your staff.

**Sylvia Hussey, CEO** Good morning, Trustees, Chair, we have COO-Casey Brown, CFO-Ramona Hink, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Ryan Lee-Interim Invest. Mngr., as well as Tiger and Dan-our IT staff, who will supporting us this morning. Thank you.

## Approval of Minutes

**Chair Hulu Lindsey** Moving on to item II on the agenda, can I get a motion accept these minutes?

- A. July 1, 2021
- B. July 14, 2021 – Kealopiko Site Visit
- C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit
- D. July 14, 2021 – Moloka‘i Community Meeting
- E. July 15, 2021

**Trustee Akaka** Moves to accept the minutes.

**Trustee Ahu Isa** Seconds the motion.

**Chairperson Hulu Lindsey** Is there any discussion? Roll call vote.

### **Minutes:**

- A. July 1, 2021**
- B. July 14, 2021 – Kealopiko Site Visit**
- C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit**
- D. July 14, 2021 – Moloka‘i Community Meeting**
- E. July 15, 2021 – Moloka‘i BOT Meeting**

	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>		X	X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI‘I <b>AKINA</b>			X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE KEOLA <b>LINDSEY</b>			X			
TRUSTEE JOHN <b>WAIHE‘E</b>						
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			
<b>MOTION:</b> [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with eight ( 8 ) YES votes and Zero ( 0 ) NO votes.</b>						

## Public Testimony

**Chair Hulu Lindsey** We will now move on to Public Testimony. We have only one person signed up who is Germaine Meyers. She also signed up for community concerns. We will ask Germaine to do her public testimony and community concerns back-to-back.

**Germaine Meyers** Good morning, I will start with my public testimony. Aloha Chair Hulu, Ka Pouhana and Lāhui, my name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli Hawaiian Homestead Lessee. Thank you for the opportunity to share my data, views and arguments regarding today's agenda item 5-A, regarding the OHA Ad Hoc Committee and PIG that determined the scope of the contract and disbursement review of the CLA Audit Report, pursuant to Section 11 of Hawaii State Legislative Act 29 (2021) and to provide a process to address and comply with those requirements to the BOT. First and foremost, I extend my sincerest mahalo to Committee Chair Trustee Keola Lindsey and Trustee Luana Alapa, BOT Chief of Staff Colin Kippen, and OHA Chief Operating Officer Casey Brown. I read your report, which was included in today's BOT meeting packet folder. I mahalo you for your 4 recommendations, as follows:

1. Plan: The follow up directed by Act 29 specific to existing information in the 2019 CLA report should be conducted via an OHA contract with an independent third party vendor.

2. Timeline: The estimated term of this contract should be four months.

3. Scope of Services. To competitively procure and engage a professional services firm that has experience in forensic services to conduct a follow up contract and disbursement review of the CLA – OHA & LLCs contract and disbursement review report, dated December 4, 2019 (which was 21 months ago) specifically on 38 test items flagged for possible fraud, waste and abuse. The purpose of this RFP is to hire a professional services firm to determine, for each of the 38 red flag issues, whether cause to a reasonable certainty exists to believe that fraud, waste, or abuse or some combination of each of these three classifications, exists. Offerors must have experience with forensic, accounting, audit and related type engagements utilizing standards in accordance with the Statement on Standards for Forensic Services, established by the American Institute of Certified Public Accountants (AICPA) Council, Forensic and Valuation Services Executive Committee, which provides guidance and establishes enforceable standards for members performing certain forensic and valuation services, and

4. Budget: \$200,000 for the hiring of an independent professional services firm that has experience in forensic services to conduct a follow up contract and disbursement review as set forth in the scope of services.

Trustees, I humbly ask you to support the (4) recommendations of the Ad Hoc Committee and PIG. I sincerely believe your actions will truly show the Lāhui, whether OHA's defined Purpose and Strategic Plan was created to support and protect the Lāhui (all Hawaiians) or a Hui (a small special group of Hawaiians). Ke Akua Pū, God bless all of you.

*Germaine gives her Community Concerns Testimony*

Aloha Chair Hulu, Ka Pouhana and Lāhui, my name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli Hawaiian Homestead Lessee. I'm here before you as an advocate of the Covid Vaccine. Early on, when the vaccine became available, my ohana and I spoke of protecting our kūpuna. But also, of protecting our own health and wellbeing. It's for these reasons, my parents, siblings and I got the vaccine shot as soon as they were made available to our age group. I thought everyone felt the same way in my community. However, I found out that was untrue. Some people, even on my neighborhood board, have been spreading confusion about the vaccine and its' efficacy. They focus on a narrative that the vaccine is unsafe to put into your body. While doing this, they remove the focus from the TRUTH, that the VIRUS, COVID-19, is unsafe if it gets into your body, and proven worldwide that it's also fatal for many. This is not the first pandemic or endemic our people have experienced. Please ask yourself, do you want restaurant food preparers and servers to stop taking TB tests to ensure they don't contaminate your food with tuberculosis? Do you want pilots and school or city bus drivers to stop taking drug tests to ensure they don't have drugs in their systems while they're flying your family in an airplane or driving your children to school? Do you want the City to stop enforcing driver's license test to ensure everyone driving on the road understands the rules of driving on public roadways? Trustees, I'm a non-smoker. Years ago, our society determined that if



nicotine got into our body, from inhaling it from cigarettes, we could get cancer and die from it. That's why we created laws to protect non-smokers from smokers. Yes, it's about freedom of choice. Your choice should not harm me. Therefore, we created laws to stop allowing smokers to spread nicotine through the air. We no longer allow people to smoke in restaurants and hotels, in taxi cabs, the airport, the airplanes, in businesses and buildings. In Hawaii, effective November 16, 2006, smoking is prohibited in all enclosed or partially enclosed areas open to the public in order to ensure a consistent level of basic protections statewide from exposure to secondhand smoke. This is how I view the Covid 19 Virus. It's no different than exposure to secondhand smoke. Trustees, please support Hawaii's Covid Safety rules and mandates for all public spaces. Ke Akua Pū, God Bless all of you.

**Chair Hulu Lindsey** Thank you Germaine. Okay, moving on to item five new business, I am in receipt of a report from the Chair of the OHA Ad Hoc Committee Permitted Interaction Group, Trustee Keola Lindsey. This report is to determine the scope of the contract and disbursement review of the CLA audit report dated December 19, 2019, pursuant to section 11 of Act 29 2021 and to provide a process to address and comply with those requirements to the Board of Trustees pursuant to HRS§ 92 2.5, we will have no discussion today, but it will be agendaized on next week's agenda.

### **Executive Session**

#### **Executive Session‡**

- A. Consultation with Board Counsel Robert G. Klein, Randall Sakumoto, Esq. and Everett Ohta, OHA Assistant Senior Legal Counsel, re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§ 92-5(a)(3) and (4)**
- B. Action Item BOT #21-10: Approve Retention of Legal Representation for Sylvia Hussey, Ed.D, in her Official Capacity; Consultation with Board Counsel Robert G. Klein, Esq. and OHA Senior Legal Counsel Raina Gushiken, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Price v. Securitas Security Services USA, Inc. et al, Civil No. 1CCV-21-0000060, pursuant to HRS§92-5(a)(4).**

**Chair Hulu Lindsey** Can I get a motion to recuse ourselves into Executive Session pursuant to HRS§92-5.

**Trustee Waihe'e** Moves to recuse into Executive Session.

**Trustee Akaka** Seconds the motion.

**The Board** recuses into Executive Session at 10:16 a.m.

<b>Motion to recuse into executive session pursuant to HRS Section 92-5</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE LEI AHU ISA</b>			<b>X</b>			
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			

<b>TRUSTEE KALEI AKAKA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRENDON LEE</b>			<b>X</b>			
<b>TRUSTEE KEOLA LINDSEY</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>						
<b>Motion passes with nine ( 9 ) YES votes and zero (0) EXCUSED vote.</b>						

**Board returns to open session at 12:07 p.m.**

### **Announcements**

**Chair Hulu Lindsey** I would like to announce that in Executive Session, the Board of Trustees took an action by a vote of eight yes and one abstention to approve retention of legal representation for Sylvia Hussey, Ed.D in her official capacity.

Our next meeting will be our Hawai'i Island Community Meeting held virtually on Wednesday evening, September 15th at 6:30pm. This meeting will be viewable at [oha.org/livestream](https://oha.org/livestream) and our Hawai'i Island Board of Trustees Meeting will be the following morning, Thursday, September 16 at 10am virtually as well.

### **Adjournment**

**Trustee Waihe'e** Moves to adjourn the meeting.

**Trustee Akaka** Seconds the motion.

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			
<b>TOTAL VOTE COUNT</b>				<b>9</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 12:11 p.m.

Respectfully submitted,

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Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on November 4, 2021.

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Carmen Hulu Lindsey  
Chairperson, Board of Trustees

**Attachments:**

1. Testimony – Germain Meyers (Public Testimony and Community Concerns)

**Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.**

**V. New Business**

**A. Committee on Resource Management**

- 1. Action Item RM#21-16: Iwilei Commercial Properties Non-Core Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23)**
- 2. Action Item RM#21-17: FB22-23 Non-Core Budget Realignment #1**

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Resource Management (RM)**  
**COMMITTEE REPORT**

October 26, 2021

The Honorable Carmen Hulu Lindsey, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Lindsey,

Your Committee on Resource Management, having met on October 26, 2021, and after full and free discussion, recommends approval of the following two actions to the Board of Trustees:

**Action 1**

**Approve the Iwilei commercial properties non-core operating budget for the fiscal biennium periods 2021-2022 (FY 22) and 2022-2023 (FY 23) as outlined in Attachment #1.**

**Action 2**

**Approve the FB22-23 non-core budget realignment #1 as summarized in Attachment #1.**

Attachment(s):

**A) RM ROLL CALL VOTE SHEET**

**ACTION ITEM RM #21-16: Iwilei Commercial Properties Non-Core Operating Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23)**

**B) ACTION ITEM RM #21-16: Iwilei Commercial Properties Non-Core Operating Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23)**

**FILE TOO LARGE for eSign - please refer to the  
10/26/2021 RM Electronic Folder at <https://www.oha.org/rm/>**

**C) RM ROLL CALL VOTE SHEET**

**ACTION ITEM RM #21-17: FB22-23 Non-Core Budget Realignment #1**

**D) ACTION ITEM RM #21-17: FB22-23 Non-Core Budget Realignment #1**

**FILE TOO LARGE for eSign - please refer to the  
10/26/2021 RM Electronic Folder at <https://www.oha.org/rm/>**

Respectfully submitted:

*John Waihee IV*

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Trustee John Waihe'e, IV, RM Chair

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Trustee Luana Alapa, RM Vice Chair

*Isa*

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Trustee Leina'ala Ahu Isa, Member

*Dan Ahuna*

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Trustee Dan Ahuna, Member

*Kaleihikina Akaka*

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Trustee Kaleihikina Akaka, Member

*Keli'i Akina*

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Trustee Keli'i Akina, Member

*Brendon Lee*

---

Trustee Brendon Kalei'aina Lee, Member

*Carmen Hulu Lindsey*

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Trustee Carmen Hulu Lindsey, Member

*Keola Lindsey*

---

Trustee Keola Lindsey, Member

Office of Hawaiian Affairs  
560 N Nimitz Hwy., Ste. 200  
Honolulu, HI 96817  
**Roll Call Vote Sheet**

**ATTACHMENT A**

<b>COMMITTEE ON RESOURCE MANAGEMENT (RM)</b>	<b>DATE: October 26, 2021</b>						<b>START: 2:40 p.m. MOTION: 2:41 p.m. VOTE: 2:42 p.m.</b>
<b>AGENDA ITEM:</b> <div style="margin-left: 40px;"> <b>V. New Business</b>  <b>C. ACTION ITEM RM #21-16: Iwilei Commercial Properties Non-Core Operating Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23)</b> </div>							
<b>MOTION:</b> Approve the Iwilei commercial properties non-core operating budget for the fiscal biennium periods 2021-2022 (FY 22) and 2022-2023 (FY 23) as outlined in Attachment #1.							
<b>MOTION</b>							<b>Motion: 2:41 p.m. Vote: 2:42 p.m.</b>
<b>TRUSTEE</b>	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>	
LEINA'ALA <b>AHU ISA</b>			X				
DAN <b>AHUNA</b>			X				
KALEIHIKINA <b>AKAKA</b>			X				
KELI'I <b>AKINA</b>		2	X				
RM VICE CHAIR LUANA <b>ALAPA</b>			X				
BRENDON KALEI'ĀINA <b>LEE</b>			X				
CARMEN HULU <b>LINDSEY</b>	1		X				
KEOLA <b>LINDSEY</b>			X				
RM CHAIR JOHN <b>WAIHE'E</b>			X				
<b>TOTAL VOTE COUNT</b>			9	0	0	0	

VOTE: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Office of Hawaiian Affairs  
560 N Nimitz Hwy., Ste. 200  
Honolulu, HI 96817  
**Roll Call Vote Sheet**

**ATTACHMENT C**

<b>COMMITTEE ON RESOURCE MANAGEMENT (RM)</b>	<b>DATE: October 26, 2021</b>  <b>START: 2:43 p.m.</b> <b>MOTION: 2:43 p.m.</b> <b>VOTE: 2:44 p.m.</b>
--	--

**AGENDA ITEM:**

**V. New Business**

**D. ACTION ITEM RM #21-17: FB22-23 Non-Core Budget Realignment #1**

**MOTION:**

Approve the FB22-23 non-core budget realignment #1 as summarized in Attachment #1.

MOTION							Motion: 2:43 p.m. Vote: 2:44 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		2	X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
RM CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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



Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.

**V. New Business**

**B. Action Item BOT#21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai Pursuant to HRS§92-2.5(b)(1)(B) and pursuant HRS§92-5(4)**


**OFFICE OF HAWAIIAN AFFAIRS**  
Action Item

**BOARD OF TRUSTEES**


**November 4, 2021**


**BOT #21-15**

**Action Item Issue:** Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai

**Co-Prepared by:**  Oct 27, 2021  
\_\_\_\_\_  
Kalani Fronda Date  
Ka Pou Kihi Kanaloa ‘Āina, Land Director

**Co-Prepared by:**  Oct 27, 2021  
\_\_\_\_\_  
Casey K. Brown Date  
Ka Pou Nui, Chief Operating Officer

**Reviewed by:**  Oct 27, 2021  
\_\_\_\_\_  
Sylvia M. Hussey, Ed.D. Date  
Ka Pouhana, Chief Executive Officer

**Reviewed by:**  Oct 28, 2021  
\_\_\_\_\_  
Carmen Hulu Lindsey Date  
Ke Kauhuhu o ke Kaupoku  
Chair, Board & Permitted Interaction Group

## **Action Item BOT #21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka’ako Makai**

---

### **I. Proposed Action**

Accept the report of the Permitted Interaction Group to investigate the initial steps in the first phase of work for the development of Kaka’ako Makai as attached.

### **II. Issue**

Whether or not the Board of Trustees (BOT) will accept the attached report of the Permitted Interaction Group (PIG) to investigate the initial steps in the first phase of work for the development of Kaka’ako Makai. The PIG was authorized and formed on October 26, 2021, via Action Item BOT #21-14, consistent with Hawai‘i Revised Statutes §92-2.5(b)(1).

### **III. Discussion**

- A. Authorization & Overview.** On October 26, 2021, via Action Item BOT #21-14, the Board of Trustees (“BOT” or “Board”) approved the formation of a Permitted Interaction Group (PIG)<sup>1</sup> to investigate the initial steps in the first phase of work for the development of Kaka’ako Makai, with the noted purview, members and term/duration.
- B. Permitted Interaction Group - Purview.** The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the **initial steps** in the first phase of work for the development of Kaka’ako Makai. The first phase of work included activities to learn (e.g., due diligence, objectives, vision, understanding current zoning and market conditions), plan (e.g., mission, understanding constraints, entitlements, functionality, utility), and recommend (e.g., vision, outcome, values immediate, long-range impact, performance).
- C. Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group was established 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. Casey Brown, Ka Pou Nui (Chief Operating Officer) functioned as the Project Manager and Kalani Fronda, Ka Pou Kihi Kanaloa ‘Āina, (Land Director) also supported the work of the PIG. Sylvia M. Hussey, Ka Pouhana (Chief Executive Officer), provided Administration oversight.
- D. 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 November 5, 2021.
- E. PIG Investigation Activities and Related Recommendation.** Upon approval and authorization (October 26, 2021), the PIG immediately convened, to engage in investigative activities, including work of the in house development consultant (IHDC), accomplish tasks and make the following recommendation: **Initiate Site Activation, including Proof-of-Concept, Activities.**

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<sup>1</sup> Consistent with Hawai‘i Revised Statutes §92-2.5(b)(1)A.

**Action Item BOT #21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai**

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- F. Report Distribution.** The report distribution was agendized and distributed in executive session at the October 28, 2021 Board meeting and consistent with past practice, no discussion was held. Full and free discussion and related Board action is scheduled for the November 4, 2021 Board meeting.

**IV. Funding Source**

Not applicable, no dedicated funding needed to accept the report of the PIG to investigate the initial steps in the first phase of work for the development of Kaka‘ako Makai as attached.

**V. Recommended Action**

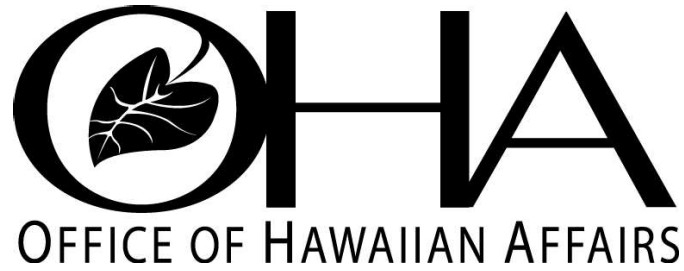
The PIG recommends, the Board of Trustees accept the report of the Permitted Interaction Group to investigate the initial steps in the first phase of work for the development of Kaka‘ako Makai, as attached.

**VI. Reference Document**

Action Item BOT #21-14: Approve the Formation of a Permitted Interaction Group to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai, October 26, 2021

**VII. Attachment**

Office of Hawaiian Affairs, Report of the Permitted Interaction Group re: the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai, October 2021



Office of Hawaiian Affairs  
Report of the Permitted Interaction Group re:  
the Initial Steps in the First Phase of Work for  
the Development of Kaka‘ako Makai

October 2021

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**Initial Steps in the First Phase of Work  
for the Development of Kaka‘ako Makai  
Permitted Interaction Group Report**

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	<b><u>TABLE OF CONTENTS</u></b>	<b><u>PAGE</u></b>
I.	EXECUTIVE SUMMARY	3
II.	3RD PARTY ASSISTANCE	4
III.	PERMITTED INTERACTION GROUP WORK	5
IV.	REFERENCE DOCUMENTS	5
V.	CONCLUSION & NEXT STEPS	7

**I. EXECUTIVE SUMMARY**

- A. Overview.** On October 26, 2021, via Action Item BOT #21-14, the Board of Trustees (“BOT” or “Board”) approved the formation of a Permitted Interaction Group (PIG)<sup>1</sup> to investigate the initial steps in the first phase of work for the development of Kaka’ako Makai, with the noted purview, members and term/duration.
- B. Permitted Interaction Group - Purview.** The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the **initial steps** in the first phase of work for the development of Kaka’ako Makai. The first phase of work included activities to learn (e.g., due diligence, objectives, vision, understanding current zoning and market conditions), plan (e.g., mission, understanding constraints, entitlements, functionality, utility), and recommend (e.g., vision, outcome, values immediate, long-range impact, performance).
- C. Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group was established 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. Casey Brown, Ka Pou Nui (Chief Operating Officer) functioned as the Project Manager and Kalani Fronda, Ka Pou Kihi Kanaloa ‘Āina, (Land Director) also supported the work of the PIG. Sylvia M. Hussey, Ka Pouhana (Chief Executive Officer), provided Administration oversight.
- D. 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 November 5, 2021.
- E. PIG Investigation Activities and Related Recommendations.** Upon approval and authorization (October 26, 2021), the PIG immediately convened, to engage in investigative activities, including work of the in house development consultant (IHDC), accomplish tasks and make the following recommendation: **Initiate Site Activation, including Proof-of-Concept Activities.**
- F. Report Distribution.** The report distribution has been agendized for the October 28, 2021 Board meeting and will be distributed in executive session; and consistent with past practice, no discussion will be held. Full and free discussion and related Board action(s) are scheduled to be agendized for the November 4, 2021 Board meeting.

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<sup>1</sup> Consistent with Hawai‘i Revised Statutes §92-2.5(b)(1)A.

## II. 3RD PARTY ASSISTANCE – IN HOUSE DEVELOPMENT CONSULTANT

- A. **Overview.** Previous PIG work 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. **Land and Commercial Property (LCP) Permitted Interaction Group #2 Formation & Report.** Via Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group (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, dated April 15, 2021, a second land and commercial property (LCP) PIG was authorized and formed. The report of the second LCP PIG was delivered to the Board on June 17, 2021, discussed and accepted via Action Item BOT #21-07 on June 24, 2021. The report summarized the following PIG investigative activities and related recommendation for **Purview 1 (or LCP PIG #2)** - Acknowledge the release of Request for Proposal (RFP) NO. LA 2021-022 In House Development Consultant (IHDC) and review the associated evaluation process which provides the broadest participation and contribution of the entire Board.

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Since the acceptance of LCP PIG #2’s report in June 2021, the Board completed procurement, selection and contracting activities to engage with the selected IHDC team by the end of September 2021.<sup>2</sup> Preliminary engagement, planning and sense making activities with the IHDC, coupled with explicit policy work delegated to Administration, the recommended suspension of a RFP process for a Community Planner (from LCP PIG #2 report), and reflective view and discussions, provided the opportunity for the Board to form a third (3<sup>rd</sup>) PIG to focus on initial next steps in the first phase of the Kaka‘ako Makai work.

### **III. PERMITTED INTERACTION GROUP WORK**

- A. Purview.** The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the **initial steps** in the first phase of work for the development of Kaka‘ako Makai. The first phase of work included activities to learn (e.g., due diligence, objectives, vision, understanding current zoning and market conditions), plan (e.g., mission, understanding constraints, entitlements, functionality, utility), and recommend (e.g., vision, outcome, values immediate, long-range impact, performance).
- B. Context and Investigative Activities.** With assistance from and in conjunction with the IHDC, the PIG initiated the following initial investigative activities (in no order of priority): basic due diligence; objectives and vision; meetings with key stakeholders; understanding the zoning; understanding the current market conditions; planning within existing conditions; planning for entitlements; planning for change in rules; planning for financial objectives; planning for sustainable utility; planning for OHA and Native Hawaiians; aligned vision and outcomes; achievable values, exploring paths to entitlement, assessing immediate impact and long-range impact; and the framing of financial performance.
- C. Recommendation.** In working with the IHDC on investigative activities and accomplishing the PIG purview tasks, the PIG makes the following recommendation: **Initiate Site Activation, including Proof-of-Concept Activities.**

### **IV. REFERENCE DOCUMENTS**

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

1. **Action Item BOT #21-15:** Accept the Report of the Permitted Interaction Group, November 4, 2021 (projected);
2. **Action Item BOT #21-14:** Approve the Formation of a Permitted Interaction Group to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai, October 26, 2021;

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<sup>2</sup> The “In-House” Development Consultant (IHDC) will work for the OHA as its trusted advisor responsible for managing the entire development process; coordinating the work of the development team, and serving as a central point for communication to facilitate decision making. The IHDC shall also assist the OHA by providing additional resources and expertise to accomplish negotiated task assignments. (RFP No LA-2021-022)

3. **Action Item BOT #21-07:** Accept the Report of the Permitted Interaction Group re: 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, June 24, 2021
4. **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, April 15, 2021;
5. **Action Item BOT #21-04:** Approve the Solicitation of a Request for Proposal for a Development Consultant, April 15, 2021;
6. **Action Item BOT #21-03:** Accept the Report of the Land and Commercial Property Permitted Interaction Group, April 15, 2021;
7. **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;
8. **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;
9. **Action Item RM #19-14:** The BOT approved the Economic Development Policy implementation procedures as detailed in Attachment A, September 25, 2019;
10. **Action Item RM #19-15:** The BOT approved the Debt Management Policy implementation procedures as detailed in Attachment A, September 25, 2019;
11. **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
12. **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.

**V. CONCLUSION AND NEXT STEPS<sup>3</sup>**

Consistent with Hawai‘i Revised Statutes §92-2.5(b)(1), on October 26, 2021, via Action Item BOT #21-14, the Board of Trustees (“BOT” or “Board”) approved the formation of a Permitted Interaction Group (PIG)<sup>4</sup> to investigate the initial steps in the first phase of work for the development of Kaka‘ako Makai. The report distribution is scheduled to be agendized for the October 28, 2021 Board meeting and consistent with past practice, no discussion will be held. Full and free discussion and related Board action(s) are scheduled to be agendized for the November 4, 2021 Board meeting.

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<sup>3</sup> Note: There are no appendices for this report

<sup>4</sup> Consistent with Hawai‘i Revised Statutes §92-2.5(b)(1) A

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.

**V. New Business**

**C. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**



**OFFICE OF HAWAIIAN AFFAIRS  
ACTION ITEM**


**Board of Trustees  
November 4, 2021**

**Action Item No.: BOT #21-16**

**Action Item Issue: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration**

**Prepared by:**  **Oct 29, 2021**

\_\_\_\_\_  
Raina P.B. Gushiken  
Ka Paepae Puka, Senior Legal Counsel  
Date

**Reviewed by:**  **Oct 29, 2021**

\_\_\_\_\_  
Kai Mana Peres-David  
Ka Hoakake'a, Human Resources Director  
Date

**Reviewed by:**  **Oct 29, 2021**

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

**Reviewed by:**  **Oct 29, 2021**

\_\_\_\_\_  
Carmen Hulu Lindsey  
Ke Kauhuhu o ke Kaupoku  
Chairperson, Board of Trustees  
Date

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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### **I. Proposed Action**

To Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

### **II. Issue**

Whether to approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

### **III. Background**

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.<sup>1</sup>

The State Legislature and State Judiciary implemented their own vaccination and testing policies for their members and employees.<sup>2</sup>

On August 26, 2021, leaders from various sectors of the Native Hawaiian community, including OHA, held a press conference to encourage community members to do their part to stop the surge of COVID-19. With Native Hawaiians representing nearly 32% of all COVID-19 cases statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their ‘ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R--Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination and recovery. The coalition communicates and messages through a broad spectrum of mechanisms--radio, television, print and social media, statewide resourcing, multiple pacific languages, including ‘olelo Hawai‘i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert “Protecting Our Lāhui From COVID-19” was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our

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<sup>1</sup> [2108026-ATG\\_Emergency-Proc-for-COVID-19-Response-distribution-signed.pdf \(hawaii.gov\)](#). Pursuant to Hawai‘i Revised Statutes (HRS) Chapter 127A, the Governor has executive authority to declare a state of emergency and issue emergency proclamations and orders that have the full force and effect of law. See HRS §§ 127A-11, -12, and 25.

<sup>2</sup> For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the “I’m Vaccinated” campaign and invited ‘Ōiwi leaders from across the pae ‘āina and from every walk of life to participate. No one is being paid to do this. These alaka‘i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.<sup>3</sup> The Governor’s Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees<sup>4</sup> and federal contractors<sup>5</sup> to be vaccinated. During his press briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.<sup>6</sup>

Pursuant to Executive Order No. 21-07, effective September 13, 2021, the Office of Hawaiian Affairs (OHA) required that all contractors entering, working, or providing services in an OHA worksite to submit an attestation of their vaccination status and for those who are unvaccinated or partially vaccinated, a negative test result of a COVID-19 test, and that they wear a mask at all times while in an OHA worksite, and physically distance themselves from others. OHA Contract Administrators were required to notify contractors and vendors of these requirements and the process in which they can submit their written attestations before coming to OHA to perform work or carry out services.

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State’s COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).<sup>7</sup> Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

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<sup>3</sup> [2109041-ATG\\_Executive-Order-No.-21-07-distribution-signed.pdf \(hawaii.gov\)](#). In Executive Order No. 21-07, “facility” is defined as any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project.

<sup>4</sup> [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

<sup>5</sup> [Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors | The White House](#)

<sup>6</sup> [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

<sup>7</sup> [2109152-ATG\\_Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

## **Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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### **IV. Discussion**

OHA's objective has and continues to be, maintaining safe, healthy, and productive work environments for our employees and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our employees, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.<sup>8</sup>

COVID-19 continues to pose a serious threat to the health and safety of our community. To ensure safe, healthy and productive work environments for employees, beneficiaries, and community partners with whom we interact and to align with county, state, and federal vaccination and testing requirements, Administration recommends that the OHA Board of Trustees approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in **Attachment A**, requiring all employees and visitors to enter an OHA worksite to provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

Any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy or as required by law or court order.

The Policy will be effective upon Board approval. Administration will the requirements of the policy to employees and an appropriate implementation date.

When OHA re-opens to the public, Administration will communicate the requirements of the policy through available modes of external communication.

The policy will be updated by Administration on a regular basis as medical guidance and regulatory requirements change.

### **V. Recommended Action**

#### **MOTION:**

Approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

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<sup>8</sup> [Interim Public Health Recommendations for Fully Vaccinated People | CDC](#)



**Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration**

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**VI. Alternative Actions**

A. Decline to approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and decline to authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change.

B. Take no action.

**VII. Funding.** None needed at this time.

**VIII. Timeframe.** Effective upon approval of the Board with Administration setting an appropriate implementation date for operations.

**IX. Attachment:**

A. COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs

# ATTACHMENT A

## **COVID-19 VACCINATION AND TESTING POLICY**

### **FOR THE OFFICE OF HAWAIIAN AFFAIRS**

**OHA will follow applicable industry and regulatory guidelines related to COVID-19 from, including but not limited to, the Centers for Disease Control and Prevention (CDC), the Occupational Safety & Health Administration (OSHA), the Equal Employment Opportunity Commission (EEOC), and the Hawaii Department of Health (HDOH). This COVID-19 Vaccination and Testing Policy will be updated on a regular basis as regulatory guidelines change.**

#### **I. Purpose**

The Office of Hawaiian Affairs' (OHA) objective has and continues to be, maintaining safe, healthy, and productive work environments for staff and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our staff, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.<sup>1</sup>

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.<sup>2</sup>

The State Legislature and State Judiciary implemented their own vaccination and testing policies for their members and employees.<sup>3</sup>

On August 26, 2021, leaders from various sectors of the Native Hawaiian community, including OHA, held a press conference to encourage community members to do their part to stop the surge of COVID-19. With Native Hawaiians representing nearly 32% of all COVID-19 cases

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<sup>1</sup> [Interim Public Health Recommendations for Fully Vaccinated People | CDC](#)

<sup>2</sup> [2108026-ATG\\_Emergency-Proc-for-COVID-19-Response-distribution-signed.pdf \(hawaii.gov\)](#). Pursuant to Hawai'i Revised Statutes (HRS) Chapter 127A, the Governor has executive authority to declare a state of emergency and issue emergency proclamations and orders that have full force and effect of law. See HRS §§ 127A-11, -12, and 25.

<sup>3</sup> For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their 'ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R--- Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination, and recovery. The coalition communicates and messages through a broad spectrum of mechanisms---radio, television, print and social media, statewide resourcing, multiple pacific languages, including 'olelo Hawai'i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert "Protecting Our Lāhui From COVID-19" was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the "I'm Vaccinated" campaign and invited 'Ōiwi leaders from across the pae 'āina and from every walk of life to participate. No one is being paid to do this. These alaka'i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 (Executive Order) that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.<sup>4</sup> The Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees<sup>5</sup> and federal contractors<sup>6</sup> to be vaccinated. During his press

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<sup>4</sup> [2109041-ATG Executive-Order-No.-21-07-distribution-signed.pdf \(hawaii.gov\)](#). In the Executive Order, "facility" is defined as any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project.

<sup>5</sup> [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

<sup>6</sup> [Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors | The White House](#)

briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.<sup>7</sup>

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State's COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).<sup>8</sup> Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology, and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

For all these reasons, OHA is requiring that all employees and visitors provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result, subject to the provisions set forth in this policy.

## II. Definitions

- A. Fully Vaccinated:** Individuals are considered fully vaccinated for COVID-19 if it has been two weeks after they have received the second dose in a two-dose vaccine series (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (e.g., Johnson & Johnson/Janssen).<sup>9</sup> This guidance can also be applied to COVID-19 vaccines that have been authorized for emergency use listing ("EUL") by the World Health Organization (e.g., AstraZeneca/Oxford, Serum Institute of India, Sinopharm, and Sinovac as of July 2, 2021).
- B. Employee:** For the purposes of this policy, Employee means all full time, part time, compensated or uncompensated individuals classified as executives, management, staff, temporary hires, and casual hires, employed by the OHA. It also includes staff and members of the Board of Trustees of the OHA and volunteers who work with the OHA.
- C. Visitor:** For purposes of this policy, Visitor means any person entering an OHA Worksite who is not a state employee. The term "visitor" includes volunteers (including interns on academic programs), vendors, contractors or employees of a vendor or contractor, but shall not include: persons under the age of twelve (12) or individuals making deliveries to an OHA physical worksite and who leave within ten (10) minutes of entry.

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<sup>7</sup> [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

<sup>8</sup> [2109152-ATG Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

<sup>9</sup> See [When You've Been Fully Vaccinated | CDC](#)

**D. COVID-19 Test:** A COVID-19 test is (1) any U.S. Food and Drug Administration approved or authorized molecular or antigen screening or diagnostic test for SARS CoV-2, under conditions where the taking of all samples are administered, observed, or proctored by a lab, testing site, healthcare provider, trusted testing partner of the State of Hawaii Safe Travels Program or any authorized agent of these, with verification of the identity of the test taker; or (2) any COVID-19 test results that are submitted and accepted under the State of Hawaii Safe Travels Program.

- i. The COVID-19 test must have been taken not more than 72-hours prior to entry at an OHA Worksite.
- ii. Over-the-counter or “at home” types of tests are not acceptable if they are not observed and proctored at a testing site.

**E. OHA Worksite:** For purposes of this policy, an OHA worksite is any physical location or destination where an employee will be conducting official OHA business and may be in contact with State employees or members of the public, including but not limited to OHA’s business offices and worksites located at: (1) Na Lama Kukui; (2) Kaka’ako Makai; (3) Kukaniloko; (4) Pahua; (5) Waialua Courthouse; (6) Wahiawa; (6) Kona Office; (7) Hilo Office; (8) Kaua’i Office; (9) Ho’omana; (10) Kekaha; (11) Lana’i Office; (12) Maui Office; (13) Palaeua; (14) Moloka’i Office; (15) Washington D.C. Bureau; (16) 501 Sumner Street; and (17) 500 N. Nimitz Highway.

- i. For OHA property that is leased or sub-leased to a tenant, the tenant is responsible to comply with all applicable industry and regulatory laws and guidelines for the leased space.
- ii. For OHA’s commercial properties, third party property managers maintain and manage the common areas in compliance with all applicable industry and regulatory laws and guidelines.

### **III. Policy and Program**

#### **A. Employees**

All Employees must provide either verification of being Fully Vaccinated **OR** proof of a current and valid negative COVID-19 test result prior to entering an OHA Worksite in accordance with Section III.B, Verification of Vaccination & Submission or Section III.C, Testing Requirement, as applicable.

Employees may take up to two hours of paid time off for each vaccination dose, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get vaccinated and may be required to provide proof of registration.

Any Employee who has not provided verification of being Fully Vaccinated for COVID-19 may enter an OHA Worksite provided they provide proof of a current and valid negative COVID-19 test result prior to arriving at an OHA Worksite in accordance with Section III.C, Testing Requirement.

When OHA recalls its workforce back to OHA Worksites, Employees who are not on an approved accommodation for continued telework and who do not provide verification of being Fully Vaccinated for COVID-19, must provide proof of a current and valid negative COVID-19 test result once a week in accordance with Section III.C, Testing Requirement.

Employees who are less than fully vaccinated and who do not comply with the Testing Requirement are prohibited from entering an OHA Worksite.

An Employee who is required or directed to report to an OHA Worksite, but who is less than Fully Vaccinated and has not been tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

An Employee who is required or directed to report to a non-OHA Worksite that requires either vaccination and/or testing, but who is less than fully vaccinated and/or refuses to be tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

## **B. Verification of Vaccination & Submission**

Employees who have opted to get vaccinated must provide verification of their current vaccination status to OHA Human Resources (“HR”) at [hr@oha.org](mailto:hr@oha.org) prior to being allowed to enter an OHA Worksite. Employees may:

- email a photograph or digital copy of a state-approved vaccination card or other official documentation evidencing their vaccination status; or
- email a screenshot or digital copy of their vaccination status using various publicly available health status applications provided by the State of Hawai’i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record to the LumiSight OHA application ([LumiSight Workplace](#)).

### **C. Testing Requirement for Less Than Fully Vaccinated Employees**

An Employee who has opted to get tested or who is less than Fully Vaccinated must, on a weekly basis, provide proof of a current and valid negative COVID-19 test result to HR prior to being allowed to enter an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to the employee's entry at an OHA Worksite on the first day of work for the week.

Employees may take up to two hours of paid time off to get tested for COVID-19, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get tested and may be required to provide proof of registration.

Employees not tested at a free testing site shall be responsible for any testing costs. The location of free testing sites can be found on the COVID- 19 State of Hawai'i Portal ([Testing, Isolation & Quarantine - Hawai'i DOH: Info & Resources for Managing COVID-19 \(hawaiiicovid19.com\)](https://hawaiiicovid19.com)).

Employees may:

- email a photograph or digital copy of official documentation evidencing their negative COVID-19 test result to HR at [hr@oha.org](mailto:hr@oha.org); or
- upload an image of official documentation evidencing their negative COVID-19 test result to their LumiSight OHA account.

### **D. Visitors**

All Visitors entering an OHA worksite must provide proof of being Fully Vaccinated for COVID-19 **OR** proof of a current and valid negative COVID-19 test result to an OHA point of contact upon entry at an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to entry at an OHA Worksite.

For proof of vaccination status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of a state-approved vaccination card; or
- show identification and their vaccination status using various publicly available health status applications provided by the State of Hawai'i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record through the LumiSight OHA Application ([LumiSight Workplace](#)).



For proof of testing status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of official documentation evidencing their negative COVID-19 test result; or
- upload an image of official documentation evidencing their negative COVID-19 test result to the LumiSight OHA application.

Any Visitor who refuses to show identification and verification of being Fully Vaccinated or proof of a valid and current negative COVID-19 test result will be prohibited from entering an OHA Worksite and asked to immediately leave the premises.

#### **E. Rejection of Proof of Vaccination or Testing Status**

Proof of vaccination or testing status may be rejected if: (1) the information on the records provided are not acceptable; (2) the records provided have insufficient/missing information; (3) the information on the records provided cannot be verified; or (4) if the image is blurry or the resolution is too low to be readable.

#### **F. Privacy**

Consistent with law, any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy, or as required by law or court order.

Please direct any questions regarding this policy to the Human Resources Department.

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.

**V. New Business**

**D. Workshop: Board Governance Framework: Policy Framework**



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OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

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**Date:** October 31, 2021

**To:**

Ke Kauhuhu Carmen Hulu Lindsey  
Ke Kua Leina'ala Ahu Isa  
Ke Kua Dan Ahuna  
Ke Kua Kaleihikina Akaka  
Ke Kua Keli'i Akina

Ke Kua Luana Alapa  
Ke Kua Brendon Kalei`āina Lee  
Ke Kua Keola Lindsey  
Ke Kua John Waihe'e IV

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

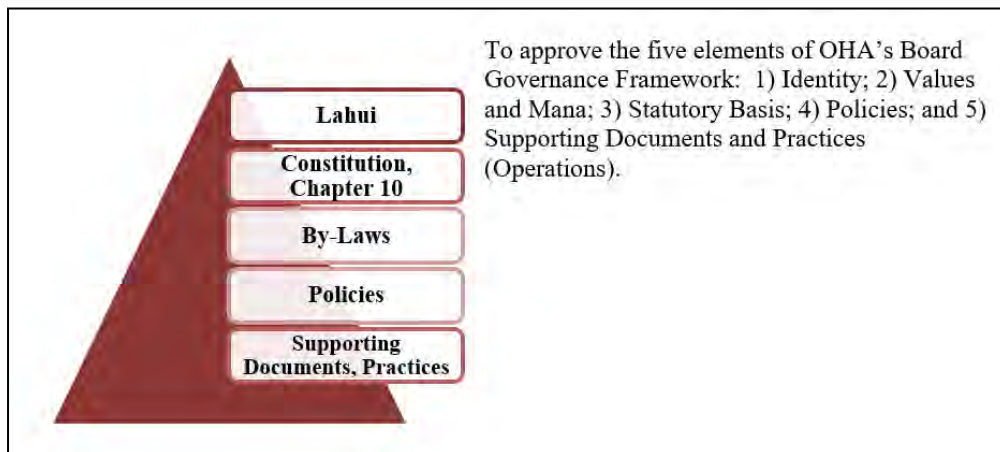
**cc:** Casey K. Brown, Ka Pou Nui, Chief Operating Officer  
Ramona G. Hinck, Ka Pou Kihi Kanaloa Wai, Chief Financial Officer  
Raina Gushiken, Ka Paepae Puka, Senior Legal Counsel  
Everett Ohta, Ka Paepae Puka, Assistant Senior Legal Counsel

**Subject:** Board Governance Framework, Policy Framework

**Attachments:** (1) - February 7, 2021 - Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion re: Development of a T-Level Grant Policy; (2) – May 3, 2021 Memo; (3) May 6, 2021 Presentation Workshop PPT; and (4) November 4, 2021 Presentation Workshop PPT; (5) Emerging draft Policy of Policies; (6) Emerging draft Retention and Delegation of Authority – Trustees; (7) Emerging draft Retention and Delegation of Authority – Administrator/CEO

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The purpose of this memo is to transmit: 1) Previously distributed policy framework materials, using the Board Governance Framework; and 2) A discussion powerpoint for workshop review



at the November 4, 2021 Board meeting; in preparation for a future Board Action Item.

- A. Policy Framework: the Why? Board Governance Framework.** In January 2019, the Board approved the formation of a Permitted Interaction Group (PIG) to: Investigate various elements of governance frameworks and models, including but not limited to cultural, indigenous, native, national and international contexts. The PIG was established with: 1) Trustee Brendon **Kalei‘āina Lee** as Project Sponsor and Chair; 2) Trustee Colette Machado as Business Process Owner and Vice Chair of the PIG; and 3) Trustees Robert Lindsey<sup>1</sup> and John Waihee<sup>2</sup> as members. The PIG was supported by Trustee Machado, Lee, Lindsey and Waihee’s Aides; and Administration, then Ka Pouhana, Kamana`opono Crabbe, then Ka Pou Nui, Sylvia Hussey and staff.

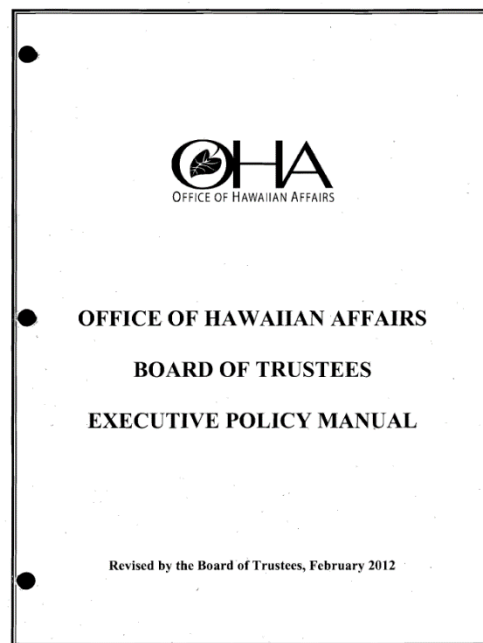


The PIG presented its final report and recommendations to the Board of Trustees (BOT) at its March 28, 2019 meeting; and on April 4, 2019, via Action Item BOT# 19-04, the BOT approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Implementation of a policy framework is a mechanism to operationalize the approved Board Governance Framework.

## **B. Executive Policy Manual**

The Executive Policy Manual (EPM), as depicted at right, was revised by the Board of Trustees in February 2012. Subsequent policy changes (via action item) were tracked by Corporate Counsel; who also reviewed new policies developed since 2012; and the application of policy to various organization actions. CC has since incorporated all EPM impacted policy changes into one new EPM document and will issue an updated document to the BOT.



Once the new policy framework is approved, Administration will: map, crosswalk, and migrate policies and/or policy language from the EPM to the new Policy Framework, eventually sunseting the EPM document itself; and create and populate a new electronic policy framework location, accessible to internal and external stakeholders.

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<sup>1</sup> Interim Chair of the Resource Management Committee at the time of the formation of the Permitted Interaction Group

<sup>2</sup> Chair of the Beneficiary, Advocacy and Empowerment Committee

### C. Policy Framework Element Development via Permitted Interaction Groups

After the approved Board Governance Framework elements, the Board's Permitted Interaction Group (PIG) work continued.

1. **L-Lāhui Level Policies PIG.** On April 4, 2019, via Action Item #19-05, the BOT approved the formation of a Permitted Interaction Group to investigate the development of L-Lāhui level policies for OHA's Board Governance Framework.



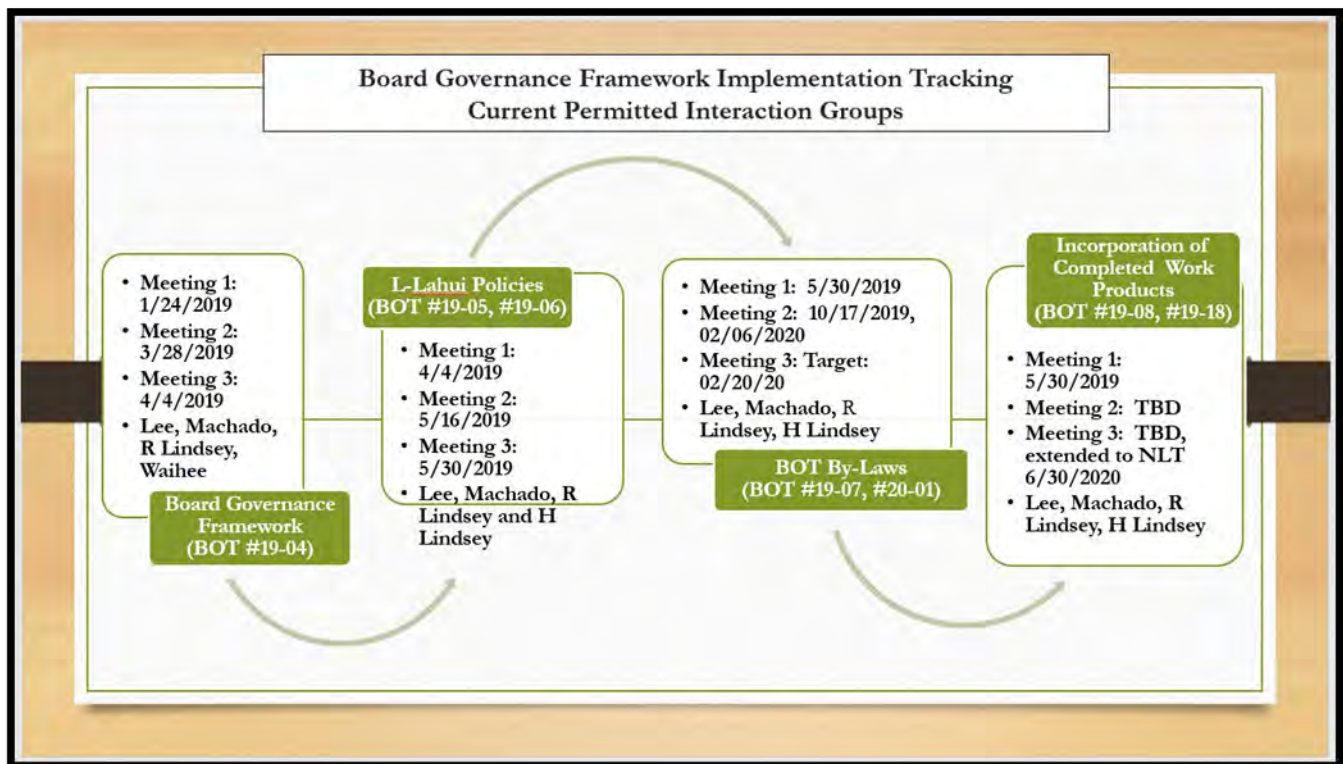
The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the development of L-Lāhui policies for OHA's Board Governance Framework, (2) Establish consistent policy formulation, format, review and update parameters, mechanisms and processes; and (3) Integrate the developed policies into the Board Governance Framework.

Via Action Item #19-06, at the May 30, 2019 BOT meeting, the Board approved the L-Lāhui Level Policies: (1) E Mālama (to protect); (2) E Ho'omau (to perpetuate); (3) E Pūpūkahi i Holomua (to unite in order to progress); (4) E `Imi`Ike (to seek knowledge); (5) E Ho`oulu Lāhui (to grow the Lāhui), developed in accordance with the approved PIG purview.

2. **Board By-Laws PIG.** Via Action Item #19-07, at the May 30, 2019 BOT meeting, the Board approved the formation of a new PIG to continue the implementation of the Board Governance Framework elements. 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 BOT By-Laws and related documents; (2) Establish consistent format, review and update parameters, mechanisms and processes; and (3) Integrate the developed BOT By-Laws and related documents into the Board Governance Framework.

On October 17, 2019, the Board, extended the Board of Trustees By-Laws PIG to no later than January 31, 2020. The PIG distributed its report to the BOT at its January 23, 2020 meeting; and held discussion about the report, including the related red-line and clean attachments (e.g., by-laws, appendices), at the February 6, 2020 Board meeting. The report was discussed and one additional edit (e.g., definition of public records in Article XVI Confidentiality) made. Via Action Item BOT #20-01, at the February 20, 2020 Board meeting, the BOT By-Laws were approved after a first reading; and subsequently approved after a second reading at the March 5, 2020 Board meeting.

3. **Incorporating FIG.** Incorporation of completed and approved work products of the Board Governance Framework and alignment and update of existing Board governance documents FIG was approved via Action Item BOT #19-08 at the May 30, 2019 meeting. The extension via Action Item #19-18 at the November 7, 2019 BOT meeting extended the work to June 30, 2020. No further action was taken to extend the end date and therefore, the time for the authorized work expired (June 30, 2020) and this FIG is closed.



4. **Trustee Level Policies FIG.** Via Action Item BOT #20-05: Approve 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, T-Level Trustee policy work began. The purview of the FIG 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.

**Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group was: (a) Trustee Brendon Kalei‘āina Lee; (b) Trustee Colette Machado; (c) Trustee Robert K. Lindsey, Resource Management Committee, Vice Chairperson; and (d) Trustee John D. Waihe‘e, IV. Trustee Lee served as the Chair of the Permitted Interaction Group and Trustee Machado served as its Vice Chair.

**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 November 4, 2020.

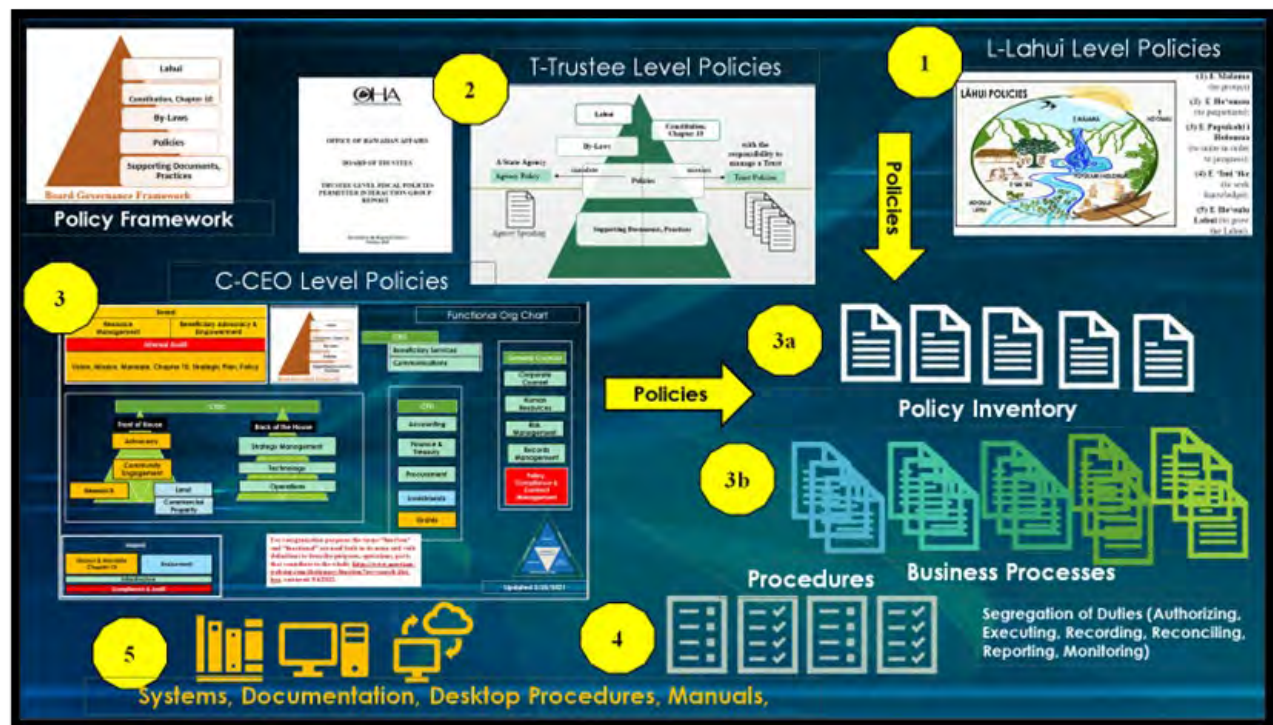
At the October 22, 2020 Board meeting, the report was distributed and no further discussion was held at the October 29, 2020 Board meeting, as there were no recommendations from the PIG.

#### **D. Development of Policy Framework**

Based on the PIG work in approving the Board Governance Framework elements and the subsequent L-Lāhui level policies, BOT By-laws and the initial T-Trustee level policies work, approval of the OHA Policy Framework is comprised of the following elements: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures, manuals as depicted below.

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## 1. Policy of Policies

To operationalize the policy framework, a newly drafted Policy of Policies will be presented for approval as part of the policy framework. Such a policy is intended to provide the operational implementation for policy development, implementation, monitoring, compliance and evaluation processes, procedures and related documentation. An emerging draft of the proposed policy is presented at Attachment 5.

## 2. Retention and Delegation of Authority – Trustees

A newly drafted policy related to the explicit (vs. implicit) retention and delegation of authority by Trustees, as determined by HRS Chapter 10, will also be drafted to explicitly retain or delegate Chapter 10 duties and responsibilities of the Board of Trustees. An emerging draft of the proposed policy is presented at Attachment 6.

An emerging draft of a proposed update of delegation of authority by Administration to operations is presented at Attachment 7 for BOT information only (vs. approval).



## **E. Action Item Proposed Actions**

Future action item recommendations are proposed to be:

1. Approve the OHA Policy Framework, based on the approved Board Governance Framework, with the following components: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures, manuals;
2. Approve a newly drafted Policy of Policies; and
3. Approve a newly drafted Retention and Delegation of Authority - Trustees policy.

## **F. Time Frame**

Implementation of the OHA framework can be done as soon as Board approval is given at the 2<sup>nd</sup> reading. As also noted earlier: Once the new policy framework is approved, Administration will: map, crosswalk, and migrate policies and/or policy language from the EPM to the new Policy Framework, eventually sunsetting the EPM document itself; and create and populate a new electronic policy framework location, accessible to internal and external stakeholders.

## **G. References**

1. **Action Item BOT #20-01:** Approve the Office of Hawaiian Affairs Board of Trustees' Updated By-Laws, September 20, 2020
2. **Action Item BOT #19-06:** Approve L-Lāhui Level Policies: (1) E Mālama (to protect); (2) E Ho'omau (to perpetuate); (3) E Pūpūkahi Holomua (to unite in order to progress); (4) E 'Imi 'Ike (to seek knowledge); (5) E Ho'oulu Lāhui (to grow the Lāhui) as Detailed in Attachments 2 to 6, Respectively, May 30, 2019
3. **Action Item BOT #19-04:** Approve the Five (5) Board Governance Framework Elements, April 4, 2019

## **H. Attachments**

1. February 7, 2021 - Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion re: Development of a T-Level Grant Policy;
2. May 3, 2021 Memo;
3. May 6, 2021 Presentation Workshop PPT; and
4. November 4, 2021 Presentation Workshop PPT
5. Emerging draft of a Policy of Policies

6. Emerging draft of a Retention and Delegation of Authority – Trustees policy
7. Emerging draft of a Retention and Delegation of Authority – Administrator/CEO policy (for information only)

**I. Conclusion and Next Steps**

Please feel free to contact me with any questions prior to the workshop at [sylviah@oha.org](mailto:sylviah@oha.org) or 808-594-1973 or to set up a meeting to discuss with up to two Trustees and Aides.




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OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

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**Date:** February 7, 2021

**To:**

Ke Kauhuhu Carmen Hulu Lindsey  
 Ke Kua Leina'ala Ahu Isa  
 Ke Kua Dan Ahuna  
 Ke Kua Kaleihikina Akaka  
 Ke Kua Keli'i Akina

Ke Kua Luana Alapa  
 Ke Kua Brendon Kalei`āina Lee  
 Ke Kua Keola Lindsey  
 Ke Kua John Waihe'e IV

**From:** Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer *sh*

**cc:** Casey K. Brown, Ka Pou Nui, Chief Operating Officer  
 Ramona G. Hinck, Ka Pou Kihi Kanaloa Wai, Chief Financial Officer  
 Raina Gushiken, Ka Paepae Puka, Senior Legal Counsel  
 Lisa M. Watkins-Victorino, Ph.D., Ka Pou Kihi Kane, Research Director  
 Carla Hostetter, Ka Pou Kihi Onaehana, Systems Office Director  
 Maile Lu'uwai, Pou Kāko'o Kaiāulu, Grants Manager

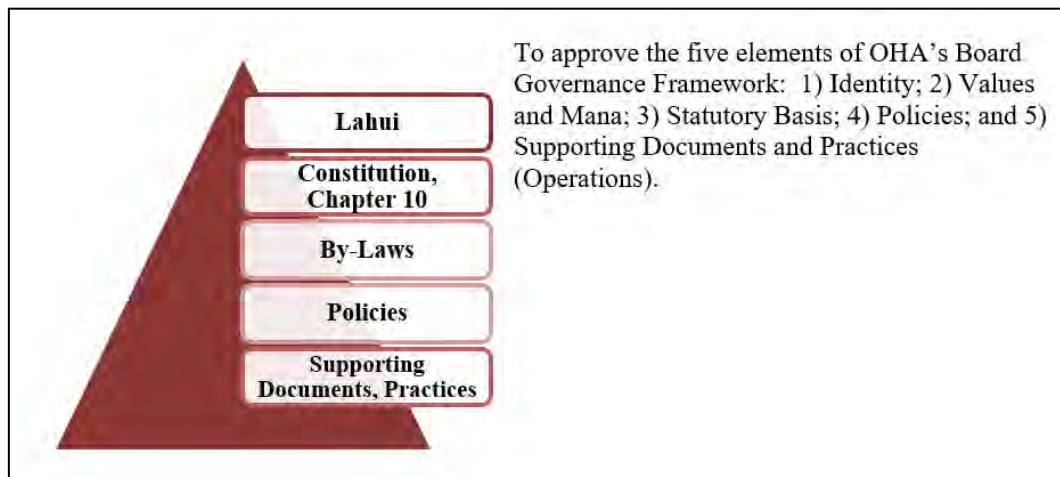
**Subject:** Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion  
 re: Development of a T-Level Grant Policy

**Attachments:** None

**References:** None

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The purpose of this memo is to provide an overview of the proposed policy framework for OHA; and context for a facilitated discussion in developing a Trustee (T) - Level Grant policy for Board approval. An illustration of the proposed policy framework will be provided in the Board workshop, and be aligned with the Board Governance Framework (approved in spring 2019).



Elements of a policy framework may include, but not be limited to: existing fiscal, land, human resources policies; recognizing the dual identity of OHA as a state agency and perpetual trust; identifying compliance and internal audit functions; cascading to operating policies, processes, procedures and practices.

#### Strategic Outcome 9.5: Increased strategic granting

ACTIONS	
Endowment	
Strategic Outcomes (Endowment)	
Increased value of, investments in and value from financial, commercial and land resources.	
Strategy 9. Steward financial and commercial resources to enable strategic outcomes	Strategy 10. Steward land resources to fulfill fiduciary responsibilities and enable strategic outcomes
9.1. Increased value of the Native Hawaiian Trust Fund (NHTF)	10.1. Protected traditional and customary rights
9.2. Increased value of the commercial resources	10.2. Auamo kuleana for land resources
9.3. Increased direct investments in Hawaii	10.3. Strengthen and elevated cultural resource management practices
9.4. Increased value derived from the NHTF and commercial resources	10.4. Broaden cadre of cultural resource managers
9.5. Increased strategic granting	10.5. Increase stewarded direct land investments

Please share your thoughts for discussion with your colleagues re:

- What does “increased strategic granting” looks like in your “minds eye”?
- What are other organizations in Hawaii, on the continent and/or internationally that can be models or examplars for OHA to consider in granting policy and practices?
- What lessons can be learned from philanthropy for granting?
- Are there lessons learned from Native Americans and Alaska Natives that can be applied to our context?

Administration looks forward to this open and free flowing discussion to inform drafting of a policy to return for Board discussion and action.




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 OFFICE OF HAWAIIAN AFFAIRS

 Interoffice Memorandum
 

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**Date:** May 3, 2021

**To:**

Ke Kauhuhu Carmen Hulu Lindsey	Ke Kua Luana Alapa
Ke Kua Leina'ala Ahu Isa	Ke Kua Brendon Kalei`āina Lee
Ke Kua Dan Ahuna	Ke Kua Keola Lindsey
Ke Kua Kaleihikina Akaka	Ke Kua John Waihe'e IV
Ke Kua Keli'i Akina	

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

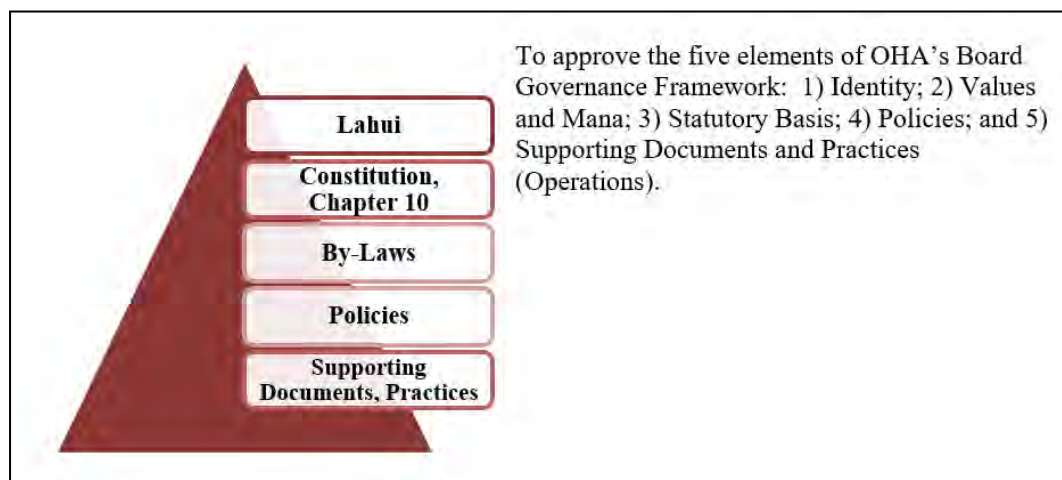
**cc:** Casey K. Brown, Ka Pou Nui, Chief Operating Officer  
 Ramona G. Hinck, Ka Pou Kihi Kanaloa Wai, Chief Financial Officer  
 Raina Gushiken, Ka Paepae Puka, Senior Legal Counsel  
 Everett Ohta, Ka Paepae Puka, Assistant Senior Legal Counsel

**Subject:** Board Governance Framework, Policy Framework

**Attachment:** Discussion Powerpoint; (B) - February 7, 2021 - Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion re: Development of a T-Level Grant Policy

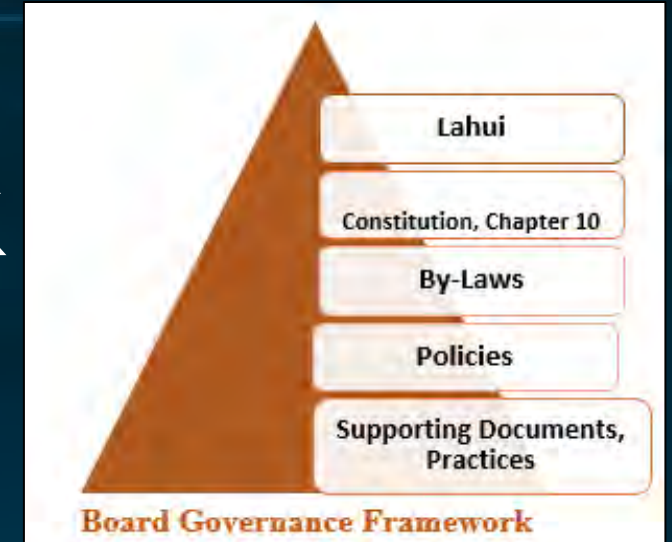
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The purpose of this memo is to transmit a proposed policy framework using the Board Governance Framework in a discussion powerpoint.



# Board of Trustees Board Governance Framework Policy Framework

THURSDAY, MAY 6, 2021



# Working Definition of Governance

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Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.

<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019





The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

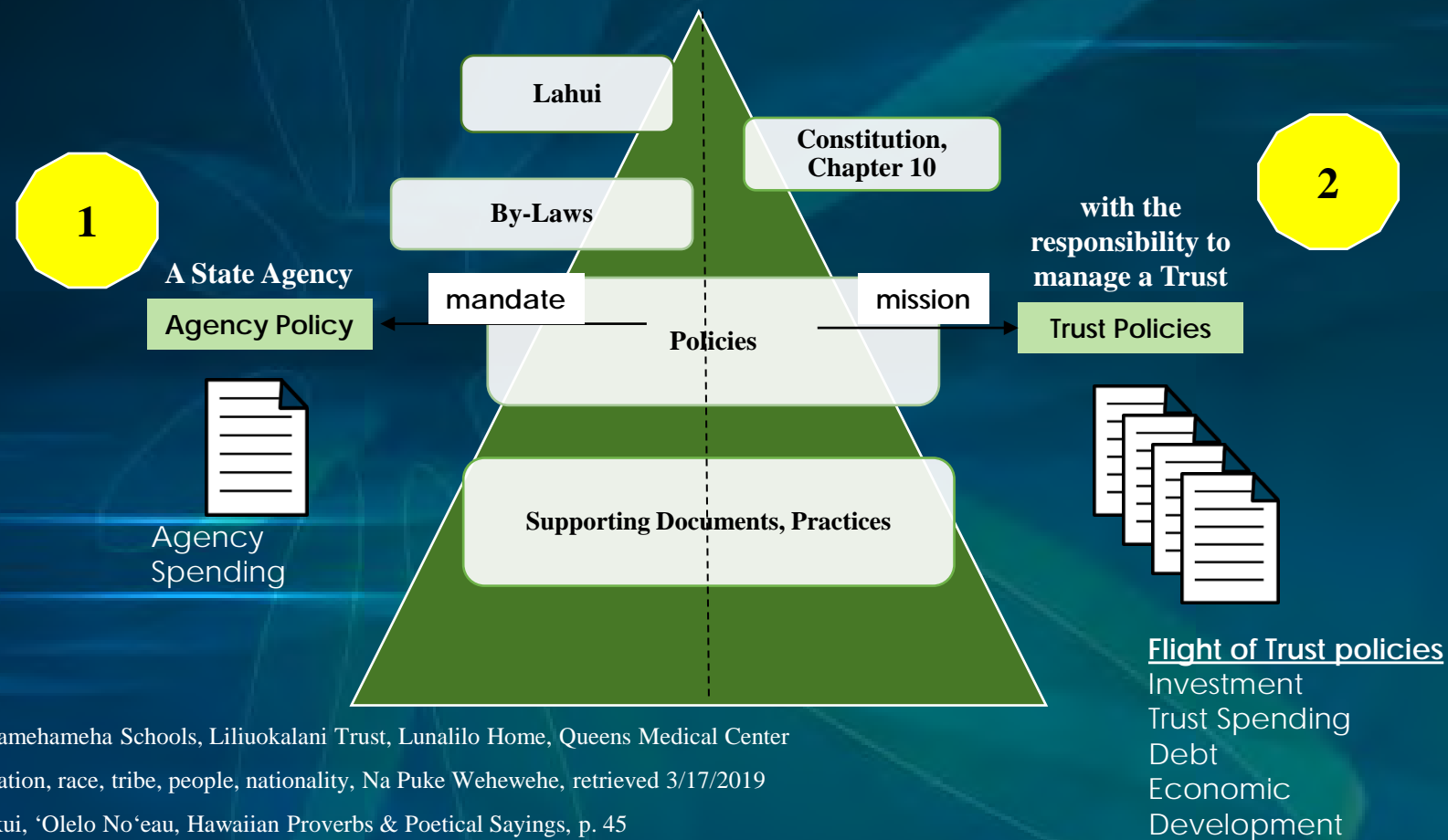
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OHA's identity manifests itself in four roles: advocate, researcher, community engager and asset manager.

### Element 2: Values and Mana

The PIG recommends that the Board Governance Framework acknowledge the surrounding intangible, yet invaluable role of values and mana in governance.

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459<sup>8</sup>.



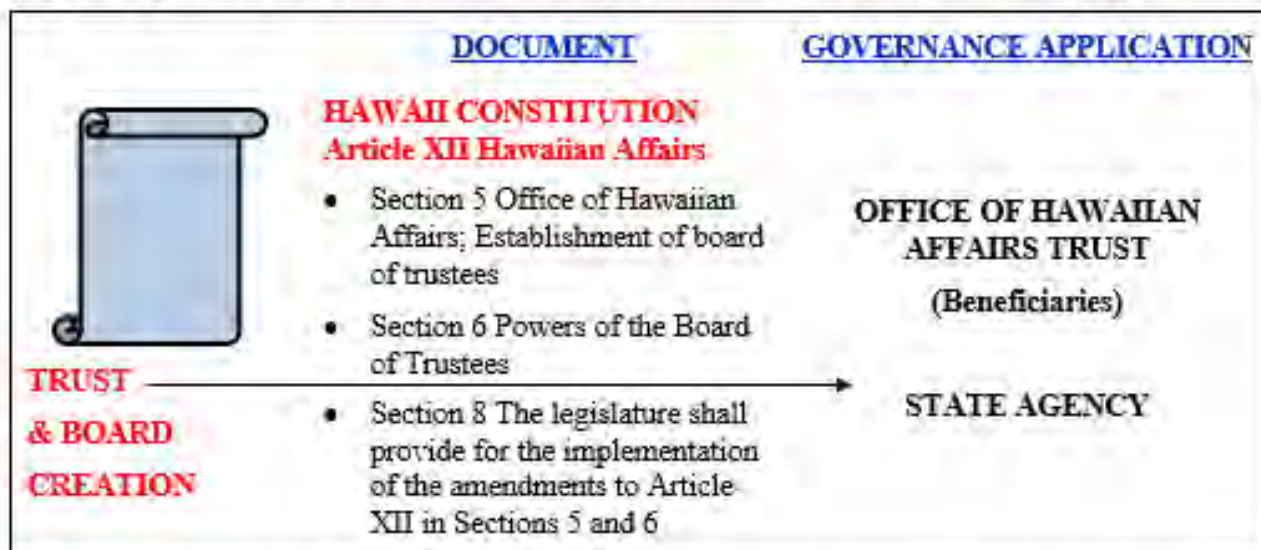
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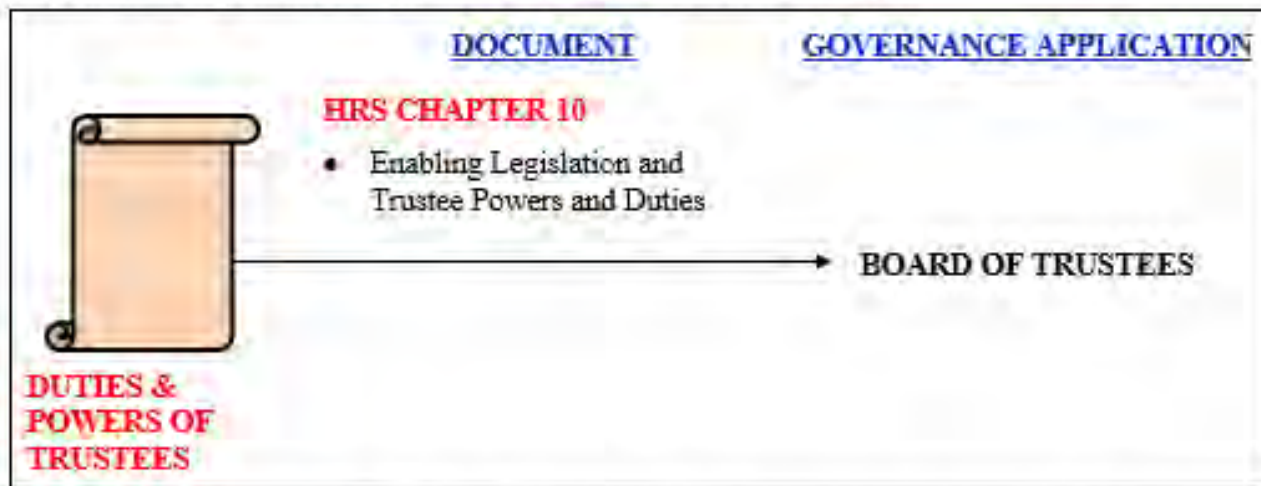




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The State of Hawaii's Constitution, Article XII Hawaiian Affairs creates the Office of Hawaiian Affairs, establishes a board of trustees, articulates the powers of the board of trustees and empowers the legislature to implement amendments to sections 5 and 6.



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**Element 4: Policies<sup>16</sup>** The FIG recommends that OHA policies be organized into three tiers: L-Lahui, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ōhana and kāiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

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#### IV. Funding Source:

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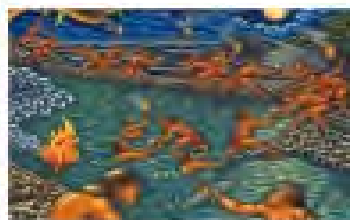
## OHA CORE VALUES

### KŪLIA



*Innovation  
Excellence*

### KĀKOU



*Collaboration  
Cooperation  
Unity*

### PONO



*Integrity  
Truth*

### HO'OMAU



*Legacy*

### ALOHA



*Respect  
Value*

**‘O ke kahua ma mua, ma hope ke Kūkulu.  
E ho‘oikaika ana i nā Kānaka i mana ka lāhui.**



# OHA HALE MODEL

*hale 'eleua*: new house

*hākala, kala*:  
end, gable

*Ka Pouhana*: main post

*pou kihi*:  
corner post

*paia*: wall, side

*paepae piika*:  
threshold

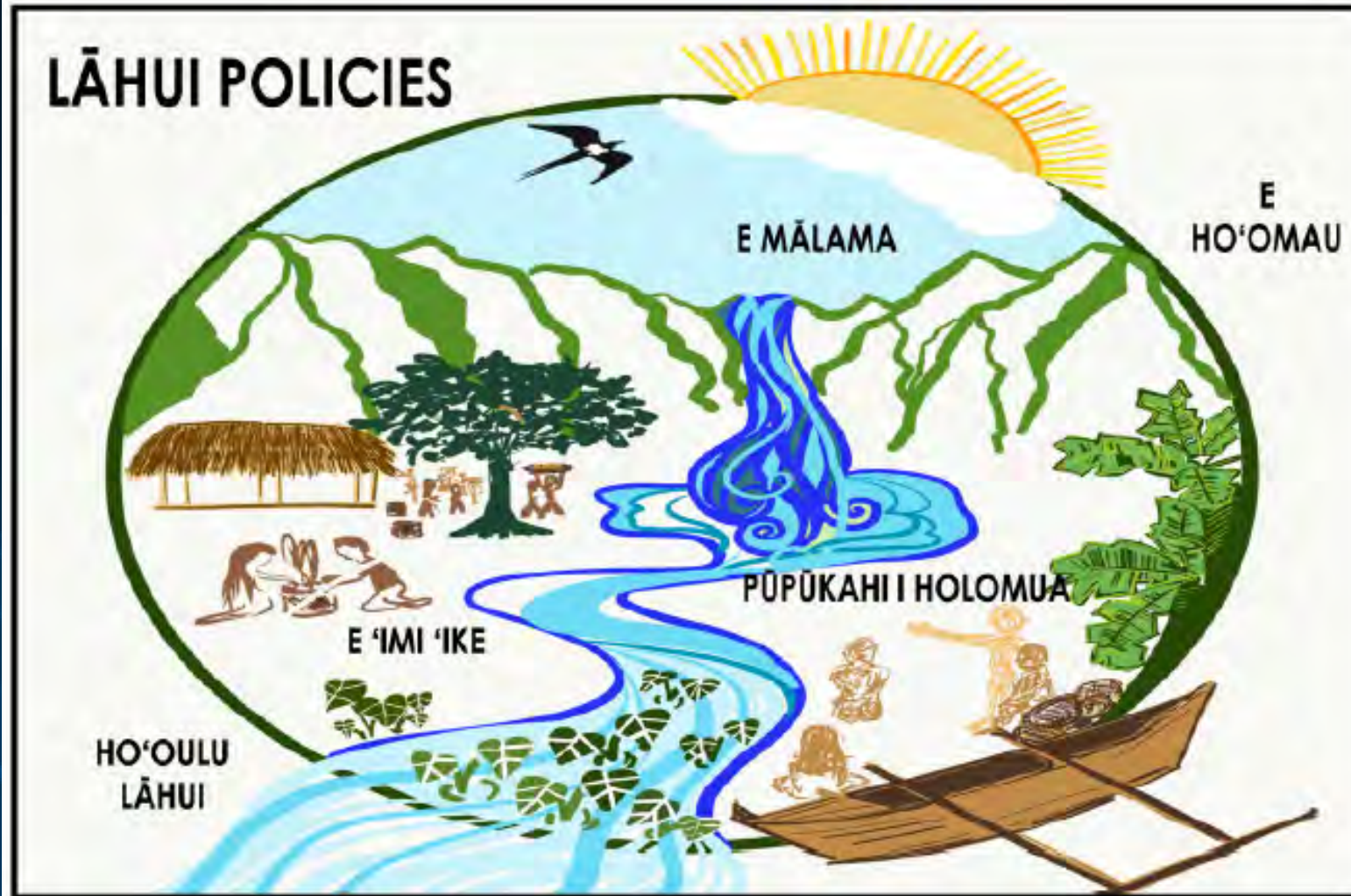
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**(2) E Ho'omau**  
(to perpetuate);

**(3) E Pupukahi i Holomua**  
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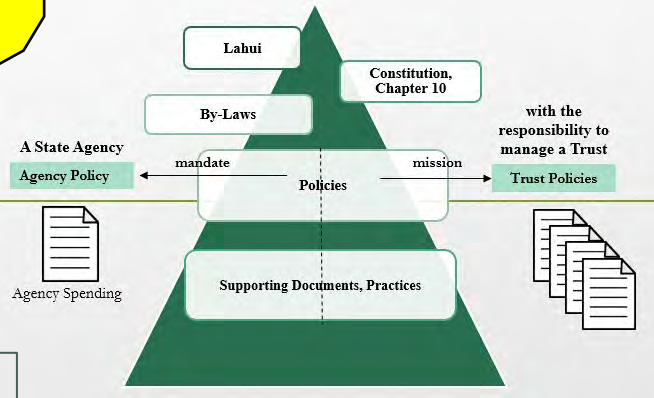


## Policy Framework



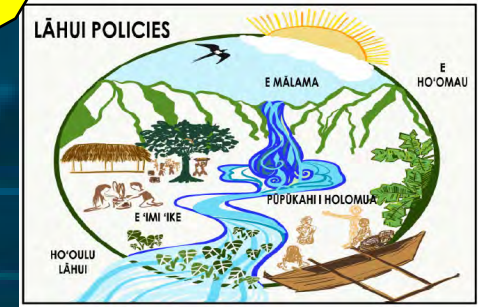
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

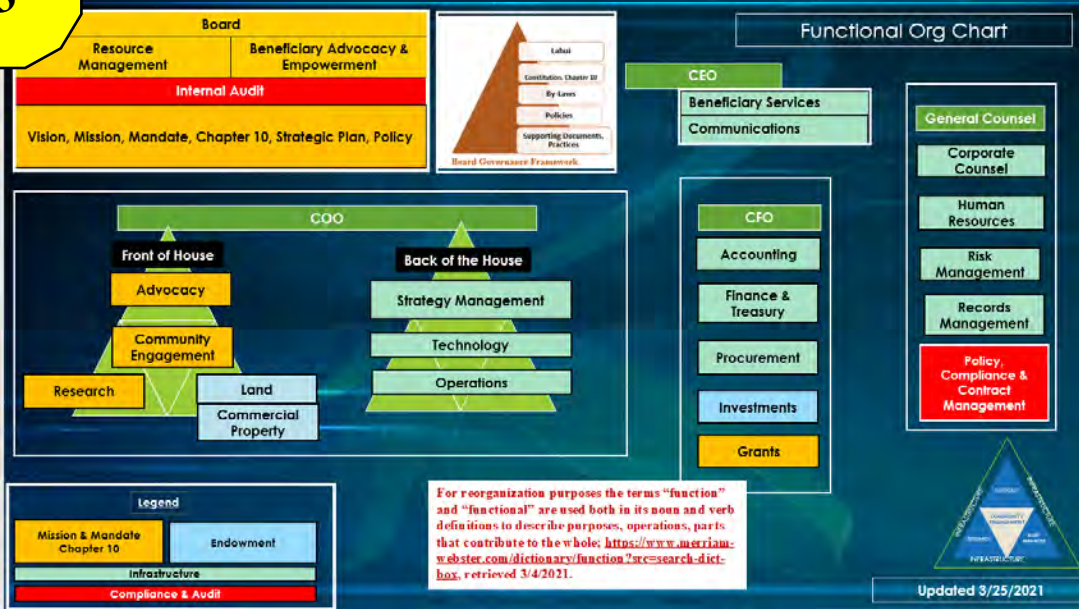


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Policies

3

## C-CEO Level Policies



3a

Policies

## Policy Inventory

3b

## Procedures

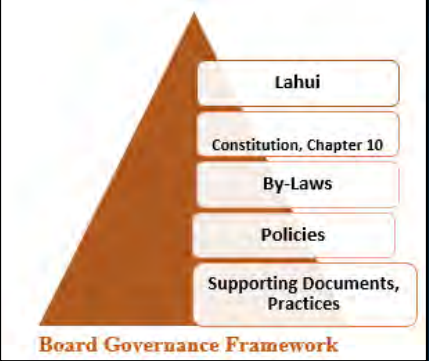
## Business Processes

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

5

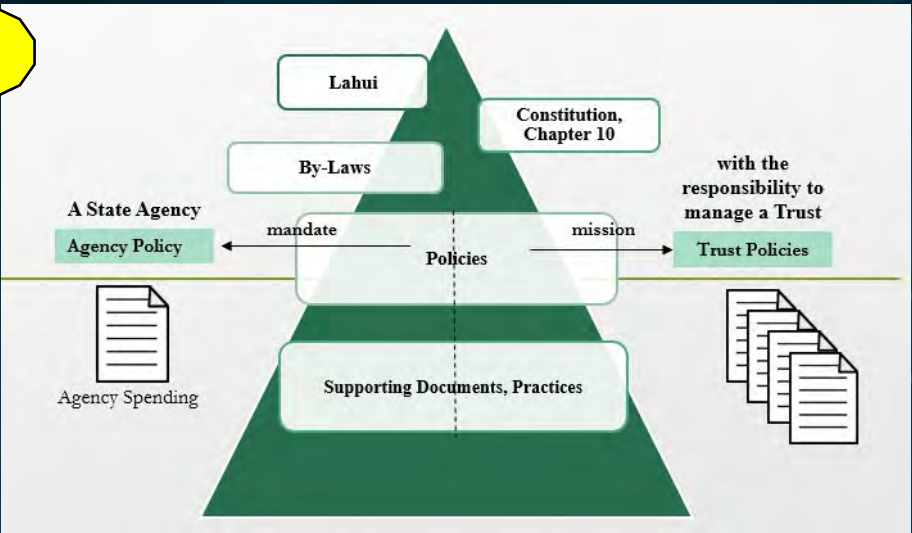
## Manuals, Documentation, Systems

4

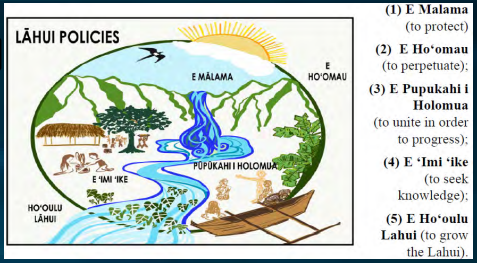


AS IS

2



1



# Executive Policy Manual

BOT Operations Policy



Series 1000 Board of Trustees

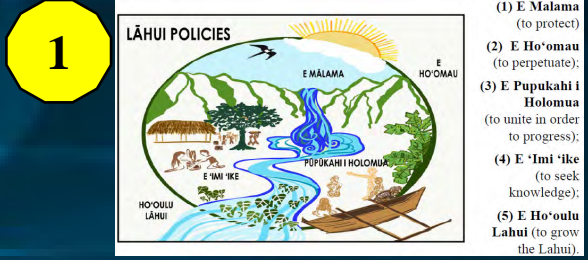
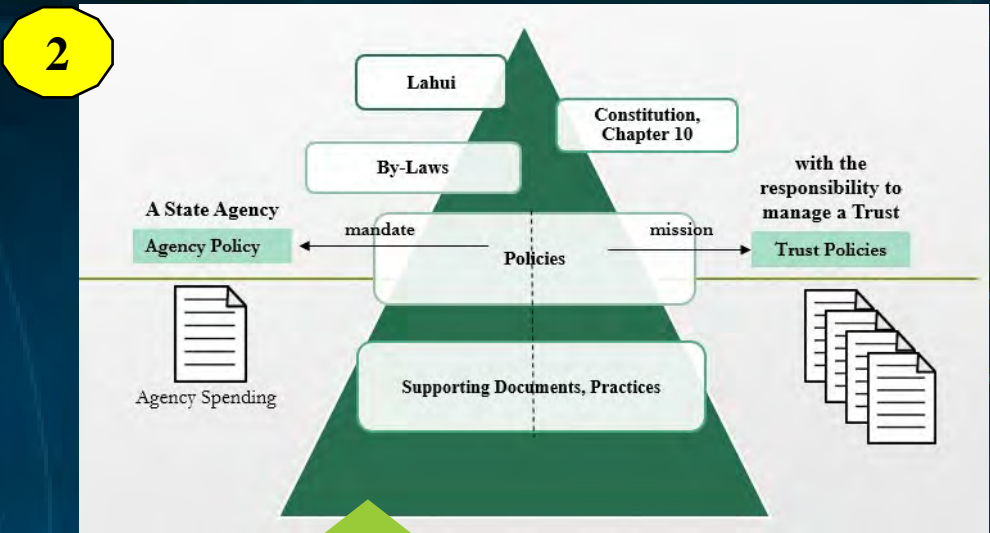


Series 2000 Beneficiary Support and Services





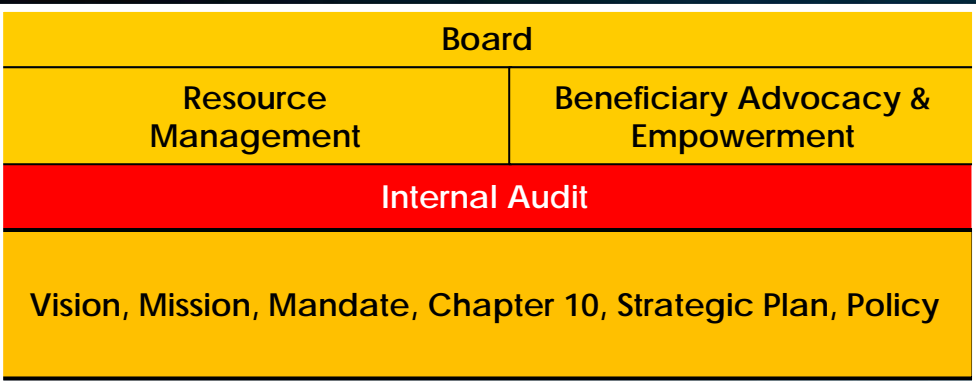
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# Executive Policy Manual

BOT Operations Policy





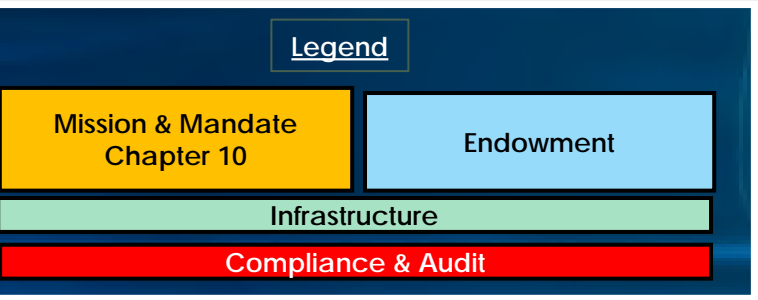
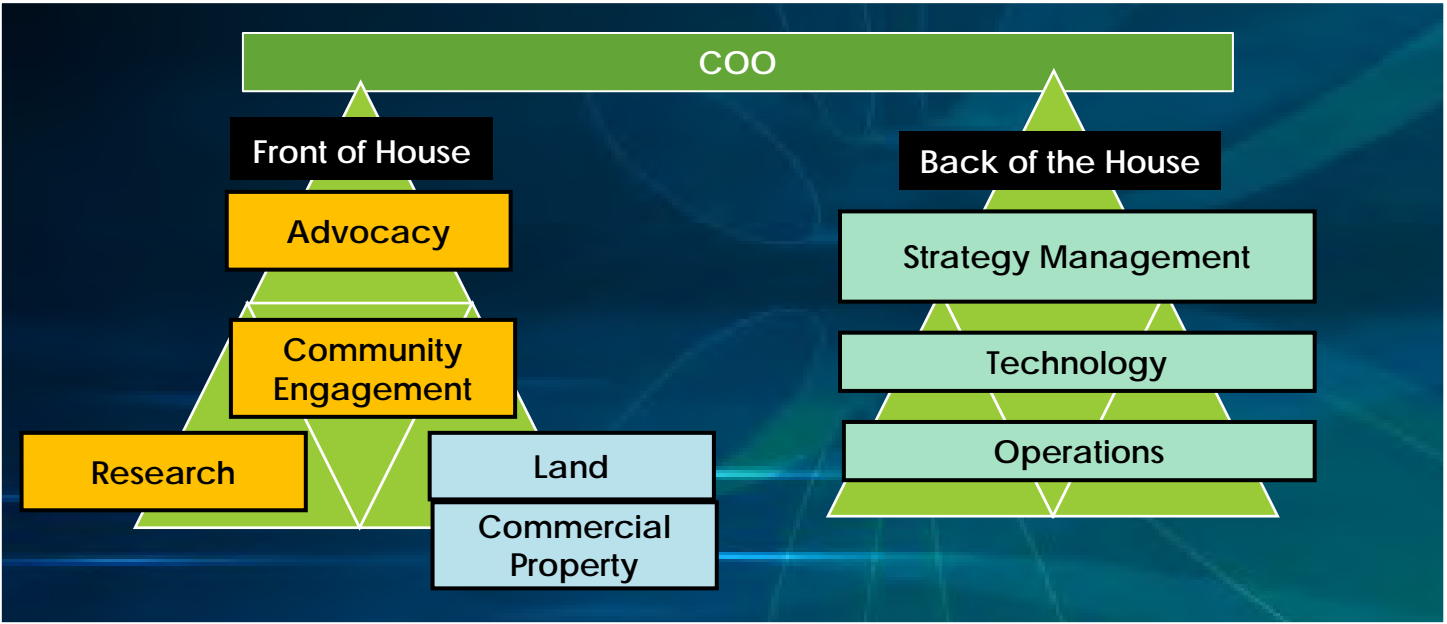
# Functional Org Chart

CEO

Beneficiary Services  
Communications

General Counsel  
Corporate Counsel  
Human Resources  
Risk Management  
Records Management  
Policy, Compliance & Contract Management

CFO  
Accounting  
Finance & Treasury  
Procurement  
Investments  
Grants



For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.



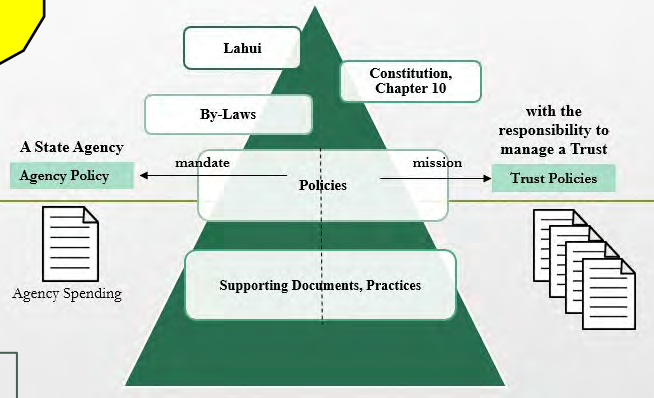


## Policy Framework



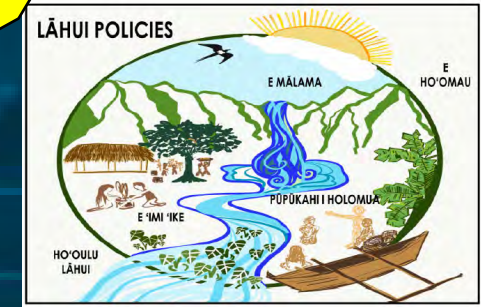
2

## T-Trustee Level Policies



1

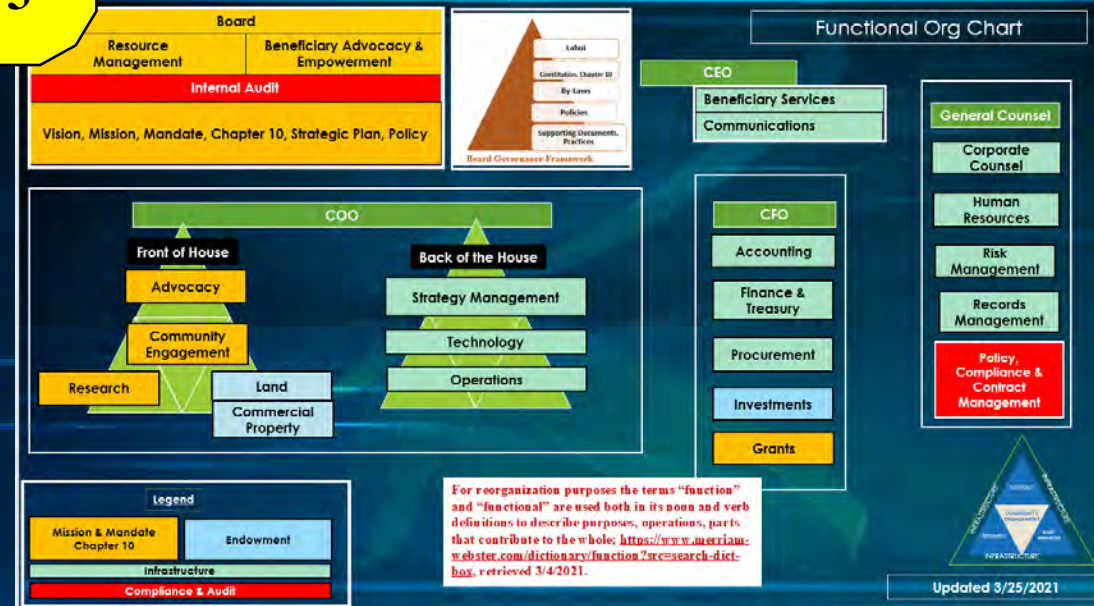
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Policies

## C-CEO Level Policies



3

3a

Policies

## Policy Inventory

3b

## Procedures

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5

## Manuals, Documentation, Systems

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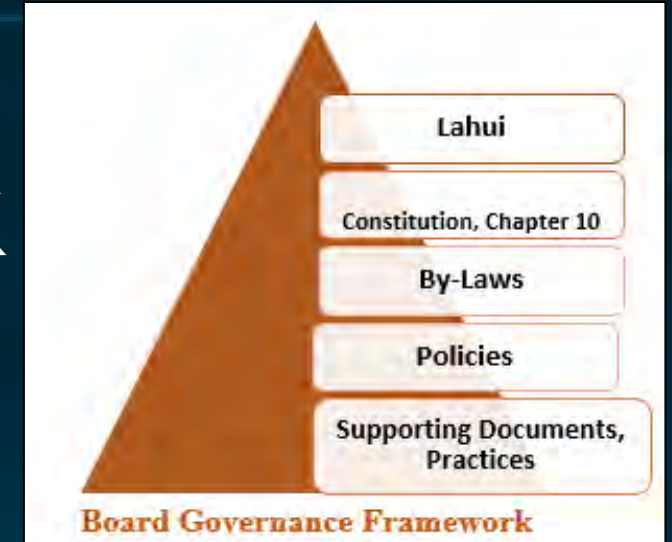


He Ninau Kau



# Board of Trustees Board Governance Framework Policy Framework

THURSDAY, NOVEMBER 4, 2021



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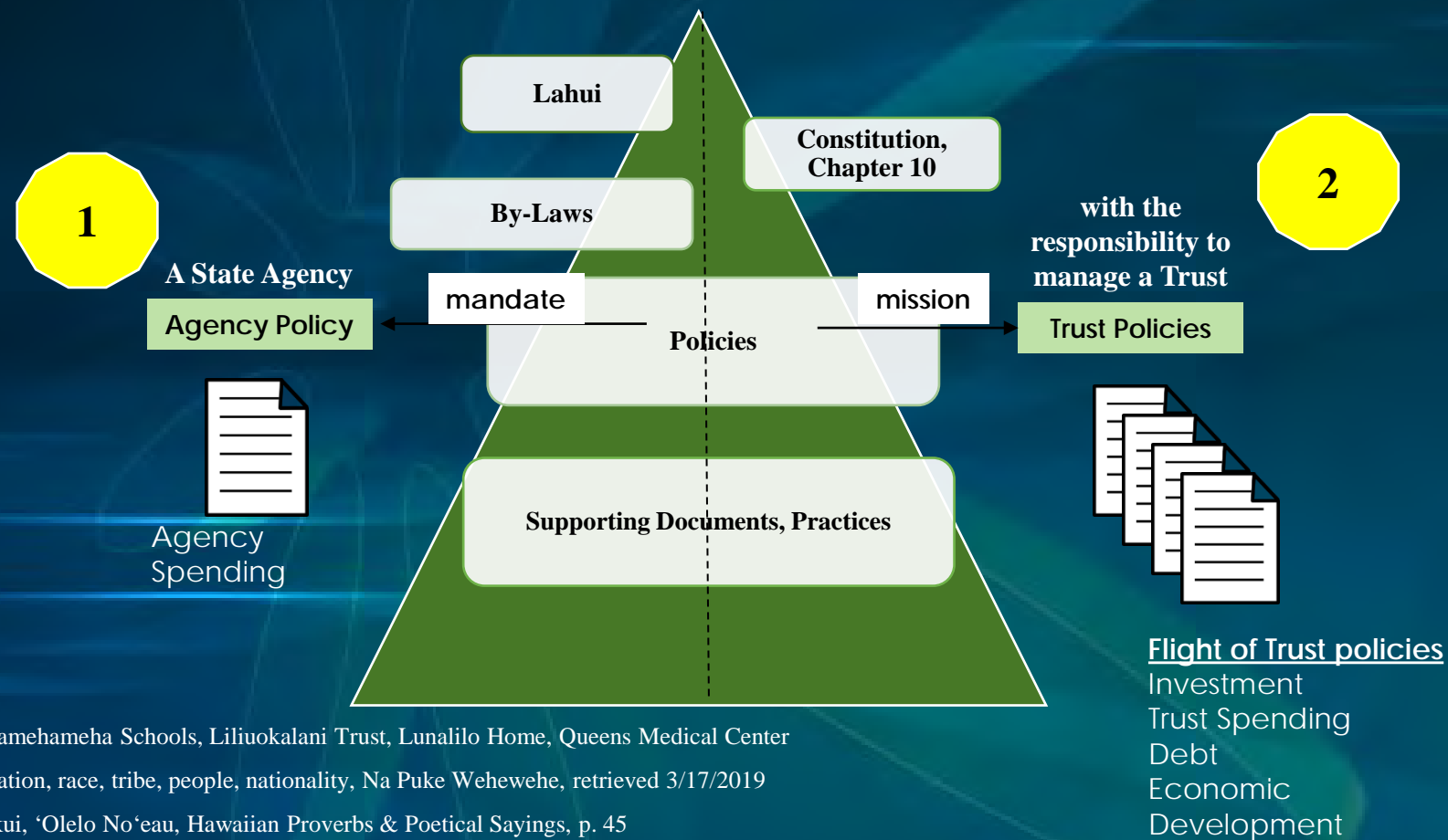
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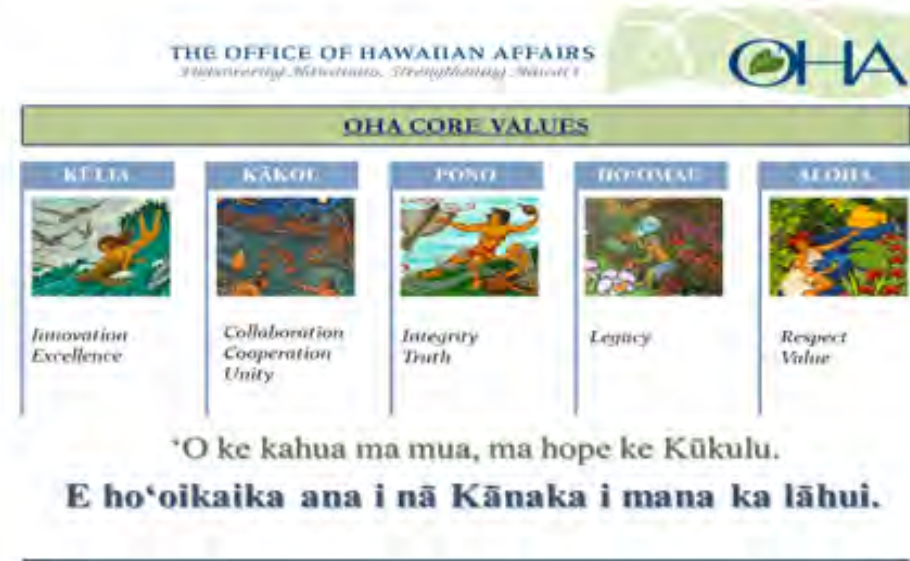


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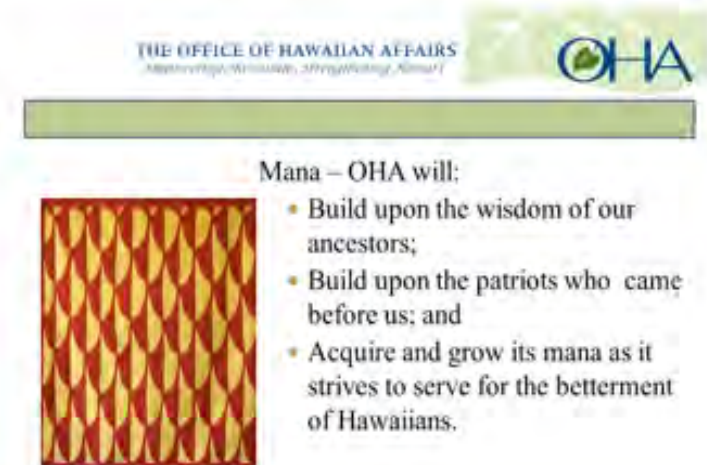
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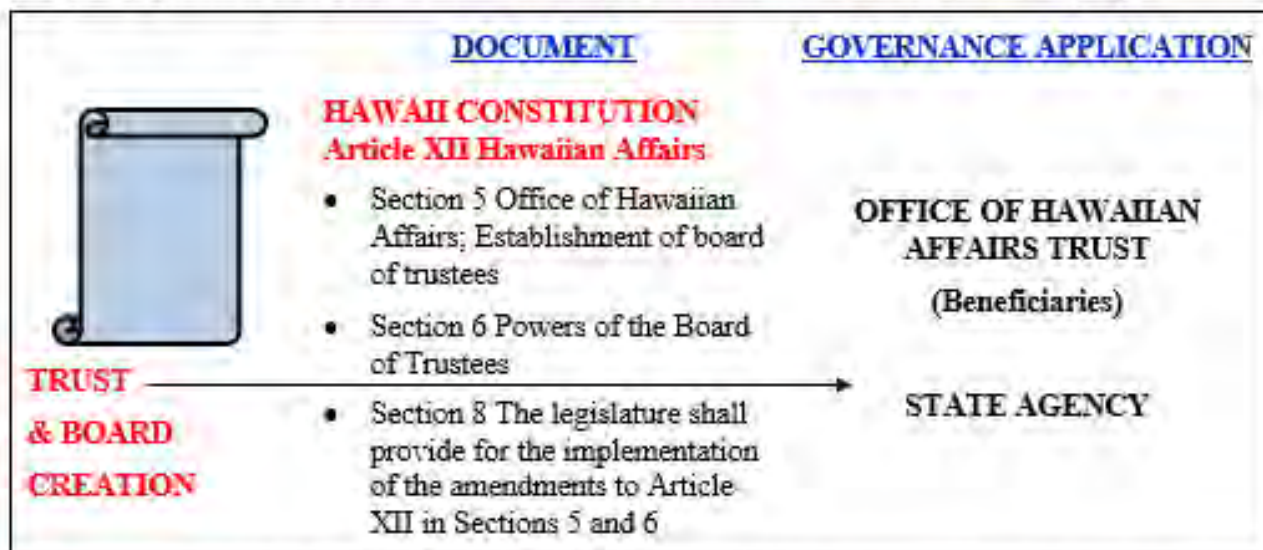
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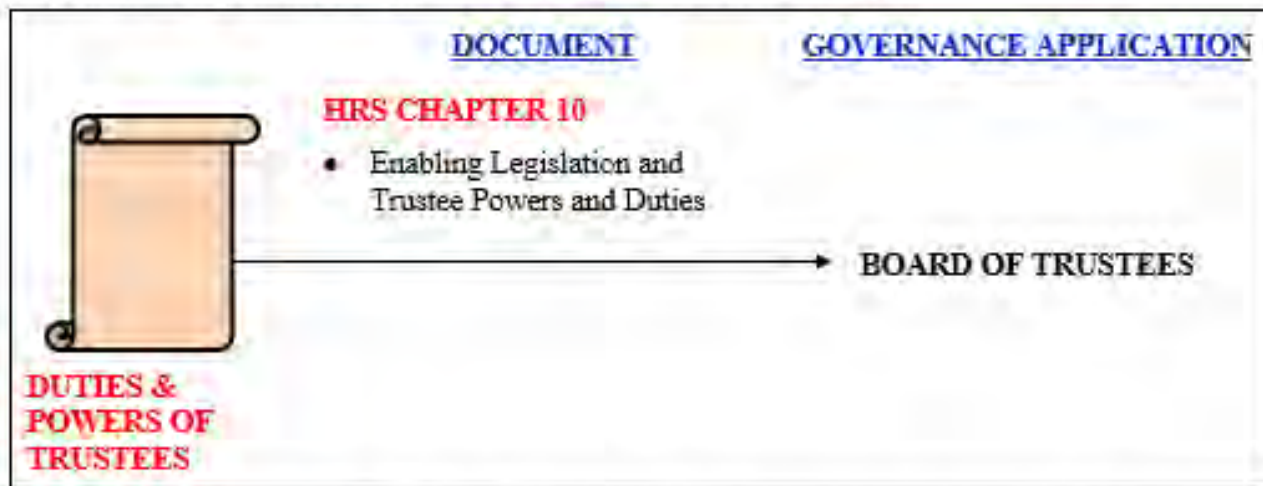




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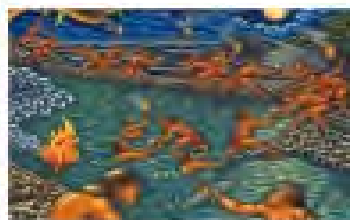
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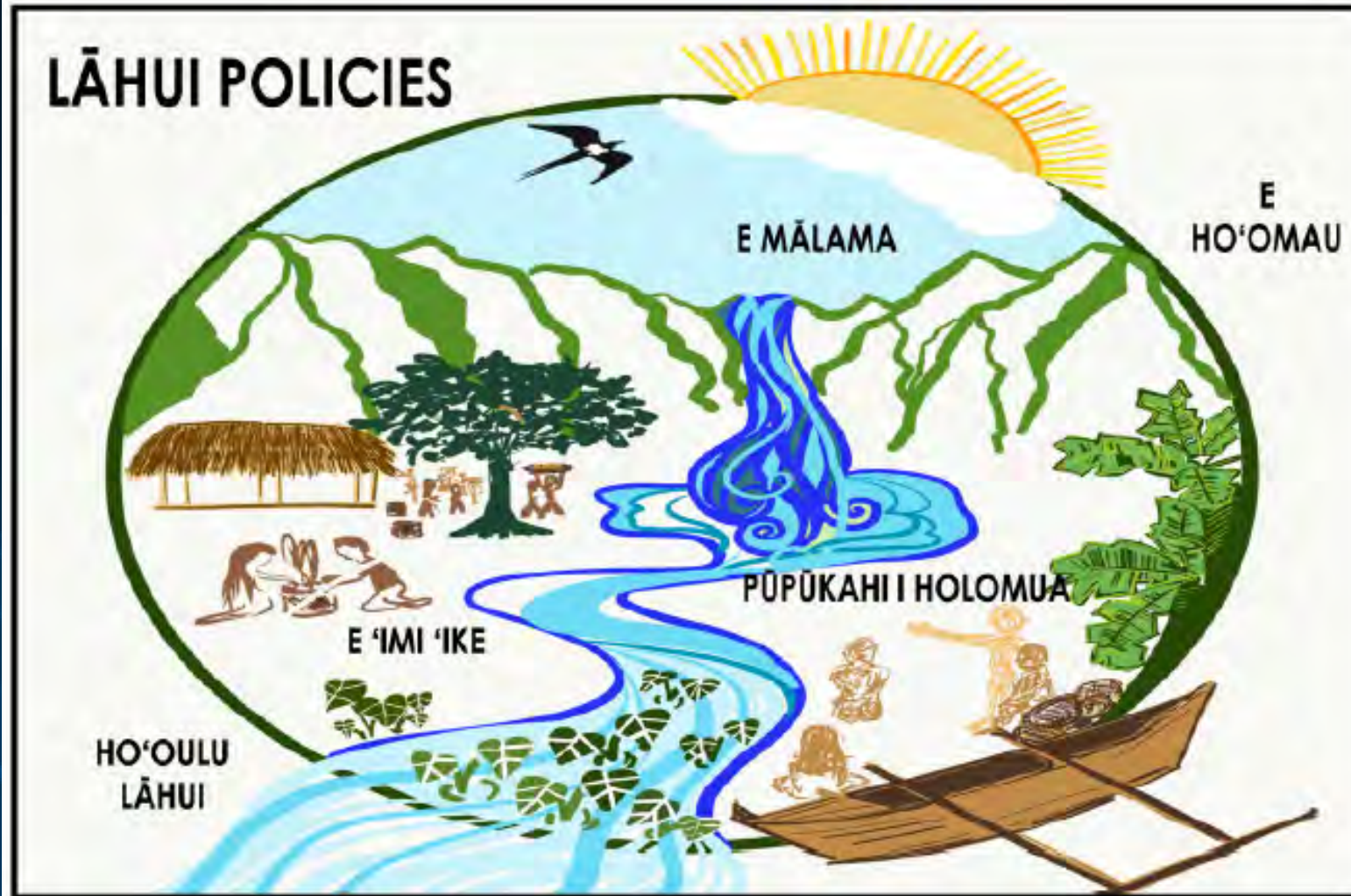
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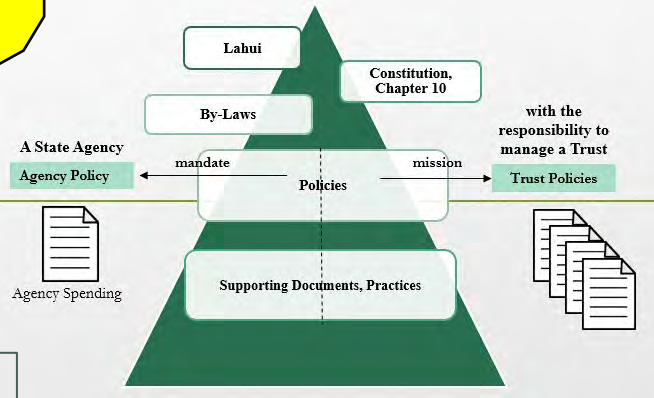


## Policy Framework



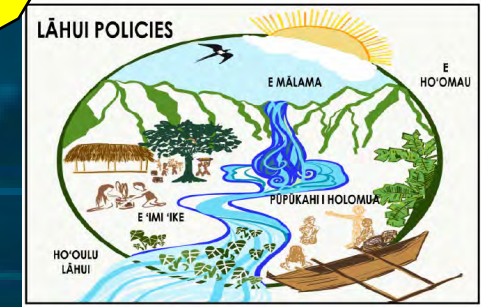
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

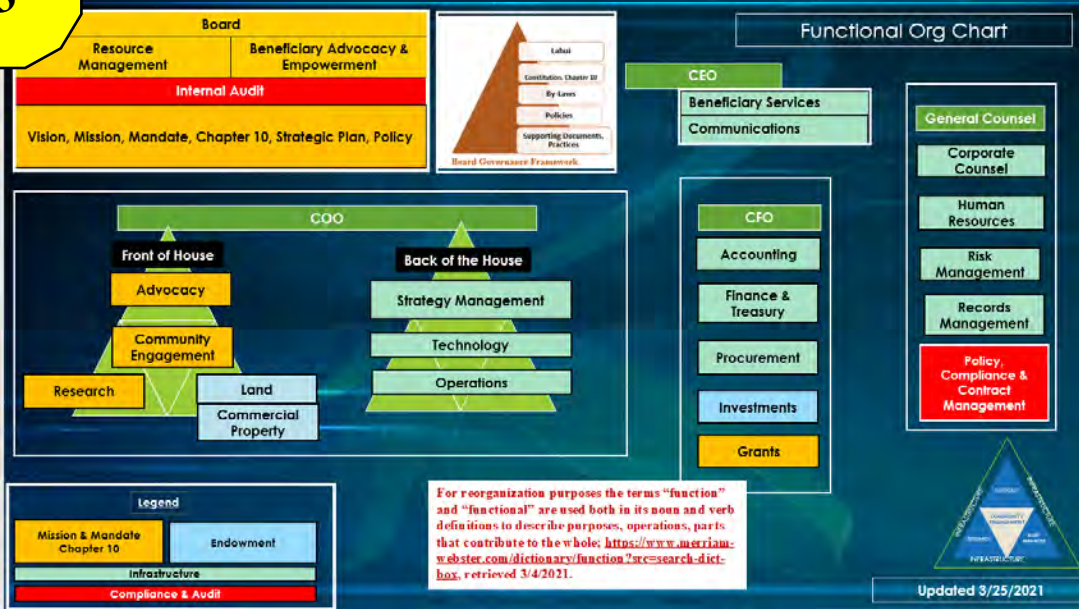


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Policies

3

## C-CEO Level Policies



3a

Policies

## Policy Inventory

3b

## Procedures

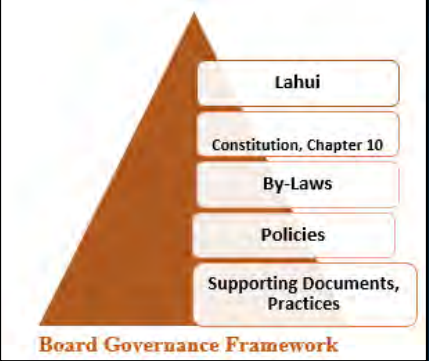
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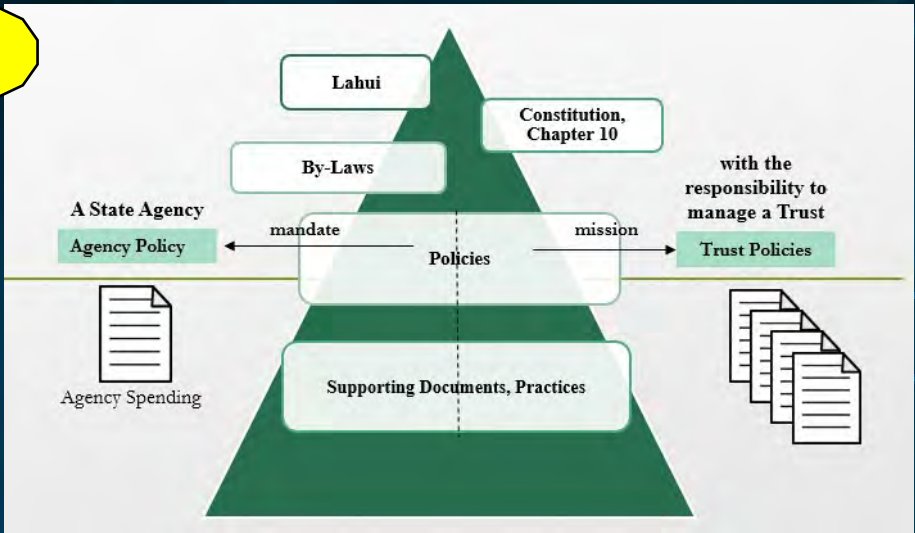
## Manuals, Documentation, Systems

4

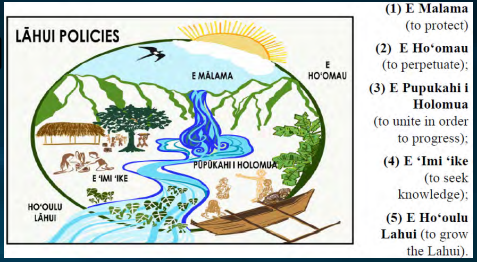


AS IS

2



1



# Executive Policy Manual

BOT Operations Policy



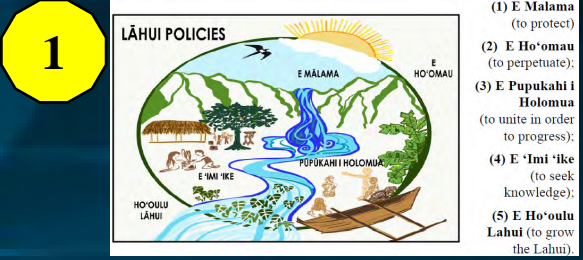
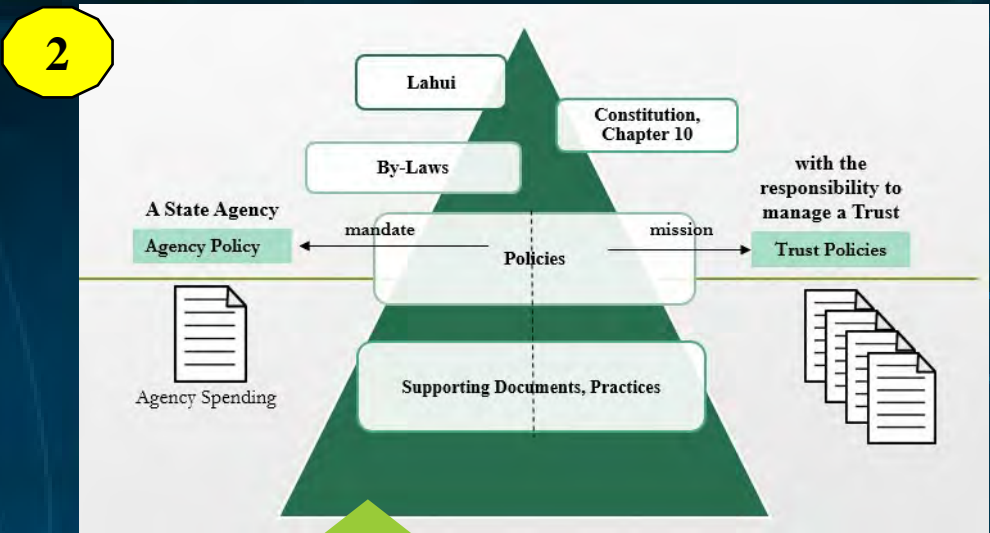
Series 1000 Board of Trustees



Series 2000 Beneficiary Support and Services



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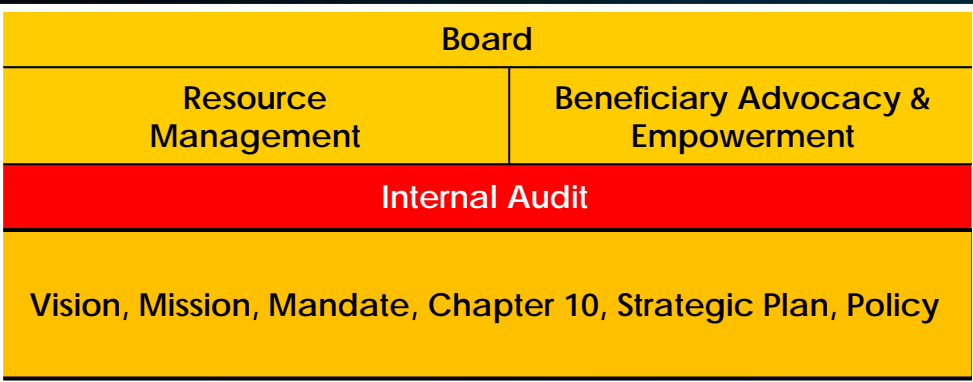


# Executive Policy Manual

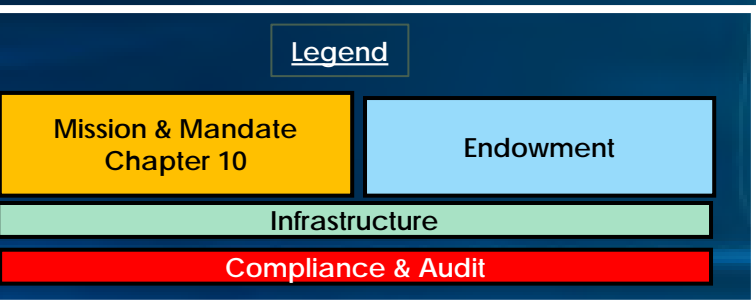
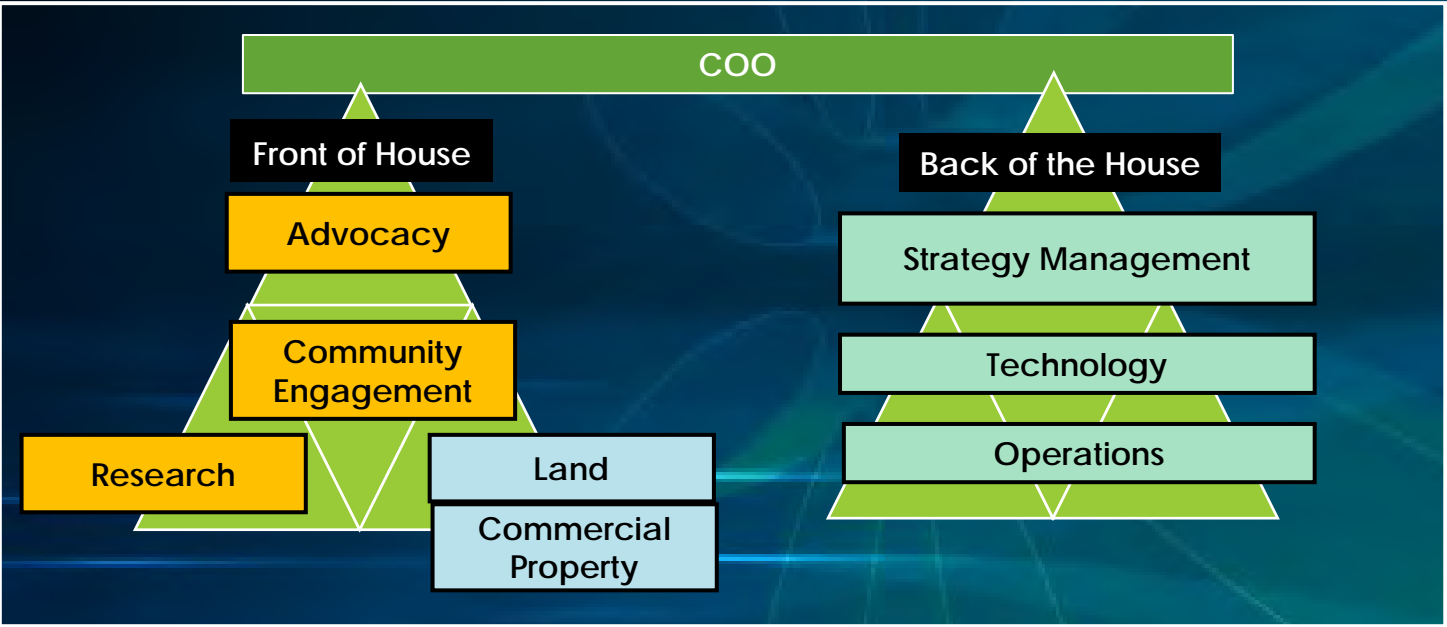
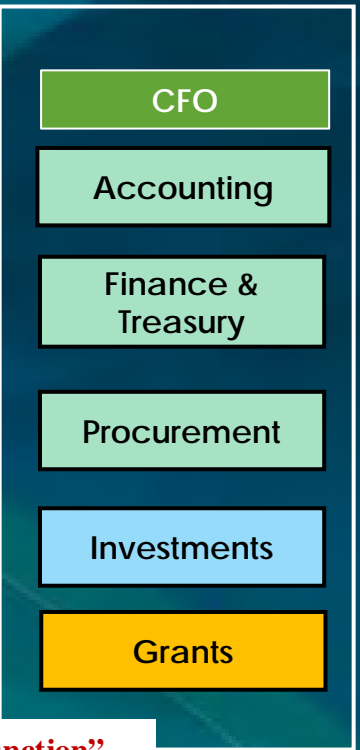
BOT Operations Policy



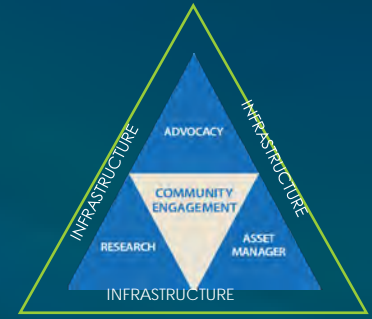


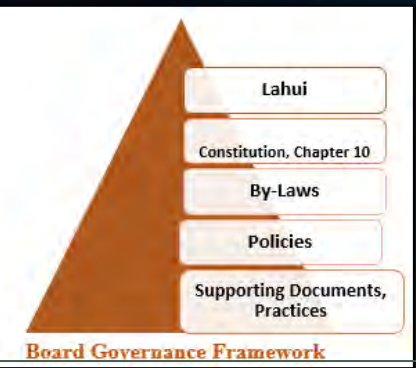


# Functional Org Chart



For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.



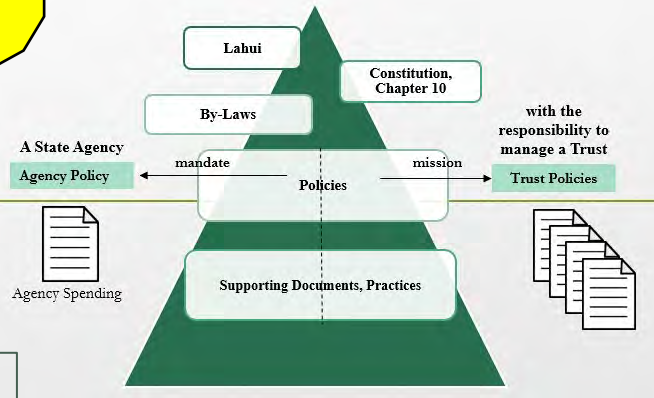


## Policy Framework



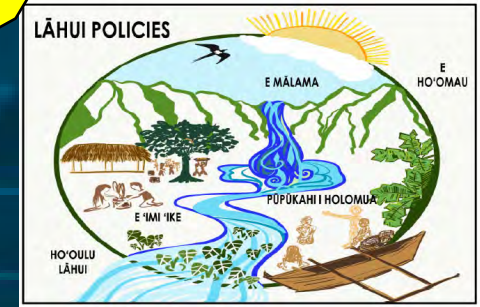
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

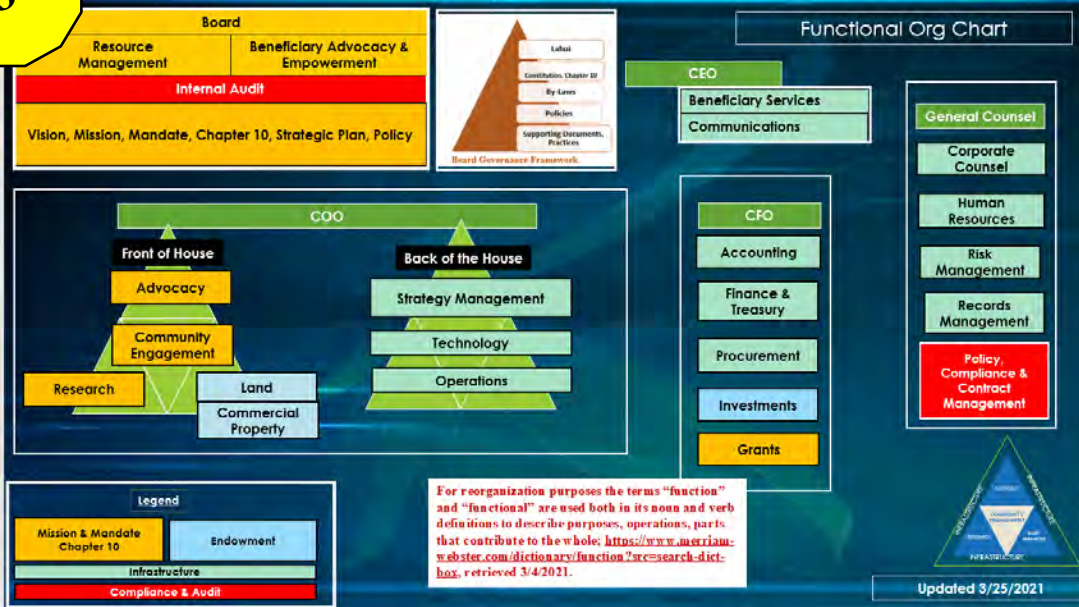


- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate)
- (3) E Pūpukahi i Holomua (to unite in order to progress)
- (4) E 'Imi 'ike (to seek knowledge)
- (5) E Ho'oulu Lahui (to grow the Lahui)

Policies

3

## C-CEO Level Policies



3a

Policies

## Policy Inventory

3b

## Procedures

## Business Processes

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

5



Systems, Documentation, Desktop Procedures, Manuals,

4

# Policy B-2021-001 Policy Framework Implementation (Policy of Policies)

DRAFT

# Policy B-2021-002

## Retention and Delegation of Authority - Trustees

DRAFT



# Action Item



1. OHA Policy Framework with the following elements: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures, manuals.
2. Policy of Policies (newly drafted)
3. Retention and Delegation of Authority – Trustees (newly drafted)



He Ninau Kau



### **Policy Framework Implementation**

**Subject:** Implementation of the policy framework is the mechanism to operationalize the approved Board Governance Framework.

**Effective Date:** Upon 2<sup>nd</sup> reading of the Policy by the Board of Trustees

**Scope:** Organization

**Date Reviewed/Revised:** 2<sup>nd</sup> reading date of the Policy by the Board of Trustees

**Responsible Organizational Unit:** Board of Trustees

**Next Scheduled Review Date:** No later than two (2) years from the effective date, unless circumstances warranted otherwise (e.g., Chapter 10 change).

**Policy Administrator or Owner:** Board Chair

## **I. POLICY AND GENERAL STATEMENT**

It is the policy of the Office of Hawaiian Affairs (OHA) to implement a policy framework as a mechanism to operationalize the Board Governance Framework consisting of the following five elements: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Elements of the OHA Policy Framework, based on the approved Board Governance Framework, including the following components: 1) L-Lāhui Level policies; 2) T-Trustee Level policies; 3) C-CEO Level policies; 4) Inventory of Policies; 5) Business Processes (listed within each policy); 6) Standard Operating Procedures for each business process; and 7) Systems, documentation, desktop procedures and manuals.

The purpose of this policy is to ensure the policy development, implementation, monitoring and evaluation of the OHA's policies: 1) Align to the Board Governance Framework in support of the OHA's mission; 2) Cascade to consistent accountability levels (e.g., Board, Administration); 3) Are approved by the appropriate authority function, including retained or delegated authority; 4) Achieve accountability by identifying the responsible parties; 5) Document the policies and related processes and procedures in how the OHA conducts business; 6) Provide internal and external stakeholders with clear, concise information; 7) Leverage technology to access related processes, standard operating procedures, forms and systems; 8) Maintain central and accessible locations for internal and external stakeholder access; and 9) Detail overall policy administration practices for the OHA.

## II. DEFINITIONS

- A. Lāhui:** A term or descriptor that should not be conceived of as having multiple meanings, but rather as having a meaning that encompasses and includes concepts that require multiple words in English; and have different meanings such as “nation” and “race.” In using the word “lāhui,” we did not mean “the nation” or “the race” or “the people.” Rather, when used, the word “lāhui,” means the inclusive broad concept of “lāhui,” which includes the English expressed concepts of “nation,” “race,” and “people.”
- B. Governance:** Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.
- C. Policy:** prudence or wisdom in the management of affairs; management or procedure based primarily on material interest; a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.<sup>1</sup>
- D. L-Lāhui Level Policy:** L-Lāhui level policies articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding ‘āina, water, wahi pana and iwi kupuna, strengthen ‘ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts.
- E. T-Trustees Level Policy:** T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA’s Trustee role as a result of the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics).
- F. C-Level Policy:** C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management
- G. Policy Initiator:** The Board Chair or if delegated, the Administrator, who identifies an organization level issue and assigns the development of a policy proposal.
- H. Policy Administrator or Owner:** The Policy Administrator (or Owner) is the Board Chair or if delegated, the Administrator, whose jurisdiction covers the subject matter of the policy.
- I. Process:** A series of actions that produce something or that lead to a particular result.

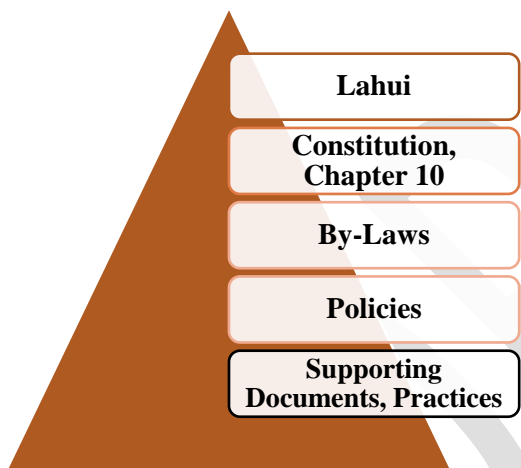
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<sup>1</sup> <https://www.merriam-webster.com/dictionary/policy>, retrieved October 31, 2021



- J. Procedure:** A guideline or series of interrelated steps in a process: taken to help implement the policy; should identify and link to the specific policy(ies) and process(es); is written in a consistent format that is easy to follow and accessible by those who need to follow the procedures; and should be reviewed and updated as necessary to ensure agreement with the most revision of the policy. Procedures related to technical systems (e.g., Oracle Fusion, business travel) should be developed and implemented at the time of the system implementation.
- K. Practice:** The implementation or performance of the procedure (i.e., practice) should be compliant with the written procedure as non-compliance (i.e. misalignment of procedure and practice) introduces risk (e.g., reputation, internal control, legal) to the organization and undermines the integrity of policy, process, and procedure.
- L. Stakeholder:** Stakeholders are both internal (e.g., employees, administration, board staff, Board of Trustees) and/or external (e.g., beneficiaries, contractors) community members who are affected by the policy developed and implemented.

### III. MO‘OKŪ‘AUHAU – Board Governance Framework



On April 4, 2019, via Action Item BOT# 19-04, the Board of Trustees (BOT) approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Implementation of the policy framework is the approved mechanism to operationalize the approved Board Governance Framework.

### IV. SCOPE AND DELEGATION OF AUTHORITY

- A. Hawaii Revised Statutes, Chapter 10 [§10-1]** Declaration of purpose. (a) The people of the State of Hawai‘i and the United States of America as set forth and approved in the Admission Act, established a public trust which includes among other responsibilities, betterment of conditions for Native Hawaiians. The people of the State of Hawai‘i reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs to address the needs of the aboriginal class of people of Hawaii. (b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work

toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs.

- B. **Hawaii Revised Statutes, [§10-3]** Hawai‘i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people, including: (1) The betterment of conditions of native Hawaiians; (2) The betterment of conditions of Hawaiians; (3) Serving as the principal public agency responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian Homes Commission; (4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians; (5) Applying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services; and (6) Serving as a receptacle for reparations.<sup>2</sup>
- C. **Retention of Authority:** The Board of Trustees retains all powers, duties and responsibilities as outlined in Chapter 10, subject to specific delegation(s) of authority, documented in policy.
- D. **Delegation of Authority:** The Board of Trustees may delegate policy development, implementation, monitoring and evaluation activities to Administration, who may then further delegate to operational functions, units and systems. Both policy/authority delegations—BOT to Administration and Administration to Operations---shall be documented in policy and communicated and updated in accordance with the specific policy.

#### IV. RELATED POLICIES

- A. Policy B-2021-002: Retention and Delegation of Authority – Trustees  
B. Policy C-2021-001: Retention and Delegation of Authority - Administration

#### V. CONTACTS

The Policy Administrator or Owner is:

Organizational Unit	Position
Board of Trustees	Board Chair

#### VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK

<sup>2</sup> HRS §10-3; *see also* HRS §10-1.

# Board of Trustees Board Governance Framework Policy Framework

POLICY B-2021-001 EXHIBIT





# BOARD GOVERNANCE FRAMEWORK

# Working Definition of Governance

FOR PURPOSES OF THIS DOCUMENT AND THE PROPOSED BOARD OF TRUSTEES' PROJECT, A WORKING DEFINITION OF "GOVERNANCE" IS PROVIDED AND WILL BE USED TO FRAME THE PROJECT, ACTIVITIES AND DELIVERABLES.

Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.

<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019





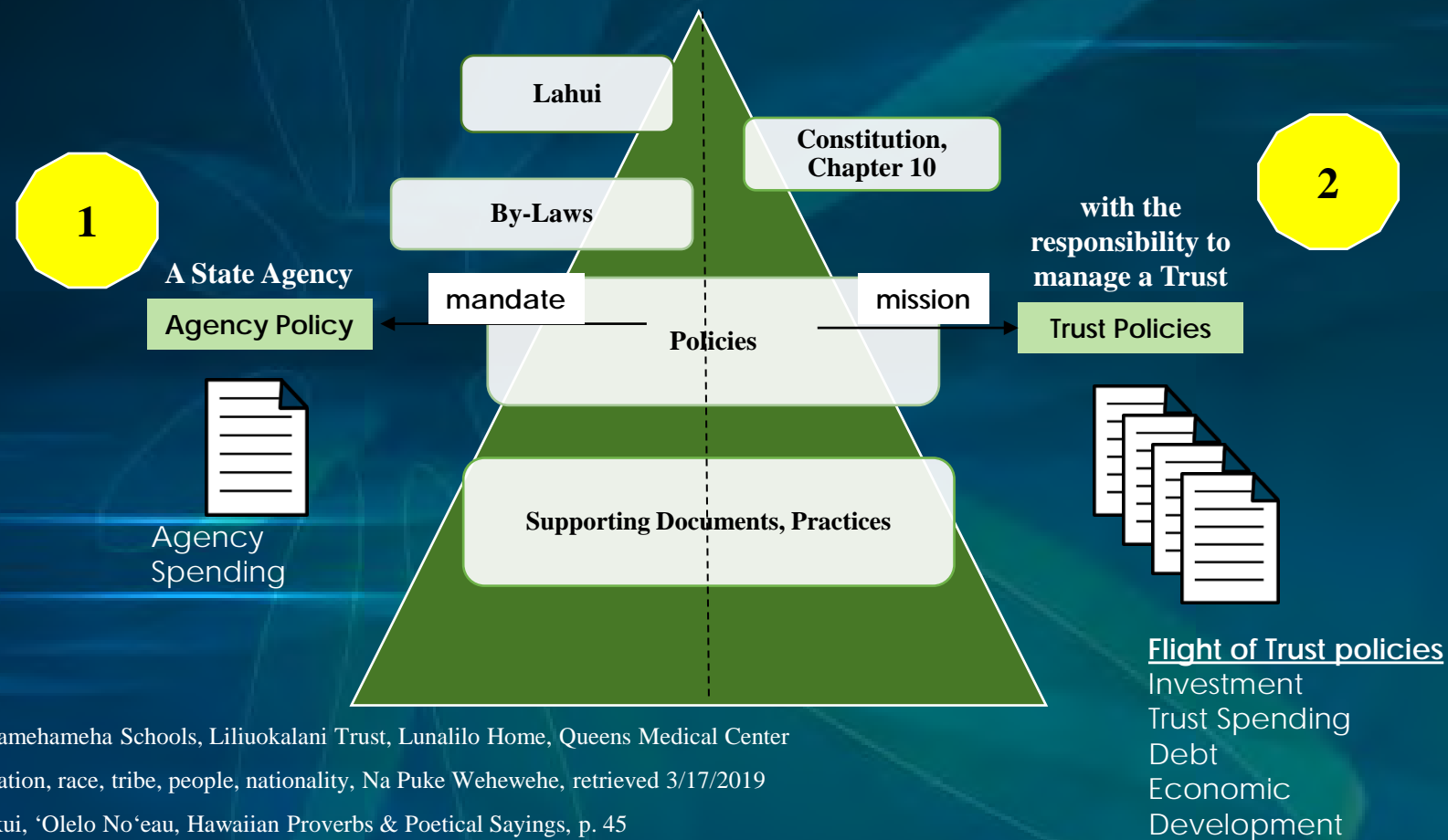
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

**Element 1: Identity.** *Ho'oulu Lahui Aloha – To Raise a Beloved Lahui.* A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to *Ali'i* Trusts<sup>5</sup> with a *lahui*<sup>6</sup> mindset in improving the well-being of our *lahui*. Such an identity is rooted in the *'ōlelo no'eau*, *E 'ōpū ali'i*, have the heart of a chief, have the kindness, generosity, and even temper of a chief, *'ōlelo no'eau* 369<sup>7</sup>. OHA's

identity is also place based, that OHA's *kuleana* is to this place of Hawaii.



**Element 1: Identity.** Ho`oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali`i Trusts [1] with a lahui mindset in improving the well-being of our lahui [2]. Such an identity is rooted in the ‘ōlelo no‘eau, *E ‘ōpū ali`i*, have the heart of a chief, have the kindness, generosity, and even temper of a chief, ‘ōlelo no‘eau 369 [3]. OHA’s identity is also place based, that OHA’s *kuleana* is to this place of Hawaii.



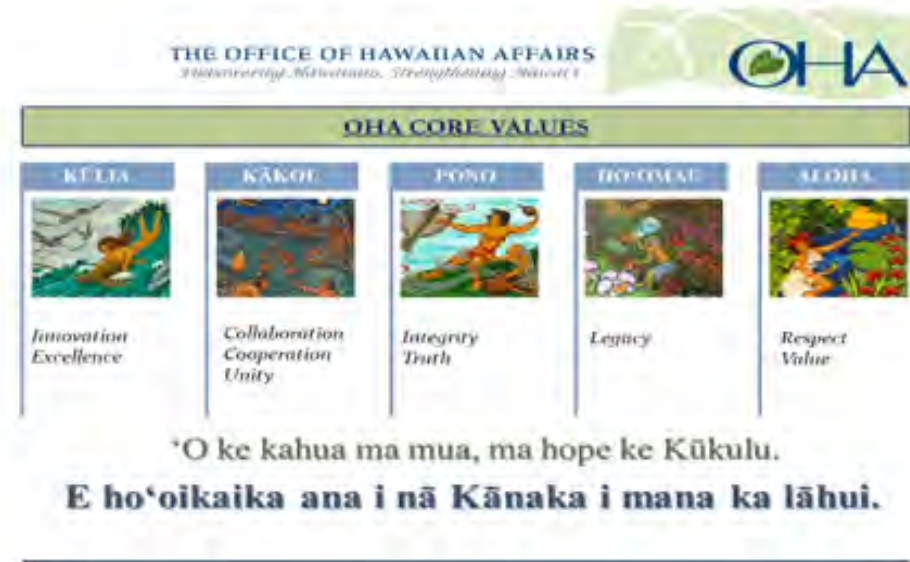


OHA's identity manifests itself in four roles: advocate, researcher, community engager and asset manager.

## Element 2: Values and Mana

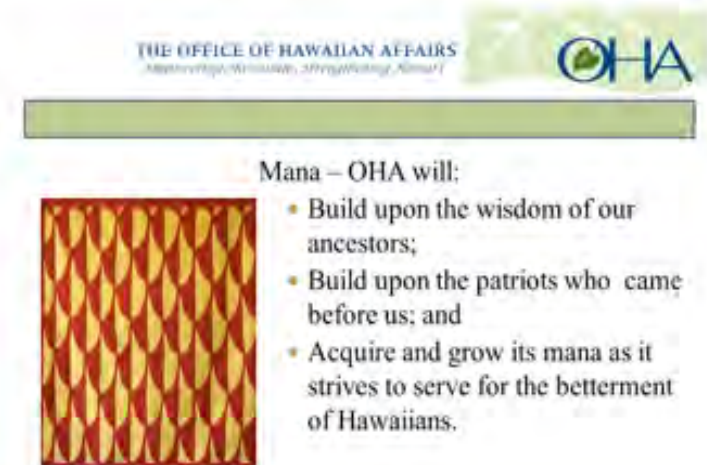
The PIG recommends that the Board Governance Framework acknowledge the surrounding intangible, yet invaluable role of values and mana in governance.

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459<sup>8</sup>.



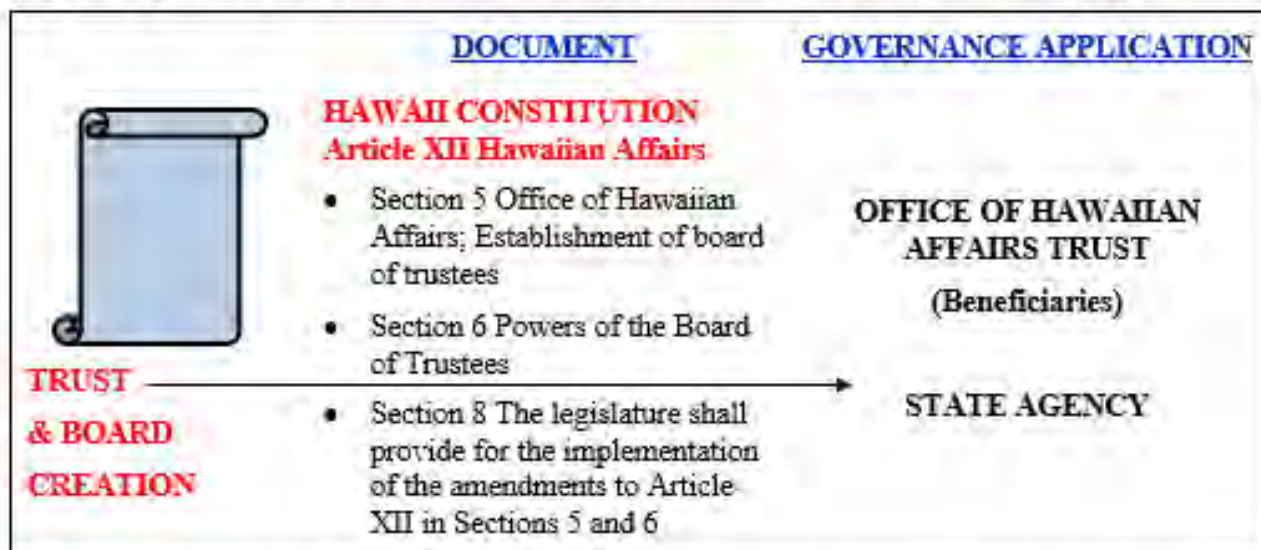
In addition, the concept of mana<sup>9</sup>, often oversimplified as “power”, belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

**Mana as Capital.** The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

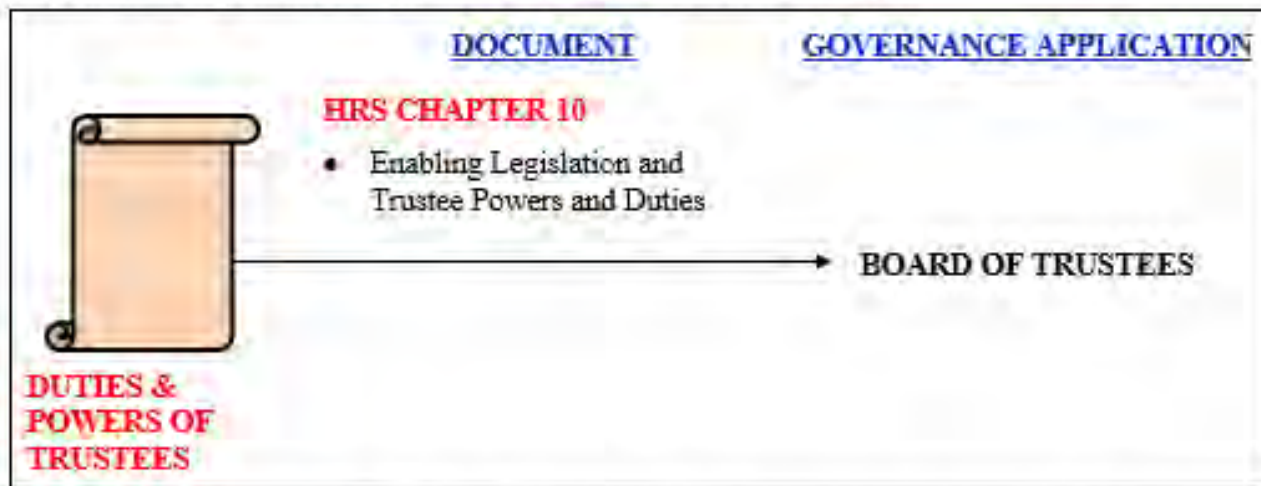




**Element 3: Statutory Basis** OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



The State of Hawaii's Constitution, Article XII Hawaiian Affairs creates the Office of Hawaiian Affairs, establishes a board of trustees, articulates the powers of the board of trustees and empowers the legislature to implement amendments to sections 5 and 6.



Hawaii Revised Statutes (HRS) Chapter 10 enables legislation and trustee powers and duties.



**Element 4: Policies<sup>16</sup>** The FIG recommends that OHA policies be organized into three tiers: L-Lahui, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kapa, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics). C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management etc.

**Element 5: Supporting Documents and Practices (Operations).** Element 5 supports policy development, alignment, implementation, maintenance and monitoring, etc. by developed and "operationalized" documents (e.g., BOT Executive Policy Manual, BOT Operations Manual standard operating procedures, guidelines, operating manuals) and consistent practices.



#### IV. Funding Source:

Not applicable, no dedicated funding needed to approve the five elements of the Board Governance Framework.

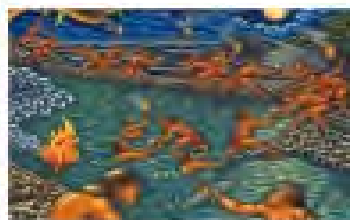
## OHA CORE VALUES

### KŪLIA



*Innovation  
Excellence*

### KĀKOU



*Collaboration  
Cooperation  
Unity*

### PONO



*Integrity  
Truth*

### HO'OMAU



*Legacy*

### ALOHA



*Respect  
Value*

**‘O ke kahua ma mua, ma hope ke Kūkulu.  
E ho‘oikaika ana i nā Kānaka i mana ka lāhui.**



# OHA HALE MODEL

*hale 'eleua*: new house

*hākala, kala*:  
end, gable

*Ka Pouhana*: main post

*pou kihi*:  
corner post

*paia*: wall, side

*paepae piika*:  
threshold

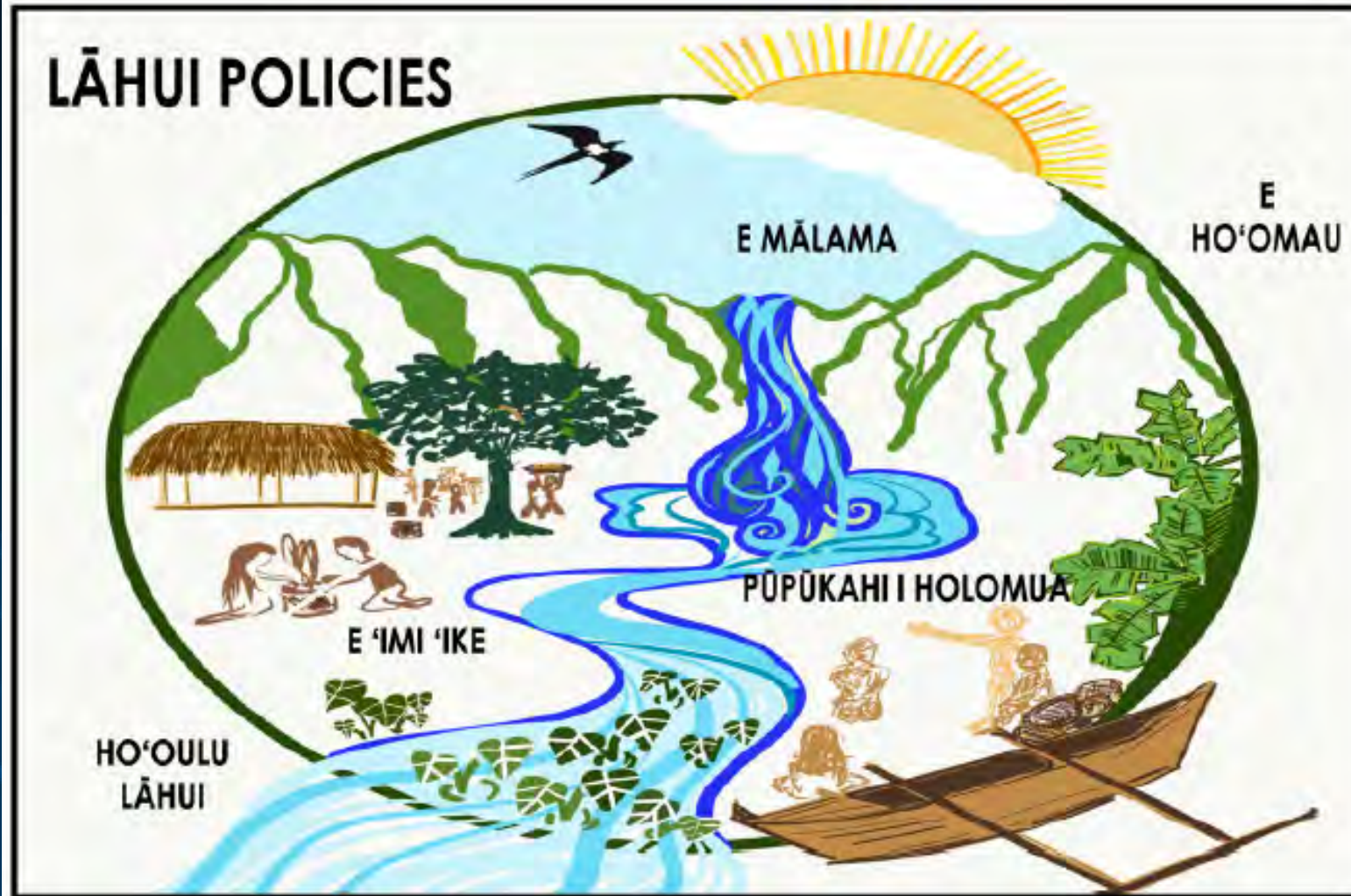
*pohaku kiki*:  
corner stones

*kahua*: platform, foundation

*niho hakahaka*  
jagged teeth

*pā hale*: house lot

*Ke kahua mamua, mahope ke kūkulu. The foundation first, the building afterwards.* (Pukui, 1983, #2459).



**(1) E Malama**  
(to protect)

**(2) E Ho'omau**  
(to perpetuate);

**(3) E Pupukahi i Holomua**  
(to unite in order  
to progress);

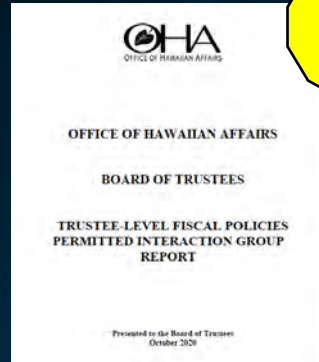
**(4) E 'Imi 'ike**  
(to seek  
knowledge);

**(5) E Ho'oulu Lahui** (to grow  
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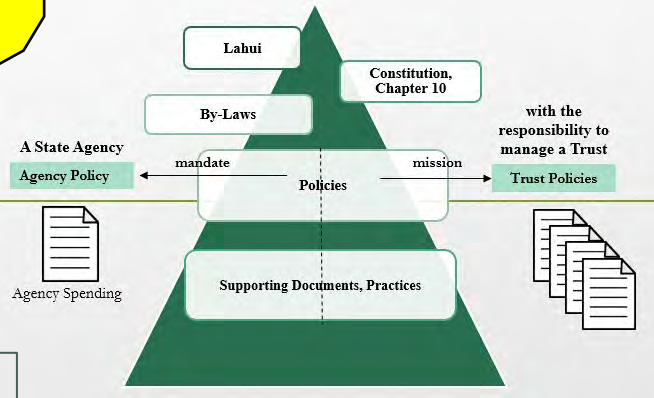


## Policy Framework



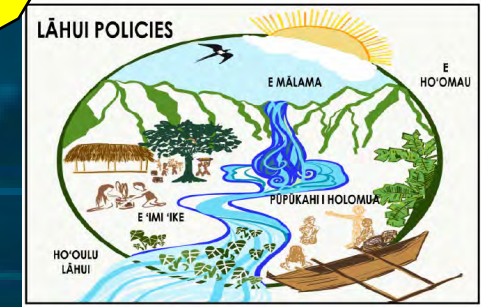
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

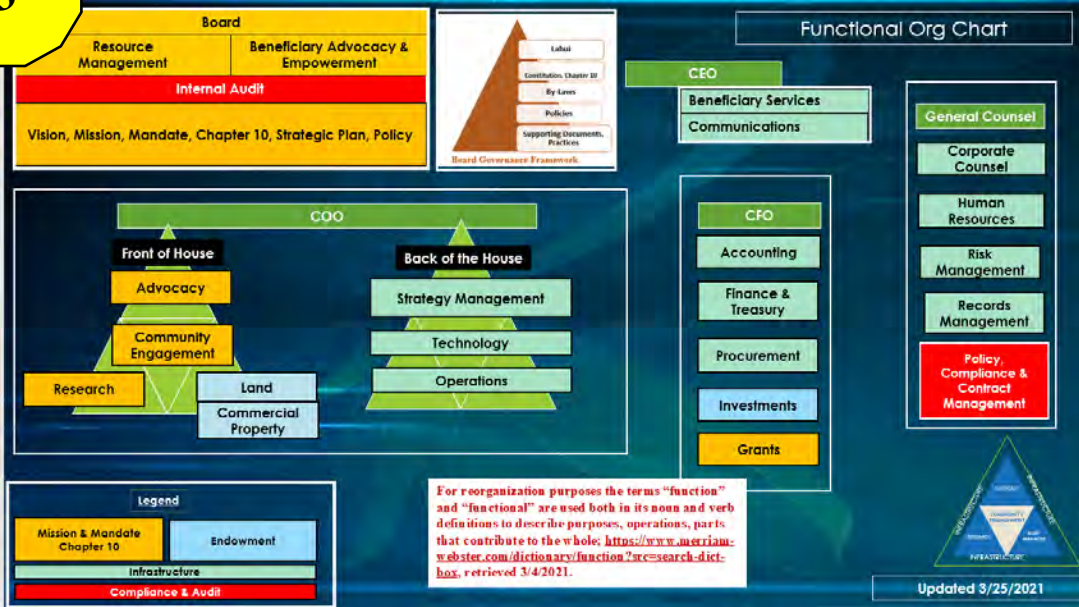


- (1) E Mālama (to protect)
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Policies

3

## C-CEO Level Policies



3a

Policies

## Policy Inventory

3b

## Procedures

## Business Processes

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

5

## Manuals, Documentation, Systems

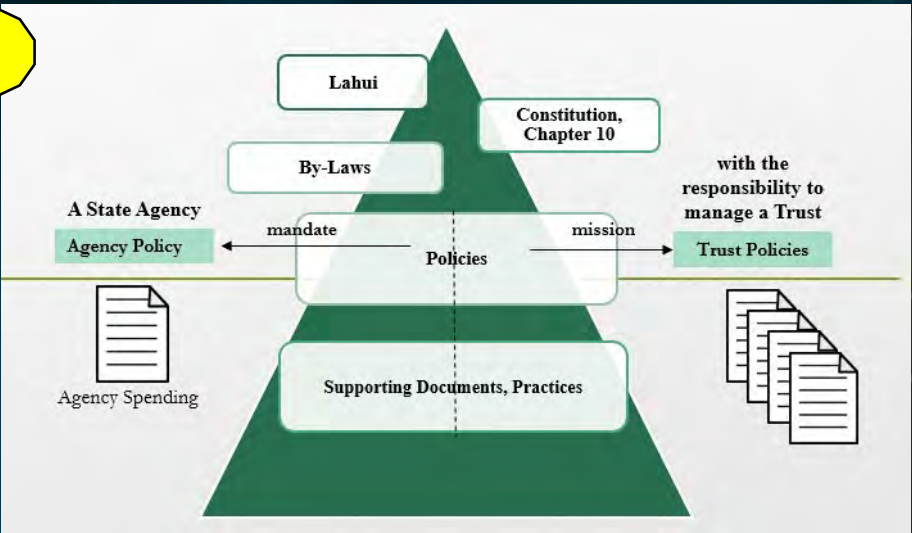
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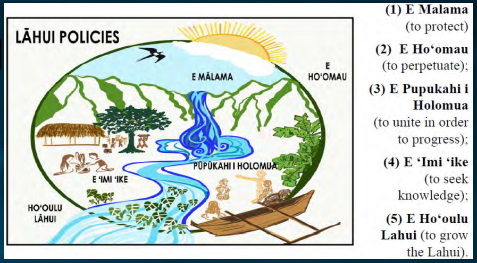


AS IS

2



1



# Executive Policy Manual

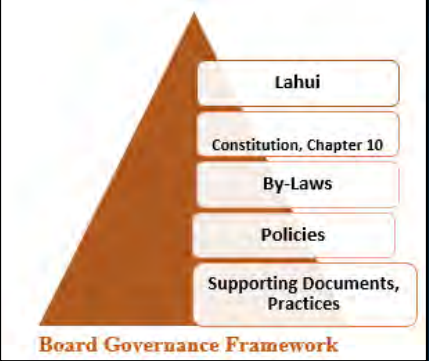
BOT Operations Policy



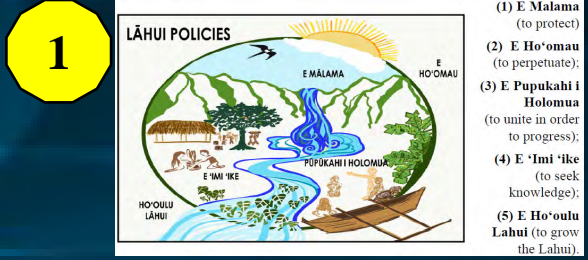
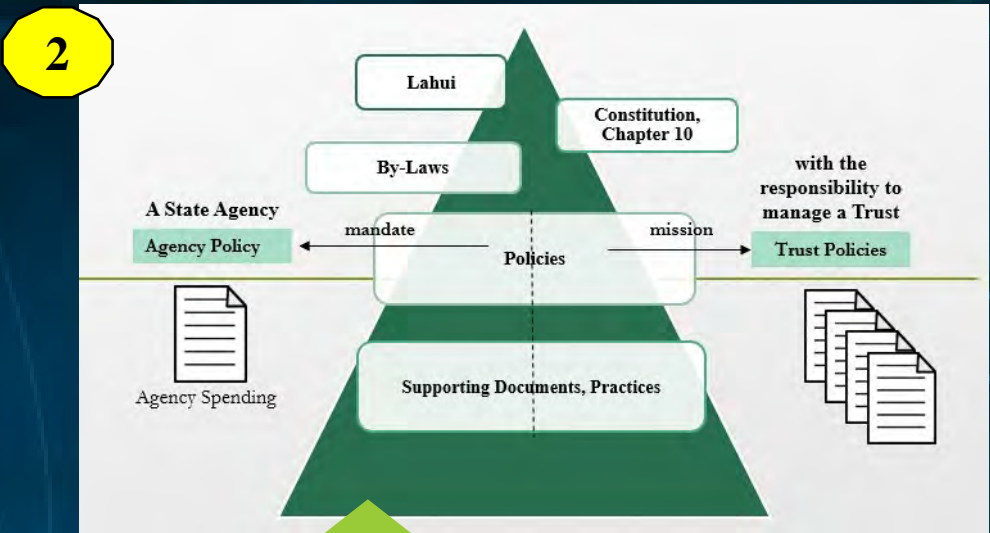
Series 1000 Board of Trustees



Series 2000 Beneficiary Support and Services



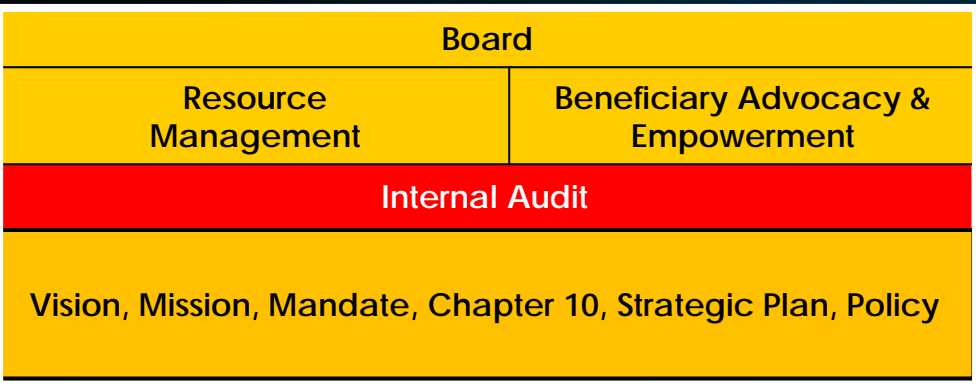
AS IS



# Executive Policy Manual

BOT Operations Policy





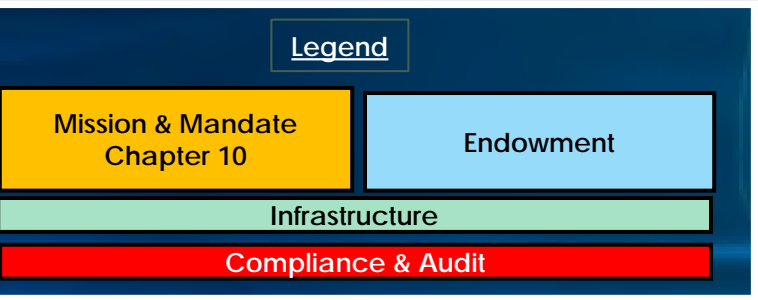
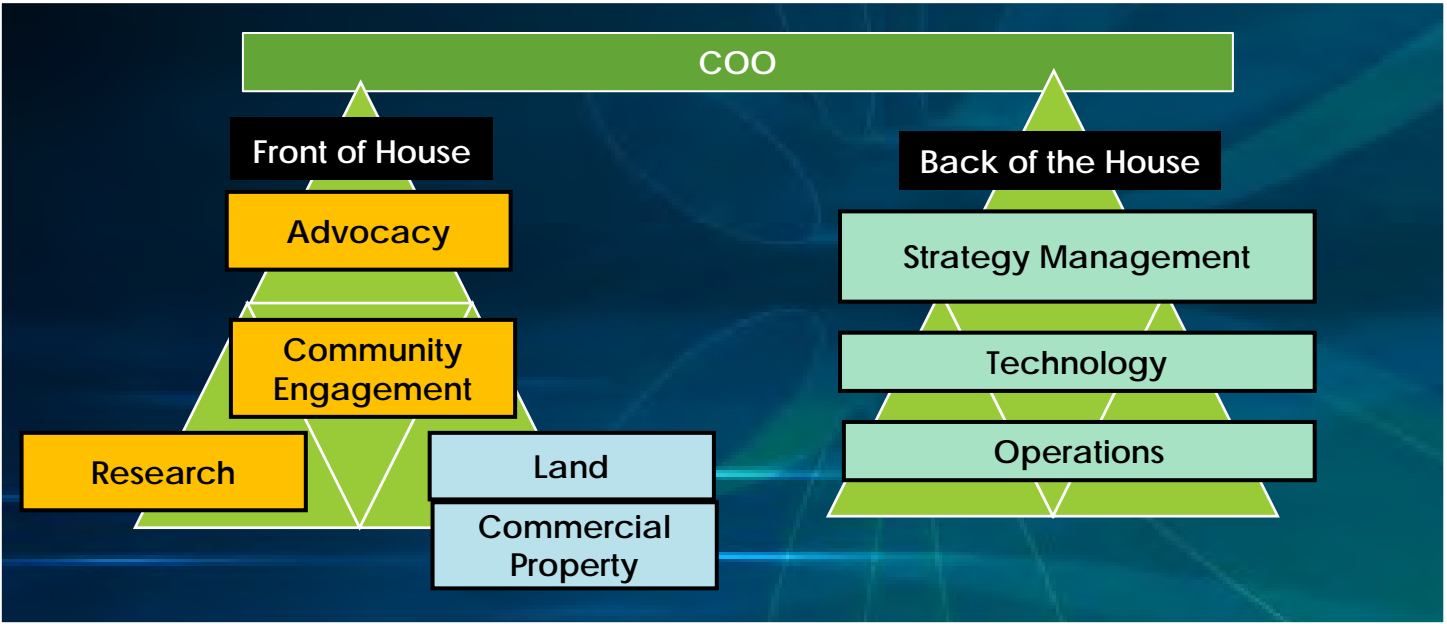
# Functional Org Chart

CEO

Beneficiary Services  
Communications

General Counsel  
Corporate Counsel  
Human Resources  
Risk Management  
Records Management  
Policy, Compliance & Contract Management

CFO  
Accounting  
Finance & Treasury  
Procurement  
Investments  
Grants



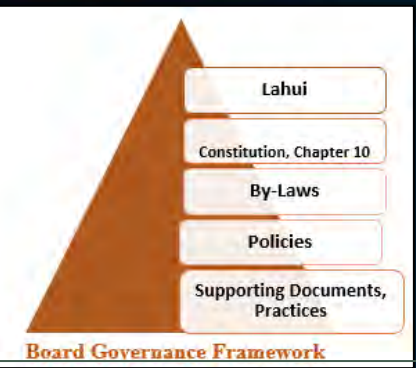
For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.



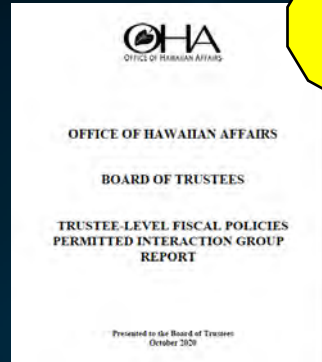


# POLICY FRAMEWORK



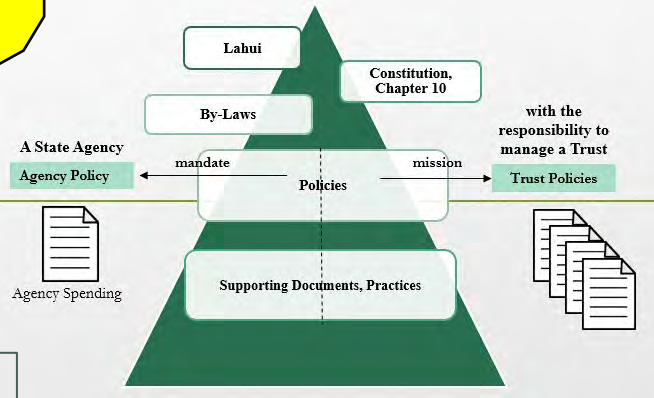


## Policy Framework



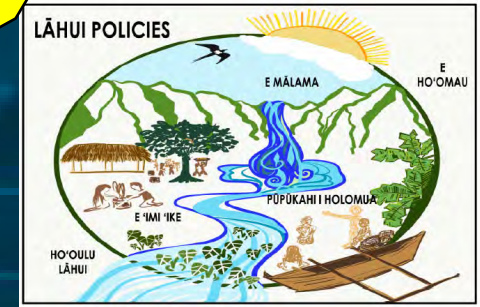
2

## T-Trustee Level Policies



1

## L-Lahui Level Policies

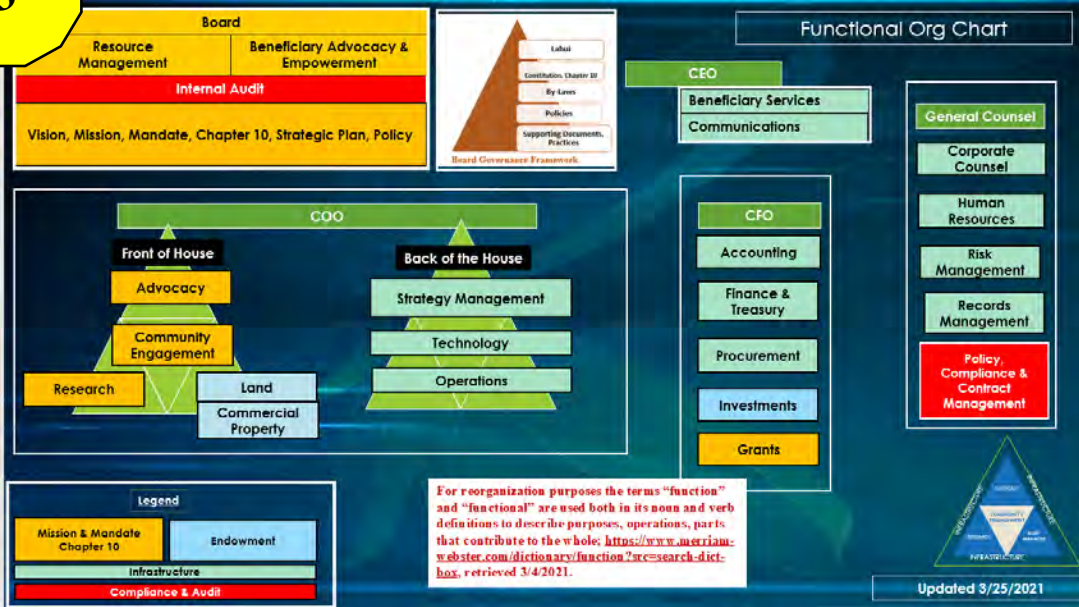


- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate)
- (3) E Pūpukahi i Holomua (to unite in order to progress)
- (4) E 'Imi 'ike (to seek knowledge)
- (5) E Ho'oulu Lahui (to grow the Lahui)

Policies

3

## C-CEO Level Policies



3a

Policies

## Policy Inventory

3b

## Procedures

## Business Processes

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

5



Systems, Documentation, Desktop Procedures, Manuals,

4

The image features a dark blue background with a faint, stylized illustration of a plant with long, pointed leaves. In the center, the letters "PAU" are displayed in a white, serif font, enclosed within a thin, light blue rectangular border.

PAU





## Retention and Delegation of Authority Policy Trustees

**Policy B-2021-002**

### **Retention and Delegation of Authority Policy - Trustees**

**Effective Date:** Upon 2<sup>nd</sup> reading of the Policy by the Board of Trustees

**Subject:** Trustee Level

**Scope:** Hawaii Revised Statutes, Chapter 10 outlines the declaration of purposes of the Office of Hawaiian Affairs (OHA), purposes of the OHA, the general powers and duties of the Board of Trustees (BOT). The polic

**Date Reviewed/Revised:** TBD

**Responsible Organizational Unit:** Board

**Next Scheduled Review Date:** 2 years from the effective date

**Policy Administrator:** Board Chair

## **I. POLICY AND GENERAL STATEMENT**

It is the policy of the Office of Hawaiian Affairs (OHA) to carry out its constitutional purchase as codified in the constitution of the State of Hawaii and further detailed in Hawaii Revised Statutes (HRS) Chapter 10:

- A. [§10-1] Declaration of purpose.** (a) The people of the State of Hawai‘i and the United States of America as set forth and approved in the Admission Act, established a public trust which includes among other responsibilities, betterment of conditions for Native Hawaiians. The people of the State of Hawai‘i reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs to address the needs of the aboriginal class of people of Hawaii. (b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs.
- B. Board of Trustees – Purposes of the Office [§10-3]** Hawai‘i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people, including: (1) The betterment of conditions of native Hawaiians; (2) The betterment of conditions of Hawaiians; (3) Serving as the principal public agency responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Home Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission; (4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native

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Hawaiians and Hawaiians; (5) Applying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services; and (6) Serving as a receptacle for reparations.<sup>1</sup>

## II. DEFINITIONS

- A. Lāhui:** A term or descriptor that should not be conceived of as having multiple meanings, but rather as having a meaning that encompasses and includes concepts that require multiple words in English; and have different meanings such as “nation” and “race.” In using the word “lāhui,” we did not mean “the nation” or “the race” or “the people.” Rather, when used, the word “lāhui,” means the inclusive broad concept of “lāhui,” which includes the English expressed concepts of “nation,” “race,” and “people.”
- B. Governance:** Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.
- C. Policy:** prudence or wisdom in the management of affairs; management or procedure based primarily on material interest; a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.<sup>2</sup>
- D. L-Lāhui Level Policy:** L-Lahui level policies articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding ‘āina, water, wahi pana and iwi kupuna, strengthen ‘ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts.
- E. T-Trustees Level Policy:** T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA’s Trustee role as a result of the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics).
- F. C-Level Policy:** C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management
- G. Policy Initiator:** The Board Chair or if delegated, the Administrator, who identifies an organization level issue and assigns the development of a policy proposal.

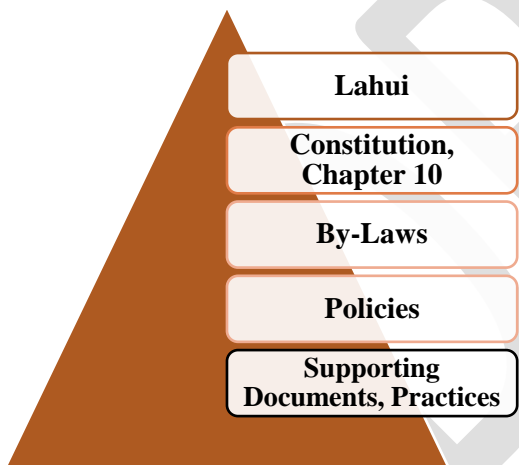
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<sup>1</sup> [HRS §10-3](#); see also [HR S §10-1](#).

<sup>2</sup> <https://www.merriam-webster.com/dictionary/policy>, retrieved October 31, 2021

- H. Policy Administrator or Owner:** The Policy Administrator (or Owner) is the Board Chair or if delegated, the Administrator, whose jurisdiction covers the subject matter of the policy.
- I. Process:** A series of actions that produce something or that lead to a particular result.
- J. Procedure:** A guideline or series of interrelated steps in a process: taken to help implement the policy; should identify and link to the specific policy(ies) and process(es); is written in a consistent format that is easy to follow and accessible by those who need to follow the procedures; and should be reviewed and updated as necessary to ensure agreement with the most revision of the policy. Procedures related to technical systems (e.g., Oracle Fusion, business travel) should be developed and implemented at the time of the system implementation.
- K. Practice:** The implementation or performance of the procedure (i.e., practice) should be compliant with the written procedure as non-compliance (i.e. misalignment of procedure and practice) introduces risk (e.g., reputation, internal control, legal) to the organization and undermines the integrity of policy, process, and procedure.
- L. Stakeholder:** Stakeholders are both internal (e.g., employees, administration, board staff, Board of Trustees) and/or external (e.g., beneficiaries, contractors) community members who are affected by the policy developed and implemented.

### III. MO‘OKŪ‘AUHAU – Board Governance Framework



On April 4, 2019, via Action Item BOT# 19-04, the Board of Trustees (BOT) approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

#### IV. SCOPE AND DELEGATION OF AUTHORITY

- A. **Retention of Authority:** The Board of Trustees retains all powers, duties and responsibilities as outlined in Chapter 10, subject to specific delegation(s) of authority, documented in policy.
- B. **Delegation of Authority:** The Board of Trustees may delegate policy development, implementation, monitoring and evaluation activities to Administration, who may then further delegate to operational functions, units and systems. Both policy/authority delegations—BOT to Administration and Administration to Operations---shall be documented in policy and communicated and updated in accordance with the specific policy.
- C. **Delegation of Authority**

Role/Function		Retain or Delegate
PART I. GENERAL PROVISIONS		
A. Board of Trustees – General Powers	[§10-4] (1) To adopt, amend and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; <b>BY-LAWS</b>	Retain, not subject to delegation to Administration
	[§10-4] (2) To acquire in any lawful manner any property, real, personal or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose; <b>REAL OR PERSONAL</b>	Retain, subject to Board delegation of operational aspects to Administration (e.g., due diligence, implementation of financing and post-acquisition commercial property and financing operations).
	[§10-4] (3) To determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to the office; <b>OBLIGATIONS AND EXPENDITURES</b>	Retain, subject to Board delegation of operational aspects to Administration (e.g., operations, debt service).

Role/Function		Retain or Delegate
	<p>[§10-4] (4) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with the State, or with any political subdivision thereof or with any person, firm, association, or corporation, as may be necessary in the conduct of its business and on such terms as it may deem appropriate; <b>CONTRACTS, LEASES, COOPERATIVE AGREEMENTS</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration</p>
	<p>[§10-4] (5) To execute, in accordance with its bylaws all instruments necessary or appropriate in the exercise of any of its powers; <b>EXECUTE INSTRUMENTS</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration</p>
	<p>[§10-4] (6) To issue revenue bonds pursuant to this chapter to finance the cost of an office project or to fund a loan program, and to provide for the security thereof, in the manner and pursuant to the procedure prescribed in part II; <b>REVENUE BONDS</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration (e.g., due diligence, bond counsel, implementation of financing and post-revenue bond proceeds implementation, debt servicing, and other operations).</p>
	<p>[§10-4] (7) To lend or otherwise apply the proceeds of the bonds issued for an office project or a loan program either directly or through a trustee or a qualified person for use and application in the acquisition, purchase, construction, reconstruction, improvement, betterment, extension or maintenance of an office project or the establishment, funding, and administration of a loan program, or agree with the qualified person whereby any of these activities shall be undertaken or supervised by that qualified person or by a person designated by the qualified person; <b>REVENUE BONDS</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration (e.g., due diligence, bond counsel, implementation of financing and post-revenue bond proceeds implementation, debt servicing, and other operations).</p>

Role/Function		Retain or Delegate
	<p>[§10-4] (8) With or without terminating a project agreement or loan agreement, as applicable, to exercise any and all rights provided by law for entry and re-entry upon or to take possession of an office project or enforce a loan agreement at any time or from time to time upon breach or default by a qualified person under a project agreement or loan agreement, including any action at law or in equity for the purpose of effecting its rights of entry or re-entry or obtaining possession of the project or enforcing the loan agreement or for the payments of rentals, user taxes, or charges, or any other sum due and payable by the qualified person to the office pursuant to the project agreement or loan agreement; and <b>PROJECT OR LOAN AGREEMENT</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration</p>
	<p>[§10-4] (9) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law. <b>ANY NECESSARY ACTION TO CARRY OUT POWERS</b></p>	<p>Retain, subject to Board delegation of operational aspects to Administration</p>
	<p>[§10-4.5] (a)(b)(c) Authority over disbursements: (a) Except as provided in subsection (b), and notwithstanding any other law to the contrary, the office shall have and exercise the power to make all necessary and appropriate disbursements of its moneys by issuing checks in its own name by any other means. <b>DISBURSEMENTS/CHECK ISSUANCE</b> (b) The office shall have and exercise the power to deposit any of its moneys in any banking institution within or outside the State, to the extent necessary to implement subsection (a). <b>BANKING</b> The department of accounting and general services, with the approval of the office of Hawaiian affairs, may continue to perform the payroll function of the office, including the issuance of salary checks for the office's employees. <b>PAYROLL</b></p>	<p>Delegate to Administration (e.g., operations, cash management, cash disbursements, banking, treasury functions and policies)</p>
<p><b>Board of Trustees – Powers and Duties</b></p>	<p>[§10-5] (1): Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3;</p>	<p>Retain, subject to Board delegation of operational aspects to Administration</p> <p>Retain: Investment, including Asset</p>



Role/Function		Retain or Delegate
	<b>MANAGE, INVESTMENT and ADMINISTER PROCEEDS</b>	Allocation, Spending, Debt Management, policies  Delegate implementation to Administration: Portfolio rebalancing, cash management, resource management, land management
	[§10-5] (2): Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians; <b>CONTROL OVER REAL AND PERSONAL PROPERTY</b>	Retain, subject to Board delegation of operational aspects to Administration
	[§10-5] (3): Collect, receive, deposit, withdraw, and invest money and property on behalf of the office; <b>RESOURCE MANAGEMENT</b>	Retain, subject to Board delegation of operational aspects to Administration.  Retain: Investment, including Asset Allocation, Spending, Debt Management, policies.  Delegate implementation to Administration: Portfolio rebalancing, cash management, treasury functions.
	[§10-5] (4): Formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under article XII, section 4, of the state Constitution; <b>POLICY FORMULATION</b>	Retain, subject to Board delegation of operational aspects to Administration

Role/Function		Retain or Delegate
	[§10-5] (5): Otherwise act as a trustee as provided by law; <b>TRUSTEE</b>	Retain, not subject to delegation to Administration
	[§10-5] (6): Delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board; <b>DELEGATION TO ADMINISTRATOR</b>	Board determines delegation to administrator
	[§10-5] (7): Provide grants to individuals, and public or private organization to better the conditions of native Hawaiians and Hawaiians consistent with the standards set forth in section 10-17; <b>PROVIDE GRANTS</b>	Retain, Chapter 10-17 Policy, subject to Board delegation of operational aspects to Administration to implement Chapter 10-17 grant processes.
	[§10-5] (8): Make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agree up on by the board any such agency or organization; and <b>TECHNICAL AND FINANCIAL ASSISTANCE</b>	Delegate to Administration (e.g., grant solicitation, procurement))
	[§10-5] (9): Adopt and use a common seal by which all official acts shall be authenticated. <b>COMMON SEAL</b>	Retain, not subject to delegation to Administration
<b>B. Board of Trustees – General Duties</b>	<p>[§10-6] (a)(1) <u>Strategic Plan</u>. The OHA BOT is to develop and continually update a strategic plan for the office that shall include, but not be limited to, the following:</p> <p>(A) Compilation of basic demographic data on native Hawaiians and Hawaiians;</p> <p>(B) Identification of the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians;</p>	Retain, not subject to delegation to Administration; Administration to bring forward the statutory components for Board approval with tactical and operational implementation

Role/Function		Retain or Delegate
	(C) Establishment of long-range goals for the office's programs and services for native Hawaiians and Hawaiians; (D) Establishment of priorities and alternatives for the office's program and service implementation; and (E) Organization of the office's administrative and program structure, including the use of facilities and personnel. <sup>3</sup> <b>STRATEGIC PLAN</b>	delegated to Administration
	[§10-6] (a)(2) To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services; <b>DEVELOPMENT OF PLANS, PROGRAMS AND SERVICES</b>	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles
	[§10-6] (a)(3) To maintain an inventory of federal, state and county agency plans for native Hawaiian and Hawaiian programs and services; <b>INVENTORY OF PLANS, PROGRAMS AND SERVICES</b>	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles
	[§10-6] (a)(4) To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians; <b>ADVISE AND INFORM</b>	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles
	[§10-6] (a)(5) To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians; <b>RESEARCH</b>	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles
	[§10-6] (a)(6) To develop and review models for comprehensive native Hawaiian and Hawaiian programs. <b>DEVELOP AND REVIEW MODELS</b>	Delegate to Administration, to be further addressed through Evaluation policy
	[§10-6] (a)(7) To act as a clearinghouse for applications for federal or state assistance to carry out native	Delegate to Administration, to be

<sup>3</sup> [HRS §10-6\(a\)\(1\)](#).

Role/Function		Retain or Delegate
	Hawaiian and Hawaiian programs. <b>APPLICATION CLEARINGHOUSE</b>	further addressed through Strategy Management function
	[§10-6] (a)(8) To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians; and <b>APPLY FOR, ACCEPT AND ADMINISTER FEDERAL FUNDS</b>	Delegate to Administration, to be further addressed through Strategy Management function
	[§10-6] (a)(9) To promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians. <b>PROMOTE AND ASSIST</b>	Delegate to Administration, to be further addressed through Strategy Management function
	[§10-7] Board of trustees; [§10-8] Organization; quorum; meeting; [§10-9] Salaries; benefit; expenses; [§10-9.5] Salary commission; established; [§10-10] Administrator; appointment, tenure, removal; [§10-11] Salary of the administrator; [§10-12] Assistant; staff;	Retain, not subject to delegation to Administration
C. Appropriations; accounts; reports	[§10-13] Appropriations; accounts; reports; [§10-13.3] Interim Revenue; [§10-13.5] Use of public land trust proceeds	Retain, not subject to delegation to Administration
	[§10-13.6] Public land trust conveyed for the development of housing projects Villages of Leali`i, Maui, and villages of La`i`opua, Hawai`i	Retain, not subject to delegation to Administration
D. Repealed	[§10-14] Repealed	
E. Budget preparation and submission; auditing.	[§10-14.5] (a) The budget, six-year program and financial plan, and the variance report of the office of Hawaiian affairs shall be submitted by the board to the legislature and to each member thereof in accordance with the budget submission schedule specified for the governor in chapter 37 and shall contain the program information specified in that chapter that is applicable to the office of Hawaiian affairs. Not less than twenty days prior to the convening of each regular session of the Legislature, the office of Hawaiian affairs shall submit to the legislature an accounting of the expenditures made in	Resource Management (a) NLT 20 days before session—(i) budget, six year program and financial plan and the variance report; (ii) prior fiscal year expenditures (Annual Report)

Role/Function		Retain or Delegate
	<p>the prior fiscal year by account code and budget program. By November 1 of each year preceding a legislative session in which a budget is to be submitted, the board shall provide written notification to the governor of the proposed total expenditures, by cost categories and sources of funding and estimated revenues of the office of Hawaiian affairs for each fiscal year of the next fiscal biennium; (b) The board shall provide opportunities for beneficiaries in every county to participate in the preparation of each biennial and supplemental budget of the office of Hawaiian affairs. These opportunities shall include an accounting by trust of the funds expended and of the effectiveness of programs undertaken; (c) The office shall be subject to governmental audit.</p>	(a) By November 1, new fiscal biennium information
<b>F. Audit and report</b>	<p><b>[§10-14.55]</b> The auditor shall conduct an audit of the office at least once every four years and shall submit a report on findings and recommendations to the governor and the legislature on or before the convening of the next immediate legislative session.</p>	Retain, delegate operational activities to Administration (e.g., field work, test items, report review and responses)
<b>G. Legislative Review</b>	<p><b>[§10-14.6]</b> The legislature shall consider the board's proposed program and financial plan; evaluate alternatives to the board's recommendations; and appropriate any general fund portion of the budget and any matching special fund appropriations.</p>	Retain, delegate operational activities to Administration (e.g., budget construction, management, evaluation, reporting)
<b>H. Annual Report</b>	<p><b>[§10-15]</b> The board shall prepare and make public their annual report which shall include an enumeration of their activities, income, and expenditures during the year. The annual report for the previous fiscal year shall be submitted to the governor and the legislature ten days prior to the convening of each regular session of the legislature. The board shall prepare and submit special reports as may be required by the legislature.</p>	Delegate to Administration via communications function.
<b>I. Suits</b>	<p><b>[§10-16]</b> (a) The office may sue and be sued in its corporate name. The State shall not be liable for any acts or omissions of the office, its officers, employees, and</p>	Retain, not subject to delegation to Administration,



Role/Function		Retain or Delegate
	the members of the board of trustees, except as provided under subsection (b). (b) In matters of tort, the office, its officers and employees and the members of the board shall be subject to suite only in the manner provided for suits against the State under chapter 662. (c) In matters of misapplicaiton of funds and resources in breach of fidcuicary duty, board members shall be subject to suite brought by any beneficiary of the public trust entrusted upon the office, either through the office of the attorney general or through private counsel. (d) In matters involving other forms of remedies, the office, its officers and employees, and the members of the board shall be subject to suit as provided by any other provision of law and by the common law.	except for non-Administrator employee, employment related suits.
<b>J. Grants<sup>4</sup>; conditions and qualifications</b>	[§10-17] (a) Applications for grants shall be made to the office and contain such information as the office shall require. At a minimum, the applicant shall show: (1) The name of the requesting organization or individual; (2) The purpose for the grant; (3) The service to be supported by the grant; (4) The target group to be benefited; (5) The cost of the grant; (6) That the grant shall be used for activities that are consistent with the purposes of this chapter; (b) Grants shall only be awarded if: (1) The applicant has applied for or received all applicable licenses and permits, when such is required to conduct the actiities or provide the services for which a grant is awarded; (2) The applicant agrees to comply with applicable federal, state, and county laws; (3) The grant shall not be used for purposes of entertainment or perquisites; (4) All activities and imporvements undertaken with funds received shall comply with all applicable federal, state, and county statutes and ordinances, including applicable building codes and agency rules; and (5) The applicant will indemnify and	Retain, Chapter 10-17 Policy, subject to Board delegation of operational aspects to Administration to implement Chapter 10-17 grant processes.

<sup>4</sup> In Action Item BOT #18-01, the BOT approved a moratorium, effective February 27, 2018, on the use of Trustee Sponsorship and Allowance Fund (TSAAF) and CEO-initiated Sponsorships. The moratorium shall remain in effect until the Ad Hoc Committee on Grants and Sponsorships recommends policies and procedures to the BOT for its approval. The moratorium excludes sponsorships approved in the OHA FY2018-2019 Biennium Budget in Action Item RM #17-07 for Community Outreach & Engagement; Federal Advocacy; Papahānaumokuākea; Legacy Land Manager; Land Stewardship; Strategic Priorities & Results Initiatives; and Legacy Sponsorships – Prince Lot Hula Festival (collectively “Programmatic Sponsorships”). In FB20-21 and FB22-23, all programmatic sponsorships have come to the Board for approval in either budget construction and/or budget realignment actions.

Role/Function		Retain or Delegate
	<p>hold harmless the office, the State of Hawaii, its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects undertaken with funds provided hereunder, and procure sufficient insurance to provide this indemnification if requested to do so by the office;</p> <p>(c) To receive a grant, an applicant shall: (1) Be: (A) A for-profit subsidiary of a nonprofit organization incorporated under the law of the State; (b) A non-profit community-based organization determined to be exempt from federal income taxation by the Internal Revenue Service; (C) A cooperative association; or (D) An individual, who in the board's determination, is able to provide the services or activities proposed in the application for the grant; (2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation, have bylaws or policies that describe the manner in which business is conducted and policies relating to nepotism and management of potential conflict of interest situations, and employ or contract with no two or more members of a family or kin of the first or second degree of consanguinity unless specifically permitted by the office; (3) Agree to make available to the office all records the applicant may have relating to the operation of the applicant's activity, business or enterprise, to allow the office to monitor the applicant's compliance with the purpose of this chapter; and (4) Establish to the satisfaction of the office, that sufficient funds are available for the effective operation of the activity, business, or enterprise for the purpose for which the grant is awarded. (d) Every grant shall be: (1) Monitored by the office to ensure compliance with this chapter and the purposes and intent of the grant; and (2) Evaluated annually to determine whether the grant attained the intended results in the manner contemplated. (e) Grants made by the office under this chapter may be made without regard to chapters 103D and 103F.</p>	
<b>K. Hui Imi advisory council</b>	<p><b>[§10-18]</b> (a) There is established a Hui 'Imi advisory council to serve as (c) (1) Serve as a liaison between public and private entities serving the Hawaiian community in the planning and development of</p>	<p>Delegate to Administration to follow up re: recommendations</p>

<b>Role/Function</b>		<b>Retain or Delegate</b>
	collaborative public and private endeavors; (2) Investigate the issues described in the Hui 'Imi task force report volumes I and II and such other issues affecting Hawaiians as the advisory council shall designate;	Follow up re: Hui 'Imi task force report volumes I and II for 2005 Legislature
<b>L. Hawaiian registry</b>	<b>[§10-19]</b> The office shall establish and maintain a registry of all Hawaiians wherever such persons may reside. Inclusion of persons in the Hawaiian registry shall be based upon genealogical records sufficient to establish the person's descent from the aboriginal peoples inhabiting the Hawaiian Islands in 1778.	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles
<b>M. Taro security; funding</b>	<b>[§10-20]</b> (a) The office may seek available federal, state, county, or private funding to restore taro and lo'i cultivation. The office shall cooperate with other public and private agencies, as appropriate in applying for funds pursuant to this section. (b) The office may use and distribute funds received pursuant to subsection (a) for projects that use taro for: (1) Flood control; (2) Wetland restoration and preservation; (3) Food security; (4) Community economic development; (5) Job creation; (6) Education; and (7) Water-quality protection.	Delegate to Administration to follow up re: recommendations Follow up re: Hui 'Imi task force report volumes I and II for 2005 Legislature
<b>PART II. REVENUE BONDS</b>		
<b>N. Revenue Bonds</b>	<b>[§10-21]</b> Definitions to [§10-36] Limitation of authority	Available, but not activated, need revenue stream and capability o enable issuance of revenue bonds
	<b>[§10-37]</b> to <b>[§10-40]</b> not detailed in Chapter 10	
<b>PART III. TRAINING, CERTAIN BOARDS, COMMISSIONS AND COUNCILS; NATIVE HAWAIIAN AND HAWAIIAN TRADITIONAL AND CUSTOMARY RIGHTS, NATURAL RESOURCE PORTECTION AND ACCESS RIGHTS, AND THE PUBLIC TRUST</b>		
<b>O. Training; applicability</b>	<b>[§10-41]</b> (a) The training required by this part shall apply to members of the land use commission, board of land and natural resources, commission on water resource management, environmental council, board of directors of the agribusiness development corporation, board of agriculture, legacy land conservation	Delegate to Administration via integrated Advocate, Community Engager and Researcher roles

Role/Function		Retain or Delegate
	commission, natureal area reserves system commission, and Hawaii historic places review board. (b) Members of any state council, board, or commission, and any officer, representatives, or employee of the State or counties not subject to the training required in subsection (a) may request to enroll in the traning course administered by the office of Hawaiian affairs pursuant to section 10-42.	
<p><b>P. Training relating to native Hawaiian and Hawaiian traditional and customary rights, natural resources and access rights, and the public trust.</b></p>	<p><b>[§10-42]</b> (a) All council, board, and commission members identified in section 10-41(a) shall complete the training course administered by the office of Hawaiian affairs pursuant to this section within twelve months of the date of the member’s initial appointment. (b) The office of Hawaiian affairs, at its own expense, shall establish, design, and administer a training course relating to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resources protection and access rights, and the public trust including the State’s trust responsibility. The training course shall include: (1) Historical information, explanations, and discussions of key state laws, stat contitutional provisions, and court rulings that reaffirm and provide for the protection of native Hawaiian and Hawaiian rights; and (2) A discussion of the importance of public trust resources and various programs to native Hawaiian and Hawaiian rights. (c) The office of Hawaiian affairs, at its own expense, shall develop the methods and prepare any materials necessary to implement the training course, administer the training course, and notify each council, board, and commission identified in section 10-41(a) that attendance in a training course is mandatory. (d) The office of Hawaiian affairs shall offer the training course at leaset twice per year. (e) The governor shall provide to the office of Hawaiian affairs the names of persons required to take the training course pursuant to this part within thirty calendar days of their intiiial appointment by the governor.</p>	<p>Delegate to Administration via integrated Advocate, Community Engager and Researcher roles</p>

#### IV. RELATED POLICIES

- A. Policy B-2021-001: Policy Framework Implementation
- B. Policy C-2021-001: Retention and Delegation of Authority – Administration



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**V. CONTACTS**

The Policy Administrator or Owner is:

Organizational Unit	Position
Board of Trustees	Board Chair

**VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK**

DRAFT





## Retention and Delegation of Authority Policy Administrator

Policy C-2021-001

### Retention and Delegation of Authority Policy - Administrator

**Effective Date:** Upon CEO memo, as updated.

**Subject:** Administrator, CEO Level

**Scope:** Hawaii Revised Statutes, Chapter 10 outlines the declaration of purposes of the Office of Hawaiian Affairs (OHA), purposes of the OHA, the general powers and duties of the Board of Trustees (BOT). The polic

**Date Reviewed/Revised:** Upon CEO memo, as updated.

**Responsible Organizational Unit:**  
Administrator, CEO

**Next Scheduled Review Date:** 2 years from the effective date

**Policy Administrator or Owner:**  
Administrator, CEO

## I. POLICY AND GENERAL STATEMENT

It is the policy of the Office of Hawaiian Affairs (OHA) to carry out its constitutional purchase as codified in the constitution of the State of Hawaii and further detailed in Hawaii Revised Statutes (HRS) Chapter 10:

- A. [§10-1] Declaration of purpose.** (a) The people of the State of Hawai‘i and the United States of America as set forth and approved in the Admission Act, established a public trust which includes among other responsibilities, betterment of conditions for Native Hawaiians. The people of the State of Hawai‘i reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs to address the needs of the aboriginal class of people of Hawaii. (b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs.
- B. Board of Trustees – Purposes of the Office [§10-3]** Hawai‘i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people, including: (1) The betterment of conditions of native Hawaiians; (2) The betterment of conditions of Hawaiians; (3) Serving as the principal public agency responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Home Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission; (4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians; (5) Applying for, receiving, and disbursing, grants and

donations from all sources for native Hawaiian and Hawaiian programs and services; and (6) Serving as a receptacle for reparations.<sup>1</sup>

## II. DEFINITIONS

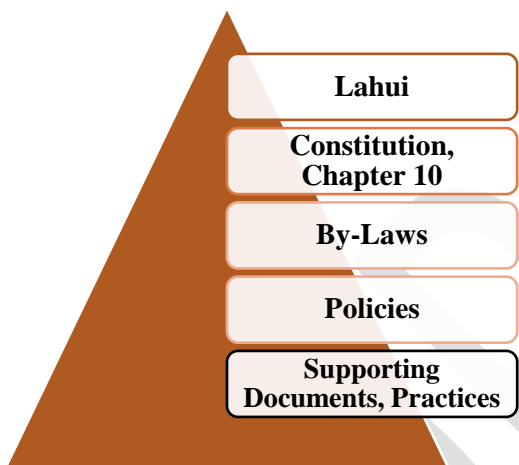
- A. Lāhui:** A term or descriptor that should not be conceived of as having multiple meanings, but rather as having a meaning that encompasses and includes concepts that require multiple words in English; and have different meanings such as “nation” and “race.” In using the word “lāhui,” we did not mean “the nation” or “the race” or “the people.” Rather, when used, the word “lāhui,” means the inclusive broad concept of “lāhui,” which includes the English expressed concepts of “nation,” “race,” and “people.”
- B. Governance:** Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.
- C. Policy:** prudence or wisdom in the management of affairs; management or procedure based primarily on material interest; a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.<sup>2</sup>
- D. L-Lāhui Level Policy:** L-Lāhui level policies articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding ‘āina, water, wahi pana and iwi kupuna, strengthen ‘ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts.
- E. T-Trustees Level Policy:** T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA’s Trustee role as a result of the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics).
- F. C-Level Policy:** C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management
- G. Policy Initiator:** The Board Chair or if delegated, the Administrator, who identifies an organization level issue and assigns the development of a policy proposal.
- H. Policy Administrator or Owner:** The Policy Administrator (or Owner) is the Board Chair or if delegated, the Administrator, whose jurisdiction covers the subject matter of the policy.
- I. Process:** A series of actions that produce something or that lead to a particular result.

<sup>1</sup> [HRS §10-3](#); see also [HRS §10-1](#).

<sup>2</sup> <https://www.merriam-webster.com/dictionary/policy>, retrieved October 31, 2021

- J. Procedure:** A guideline or series of interrelated steps in a process: taken to help implement the policy; should identify and link to the specific policy(ies) and process(es); is written in a consistent format that is easy to follow and accessible by those who need to follow the procedures; and should be reviewed and updated as necessary to ensure agreement with the most revision of the policy. Procedures related to technical systems (e.g., Oracle Fusion, business travel) should be developed and implemented at the time of the system implementation.
- K. Practice:** The implementation or performance of the procedure (i.e., practice) should be compliant with the written procedure as non-compliance (i.e. misalignment of procedure and practice) introduces risk (e.g., reputation, internal control, legal) to the organization and undermines the integrity of policy, process, and procedure.
- L. Stakeholder:** Stakeholders are both internal (e.g., employees, administration, board staff, Board of Trustees) and/or external (e.g., beneficiaries, contractors) community members who are affected by the policy developed and implemented.

### III. MO‘OKŪ‘AUHAU – Board Governance Framework



On April 4, 2019, via Action Item BOT# 19-04, the Board of Trustees (BOT) approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

#### IV. SCOPE AND DELEGATION OF AUTHORITY

- A. **Retention of Authority:** The Board of Trustees retains all powers, duties and responsibilities as outlined in Chapter 10, subject to specific delegation(s) of authority, documented in policy.
- B. **Delegation of Authority:** The Board of Trustees may delegate policy development, implementation, monitoring and evaluation activities to Administration, who may then further delegate to operational functions, units and systems. Both policy/authority delegations—BOT to Administration and Administration to Operations---shall be documented in policy and communicated and updated in accordance with the specific policy.

- C. **Delegation of Authority**

Pursuant to the existing OHA Board of Trustees Executive Policy Manual<sup>3</sup>, paragraph 1.3.1, as amended, the CEO delegates certain signatory authorities to designees, as identified below. Effective January 1, 2022, this revised authority delegation hierarchy supersedes versions dated December 12, 2012, May 19, 2015, October 21, 2015 and July 3, 2018. This current revised Operational Authority Delegation Hierarchy should be used to update all workflows (e.g., manual, electronic).

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<sup>3</sup> The Executive Policy Manual (EPM), was revised by the Board of Trustees in February 2012. Subsequent policy changes (via action item) were tracked by Corporate Counsel; who also reviewed new policies developed since 2012; and the application of policy to various organization actions. CC has since incorporated all EPM impacted policy changes into one new EPM document and will issue an updated document to the BOT. Once the new policy framework is approved, Administration will: map, crosswalk, and migrate policies and/or policy language from the EPM to the new Policy Framework, eventually sunseting the EPM document itself; and create and populate a new electronic policy framework location, accessible to internal and external stakeholders.

## 1. GRANTS, INCLUDING SPONSORSHIP APPROVALS

	Program	CFO	COO	CEO	BOT
All grants, including sponsorships, collaborations	<i>Initiates and recommends</i>	<i>1st Reviews and recommends</i>	<i>2nd Reviews and recommends</i>	<i>3rd Reviews and recommends</i>	FINAL
<b>Note: In Action Item BOT #18-01, the BOT approved a moratorium, effective February 27, 2018, on the use of Trustee Sponsorship and Allowance Fund (TSAAF) and CEO-initiated Sponsorships. The moratorium shall remain in effect until the Ad Hoc Committee on Grants and Sponsorships recommends policies and procedures to the BOT for its approval. The moratorium excludes sponsorships approved in the OHA FY2018-2019 Biennium Budget in Action Item RM #17-07 for Community Outreach &amp; Engagement; Federal Advocacy; Papahānaumokuākea; Legacy Land Manager; Land Stewardship; Strategic Priorities &amp; Results Initiatives; and Legacy Sponsorships – Prince Lot Hula Festival.</b>					

## 2. BUDGET & BUDGET REALIGNMENT APPROVALS

	Director	CFO	COO	CEO	BOT
Budget Proposals to BOT	1st	2nd <sup>4</sup>	2nd	FINAL	
Final Budget Approval					FINAL
Budget Adjustment Requests (regardless of amount) within the same expenditure category	1st	2 <sup>nd</sup>	2nd	FINAL	
Budget Adjustment Requests between expenditure categories ( $\leq$ \$100,000 or 5% of expenditure category)*	1st	2 <sup>nd</sup>	2nd	FINAL	
Budget Adjustment Requests between expenditure categories ( $>$ \$100,000 or 5% of expenditure category)*	1st	2 <sup>nd</sup>	2nd	3rd	FINAL
Budget Adjustment Requests for Grants and Sponsorships (regardless of amount)	1st	2 <sup>nd</sup>	N/A	3rd	FINAL

\*Budget adjustments are tracked on a cumulative basis. Cumulative Budget Adjustments between expenditure categories that exceed the lesser of \$100,000.00 or 5% of each expenditure category require Board approval. Expenditure categories are defined as follows: Personnel, Program, Contracts, Travel, Equipment, Overhead, and Debt Service Budgets as included in the approved Total Operating Budget. Budget adjustments in and out of the Grants Budget and between the Core Operating, Fiscal Reserve, Commercial Properties, Legacy Properties, and Special Programs Budgets must be approved by the BOT and shall be presented to the BOT in Action Item format. See Action Item RM #18-01, amending OHA Board of Trustees Executive Policy Manual section 3050 Fiscal – Biennium Budget Realignment and Adjustments paragraph 3.5.f. OHA's Budget Analyst tracks all requests for compliance.

<sup>4</sup> Depending on the budgetary origination, CFO=for responsibility areas (e.g., investments, grants, revolving loan fund, procurement, accounting, finance); COO=for all other operational areas



### 3. PURCHASE REQUISITIONS<sup>5</sup>

	Operations Unit	Program Manager	Director	CFO	COO	CEO
Purchase Requisitions (from \$5,000 <sup>6</sup> and up to \$49,999)	<i>Initiates</i>	FINAL				
Purchase Requisitions (from \$50,000 to \$99,999)	<i>Initiates</i>	1st	FINAL			
Purchase Requisitions (\$100,000 or \$249,999)	<i>Initiates</i>	1st	2 <sup>nd</sup>	FINAL	FINAL	
Purchase Requisitions (from \$250,000 and up)	<i>Initiates</i>	1st	2 <sup>nd</sup>	3 <sup>rd</sup> <sup>7</sup>	3 <sup>rd</sup>	FINAL
All Grants Related Requisitions regardless of \$ Amount	<i>Initiates</i>	1st	2 <sup>nd</sup>	3 <sup>rd</sup>		FINAL
All Sponsorship Related Requisitions regardless of \$ Amount	<i>Initiates</i>	1st	2 <sup>nd</sup>	3 <sup>rd</sup>		FINAL

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<sup>5</sup> In the new Oracle Fusion system, purchase requisitions ‘commit’ the funds after checking for budgetary authority; a purchase order is generated when funds are ‘encumbered’ for a specific purpose and vendor;

<sup>6</sup> Requirements for amounts less than \$5,000 can be addressed via p-card or check request

<sup>7</sup> Depending on the budgetary origination, CFO=for responsibility areas (e.g., investments, grants, revolving loan fund, procurement, accounting, finance); COO=for all other operational areas

#### 4. CONTRACT<sup>8</sup>, INCLUDING GRANT AGREEMENTS EXECUTIONS<sup>9</sup>

	Program Mgr	Director	Corp Counsel	CFO	COO	CEO
	Content Approval	Content Approval	Form Approval	Execution	Execution	Execution
Contracts, except Grant Agreements (from \$5,000 <sup>10</sup> and up to \$99,999)	<i>Initiates</i>	1st	2 <sup>nd</sup>	FINAL	FINAL	
Contracts, except Grant Agreements (\$100,000 and up)		<i>Initiates</i>	1st	2 <sup>nd</sup>	3 <sup>rd</sup>	FINAL
All Corporation Counsel Contracts & Amendments (regardless of \$ amount)			<i>Initiates</i>			FINAL
All Grant Agreements <sup>11</sup> (regardless of \$ amount)	1st	2nd	3rd			FINAL

#### 5. DISBURSEMENTS<sup>12</sup>

	Operations Unit	Program Manager	Director	CFO	COO	CEO
Payment on Contracts, except Grant Agreements (from \$5,000 <sup>13</sup> and up to \$99,999)	<i>Initiates</i>	1st	2 <sup>nd</sup>	FINAL	FINAL	
Payment on Contracts, except Grant Agreements (\$100,000 and up)		<i>Initiates</i>	1st	2 <sup>nd</sup>	3 <sup>rd</sup>	FINAL
All Corporation Counsel Contracts & Amendments (regardless of \$ amount)			<i>Initiates</i>			FINAL
All Grant Agreements <sup>14</sup> (regardless of \$ amount)	<i>Grants Unit Initiates</i>	1st	2nd	3rd		FINAL
Requests for Check Issuance (any amount \$4,999); Mileage Reimbursements (any amount); Requests for Reimbursement (any amount) - Appropriate budget authority two up from originator						

<sup>8</sup> Note: All Contracts & Amendments are subject to Procurement Code and/or Guidelines

<sup>9</sup> Standing Contract format is under the responsibility of Corporate Counsel who will be responsible for format updates and compliance with utilization by operating units

<sup>10</sup> Requirements for amounts less than \$5,000 can be addressed via p-card or check request

<sup>11</sup> All grant processes, including grant agreements should be aligned to HRS Chapter 10-17

<sup>12</sup> Note: All disbursements are subject to certifications made by the requestor prior to issuance of any disbursement. Certifications vary for each type of disbursement and are clearly noted on each request.

<sup>13</sup> Requirements for amounts less than \$5,000 can be addressed via p-card or check request

<sup>14</sup> All grant processes, including grant agreements should be aligned to HRS Chapter 10-17

## 6. TRAVEL APPROVALS

Travel – Board of Trustees	Trustee	CEO	BOT	
			Chair	
In-State Travel	<i>Initiates</i>	FINAL		
Out-of-State Travel	<i>Initiates</i>		FINAL	
BOT Chairperson Travel	<i>Initiates</i>	FINAL		

Travel – BOT Staff	Aide/ Chief of Staff taff	Trustee	CEO	BOT Chair
In-State Travel	<i>Initiates</i>	1st	FINAL	
Out-of-State Travel	<i>Initiates</i>	1st		FINAL
Non-Employee (e.g., Board Counsel)	<i>Initiates</i>			FINAL

Travel – Administration	Staff	Program Manager	Director	COO, CFO, General Counsel	CEO	BOT Chair
Administrative Staff In-State Travel	<i>Initiates</i>	1st/Initiates	FINAL	FINAL for respective Director	FINAL for COO, CFO	FINAL for CEO
Administrative Staff Out-of-State Travel	<i>Initiates</i>	1st/Initiates	2nd/1st	FINAL	FINAL for COO, CFO	FINAL for CEO
Non-employee (e.g., NHHPC member, NHRLF Board Member, etc.)	<i>Initiates</i>	1st	2nd	FINAL		

## 7. VACATION REQUESTS

	Program Manager	Director	Trustee	COO, CFO	CEO	BOT Chair
Administrative Staff (up to 40 consecutive hours)	FINAL					
Administrative Staff (more than 40 consecutive hours)	1st	FINAL				
Managers		FINAL				
Directors (regardless of hours)				FINAL		
BOT Staff (regardless of hours)			FINAL			
COO, CFO, General Counsel (regardless of hours)					FINAL	
CEO (regardless of hours)						FINAL

## IV. RELATED POLICIES

- A. Policy B-2021-001: Policy Framework Implementation
- B. Policy B-2021-002: Retention and Delegation of Authority – Trustees

## V. CONTACTS

The Policy Administrator or Owner is:

Organizational Unit	Position
Administration	Chief Executive Officer

## VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK

**Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
November 4, 2021  
9:30 A.M.**

**VI. Executive Session‡**

- A. Item BOT#21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka‘ako Makai Pursuant to HRS§92-2.5(b)(1)(B) and pursuant HRS§92-5(4)**
- B. Consultation with Board Counsel Robert Klein Esq. regarding 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. lawsuit (Civ. No. 1CCV-20-0000259) and case status, pursuant to HRS § 92-5(a)(4).**