PHONE (808) 594-1888

BOARD OF TRUSTEES
Colette Y. Machado, Chairperson
Dan Ahuna, Vice Chairperson
Leina'ala Ahu Isa, At-Large
Rowena Akana, Trustee At-Large
Keli'i Akina, At-Large
Peter Apo, O'ahu Trustee
Carmen. Hulu Lindsey, Maui Trustee
Robert K. Lindsey, Jr., Hawai'i Trustee
John Waihe'e IV, Trustee At-Large



STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS

MEETING OF THE BOARD OF TRUSTEES

DATE:

Thursday, September 27, 2018

TIME:

9:30 am

PLACE:

OHA Board Room, Nā Lama Kukui

560 N. Nimitz Hwy., Suite 200

Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Distribution of the Record of the Testimony and Presentations made to the Board of Trustees on August 8, 2018 at Kalama'ula, Moloka'i. Pursuant to HRS §92-2.5(d)(2)
- III. Public Testimony*
- IV. Unfinished Business
 - A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
 - A. Committee on Resource Management
 - 1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget †
 - 2. Action Item RM #18-12: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements. †
 - B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e. †
 - C. BOT Workshop for OHA Strategic Planning 2020+, Phase I, Agreement and Confirmation regarding the foundational documents and direction of new OHA Strategic Plan. (note: This is the first in a series of workshops regarding OHA's new Strategic Plan)[†]
- VI. Executive Session[‡]
 - A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. *Pursuant to HRS § 92-5(a)(4)*.
 - B. Approval of Minutes
 - 1. July 26, 2018
- VII. Community Concerns*
- VIII. Announcements
- IX. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number. 594-1754 or by email at: albertt@oha.org no later than three (3) business days prior to the date of the meeting.

Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz. Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email <u>BOTmeetings@oha.org</u> 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

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.

olite U. Machado

Trustee Colette Y. Machado Chairperson, Board of Trustees September 19, 2018

Date

Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

II. Distribution of the Record of the Testimony and Presentations made to the Board of Trustees on August 8, 2018 at Kalama'ula, Moloka'i. *Pursuant to HRS* §92-2.5(d)(2)

STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS

Kūlana 'Ōiwi Hālau

600 Kamehameha Highway Kalama'ula, Moloka'i, Hawai'i 96748

Record of the Testimony and Presentations made to the Board of Trustees
August 8, 2018 at Kalama'ula, Moloka'i.
6:00 pm

ATTENDANCE:

TRUSTEE COLETTE MACHADO TRUSTEE W. KELI'I AKINA TRUSTEE CARMEN HULU LINDSEY TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, BOARD COUNSEL

EXCUSED:

TRUSTEE DAN AHUNA
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE ROWENA AKANA
TRUSTEE PETER APO
TRUSTEE ROBERT LINSDSEY

ADMINISTRATION STAFF:

KAWIKA RILEY, ADV
JASON LEES, DPM
JOCELYN DOANE, PP
KAWENA CARVALHO-MATTOS, DPM
MISTI PALI-ORIOL, OUTR
ALICE SILBANUZ, DPM
GAYLA HALINIAK-LLYOD

BOT STAFF:

CAROL HOOMANAWANUI CRAYN AKINA DAYNA PA LEHUA ITOKAZU LAURENE KALUAU-KEALOHA MARIA CALDERON KAMA HOPKINS NATHAN TAKEUCHI

GUESTS

ELIZABETH FUJII LOHIAO PAOA SYBIL LOPEZ YAMA KAHOLOAA KEANI RAWLINS-FERNANDEZ JUDY CAPARIDA

I. CALL TO ORDER

Chair Colette Machado – Chair apologizes to the community as tonight they fell short of a quorum. She states that this is not a community meeting but will be a community gathering and this will allow the Trustees to hear the five presenters tonight. She invites those who would like to address the Trustees to please sign up with staff. Gathering begins at 6:13 pm.

Welcome protocol and songs from the students from Kula Kaiaupuni Kualapuu.

II. INTRODUCTIONS

Trustees Akina, Hulu Lindsey, Waihe'e IV, and Machado introduces themselves along with their staff that are present. Kawika Riley introduces himself and administration's staff that have traveled from Oahu for the meeting and the Molokai Staff.

Robert Klein, Board Counsel – Introduces himself to the community. He also explains the circumstances for tonight because of the lack of quorum. He states that technically, there is no meeting as defined by Hawaii Revised Statutes, but Trustees can listen to all your concerns. Because of the lack of quorum there can be no decisions or deliberate towards decisions. They can interact but in a limited fashion.

III. COMMUNITY PRESENTATIONS

A. Molokai Robotics STEM Project - Kumu Kaeo Kawaa

Chair Colette Machado – Invites Kumu Kaeo Kawaa and his wife Kumu Kahoiwai Kawaa up to share about the Molokai Robotics STEM Project.

An article that appeared in the Hawaiian Air Inflight Magazine was distributed to Trustees present. (Article is attached)

Kumu Kahoiwai Kawaa – States that she is half of the coaching staff of the robotics team. She shares with the Trustees how the robotics team began. Their first year they went to World Competition at Disneyland. From there they have gone to Worlds every year. She shares they have worked to grow their program not only on Molokai but on Maui also.

Students of the Robotics/STEM team share their experiences in various competitions they participated this year along with their competition in Louisville, Kentucky.

Kumu Kaeo Kawaa – States that he is the head coach as well as the STEM teacher. He states that Robotics is a great and fun way to do STEM. He states that they started with one team that went to Worlds. He said that they have been able to turn it into a 5-year program. It is not just a win for him, or for the students but for Molokai wins. This year they took their babies to Nationals and Worlds. They are a VEX Official, they can send kids from Worlds, to States, to Internationals to Nationals, straight from Molokai without them having to travel. Molokai has 20 Robotics Team, they are the first league in Hawaii and among the first in the World. They are able to hold their own tournaments on Molokai. From Molokai last year, they were able to send 10 Robotic teams to the State Tournament. They are the first native Hawaiian team in History; this includes the coaches along with the students.

He shares what Robotics has done form STEM on Molokai. Because of Robotics they have now become a STEM Hub, they are recognized as the STEM Contact on Molokai. They are also the first K-12 Robotics Program in the World. He states that the Ali'i Trusts wants to join them, along with NHO want to joint in with their projects.

Chair Colette Machado – Encourages Kumu Kaeo to talk with Kawika Riley to see how OHA might be able to engage or how they may fit with our grant process. She calls on Kau'i Manera and the Alu Like Kupuna Program.

B. Alu Like Kupuna Program – Kau'i Manera

Ms. Kau'i Manera – Introduces herself along with Kupuna present. She states that she has been working with the Kupuna for over 20 years. She thanks Office of Hawaiian Affairs for funding their project. They collaborated with the immersion schools and did a beautiful history on the Kamehameha Dynasty.

The Kupuna of the program share their thoughts about the project and their experiences on Molokai.

Iolani Kuoha – States that she is the Hawaiian Language Teacher at Molokai Middle. The students worked with the Kupuna of Alu Like to study the Kamehameha Dynasty. She shares in a PowerPoint what their project entails. Students along with the Kupuna worked together. Trustees were provided with a short PowerPoint presentation, which is attached.

Chair Colette Machado – Calls on Nahulu Maioho with the Poi Pounder Workshop.

C. Poi Pounder Workshop – Nahulu Maioho

Mr. Nahulu Maioho – Shares with the Trustees the workshop that taught the community about carving poi pounders. With the help of OHA, the parent organization of Punana Leo on Molokai was able to participate in project focusing on Hanau No'eau. The project helped the participants by connecting them to the 'āina and help them become stewards of the 'āina. They also focused on cultural by providing this opportunity in recreating tools that have been lost. They were also able to strengthen the family through economic self-sufficiency by providing another means of income. They also increased academic success by supporting parent engagement. This project also laid a foundation of knowledge by teaching about the history of our government through the story of Papa and Wakea and Haloa and Kanaka. This also helped the participants to be less dependent on others and depend on themselves and the 'āina. This project also encourages health by eating kalo and activities such kui kalo. He thanks OHA and Gayla for the support.

Gayla-Ann Haliniak-Lloyd – Explains the type of funding that OHA provided. She states that they did a I Mana Ka Lāhui. Nahulu did a poi pounder workshop for the parents. She also explains that for the Alu Like Kupuna program, OHA did another I Mana Ka Lāhui and they were provided \$700 for material. She explains for Duke's project she partnered with Alu Like summer youth program, with the I Mana Ka Lāhui they bought safety gear for the summer youth that participated.

Chair Colette Machado – Calls on Dukie Kalipi.

D. MAANA Project – Dukie Kalipi

Mr. Dukie Kalipi - Introduces himself and thanks OHA and Gayla for her hard work. He states that 30 kids were able to participate. He explains to the Trustees his project. MA'ANA – Maoli Aquaculture and Agriculture Native Assistance. He states that the whole reason is for Molokai to produce enough food to sustain the island.

Attached is Ma'ana Mission Statement.

Trustee Keli'i Akina – Asks what kind of aquaculture is happening on Molokai.

Mr. Kalipi – States that on a small scale is shrimp, sweet potato, and vegetables. He states that if they can produce more it can sustain the island. He invites Trustees to visit his project when they have free time.

Chair Colette Machado – States that in filing the agenda we listed Walter Ritte would be presenting for Moloka'i Pule O'o. But he has stated that Pulama Lima Maioho will be presenting.

E. Moloka'i Pule O'o – Aloha 'Āina Fellows

Ms. Pulama Lima – States the before their presentation Matt Yamashita will share a video.

Mr. Matt Yamashita – Greets the Trustees. The video will provide context as to who this group is all about. He explains that Molokai Ranch announced that they were for sale and immediately community members started coming together. The video will give a history of the community and how the community has been engaging in this process, which leads to this group.

Ms. Lima – She introduces herself and states that she is here on behalf of the Aloha 'Āina Fellowship program. It is a partnership with the nonprofit Āina Momona, Kamehameha Schools and the University of Hawaii Maui College Molokai Education Center. She explains that the whole purpose of this program is to train and foster the next generation of community organizers and leaders here on Molokai. The students were trained in different aspects of Aloha Āina and applied that to what is happening on Molokai today while receiving college credit from UH Maui. The fellowship program decided that the sale of the Ranch was a huge concern here on the island. They wanted to have the community to have the opportunity to be part of that discourse and participate in the discussion. The Fellows developed and administered a survey to analyze the community's priorities and needs in regards to the lands owned by the Ranch.

Students introduces themselves and discusses the results off their survey. The survey is attached.

She states that the survey was done in a week. Their goal was to survey at least 555 adults on Molokai and to target at least 10% of the adult population.

Trustee Carmen Hulu Lindsey – Asks from their studies, why do you think they said no when asked if they wanted to come back and talk to them again.

Mr. Lohiao Paoa – States that they wanted to remain confidential.

Ms. Lima – States that if you look at the age of the majority of our survey takers they were in the age of the working class, or going to school, or families. Having time is probably what hindered their wiliness to participate in further discussions.

Ms. Shaeralee Manosa – States that on the OHA website it listed all these different focuses that OHA is concerned about. She states that for anything Hawaiian to work we all need to be brought together.

IV. STATUS OF OHA ACTIVITES

A. Ka Pouhana/CEO's 15-Minutes Update on Ho'oulu Lāhui Aloha and OHA Activities

No update was given.

V. COMMUNITY CONCERNS

Chair Colette Machado – Thanks the group and calls on Liz Fujii representing the Molokai Child Abuse Program.

Ms. Elizabeth Fujii – Introduces herself, she is the Executive Director of the Molokai Child Abuse Prevention Pathways. She calls a board member Keani Rawlins to speak.

Ms. Keani Rawlins – Greets the Trustees and introduces herself. She sits on the Board of Directors for Molokai Child Abuse Prevention Pathways. She shares that sexual abuse among children was a big concern on the island. The Consuelo Foundation formed MCAP and committed to fund it for 5 years, after that they became a nonprofit 501 (c)(3). They were successful in obtaining State GIA and Federal Funding for the work that MCAP does on Molokai. She shares why she sits on the board and shares her experience of what she saw, as could be a destructive path for the children.

Ms. Fujii – Gives an update on their group as well as a background on their organization.

Chair Colette Machado - Calls Lohiao Paoa.

Mr. Lohiao Paoa – Greets Trustees and thanks them for coming. Shares that we here on Molokai they hold strongly 'ohana, perpetuating the Hawaiian Culture and sustainability or living off the land. He states that OHA and Molokai share similar values. But what differs is the reputation. He feels that OHA has a bad reputation in the community right now, with the audit. OHA has lost the trust of the community. He states that they have 5,550 adults on the island and we have less than 30 people here that is less than 1%. He states that Molokai needs OHA's support in legislation so that legislation comes from the people of Molokai, making Molokai its own County.

Chair Colette Machado - Calls Sybil Lopez as the next speaker in Community Concerns.

Ms. Sybil Lopez – Introduces herself. She states that her main concern is regarding the Molokai Community Plan update. For a community plan, we need more community engagement. They can exemplify, relate, and interpret what local people want to say to Government to process to planning and how that correlates to the end goal and end result is. She states that her concern is when OHA, public Policy Advocate Wayne Tanaka submitted a testimony on behalf of Dr. Kamana'opono Crabbe of the Office of Hawaiian Affairs submitted to the Planning Committee of the Maui County Council on July 24th, 2018. My concern is where and who is he advocating for when he said, he has three supporting measure supporting East End Policy Statement, West End Policy Statement, alternatives to appendices 6.1, 6.2. The testimony that was provided is on the County Council website. I want to know who they engaged the community here on Molokai to be able to put in a testimony on behalf of all the Native Hawaii. Who does it really represent? Who are the native groups you are advocating for? We want perspective and we need it if you are testifying on our behalf as Native Hawaiians.

Jocelyn Doane – Introduces herself she is the public policy manger. She explains that Wayne is the submitter and ultimately it is my recommendation that goes to the CEO. She explains that she has been to meetings, community planning, land use meetings since 2007. She has specifically been to community plan meetings for this reiteration of the plan for the last 2 years. She has been to numerous planning commission meetings. She explains the importance of a community plan is the only opportunity for the community to have a say in the planning of their community. She explains the process and how OHA got involved in the community plan. She clarifies that when OHA testifies they are not testifying on behalf of the community, on behalf of the native Hawaiian community. In this instance, OHA is supporting the voices that were heard for the last two years about the fact that they wanted more say. What OHA is advocating is for the community to have a

voice. She clarifies that the Board has a long-standing support of Community Based Subsistence Areas and advocacy was being done consistent with that decades long position since Governor Waihe'e.

Chair Colette Machado - Calls Yama Kaholoaa

Mr. Yama Kaholoaa – OHA shouldn't be the ones to decide. He states that he is a native Hawaiian and a beneficiary of Molokai. He doesn't support anything that comes from a committee unless it addresses his concern. He shares with the Trustees his background. Molokai states that it has to be a Molokai Community, they are very knowledgeable. He is here to let OHA know, don't listen to anyone, if there is an issue on Molokai, come to Molokai and come here yourself. He states that we don't need anyone to talk for us. OHA should be representing us. OHA should put money in Hawaiian Home Lands, the farmers; water shouldn't go to the West End. He states that we need to manage the resources.

Chair Colette Machado - Calls on Keani Rawlins-Fernandez.

Ms. Keani Rawlins-Fernandez – Thanks OHA for their strong support for the Community Plan. She states that the community plan is unique. She thanks Jocelyn and Wayne for the letter of support. What they supported was our East End Policy Statement that was drafted in 1981, the West End is something new and most of the information came from the Mater land use Plan that the community spent a lot of time on. Because of the inclusion of the Chapter 10 and 11 in the community plan, the Chair of the County Planning Committee renamed it Molokai Island Community Plan in recognition of the island not being one community but being multiple communities. She thanks Chair Colette Machado for the strong support of the Community Based Subsistence Fishery Area designation. She states that a lot of the community does support the CBSFA and that it is important to support the subsistence fishery.

Chair Colette Machado – Calls on Judy Caparida.

Ms. Judy Caparida – Greets the Trustees. She shares the importance of community and that they are so blessed here on Molokai. She asks why did OHA put in that fishing stuff when OHA has no business. She states that OHA didn't even participate. She wants to know where all the money is going, there is no sustainability. She states that she is upset because there are so many needs but we don't know where the money is going. She states that OHA should buy the ranch so that they can get what they want to have. She voices concerns about everyone buying up the lands, all the bed and breakfast. She will stand for the righteousness of the land and it belongs to God.

VI. ANNOUNCEMENTS/FYI

None

IX. ADJOURNMENT

Chair Colette Machado - Concludes the gathering and invites the community to the BOT meeting tomorrow.

The Community gathering was adjourned at 8:22 pm.

Respectfully submitted,

Dayna Pa, Board Secretary

Report distributed to the Board of Trustees at the September 27, 2018 Board of Trustees Meeting.

Attachment:

- 1. Trustee Dan Ahuna Excused Memo
- 2. Trustee Leina'ala Ahu Isa Excuse Memo
- 3. Trustee Rowena Akana Excuse Memo
- 4. Trustee Peter Apo Excuse Memo
- 5. Trustee Robert Lindsey Excuse Memo
- 6. Article from the Hawaiian Airlines inflight Magazine "Isle of the Automatons"
- 7. Na Lei Trustee Carmen Hulu Lindsey O Nā Ali'i Alu Like Kupuna Program PowerPoint
- 8. Ma'ana Mission Statement
- 9. Moloka'i Pule O'o Aloha 'Āina Fellows data results



OFFICE OF HAWAIIAN AFFAIRS STATE OF HAWAI'I RECEIVED-BOT

2018 JUL 31 P 3: 54

Office of Trustee Dan Ahuna OFFICE OF HAWAIIAN AFFAIRS Interoffice Memorandum

Date:

July 31, 2018

To:

Trustee Colette Y. Machado, Chair

Board of Trustees

From:

Trustee Dan Ahuna

Subject:

Molokai Island BOT Meetings Absence

I am unable to attend the Molokai BOT meetings scheduled for August 8-9, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.



OFFICE OF HAWAIIAN AFFAIRS Interoffice Memorandum

DATE:

July 24, 2018

TO:

Trustee Colette Machado, Chairperson

FROM:

Trustee Leina'a/a Anu I

RE:

Molokai Community Meeting - Wednesday, August 8, 2018

Aloha,

Please excuse my absence for the upcoming Board of Trustee meeting scheduled for Wednesday, August 8, 2018. Should you have any questions or concerns please feel free to contact my office staff.

Mahalo.



OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM

Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i

To:

Chairperson Colette Y. Machado

From:

Trustee Rowena Akana

Date:

August 7, 2018

Re:

Excused Absence

Please be advised that I am unable to attend the Board of Trustees' Molokai Island Community meeting on August 8, 2018 at 6:00 P.M.

Mahalo!



INTEROFFICE MEMORANDUM

TO:

Trustee Colette Machado, BOT Chair

Trustee Dan Ahuna, BOT Vice-Chair

FROM: Trustee Peter Apo

DATE: August 7, 2018

RE: BOT Meeting Absence on August 8, 2018

I am unable to attend the BOT Meeting on Wedenesday, August 8, 2018 to be held on Moloka'i at 6 p.m. Please excuse my absence and extend my apologies to the members of the Board.

If you have any questions, please call my office at 594-1879.

Mahalo.



STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS

560 N. NIMITZ HIGHWAY, SUITE 200 HONOLULU, HAWAI'I 96817

July 13, 2018

TO:

Trustee Colette Machado

Chair, Board of Trustees

Trustee Dan Ahuna, IV

Vice - Chair, Board of Trustees

Members of the Board of Trustees

FROM:

Trustee Robert K. Lindsey, Jr.

SUBJECT:

Excused Absence Moloka'i Community Meeting

Aloha e Chair Machado:

I am unable to attend the Moloka'i Community meeting at Kūlana 'Ōiwi on Wednesday, August 8, 2018.

Please extend my excused absence and sincere apologies to the board members.

With sincere aloha,

Trustee Robert K. Lindsey, J.

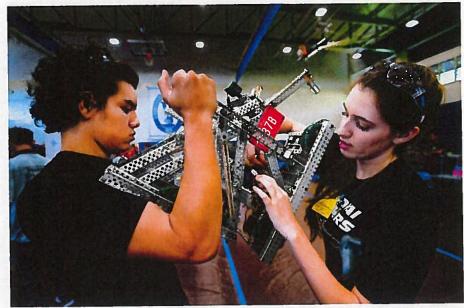
Hawai'i Island, Board of Trustees

Moloka'i is the last place you'd expect to find globally competitive robotics teams. So why are they winning?

STORY BY LAVONNE LEONG
PHOTOS BY PF BENTLEY

corrugated metal roof, a dusty cement floor, big garage doors and a couple of stand-alone fans blowing hot air around: It looks more like the auto shop it used to be than the robotics room it is.

"I love this room but I hate this room," laughs Moloka'i High School junior Makanilealea Davis. When her father, now a mechanic, attended Moloka'i High, this was where they parked cars for students to work on. These days it does double duty as both robotics room and storage for a massive wood-shop saw and the large wooden stages on which Davis and her classmates will one day graduate. Davis points to the dusty footprints of red Moloka'i soil on the concrete. Problematic: Dirt tracked onto a robotics field can accelerate wear and tear at best, and at worst gum up the works. Although there are three high school robotics teams going to the state competition this year from Moloka'i, there's room for only one twelveby-twelve-foot VEX robotics fieldalthough today, coach Edwin Mendija's elementary school teams have also set up a much smaller VEX IQ (the simplified



VEX tournament for younger kids) field so they can practice every day, straight through Christmas break.

Between the two fields, the saw and the graduation stages, there's hardly room to walk. And yet this room and rooms like it across the island have served their purpose well. In any given year, around eighteen

thousand VEX robotics teams from more than forty countries design, build and program a robot for the year's "game," a performance challenge that changes every year. The goal: to do well enough in the season's many local and regional competitions to win a place at the annual VEX Robotics World Championship—"Worlds"



Top: Moloka'i High School students Ilima Ka'awa-Richardson (left) and Evelyn Haase work on their team's robot. Above: The former auto shop that houses coach Edwin Mendija's robotics teams. During holiday breaks, all ages and grade levels work together in a single space. "My goal is exposure for these students," says Mendija. "The great thing with robotics is it encompasses everything: math, computer science, engineering. Plus communication skills, teamwork, organization and leadership."

— which will be held this year in Louisville, Kentucky.

Since they began competing in the VEX (middle and high school) and VEX IQ (elementary and middle school) platforms in 2014, Moloka'i's middle school teams have traveled to Worlds three times, coached by husband-wife team Kaeo and Sarah Kawa'a, whom everyone calls "Kumu and Kumu" (teacher and teacher). An elementary school team, coached by 24-year-old Edwin Mendija, went to Worlds for the first time in 2017—and took second place globally.

Sleepy, rural Moloka'i, half the size of O'ahu and with one percent of its population, is known for its uncrowded beaches, its homestead farms and its kani ka pila music sessions. It's not the first or even fiftieth place you'd imagine VEX robotics teams would thrive.

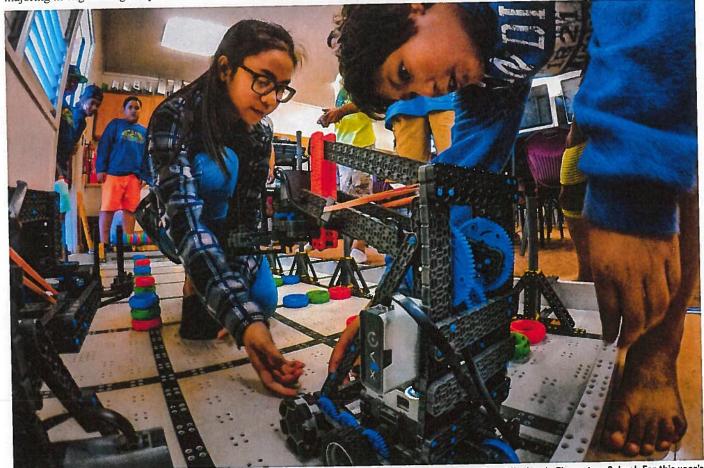
For one thing, success in robotics is often a matter of money. "We can't buy all the hydraulics and some of the other things the other teams have," says Erik Svetin, a Moloka'i VEX robotics alum who's now majoring in engineering at Syracuse Uni-



versity in New York. But there's advantage in that, too: Moloka'i's teams know how to squeeze the most out of their materials. "Sometimes we see other teams using hydraulics when some of those pieces aren't even needed," Svetin says. "We're at a disadvantage, but we're still making the most of our opportunities." That can mean

pillaging last year's robot for parts, as Davis' team did this year.

Faced with intense and well-funded competition ("Hawai'i is one of the hardest regions to qualify from," says Mendija), the island's high school teams have not yet made it to Worlds. That's the goal for this year, and it won't be easy.



During the school year, Mendija's younger students (at top, above and on the title page) skip recess to practice at Kualapu'u Elementary School. For this year's competition, they had to design, build, program and operate their robots to collect and move colored rings with precision. Moloka'i's many elementary school teams help to seed the intermediate and high school teams.

This year's VEX "game" is all about stacking cones and getting them into an end zone. In the statewide tournament's early rounds, all forty-eight teams will be paired randomly with one collaborator and matched against two randomly paired opponents. To win, teams must strategize to outmaneuver their opponents against the clock. Every robot, like every teammate, is better at some things than others. A robot can be precise but slow, or it can zip but drop things or knock them over if the driver isn't careful. Some robots do a single job exceptionally well, operating like farm equipment; others are flexible generalists. And teams must adapt to the unexpected. Robots break, seize up or get entangled in each other. Drivers or programmers choke. Sometimes collaborators don't show up, and you have to figure out how to win solo against two teams.

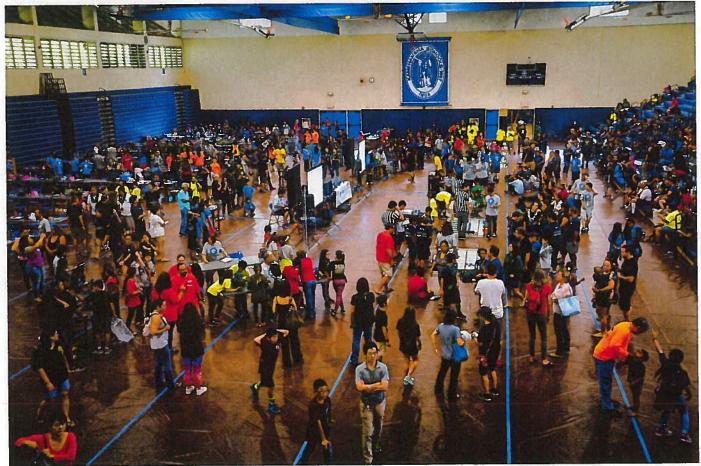
Kelly Ka'awa-Richardson, whose sons Ilima and Kamalu compete on the high school team, watches off-island tournaments on livestreaming. "So much is going on," she says. "We do heart flips because, wow, they are under pressure." Even if Ka'awa-Richardson isn't always there for



moral support, she's reassured knowing that "Coach" Mendija is. His youth—he graduated from Moloka'i High School himself just six years ago—and his laidback demeanor make him seem more like a colleague than a coach, but he's always right there when he's needed. Mendija volunteers during his daytime breaks to

coach the elementary school ("It's mostly a recess team," he says), and after school he drives up to the high school and stays in the school's old auto body shop until dinner time, making suggestions and encouraging students to take the lead.

"He allows them to think for themselves," says Ka'awa-Richardson. "And he



Top: Coach Mendija jumps for joy as victory is declared for his Kualapu'u Elementary School teams. Above: The gym is packed with families at the younger students' VEX IQ game. Forty-eight VEX (high school and middle school) and forty-eight VEX IQ (elementary and middle school) teams competed this year at the state championships. Hawai'i has one of the nation's most robust fields of competition for VEX robotics.





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Isle of the Automatons

lets them calibrate. Say they go to a tournament and didn't do well. They're back in [the robotics room] for a week afterward, pushing it out. Then they go back to another tournament, and they dominate." Competitive robotics builds grit, that ineffable quality so many colleges are seeking, says Kim Svetin, who manages the island's drugstore and ice cream shop: "Grit is one thing that robotics taught both of my boys. When you're making a robot, you're not going to be successful every time, so you want to improve. You can get an adrenaline rush from continuous improvement."

It turns out that many of the things for which Moloka'i is known—its smallness, its ruralness, its focus on community—are what's propelled this under-resourced team to the forefront of Hawai'i student robotics.

Robotics is where STEM (science. technology, engineering, mathematics) disciplines intersect with hands-on experience. Evelyn Haase, another Moloka'i High School team captain, explains that most students gravitate to one of several roles: designer/builders who create the robot, programmers who code it, drivers who control it. That's where non-urban experience comes into its own, says Dan Mantz, CEO of the Robotics Education & Competition (REC) Foundation, which created the VEX platforms. Great drivers might be video gamers, but they might also be kids who have driven things IRL—in real life. Farm kids, says Mantz, "can do really well because they're used to dealing with farm equipment." The same goes for those who design and build the robots; growing up around people who can take things apart and put them back together can be a huge advantage. And the social skills that develop when screens aren't the primary mode of communication come in handy when you want to build successful real-life alliances.

The influence of Moloka'i's 'ohana-based culture also sets its teams apart. Older students mentor younger ones, which means that newbies have not one coach, but many. On the high school teams, juniors Haase and Davis describe themselves as "the moms of the group." Pointing to Kamalu Ka'awa-Richardson, a freshman who loves to drive, Haase says, "These guys are still learning, so we can make them well-rounded, not like us." She counters the tendency to overspecialize by encouraging others to step outside their comfort zones: "I'll say, 'I'm building, come help. Get over here."

The same goes for extending robotics back to the elementary grades, says Davis: "We don't just want to win. We want to give back to the community and teach the newer kids that this is something they can do." Being able to start in earlier grades means more time to grow, she says. "If you start earlier, you can learn from your mistakes. If you mess up and it's your last year, you can't fix it."

Kumu Kawa'a agrees that an islandwide, K-12 robotics network rooted in Hawaiian culture is a strength. "Because we're strong culturally, it's our kuleana, our responsibility, to give back," says Kawa'a. "Our alumni recruit and mentor. We're thinking whole-island. It's not 'I win.' It's not even 'We win.' It's 'Moloka'i wins.""

The 2018 Hawaiian Electric Hawaii State VEX and VEX IQ Robotics Championship unfolds over two days in the Kamehameha Schools gymnasium, high on a hillside overlooking Pearl Harbor. The morning of day one is off to an unsettling start for the high school teams: An incoming ICBM alert, which sets smartphones buzzing and will later make worldwide headlines as a false alarm, has everyone huddling together in the gym until the all-clear comes thirty-eight minutes later.

The tournament begins late but now is in full swing. The randomly assigned initial matches are over, and the quarterfinals, in which the top eight teams can invite two collaborators each to join them, are about to begin.

Haase's team has run into spectacularly bad luck: Two of their collaborator teams didn't show up for the early matches, leaving them too low in the rankings. Davis' team fights their way to fourth seed, securing a place in the quarterfinals and the option to choose their collaborators. Davis invites Kamehameha Schools and Pearl City, a top-ranked team who beat them last year. Pearl City deliberates for several minutes before agreeing. Everyone's taking longer than usual. "Usually these things go real quick," muses Haase from the bleachers. "That thing this morning threw us off."

But Moloka'i's luck runs out. In the first afternoon match, Pearl City's audaciously high stack of cones collapses just before the driver can tip them into the zone, to audible groans across the gym. The second match is even worse: During the initial "autonomous" round, where robots operate driverless, both robots get tangled up or freeze. When it comes time for the drivers

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Isle of the Automatons

to take control, they can't. There will be no Worlds for Moloka'i High this year, and the disappointment is palpable.

Mendija and Haase, coach and student, sit next to each other in the stands. Mendija is philosophical: "At least we lost to the best, eh?"

Haase nods in agreement. "We gave 'em a good fight."

"Someone out there is always better than you," Mendija had said before the tournament. "You just have to be humble enough to learn from them and accept your loss. And when you win it's not about the winning. The winning just shows how much you've actually learned. You don't win or lose: You win or learn."



The next day, the VEX IQ tournament for elementary and middle school is more lighthearted. Whole families pack Kamehameha's gym, bringing snacks, drinks and cheer. Among the crowd are the Svetins, who have turned out en masse to support Owen Svetin, an eighth-grader at Moloka'i Middle School. Mendija is here again, coaching his elementary teams from Kualapu'u School. Several games run simultaneously all day, with scores tallied on screens in the middle of the gym.

Owen's already had a setback this morning, says Kim Svetin, his mother. He disagreed with the way a match was called but forgot that contestants aren't allowed to make a case for more points after they exit the area. He'd left to confer with Kumu Kaeo but couldn't return to argue his case with the judges. This is his last year with VEX IQ, so it's a mistake that won't

benefit him next year—but, says Kim, "he can tell his teammates, 'This is the mistake I made," so they don't repeat it.

But when the scores for the final matches pop up, Owen's team, the Menehune Farmers, have 247 points. It's the highest score that Mantz, REC's CEO, who has come to watch the tournament, has seen all season in his travels across the United States. Then the elementary scores scroll past, and Mendija, normally so reserved, leaps up, pumps both fists in the air and shouts for joy. Moloka'i's elementary and middle school teams have swept the top spots at the state VEX IQ robotics tournament, a first. Invitations to Worlds, in Kentucky, are in the bag. Many of these students have never been out of the state before. Mendija heads off to celebrate with Kumu and Kumu. Moloka'i wins.

For the parents and teachers, racking up the wins is just a means to an end. On an island that acquired high school science labs only last year, robotics can connect the dots from real-world learning to STEM, and from STEM to the soft skills they'll need IRL. "STEM is the buzzword," says Mantz, "but at the end of the season, it's the life skills." Art Kimura, the man who brought VEX to Hawai'i a decade ago, agrees: "No doubt [robotics] leads a lot of kids into STEM careers," says Kimura, "but let's talk about 'soft skills.' It's teamwork, communication, problem solving. To me that's more important."

For Mendija it's personal. When I first spoke with him, he told me that he hasn't yet graduated from college; there's no money, and because robotics started up in his senior year, he had no shot at a STEM scholarship. These days, VEX robotics takes up all his spare time. "I never got a chance to leave," he said. "If I could go back to school, I would. But right now I'm the person responsible to see this through—to make sure kids won't miss out on opportunities like I did. I expect these kids to pass me once they leave high school. As a coach and teacher, that's what you want."

In the meantime Davis, who makes time for VEX robotics between helping out on her family's seasonal watermelon farm and caring for younger siblings, is back in the old auto shop she hates and loves. As a junior, she has another year to make it to Worlds. "Robotics is my life," she says. "I've spent the majority of my high school years in this room. I spend my study halls and my free periods in this room. If people want to find me, I'm here." **HH**



Together we can supports vital m

Ka Lei Hulu o Nā Ali'

Hā'awi'ana OHA 8 'Aukake 2018 Kau'i Manera lāua 'o 'Iolani Kū'oha

On November 1, 2017, 'O Hina i ka Malama had the opportunity to collaborate with the ALU LIKE, Inc Kupuna program. The mo'olelo, mele, hula and 'oli shared were in celebration of our Kamehameha Genealogy. The haumana of ke kula waena researched and shared about Kamehameha I, II, III, IV and V. Information of Queen Emma, Princess Ruth, Princess Pauahi, Princess Likelike and Prince Leleiohoku was shared by the students as well.

Ka Lei Hulu O Nā Ali'i

Aloha mai Kākou,

Hele mai...e kipa mai...hele mai...e kipa mai Come and celebrate our Kamehameha 'Ohana through olt, mele, hula and mo'olelo.

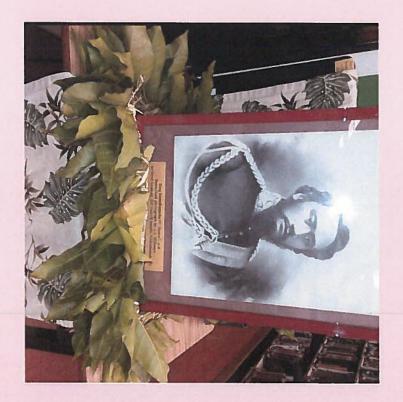
Pōʻakolu, I Nowemapa 2017 Ma ka Hale Waihona Puke o ke Kulu Ki'eki'e 'o Moloka'i

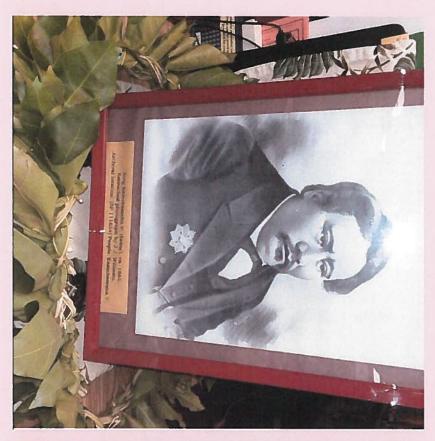
Ka-hota: 10,00am - 12 noau

O Hum I ka Malama, Ke Kuta Waena

Moloka'i High School Hawaiian Language/History Class



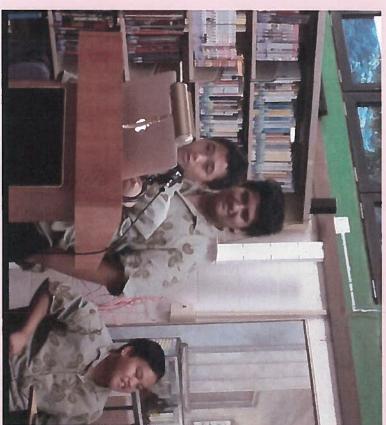








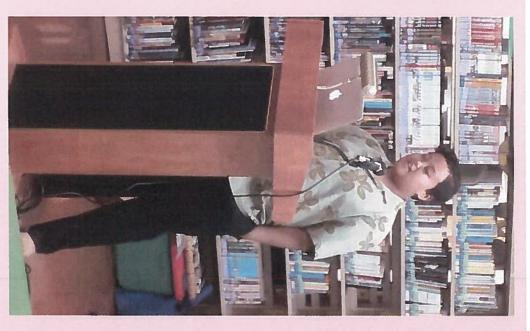


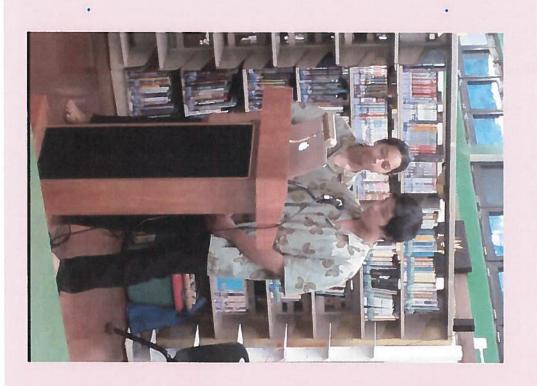






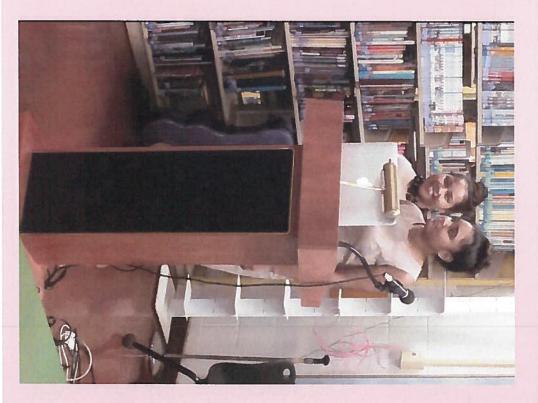


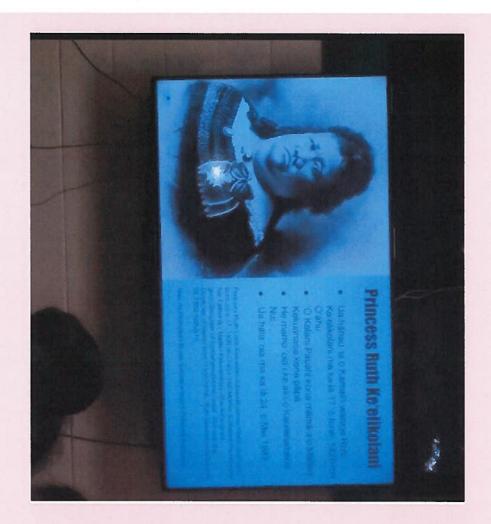


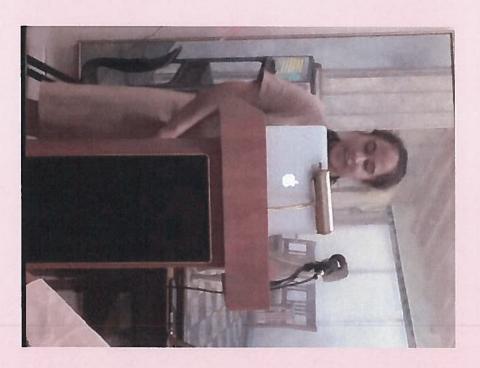


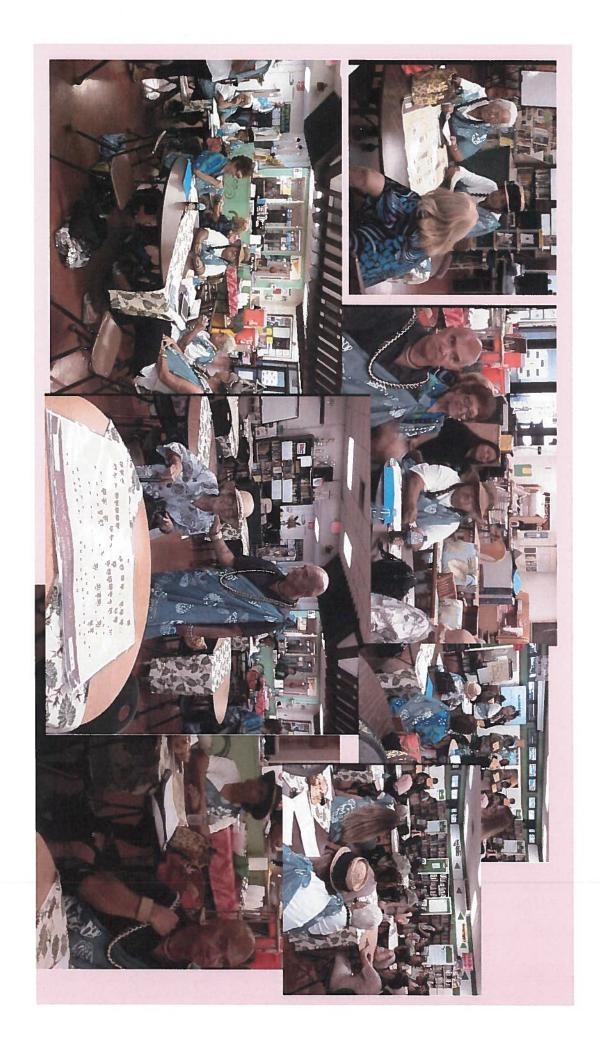














Mahalo nō ko 'oukou kōkua 'ana mai e pili ana i ka hui pu 'ana maika'i loa me nā kūpuna mai ALU LIKE.



Mission Statement

The mission of MA'ANA is to facilitate the restoration of the aina and the health of the people of ko pae aina, by proactively providing sustainable measures, education, and vital resources, while maintaining the perpetuation of ancestral ingenuity and traditions. Jump on our wa'a (canoe) MA'ANA... an ancestral value-based organization that preserves, protects, and educates the people of Hawaii so that we can support a healthy, self-sustaining model of food production.

• Maoli Aquaculture and Agriculture Native Assistance or "MA'ANA," is a nonprofit organization founded to help the indigenous people of Hawai'i continue the
aquaculture and agricultural traditions of their ancestors. It was created to educate
and to inform people about the importance of resurrecting the fish ponds (loko i'a)
and taro patches (lo'i) that our ancestors built by hand to feed their communities
for over 2000 years. The Hawaiian people lived in unity and cared for one another
under the principle of Ohana (family). Ohana was comprised of all community
members, regardless of blood relation, and all of the Hawaiian communities
worked together to accomplish mutual goals. There was emphasis placed on
managing their resources, so that future generations would not face scarcity. The
Hawaiian society thrived until Western contact destroyed what was then a
harmonious balance of resources: land, fresh water streams, and ocean.



Mission Statement

- Westerners who settled in Hawaii brought with them cattle and other invasive species of plants and animals, without realizing the destruction these species would cause to the lands, rivers, and ocean by destroying the native species in Hawaii's delicate ecosystem. These plants and animals, along with Western unsustainable farming practices, were responsible for devastating Hawaii's fragile ecosystem by destroying native forests and taro patches, which made the land unworkable. Additionally, the ancient Hawaiian knowledge of how to properly manage the ecosystem (Ahapua'a) is quickly being lost.
- MA'ANA is looking to do a massive restoration based on the Polynesian model of stewardship. MA'ANA is looking for partnership or support from other nonprofit organizations and individuals with the same objective of doing land and sea restoration. On land, MA'ANA plans to clear invasive species and to replant or reforest with native plants and trees. This will also require protecting new plantings from destructive deer, pigs, and goats. In the ocean, MA'ANA seeks to rebuild the fishponds and to repopulate the waters with native fish, seaweeds, and corals. MA'ANA is also looking to introduce, in a control manner, bivalves and crustaceans for diversified aquaculture. We are also looking to remove mangrove



Mission Statement

trees, which are a critically invasive plant found both on land and in the fresh and saltwater coastal zones. MA'ANA is already working with hand tools to remove mangroves in and around the Ualapu'e fishpond on Molokai. MA'ANA will always be looking for better ways to help and to support our local communities by providing assistance in facilitating the needs of the local farmers of both the land and the sea.

Projects

Mangroves and other non-native species of plants are causing great devastation to the aina (land) of Hawaii. Funds donated to MA'ANA will initially be spent on equipment and labor stipends to target the removal of the mangroves that have overtaken fishpond walls and that have filled in abandoned taro patches. Again, MA'ANA is looking to build partnerships with other organizations, with the hopes of removing ALL mangroves from the island of Molokai. Research and experimentation also play important roles in MA'ANA's future: MA'ANA wants to try different methods of building the loko I'a walls. Experimenting with new construction techniques, coupled with the ingenuity of our ancestors, we hope to ensure that the new fishpond walls will stand strong against the forces of nature for generations to come. We ask for your support, in helping us with this ambitious undertaking, so that



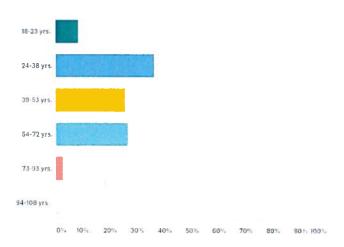
Mission Statement

we can work together to revitalize our island's aina and its resources. Join us while we work diligently and cooperatively in the hopes of creating a better environment and a better future for our children and our children's children.

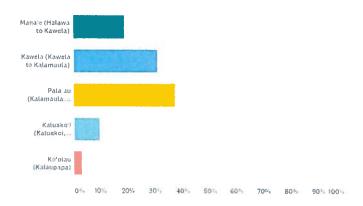
"Unity is strength... when there is teamwork and collaboration, wonderful things can be achieved." — Mattie Stepanak



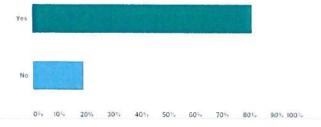
Q1 Please indicate your age range



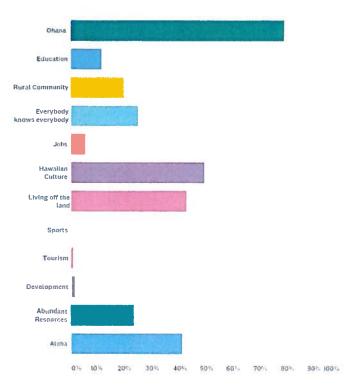
Q2 What Moku do you reside in?



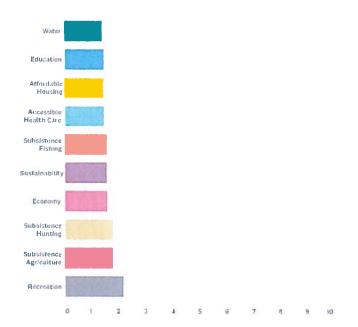
Q3 Are you Native Hawaiian?



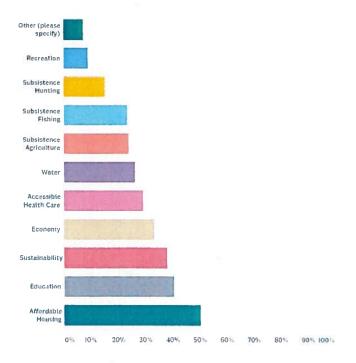
Q4 What top three values do you think make and keep Molokai, Molokai?



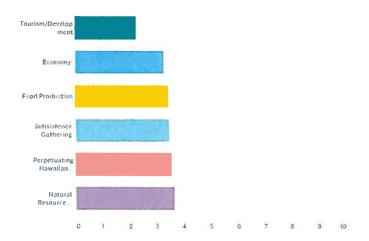
Q5 Please indicate how concerned you are about the following issues on Molokai:



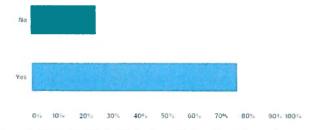
Q6 Please select THREE priority areas you would like to see changed in the community



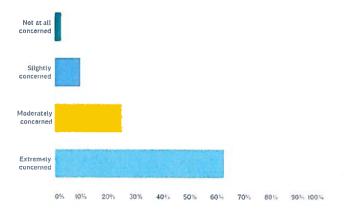
Q7 How important do you think the following needs are to the Molokai community?



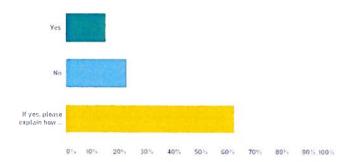
Q8 Do you know that 1/3 of Molokai is for sale?



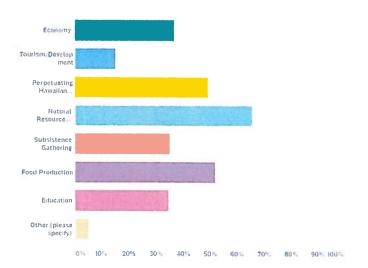
Q9 How concerned are you about the future use of Molokai Ranch Lands by potential buyers?



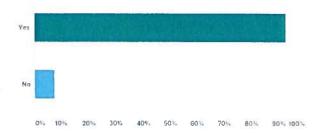
Q10 Will the future use of Molokai Ranch Lands by potential buyers affect you (indirectly/directly)?



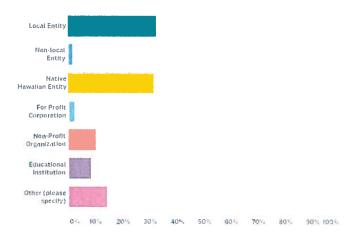
Q11 What top THREE uses do you think would best suit the lands owned by the Molokai Ranch?



Q12 Do you support the future use of Molokai Ranch lands for educational purposes?



Q13 What type of entity would you prefer to have as the future owner of Molokai Ranch lands?



Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

V. New Business

- A. Committee on Resource Management
 - 1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget

Note: The committee report for this item will be forwarded to the Board of Trustees following its approval at the RM Committee Meeting scheduled for September 26, 2018.

THE COMMITTEE ON RESOURCE MANAGEMENT

COMMITTEE REPORT

September 27, 2018

The Honorable Colette Machado, Chairperson Board of Trustees Office of Hawaiian Affairs

Madame Chair Machado,

Your Committee on Resource Management, having met on September 26, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

The Committee on Resource Management approves and recommends that the Board of Trustees approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

Relevant attachments are included for your information and reference. Attachment(s):

- 1. Action Item RM#18-09
- 2. RM Roll Call Vote Sheet (1)

Respectfully submitted:

Carnew Huly Lindsey	Per Go
Trustee Carmen Hulu Lindsey, Cha	Trustee Peter Apo, Member
	Con Stilly
Trustee Leina'ala Ahu Isa, Member	Trustee Robert Lindsey, Member
Excused	Coloury Machado
Trustee Dan Ahuna, Member	Trustee Colette Machado, Member
	White I
Excused	
Trustee Rowena Akana, Member	Trustềe John Waihe'e, IV., Member
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Trustee Keli'i Akina, Member

OFFICE OF HAWAIIAN AFFAIRS Action Item

Committee on Resource Management

September 26, 2018

RM #18-09 Action Item Issue: OHA's Preliminary FB 2020/2021 General Funds and **Community Grants Budgets** 9/21/2018 Prepared by: Date Ka Pou Kāko'o Kaiāulu, Grants Manager Reviewed by: Ka Pou Kihi Kanaloa-Wai, Chief Financial Officer Reviewed by: Miles Nishijima Ka Pou Nui, Interim Chief Operating Officer Reviewed by: Kamana opono M Crabbe, Ph.D., Ka Pouhana, Chief Executive Officer Cormen) Juien Reviewed by: Carmen Hulu Lindsey Date Luna Ho'omalu Kōmike RM, RM Chairperson

I. Proposed Action

The Committee on Resource Management approves and recommends that the Board of Trustees approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

II. Issue

Whether or not the Board of Trustees should approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

III. Background

The State Legislature determines General Fund appropriations during each Biennium. As part of its annual budget, the Office of Hawaiian Affairs (OHA) receives general funds from the State of Hawai'i, which is appropriated through the State Legislature. Since 1981, OHA has received state general funds for a portion of its personnel and operating cost, and to provide services to beneficiaries in the three major areas of multi-services assistance, legal assistance, and educational enrichment.

OHA's Sources of Funding

An appropriation is an authorization granted by the OHA Board of Trustees (BOT) or Hawai'i State Legislature permitting the agency, within established fiscal and budgetary controls, to incur obligations and to make expenditures for specific purposes. An appropriation is usually limited in its amount and the period of time during which it can be expended. The sources of funding available for spending through OHA's Core Operating Budget include the following appropriations detailed in **Table 1** below:

Table 1: Sources of Funding

Туре	Description	Appropriation Number
	General Fund appropriations drawn from the State of Hawai'i	100
	Public Land Trust Revenues (PLT) received annually from various State Agencies conducting business on PLT lands	901
Core	Matching Fund appropriations by the State of Hawai'i but drawn on the Native Hawaiian Trust Fund (NHTF)	910
Operating Budget	A portion of the NHTF which includes revenues received primarily from past-due settlements dividend and interest earnings received thereon, plus ten (10) percent of gross revenues generated from OHA-owned Kaka'ako Makai parcels allocated for grants, and 30% of net revenue allocated for OHA's Legacy Property Management (which will terminate at the end of FY 2019).	930

A summary of general fund appropriation levels from FY 09 through FY 19 is presented in **Table 2** below:

Table 2: General Fund Appropriation Levels from FY 09 through FY 19

Summary	FY 09	FY 10 / FY 11	FY 12 / FY 13	FY 14	FY 15	FY 16 / FY 17	FY 18 / FY 19
General Fund Appropriation Level	3,087,075	2,469,659	2,370,872	3,141,574	2.741.574	2,991,004	3,037,879
Difference from Previous Year	33,967	(617,416)	(98,787)	770,702	(400,000)	249,430	46,875
Increase/(Decrease) % from Previous Year	1%	(20%)	(4)%	33%	(13)%	9%	2%

IV. Discussion

The OHA Biennium budget is prepared every two years, for the ensuing two years. Historically, the entire operating budget including general funds, trust funds, federal funds, special funds and other funds was presented to the BOT for review and approval during the months immediately preceding the opening of the Biennium legislative session. This Action Item includes discussion and seeks BOT approval relating to (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's Fiscal Biennium budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for FY 2019-2020 and FY 2020-2021 biennium to accommodate a grant solicitation release date in September 2018.

The proposed general funds and preliminary community grants program budget requests for the FY 2019-2020 and FY 2020-2021 biennium, covers the periods from July 1, 2019 through June 30, 2020 and July 1, 2020 through June 30, 2021; hereinafter referred to as FY 2020 and FY 2021, respectively.

OHA's Use of General Funds

The primary purpose of OHA's general funds received from the State of Hawai'i is to provide support and assistance to Hawaiians in the areas of:

- 1. Social services to OHA beneficiaries to: include information and referral services, case management and counseling, establishment of individual development accounts, financial literacy training, and financial assistance. Referral services include those relating to education assistance, employment and income security, individual and family care, health needs, housing, legal services, genealogy research, business assistance, and general information.
- 2. Legal services and legal representation to OHA beneficiaries for: the assertion and defense of quiet title actions; assistance with ahupua'a and kuleana tenant rights, including rights of access and rights to water, land title assistance, including review of title and genealogy, preservation of traditional and customary practices, protection of culturally significant places, and preservation of Native Hawaiian land trust entitlements.
- 3. Educational improvement programs for Hawaiian children in grades K through 12 to: optimize learning for Hawaiian students, develop a stronger interest in learning, connect learning and education to one's Hawaiian identity, and assist students explore possible educational, career and academic goals. In order to achieve systemic change, OHA will support services to increase the percentage of Native Hawaiian students who meet or exceed math and reading standards. The resultant outcome is to reduce the continued academic achievement gap between Native Hawaiian students and non-Hawaiians in alignment with the State of Hawai'i's education standards in math and reading.
- 4. Housing improvement programs for Native Hawaiians to increase self-sufficiency by improving their capacity to own or rent a home. The overall objective is to assist Native Hawaiians who are in transitional housing and those at-risk of homelessness, and prospective homebuyers who are paying more than the US Department of Housing and Urban Development (HUD) standard housing cost (i.e., pay no more than 30 percent of household income for rent).

Current General Funds Biennium Budget Appropriation

The current OHA Budget Bill, Act 131, SLH 2017, whose authority allotted a total of \$3,037,879 for FY 2018 and \$3,037,879 for FY 2019 included per fiscal year appropriations for (a) \$296,874 for use in OHA's operations, (b) \$1,067,175 for personnel, and (c) \$1,673,830 allocated specifically for four (4) of the six (6) focus areas provided above and detailed in **Table 3** below:

Table 3: FB 2018/2019 General Fund Spending Requirements per Act 131, SLH 2017

		FY 2018		FY 2019		
OHA Program ID	General Funds	Trust Fund Match	Total Requirement	General Funds	Trust Fund Match	Total Requirement
150 – Office of the Trustees	\$58,323	\$275,687	\$334,010	\$58,323	\$275,687	\$334,010
Personnel Budget	58,323	275,687	334,010	58,323	275,687	334,010
Operating Budget	-	_			_	-
160 – Administration	\$1,124,042	\$2,861,727	\$3,985,769	\$1,124,042	\$2,861,727	\$3,985,769
Personnel Budget	827,168	2,564,853	3,392,021	827,168	2,564,853	3,392,021
Operating Budget [1]	296,874	296,874	593,748	296,874	296,874	593,748
175 – Beneficiary Advocacy	\$1,855,514	\$3,292,290	\$5,147,804	\$1,855,514	\$3,292,290	\$5,147,804
Personnel Budget	181,684	1,118,463	1,300,147	181,684	1,118,463	1,300,147
Operating Budget [2]	1,673,830	2,173,827	3,847,657	1,673,830	2,173,827	3,847,657
Totals:	\$3,037,879	\$6,429,704	\$9,467,583	\$3,037,879	\$6,429,704	\$9,467,583
Details						
[1] Operations	\$296,874	\$296,874	\$593,748	\$296,874	\$296,874	\$593,748
[2] Leg. Provisos	\$1,673,830	\$2,173,827	\$3,847,657	\$1,673,830	\$2,173,827	\$3,847,657
Social	415,000	415,000	830,000	415,000	415,000	830,000
Legal	524,400	524,400	1,048,800	524,400	524,400	1,048,800
Education	615,000	1,115,000	1,730,000	615,000	1,115,000	1,730,000
Health		-		<u>-</u>	-	-
Housing	-	-	-			_
Income	119,430	119,430	238,860	119,430	119,430	238,860

OHA's General Funds Biennium Budget Request for FB 2020/2021

The Office of Hawaiian Affairs has a broad purpose of fulfilling its vision and mission while creating systemic changes through the implementation of its 2010-2018 Strategic Plan. While the new Strategic Plan is being developed and during this transition period, the Office of Hawaiian Affairs may pilot new strategic results as the foundation for FB 2020/2021 funding period. It is with this *kuleana* in mind that Administration believes it necessary to request BOT consideration and approval to proceed with a general funds request to the State Legislature for the FB 2020/2021 of \$3,980,579 per fiscal year as detailed in **Table 4** below:

Table 4: Biennium Budget by Purpose to the State Legislature for the FB 2020/2021

Table 4. Dien		FY 2020			FY 2021		
Purpose	General Funds	Trust Fund Match	Total Requirement	General Funds	Trust Fund Match	Total Requirement	
Social Services	\$415,000	\$415,000	\$830,000	\$415,000	\$415,000	\$830,000	
Legal	524,400	524,400	1,048,800	524,400	524,400	1,048,800	
Education	615,000	615,000	1,230,000	615,000	615,000	1,230,000	
Housing	500,000	500,000	1,000,000	500,000	500,000	1,000,000	
Personnel	1,629,305	3,959,003	5,588,308	1,629,305	3,959,003	5,588,308	
Operations	296,874	296,874	593,748	296,874	296,874	593,748	
Totals:	\$3,980,579	\$6,310,277	\$10,290,856	\$3,980,579	\$6,310,277	\$10,290,856	

A comparison between the appropriations/requests for the current FB 2018/2019 and the upcoming FB 2020/2021 are detailed in **Table 5** below:

Table 5: Change in General Funds Biennium Budget by Purpose to the State Legislature between the FB 2018/2019 (per year) versus the FB 2020/2021(per year)

	FB 2018/2019 (per year)		FB 2020/20	21 (per year)	Adjustments (per year)		
Purpose	General Funds	Trust Fund Match	General Funds	Trust Fund Match	General Funds	Trust Fund Match	
Social Services	\$415,000	\$415,000	\$415,000	\$415,000	\$0	\$0	
Legal	524,400	524,400	524,400	524,400	0	0	
Education	615,000	1,115,000	615,000	615,000	0	(500,000)	
Housing	0	0	500,000	500,000	500,000	500,000	
Personnel	1,067,175	3,959,003	1,629,305	3,959,003	562,130	0	
Income	119,430	119,430	0	. 0	(119,430)	(119,430)	
Operations	296,874	296,874	296,874	296,874	0	0	
Totals:	\$3,037,879	\$ 6,429,707	\$ 3,980,579	\$ 6,310,277	\$ 942,700	(\$119,430)	

In summary, for OHA's FB 2020/2021 State General Funds request, OHA will be submitting a Budget Bill for State General Funds (GF) support including the following changes:

- o GRANTS: Increase request for Housing. An increase of \$500,000 per fiscal year for FY 2020 and 2021, totaling \$1,000,000 for the biennium is requested.
- PERSONNEL: Increase overall request for Personnel due to a projected 9.54% increase in the state fringe rate as experienced over the past biennium. An increase of \$562,130 per fiscal year for FY 2020 and 2021, totaling \$1,124,260 for the biennium is requested.

OHA's FB 2018/2019 Community Grants Program

The Community Grants Program (CGP) provides OHA the opportunity to create and implement performance-driven, culturally based services. The proposed timeline for its FY 2020 - FY 2021 Biennium CGP is detailed in **Table 6** below:

Table 6: Proposed FB 2020/2021 Community Grants Program Timeline

Activity	Date
Public Announcement and Issue Solicitation	November 5, 2018
On-line Application Available	November 5, 2018
Orientation Sessions	November 12-December 14, 2018
On-line Application Submission deadline	December 21, 2018
Evaluate Proposals	January – February 2019
CEO Recommendation and Approval	February-March 2019
Draft Action Item to RM Committee	March 2019
RM Committee & BOT Approvals	March 2019
Notice of Findings & Decision	April-May 2019
Negotiate and Process Contract	May – June 2019
Execute FB 2018/2019 Grant Contracts	July-August, 2019

The CGP will continue to identify and initiate improvements that increase the accessibility and performance of community grants. For FB 2020/2021, the use of external Grant Reviewers will be continued. During the last CGP granting cycle, OHA implemented a grants review process wherein OHA recruited experienced professionals with subject matter expertise and qualifications to serve as Grant Reviewers. The CGP will also revise its policies and procedures to ensure that community grants are accessible to prospective grantees and are effectively monitored to ensure performance and results criteria are met.

Although OHA's Total Operating Budgets for the FY 2020– FY 2021 Biennium will not commence development until January 2019, it is important for OHA to (A) begin solicitation for its FB 2020-2021 CGP by November 2018 and (B) prepare its case for its upcoming FB 2020-2021 General Funds Budget Bill. As described in **Table 6** above, the final biennium budget for OHA's FB 2020-2021 CGP, along with award recommendations, is expected to be presented to OHA's BOT for final discussion and approval no later than March 2019. Your review and consideration for this Action Item is an initial step in that process.

Therefore, Administration hereby recommends consideration to allocate to OHA's FB 2020-2021 CGP an initial set-aside of \$3,700,000 annually as presented in Table 7 below:

Table 7: Preliminary FB 2020/2021 Community Grants Budget*

Strategic Priorities:	FY 2020 Funding	FY 2021 Funding	FB 2020/2021 Total Requested	FB 2018/2019 Total Approved	Difference
20-01 Housing	\$1,000,000	\$1,000,000	\$2,000,000	\$1,000,000	\$1,000,000
20-02 Income	500,000	500,000	1,000,000	1,000,000	0
20-03 Health	500,000	500,000	1,000,000	1,000,000	0
20-04 Education	500,000	500,000	1,000,000	1,000,000	0
20-05 Culture	500,000	500,000	1,000,000	1,000,000	0
20-06 Land	500,000	500,000	1,000,000	1,000,000	0
20-07 'Ahahui	200,000	200,000	400,000	400,000	0
Totals:	\$3,700,000	\$3,700,000	\$7,400,000	\$6,400,000	\$1,000,000

*Note: Administration requests that the above funding level be the maximum level allowable based upon the limitations of OHA's current funding sources. Any solicitation issued by OHA will disclose, "...final awards for the FY 2020-FY 2021 Biennium are subject to the availability of funds." The Budget does not include Charter School Education funds because such funds are not categorized as Community Grants.

For the strategic priorities noted in Table 7 above, the proposed OHA Community Grants budget increases funding levels in FB 2020/2021 by \$1,000,000 over FB 2018/2019 approved funding levels (via BOT #17-07 approved on June 8, 2017). The need and type of project applications received for FB 2020/2021 as well as the determination of priority areas will influence the final allocation of funding.

Recommended Action

The Committee on Resource Management approves and recommends that the Board of Trustees approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

V. Alternative Actions

- 1. Approve the recommended action.
- 2. Amend the recommended action.
- 3. Do not approve the recommended action.

Office of Hawaiian Affairs 560 N Nimitz Hwy. Ste. 200 Honolulu, HI 96817

Roll Call Vote Sheet - ACTION ITEM

Committee on Resource Management	DATE: September 26, 2018 Motion: Vote:

AGENDA ITEM: IV. New Business

A. RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget

Motion:

I. Proposed Action

The Committee on Resource Management approves and recommends that the Board of Trustees approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

AMENDMENT:

MEANS OF FINANCING:

TRU	STEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA			X		,	
DAN	AHUNA						X
ROWENA	AKANA						X
KELI'I	AKINA			Х			
PETER	APO			Х			
ROBERT	LINDSEY			Х			
COLETTE	MACHADO		Х	Х			
JOHN	WAIHE'E	Х		Х			
CHAIR HULU	LINDSEY			X			
TOTA	L VOTE COUNT			7			

MOTION: [] UN	ANIMOUS [X] PAS	SED [] DEFERRE	D [] FAILED
	• •	• •	• •

Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

V. New Business

- A. Committee on Resource Management
 - 2. Action Item RM #18-12: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.

Note: The committee reports for this item will be forwarded to the Board of Trustees following its approval at the RM Committee Meeting scheduled for September 26, 2018.

Office of Hawaiian Affairs

THE COMMITTEE ON RESOURCE MANAGEMENT

COMMITTEE REPORT

Sept 27, 2018

The Honorable Colette Machado, Chairperson Board of Trustees Office of Hawaiian Affairs

Madame Chair Machado,

Your Committee on Resource Management, having met on September 26, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

To update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual ("Policy Manual") and Board of Trustees Operations Manual ("Operations Manual") as described in Attachments "A" and "B" excluding the amendments on Fiscal Transparency 3.4.k. through 3.4.l. in Attachment "A" and "C".

Relevant attachments are included for your information and reference. Attachment(s):

- 1. Action Item RM#18-12
- 2. RM Roll Call Vote Sheet (1)

Respectfully submitted: Trustee Peter Apo, Member <u>Did Not Concur</u> Trustee Robert Lindsey, Member Trustee Leina'ala Ahu Isa, Member Excused Trustee Dan Ahuna, Member Excused Trustee Rowena Akana, Member

Trustee Keli'i Akina, Member

Trustee John Waihe'e, IV., Member

OFFICE OF HAWAIIAN AFFAIRS

Action Item

Committee on Resource Management

September 26, 2018

RM # 18-12

Action Item Issue: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, format and reporting requirements.

Prepared by:

Trustee Carmen Hulu Lindsey
Chair, Committee on Resource Management

Date

Reviewed by:

Trustee Keli'i Akina

9/20/2018

Date

I. PROPOSED ACTION

To update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual ("Policy Manual") and Board of Trustees Operations Manual ("Operations Manual") as described in Attachments "A" and "B".

II. ISSUE

Whether or not the Board of Trustees should update the budget preparation, format and reporting requirements by approving amendments to the Policy Manual and Operations Manual as described in Attachments "A" and "B".

III. DISCUSSION

Background

1. In 2002, the Board of Trustees implemented a Performance & Program Budgeting (PPB) approach, requiring that all OHA expenditures be linked to OHA's Strategic Plan, and program evaluation be linked to the budgeting process, beginning in FY 2003. The policy established

formal budget preparation instructions for Administration, and required that expenditures be presented and grouped by program as well as by expenditure categories. In addition, the budget preparation instructions required that each program be linked to a strategic plan goal, and required disclosure of program performance measures as part of the budget document.

- 2. The adoption of the FY 2010-2018 Strategic Plan resulted in a reorganization of OHA and the subsequent amendment of Executive and Board of Trustees policies. In 2010, the Board of Trustees approved ARM #10-06, which removed the requirement for Administration to present OHA's budget pursuant to the "established formal budget preparation instructions" established in 2002. The amended policy required OHA's budget to address "in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan priorities and results and to adequately meet the financial requirements of OHA's programs and operations." The lack of specificity as to what information would constitute "sufficient detail" has created ambiguity and contributed to reduced levels of financial transparency and accountability at OHA.
- 3. Executive Policy Manual Section 3.5.b states that "State of Hawaii laws, regulations and rules" apply to the preparation of OHA's budget. Since there are no specific references to the Hawaii Revised Statutes, one could argue that all required disclosures of the State of Hawaii Executive Budget Act also apply to OHA. This interpretation may not be consistent with the intent of the Board of Trustees.
- 4. Both OHA's budget policy and the State of Hawaii Executive Budget Act require the implementation of a Performance & Program Budgeting (PPB) system. In practice however, OHA's budgets have not been implemented in a manner consistent with the principles of a PPB system since FY 2010. The following shortfalls can be identified for budgets implemented as part of the 2010-2018 Strategic Plan:
 - There is no direct link between the Strategic Plan goals and the budgeting process.
 - Budget action items do not group expenditures by programs and Lines of Business, which prevents the Board of Trustees from understanding and evaluating the full costs of programs and services offered to beneficiaries.
 - Despite the current policy requirements, program plan and performance updates have not been provided on a consistent and comprehensive basis. For example, various variance and budget adjustments reports for FY 2014 and 2015 were provided to the Board of Trustees more than 3 years after the required reporting deadlines, on May 23, 2018.

¹ ARM #10-06 amended Executive Policy Manual Section 3.5.d by removing the requirement to follow "established formal budget preparation instructions" with the language that the "Biennium Budget shall address, in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan." (See Executive Policy Manual, page 21)

² Executive Policy Manual Section 3.5.d

- 5. Inconsistent and untimely reporting on program plans and performance prevents the Board of Trustees from considering the past performance of programs in their assessment of whether a budget item should be increased or decreased. This is problematic, because it prevents the Board of Trustees from effectively prioritizing spending across various competing beneficiary needs, which is an essential Board function and fiduciary responsibility. Inconsistent and untimely reporting on program performance also significantly impedes upon accountability and transparency.
- 6. This action item builds upon the Performance & Program Budgeting (PPB) approach adopted by the Board of Trustees in 2002, by addressing the current budgeting and reporting shortfalls before the new Strategic Plan is adopted. This action item defines a specific set of requirements for (i) budget preparation, (ii) financial planning, (iii) budget implementation and (iv) budget evaluation processes. In addition, this action item also attempts to address specific recommendations made by the State Auditor. This action item proposes the following substantive amendments to existing policies as described in the Policy Manual and Operations Manual:
 - Requires Administration to submit a Multi-Year Financial Plan that is consistent with the duration of the Strategic Plan in conjunction with the Biennium Budget.
 - Requires Administration to allocate and display proposed expenditures by programs, cost categories and Lines of Business.
 - Requires that capital investment costs, debt service, and operating costs be properly distinguished.
 - Requires Administration to disclose program objectives, proposed program activities, and actual as well as projected program performance measures in the Biennium Budget and Multi-Year Financial Plan.
 - Requires Administration to submit a Variance Report that discloses deviations between planned and actual expenditures as well as between planned and actual performance measures to the Board of Trustees in an agendized meeting no later than 120 days after the conclusion of a fiscal year.
 - Requires Administration to develop a Transparency Portal that contains public disclosures of digital data sets of the Biennium Budget, Multi-Year Financial Plan, Variance Report, grant register, investment holdings, and check registers.
 - Requires the Board of Trustees approval over all grant funding awards by removing Administration's authority to approve grant request up to \$25,000.
 - Reduces the frequency and volume of reporting for Administration, while enhancing the value and utility of reporting to the Board of Trustees.

Proposed Amendments

7. Attachments "A" and "B" provide a list of all proposed amendments to the Executive Policy Manual and Board of Trustees Operations Manual. Attachments "A" and "B" propose to move all amendments into Series 3040 of the Executive Policy Manual, which is currently

reserved for future policies. The consolidation of all Executive Policy Manual amendments into this section provides better clarity. Attachment C provides the full text for the proposed Executive Policy Manual Series 3040: Planning, Programming, Budgeting (PPB).

The following provides a summary of the proposed amendments:

Executive Policy Manual (Attachment A):

- 1. Deletes Section 3.2.b., which requires the CEO to submit quarterly program and operation plan reports to the Board of Trustees. Proposed amendments xi, xii and vi require the submission of specific program and performance reports as part of the Biennium Budget and annual Variance Reports, which makes this section redundant.
- 2. Deletes part of Section 3.1.g., which requires the CEO to create an annual schedule to report on program and operational plan implementation. The proposed amendments xi, xii and vi require the submission of specific program and performance reports as part of the Biennium Budget and annual Variance Reports, which makes this section redundant.
- 3. Moves Section 3.5.d. to 3.4.b. and adds language to define governing principles for the preparation of the Biennium Budget.
- 4. Moves Section 3.5.e. to 3.4.g.
- 5. Moves Section 3.5.f. and 3.5.f.1. to 3.4.h. and 3.4.i. and changes the budget adjustment authority to the lesser of \$100,000 or 5% from expenditure categories to programs to provide consistency with the reporting requirements of the PPBS. Also changes the quarterly reporting requirement to an annual reporting requirement to reduce the volume of administrative reporting.
- 6. Moves Section 3.5.h. to 3.4.j. and adds specific language to define the presentation requirements of the Variance Report. Also requires that the Variance Report to be submitted to the Board of Trustees no later than 120 days after the closing of each fiscal year.
- 7. Deletes Section 2.2.d. to implement the State Auditor's recommendation 1.e.
- 8. Adds language to provide specific definitions for terms used in other sections.
- 9. Adds language to define the responsibilities of Administration and the Board of Trustees with respect to the preparation of the Biennium Budget.
- 10. Adds language to require that the Biennium Budget be submitted to the Board of Trustees no later than 7 calendar days before formal consideration to ensure that Trustees have enough time to review the budget. Also defines general requirements for budget presentation.
- 11. Adds language to define specific requirements for the presentation of the Biennium Budget.
- 12. Adds language to define the specific requirements for the presentation of a Multi-Year Financial Plan in conjunction with the Biennium Budget.
- 13. Adds language to implement State Auditor's recommendation 1.d.

Board of Trustees Operations Manual (Attachment B):

- 14. Deletes Section 36.a., which requires Administration to submit monthly budget variance reports to the Board of Trustees. Proposed amendment vi requires the submission of an annual Variance Report, which makes this requirement redundant.
- 15. Deletes Section 35.10., which requires that the budget be presented in two parts (Personnel and Operations). Proposed amendments xi and xii already provide specific requirements for the presentation of the Biennium Budget, which are inconsistent with this requirement.
- 16. Deletes Section 27.b. to provide consistency with proposed Executive Policy Manual amendment vii.
- 17. Adds language to Section 35.c. to provide consistency with proposed Executive Policy Manual amendment iii.

Benefits to OHA

- 8. Adoption of the proposed amendments will provide the following benefits to OHA:
 - Reconciliation of current budget policies with Government Finance Officer Association (GFOA) best practices for fiscal management. (Appendix 1)
 - Reconciliation of current budget policies with specific provisions of the State of Hawaii Executive Budget Act. (Appendix 2)
 - Provides for alignment with OHA's current fiscal sustainability efforts by requiring longterm projections of revenues and expenditures.
 - Implements the State Auditor's recommendations 1.d., 1.e. and 1.f., to (i) provide greater transparency into OHA's administration of trust assets, (ii) require board approval of all grants, and (iii) develop a master list of all grant and sponsorship awards.
 - Provides a more sophisticated financial planning framework to better address the future long-term financing and capital investment needs of OHA's commercial real estate portfolio.
 - Reduces the frequency and volume of administrative reporting, while enhancing the timeliness, utility and value of reporting on program activities and performance.
 - Provides a link between strategic planning activities and the biennium budget.
 - Assists the Board of Trustees with complete, consistent and timely information on the objectives, activities, and past and future performance of programs.
 - Allows the Board of Trustees to gain a better understanding of the effectiveness and efficiency of programs.
 - Assists the Board of Trustees and Administration to better communicate and justify funding decisions to beneficiaries and stakeholders.
 - Promotes accountability and transparency by providing a deeper understanding of OHA's programs, activities, past and future performance to the Board of Trustees, beneficiaries, the legislature and the public at large.

IV. ALTERNATIVES

Decline to update the budget preparation, format and reporting requirements by refusing to approve the amendments to the Executive Policy Manual and Board of Trustees Operations Manual as described in Attachments "A" and "B".

V. RECOMMENDED ACTION

To update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual and Board of Trustees Operations Manual as described in Attachments "A" and "B".

VI. TIMEFRAME

The following steps must be taken to effectively implement the additional budget preparation, format, and reporting requirements as described in Attachments "A" and "B":

- Review the current program structure for alignment with the new strategic priorities and present any required amendments to the current program structure to the Board of Trustees for approval.
- Develop templates for the Biennium Budget, Multi-Year Financial Plan, Budget Adjustment Report, and Variance Report.
- Define objectives, program size indicators, and measurements of effectiveness for each respective program.
- Make necessary updates to the accounting system.

To provide enough time for Administration to conduct these steps, the effective date for this action item is deferred until submission of the FY 2022-23 Biennium Budget.

VII. ATTACHMENTS

- A. Proposed Amendments to Executive Policy Manual
- B. Proposed Amendments to Board of Trustees Operations Manual
- C. Executive Policy Manual Series 3040: Program, Planning, Budgeting (PPB)
- D. Budget Policy Flowchart

VIII. APPENDIX

- 1. Reconciliation with Government Finance Officers Association (GFOA) Best Practices
- 2. Reconciliation with State of Hawaii Executive Budget Act
- 3. Action Item PP-17, Committee on Policy and Planning (May 21st, 2002)

4. Action Item, Performance & Program Budgeting, Joint Committee on Policy & Planning and Budget & Finance (March 7th, 2002)

OFFICE OF HAWAIIAN AFFAIRS

Action Item

Committee on Resource Management

September 26, 2018

RM # 18-12

ATTACHMENT A

Proposed Amendments to Executive Policy Manual

ATTACHMENT A: Proposed Amendments to Executive Policy Manual

The changes to the policies are displayed as follows:

- New text that has been added is indicated in <u>red underlined</u>.
- Text that has been deleted is indicated in strikethrough.

#	Current: Executive Policy Manual	Revised: Executive Policy Manual
****	3.2.b. The BOT shall review all program and operational plan reports submitted quarterly by LOB Directors through the CEO at least twice annually in order to assess progress in implementing the Strategic Plan and the need for additional policies.	3.2.b. The BOT shall review all program and operational plan-reports submitted quarterly by LOB Directors through the CEO at least twice annually in order to assess progress in implementing the Strategic Plan and the need for additional policies.
11	3.1.g. Line of Business Directors shall provide reports on the progress of implementation of business plans to the Executive Office periodically, but no less often than on a quarterly basis. Executive Office shall report on program and operational plan implementation to the BOT on the basis of an annual schedule by the Executive Offices.	3.1.g. Line of Business Directors shall provide reports on the progress of implementation of business plans to the Executive Office periodically, but no less often than on a quarterly basis. Executive Office shall report on program and operational plan implementation to the BOT on the basis of an annual schedule by the Executive Offices.
111	3.5.d. The proposed comprehensive Biennium Budget shall address, in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan priorities and results and to adequately meet the financial requirements of OHA's programs and operations.	3.5.d. 3.4.b. The proposed comprehensive Biennium Budget shall address, in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan priorities and results, and to adequately meet the financial requirements of OHA's programs and operations. The preparation of the Biennium Budget shall be governed by the following general principles: i. Planning, programming, budgeting, evaluation, appraisal and reporting shall be by programs; ii. A program which serves two or more objectives shall be placed in the program structure along with that objective which it primarily serves; iii. Both operating and capital investment costs shall be identified for all programs regardless of the means of financing: iv. The full cost of each program shall be identified; v. Costs shall be displayed in the year of their anticipated expenditure;

Committee on Resource Management

RM#18-12

September 26, 2018

Page 1

#	Current: Executive Policy Manual	Revised: Executive Policy Manual
iv	3.5.e. As the biennium budget is prepared and authorized	vi. Objectives shall be stated for each respective program; vii. The effectiveness of programs in attaining objectives shall be assessed; viii. Planning shall have a long-range view that is consistent with the duration of the strategic plan; and ix. Systematic analysis in terms of problems, objectives, alternatives, costs, effectiveness, benefits, risks and uncertainties shall constitute the core of program planning. 3.5.e. 3.4.g. As the bBiennium bBudget is prepared and authorized only once every two
4V	only once every two years, in accordance with the State's biennium, it may be necessary to update and make adjustments to the budget for various changes that may have occurred since the budget was passed. Significant changes to the budget are made through budget realignments. A budget realignment is generally a reforecasting of the total budget. Budget realignments are prepared by the CEO through the CFO and presented to the BOT for approval.	years, in accordance with the State's biennium, it may be necessary to update and make adjustments to the budget for various changes that may have occurred since the budget was passed. Significant changes to the budget are made through budget realignments. A budget realignment is generally a reforecasting of the total budget. Budget realignments are prepared by the CEO through the CFO and presented to the BOT for approval.
V	3.5.f. Changes to the budget that are not comprehensive enough to require realignment are to be handled through budget adjustments. Management is delegated the authority to approve budget adjustments that fall within the lesser of \$100,000 or 5% of each expenditure category. Expenditure categories are defined as the Personnel, Program, Contracts, Grants, 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 are prohibited. Any adjustments that exceed management's authorities must be approved by the BOT and shall be presented to the BOT in Action Item format.	3.4.h. Changes to the bBiennium bBudget that are not comprehensive enough to require realignment are to be handled through budget adjustments. Administration is delegated the authority to approve budget adjustments that fall within the lesser of \$100,000 or 5% between each program. Budget adjustments in and out of grant and sponsorships appropriations are prohibited. 3.4.i. An annual report of budget adjustments made pursuant to section 3.5.f. shall be submitted to the Board of Trustees no later than 60 days after the closing of each fiscal year. The Budget Adjustment Report shall identify the program from which funds were transferred, the total amount of funds transferred, the program that received the transferred funds, the total adjustments made for the fiscal year, and a justification that briefly explains the necessity of the adjustments.

#	Current: Executive Policy Manual	Revised: Executive Policy Manual
	3.5.f.1 A quarterly report of budget adjustments made pursuant to section 3.5.f shall be submitted to the BOT. The report shall identify the expenditure category from which the funds were transferred, the total amount of funds transferred, the expenditure category that received the transferred funds, the total adjustments made for each quarter, and a justification that briefly explains the necessity of the adjustments.	
vi	3.5.h. OHA shall establish a budgetary monitoring process which ensures intra-office and program fiscal accountability.	3.5.h. 3.4.j. OHA shall establish a budgetary monitoring process which ensures intraoffice and program fiscal accountability. No later than 120 days after the closing of a fiscal year, the Administration shall submit to the Board of Trustees in an agendized meeting a Variance Report on program performance for the last completed fiscal year. In format, the Variance Report shall follow the same format as the Biennium Budget. The Variance Report shall include:
		 i. A comparison of the budgeted expenditures and actual expenditures for the last completed fiscal year: ii. A comparison of the program size anticipated, and the size realized in the last completed fiscal year; iii. A comparison of the level of effectiveness anticipated and the level attained in the last completed fiscal year; and iv. A narrative explanation summarizing the major reasons for the differences in the comparisons made for the last completed fiscal year.
vii	2.2.d. The CEO is granted authority to approve Grants Program funding up to \$25,000. Grant requests \$25,000 and over require the concurrence of a majority (5) of all members to which the BOT is entitled. The exception is for Community Based Economic Development (VBED) Grants, for which the CEO can approve grant requests up to \$50,000.	2.2.d. The CEO is granted authority to approve Grants Program funding up to \$25,000. Grant requests \$25,000 and over require the concurrence of a majority (5) of all members to which the BOT is entitled. The exception is for Community Based Economic Development (VBED) Grants, for which the CEO can approve grant requests up to \$50,000.

#	Current: Executive Policy Manual	Rev	vised: Executive Policy Manual
viii		3.4	.a. If not otherwise clear from the context, the following definitions shall apply to
			following sections:
		i. ii. iii. iv.	"Capital Investment Costs" reflect the sum of costs related to the construction of a capital improvement project beyond the research and development phase. Capital investment costs include the costs associated with the acquisition and development of land, design and construction of new facilities, and the renovations or additions to existing facilities. "Cost Categories" means the major types of operating costs, including the research and development costs associated with capital expenditures. "Debt Service" means interest and principal repayments on financing agreements. "Effectiveness Measure" means the spittering for measure in the description.
		IV.	"Effectiveness Measure" means the criterion for measuring the degree to which the objective sought is attained.
	l'	V.	"Financing Agreement" means any lease purchase agreement, installment
		100	sale agreement, loan agreement, line of credit, or any other instruments of
			indebtedness of which the full faith and credit of OHA are pledged towards the
	*		payment of the principal and interest.
		vi.	"Full Cost" means the total cost of a program and includes both operating
			and capital costs.
		vii.	"Means of Financing" means the various sources from which funds are available.
		iii.	"Objective" means a statement of the end result, product, or condition desired,
			for the accomplishment of which a course of action is to be taken.
		ix.	"Operating Costs" means the recurring costs of operating, supporting and
			maintaining programs.
		X.	"Planning" means the process by which objectives are formulated; measures
			by which effectiveness in attaining those objectives are identified; alternatives
			by which objectives may be determined are determined; the full costs,
12111			effectiveness and benefit implications of each alternative are determined; the

# !	Current: Executive Policy Manual	Revised: Executive Policy Manual
		assumptions, risks and uncertainties of the future are clarified: and cost and effectiveness and benefit tradeoffs of the alternatives are identified. xi. "Program" means a combination of resources and activities designated to achieve an objective or objectives. xii. "Program Size Indicators" means a measure to identify the magnitude of a program, such as the beneficiaries serviced by the program, the amount of a commodity, the volume of services, etc. iii. "Program Structure" means a display of programs which are grouped in accordance with the objectives to be achieved, or the functions to be performed. iv. "Programming" means the process by which long-range program and financial plans are scheduled for implementation over the timespan of the strategic plan and which specifies what programs are to be implemented, how they are to be implemented, when they are to be implemented, and what the cost of such implementation are.
ix		i. Administration shall evaluate, formulate and recommend for consideration by the Board of Trustees a proposed Biennium Budget and Multi-Year Financial Plan. ii. The Board of Trustees shall: a. Consider the proposed Biennium Budget and Multi-Year Financial Plan recommended by Administration; b. Approve new programs within OHA's program structure and appropriate funds to implement programs it deems appropriate; and c. Review the implementation of the Biennium Budget and evaluate the program management, execution, and performance.
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#	Current: Executive Policy Manual	Davined Executive Deller Manual
X	Saryetti Executive I Oiley Manuali	Revised: Executive Policy Manual 3.4.d. The Biennium Budget shall be submitted to the Board of Trustees no later than 7 calendar days before formal consideration and shall, in general, contain the following: i. OHA's program structure; ii. Statement of objectives for each respective program; iii. The financial requirements for the next two fiscal years to carry-out the recommended programs; and iv. Program size indicators and measurement of effectiveness for each respective program
xi		3.4.e. The information contained in the Biennium Budget shall be presented specifically in the following manner: i. Information shall be displayed by programs and cost categories and aggregated by Line of Business and means of financing; ii. Operating cost, capital investment costs and debt service shall be distinguished; iii. The full cost of each program shall be identified; iv. Each program budget shall, at minimum, identify the following information: a. Proposed changes in the levels of expenditures, by cost categories, between the biennium in progress and the ensuing biennium, together with a brief explanation of the major reasons for each change b. Salary adjustments to existing positions and personnel c. The addition or deletion of positions d. Measurements of the program size and program effectiveness e. Changes in the actual or planned level of program size and effectiveness f. An appendix table that lists all vacant positions displayed by program g. An appendix table that lists all current contracts displayed by contract number, description of services performed, amount, vendor and program.

#	Current: Executive Policy Manual	Revised: Executive Policy Manual
xii		3.4.f. The Biennium Budget shall be submitted in conjunction with a Multi-Year
		Financial Plan. The Multi-Year Financial Plan, in general, shall show the fiscal
		implications of the proposed Biennium Budget for the remaining fiscal years of the
		strategic plan. The Multi-Year Financial Plan shall be continually updated and
1652		maintained by Administration. Specifically, the Multi-Year Financial Plan shall
		contain, at minimum, the following:
		i. OHA's program structure:
		ii. OHA's strategic plan objectives;
		iii. A summary of outstanding debt on all financing agreements:
		iv. A summary of the actual and projected investment performance and
		valuations of OHA's financial and commercial real-estate assets:
		v. Financial summaries displaying the financial condition of OHA, each Line of
		Business, and each respective program, actual for the completed fiscal years:
		and estimated for the fiscal year in progress and each of the ensuing fiscal
	Λ	years of the strategic plan: vi. Brief statements disclosing the basis upon which the revenue and expenditure
		vi. Brief statements disclosing the basis upon which the revenue and expenditure estimates in the Multi-Year Financial Plan were made;
		vii. A brief narrative of the plans that describe the objectives and activities that
		are proposed to be implemented by each respective program over the course
		of the strategic plan; and
		viii. Measures by which the effectiveness in attaining the program objectives is to
		be assessed, including measures of the actual level of effectiveness attained in
		the last completed fiscal year, the estimated level of effectiveness attained in
No.		the fiscal year in progress, and the planned level of effectiveness planned for
		each of the ensuing fiscal years of the strategic plan.
179		
6445		

# Current: Executive Policy Manual	Revised: Executive Policy Manual
iii	Fiscal Transparency
	3.4.k. OHA shall maintain an official, searchable web portal accessible to the public that affirmatively discloses, at minimum, all appropriate financial information from
	fiscal year 2022 and beyond, as described in the following subsections.
	 i. Biennium Budgets and Multi-Year Financial Plans; ii. Variance Reports; iii. Statements of the Native Hawaiian Trust Fund Investment portfolio that display quarterly holdings and investment returns; iv. A digital and searchable data set of the annual check registers including the amount, date, vendor name, and program that is associated with the payment; and v. A digital and searchable data set of all grant, sponsorship and other funding awarded by OHA, including a listing of the names of all applicants, the
	names of all recipients, award amount, funding type, and means of financing.
	3.4.1. The aforementioned financial information shall be uploaded onto the searchable web portal no later than 120 days after the conclusion of each fiscal year beginning with fiscal year 2022.

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Committee on Resource Management

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RM # 18-12

ATTACHMENT B

Proposed Amendments to Board of Trustees Operations Manual

ATTACHMENT B: Proposed Amendments to the Board of Trustees Operations Manual

The changes to the policies are displayed as follows:

- New text that has been added is indicated in red underlined.
- Text that has been deleted is indicated in strikethrough.

#	Current: Board of Trustees Manual	Revised: Board of Trustees Manual
xiv	36.a. Monthly budget variance reports, displaying actual versus budgeted expenditures are distributed by the Administrator to all Trustees, Deputy Administrators, and Hale Directors for review and action. Corrective action and/or budget adjustments are implemented based on feedback from the Trustees and staff.	36.a. Monthly budget variance reports, displaying actual versus budgeted expenditures are distributed by the Administrator to all Trustees, Deputy Administrators, and Hale Directors for review and action. Corrective action and/or budget adjustments are implemented based on feedback from the Trustees and staff.
xv	35.10. The final budget is presented in two parts (Personnel and Operations) for ARM committee consideration.	- 35.10. The final budget is presented in two parts (Personnel and Operations) for ARM committee consideration.
xvi	27.b. The Administrator is granted authority to approve Community Grants Program requests up to \$24,999. The total requests approved by the Administrator shall not exceed a maximum of twenty (20%) of the total yearly grant allocation in the TOB. Grant requests over \$24,999 require the concurrence of a majority vote of five (5) of all members to which the Board is entitled.	27.b. The Administrator is granted authority to approve Community Grants Program requests up to \$24,999. The total requests approved by the Administrator shall not exceed a maximum of twenty (20%) of the total yearly grant allocation in the TOB. Grant requests over \$24,999 require the concurrence of a majority vote of five (5) of all members to which the Board is entitled.

#	Current: Board of Trustees Manual	Revised: Board of Trustees Manual
xvii	35.c. The comprehensive biennium budget shall address, in sufficient detail, planning, programming, and financing to support OHA's strategic plan goals and to adequately meet the financial requirements of OHA's programs and operations.	35.c. The proposed comprehensive beliennium beludget shall address, in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan priorities and results and to adequately meet the financial requirements of OHA's programs and operations. The preparation of the Biennium Budget shall be governed by the following general principles:
		 i. Planning. programming. budgeting. evaluation, appraisal and reporting shall be by programs: ii. A program which serves two or more objectives shall be placed in the program structure along with that objective which it primarily serves: iii. Both operating and capital investment costs shall be identified for all programs regardless of the means of financing: iv. The full cost of each program shall be identified; v. Costs shall be displayed in the year of their anticipated expenditure: vi. Objectives shall be stated for each respective program; vii. The effectiveness of programs in attaining objectives shall be assessed; viii. Planning shall have a long-range view that is consistent with the duration of the strategic plan; and ix. Systematic analysis in terms of problems, objectives, alternatives, costs, effectiveness, benefits, risks and uncertainties shall constitute the core of program planning.

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Committee on Resource Management

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RM # 18-12

ATTACHMENT C

Executive Policy Manual Series 3040: Program, Planning, Budgeting (PPB)

3040 Program, Planning, Budgeting System (PPBS)

Definitions

3.4.a. If not otherwise clear from the context, the following definitions shall apply to the following sections:

- i. "Capital Investment Costs" reflect the sum of costs related to the construction of a capital improvement project beyond the research and development phase. Capital investment costs include the costs associated with the acquisition and development of land, design and construction of new facilities, and the renovations or additions to existing facilities.
- ii. "Cost Categories" means the major types of operating costs, including the research and development costs associated with capital expenditures.
- iii. "Debt Service" means interest and principal repayments on financing agreements.
- iv. **"Effectiveness Measure"** means the criterion for measuring the degree to which the objective sought is attained.
- v. "Financing Agreement" means any lease purchase agreement, installment sale agreement, loan agreement, line of credit, or any other instruments of indebtedness of which the full faith and credit of OHA are pledged towards the payment of the principal and interest.
- vi. "Full Cost" means the total cost of a program and includes both operating and capital costs.
- vii. "Means of Financing" means the various sources from which funds are available.
- viii. "Objective" means a statement of the end result, product, or condition desired, for the accomplishment of which a course of action is to be taken.
 - ix. "Operating Costs" means the recurring costs of operating, supporting and maintaining programs.
 - x. "Planning" means the process by which objectives are formulated; measures by which effectiveness in attaining those objectives are identified; alternatives by which objectives may be determined are determined; the full costs, effectiveness and benefit implications of each alternative are determined; the assumptions, risks and uncertainties of the future are clarified; and cost and effectiveness and benefit tradeoffs of the alternatives are identified.
 - xi. "Program" means a combination of resources and activities designated to achieve an objective or objectives.
- xii. "Program Size Indicators" means a measure to identify the magnitude of a program, such as the beneficiaries serviced by the program, the amount of a commodity, the volume of services, etc.
- xiii. **"Program Structure"** means a display of programs which are grouped in accordance with the objectives to be achieved, or the functions to be performed.

ATTACHMENT C: Series 3040: Program, Planning, Budgeting (PPB).

xiv. "Programming" means the process by which long-range program and financial plans are scheduled for implementation over the timespan of the strategic plan and which specifies what programs are to be implemented, how they are to be implemented, when they are to be implemented, and what the cost of such implementation are.

Budget Preparation

- **3.4.b.** The proposed comprehensive Biennium Budget shall address, in sufficient detail, planning, programming, and financing to support OHA's Strategic Plan priorities and results and to adequately meet the financial requirements of OHA's programs and operations. Only those portions of the Biennium Budget that include State of Hawaii General Funds and the required Trust Fund match shall be submitted to the Legislature. The preparation of the Biennium Budget shall be governed by the following general principles:
 - i. Planning, programming, budgeting, evaluation, appraisal and reporting shall be by programs;
 - ii. A program which serves two or more objectives shall be placed in the program structure along with that objective which it primarily serves;
 - iii. Both operating and capital investment costs shall be identified for all programs regardless of the means of financing;
 - iv. The full cost of each program shall be identified;
 - v. Costs shall be displayed in the year of their anticipated expenditure;
 - vi. Objectives shall be stated for each respective program;
 - vii. The effectiveness of programs in attaining objectives shall be assessed;
 - viii. Planning shall have a long-range view that is consistent with the duration of the strategic plan; and
 - ix. Systematic analysis in terms of problems, objectives, alternatives, costs, effectiveness, benefits, risks and uncertainties shall constitute the core of program planning.
 - **3.4.c.** The following responsibilities are assigned to the preparation of the Biennium Budget:
 - i. Administration shall evaluate, formulate and recommend for consideration by the Board of Trustees a proposed Biennium Budget and Multi-Year Financial Plan.
 - ii. The Board of Trustees shall:
 - a. Consider the proposed Biennium Budget and Multi-Year Financial Plan recommended by Administration;
 - b. Approve new programs within OHA's program structure and appropriate funds to implement programs it deems appropriate; and
 - c. Review the implementation of the Biennium Budget and evaluate the program management, execution, and performance.

- **3.4.d.** The Biennium Budget shall be submitted to the Board of Trustees no later than 7 calendar days before formal consideration and shall, in general, contain the following:
- i. OHA's program structure;
- ii. Statement of objectives for each respective program;
- iii. The financial requirements for the next two fiscal years to carry out the recommended programs; and
- iv. Program size indicators and measurement of effectiveness for each respective program.
- **3.4.e.** The information contained in the Biennium Budget shall be presented specifically in the following manner:
 - i. Information shall be displayed by programs and cost categories and aggregated by Line of Business and means of financing;
 - ii. Operating cost, capital investment costs and debt service shall be distinguished;
 - iii. The full cost of each program shall be identified; and
 - iv. Each program budget shall, at minimum, identify the following information:
 - a. Proposed changes in the levels of expenditures, by cost categories, between the biennium in progress and the ensuing biennium, together with a brief explanation of the major reasons for each change;
 - b. Salary adjustments to existing positions and personnel;
 - c. The addition or deletion of positions;
 - d. Measurements of the program size and program effectiveness;
 - e. Changes in the actual or planned level of program size and effectiveness;
 - f. An appendix table that lists all vacant positions displayed by program; and
 - g. An appendix table that lists all current contracts displayed by contract number, description of services performed, amount, vendor and program.

Financial Planning

- **3.4.f.** The Biennium Budget shall be submitted in conjunction with a Multi-Year Financial Plan. The Multi-Year Financial Plan, in general, shall show the fiscal implications of the proposed biennium budget for the remaining fiscal years of the strategic plan. The Multi-Year Financial Plan shall be continually updated and maintained by Administration. Specifically, the Multi-Year Financial Plan shall contain at minimum, the following:
 - i. OHA's program structure:
 - ii. OHA's strategic plan objectives;
- iii. A summary of outstanding debt on all financing agreements;

- iv. A summary of the actual and projected investment performance and valuations of OHA's financial and commercial real estate assets;
- v. Financial summaries displaying the financial condition of OHA, each Line of Business, and each respective program, actual for the completed fiscal year and estimated for the fiscal year in progress and each of the ensuing fiscal years of the strategic plan;
- vi. Brief statements disclosing the basis upon which the revenue and expenditure estimates in the Multi-Year Financial Plan were made;
- vii. A brief narrative of the plans that describe the objectives and activities that are proposed to be implemented by each respective program over the course of the strategic plan; and
- viii. Measures by which the effectiveness in attaining the program objectives is to be assessed, including measures of the actual level of effectiveness attained in the last completed fiscal year, the estimated level of effectiveness attained in the fiscal year in progress, and the planned level of effectiveness planned for each of the ensuing fiscal years of the strategic plan.

Budget Implementation

- **3.4.g.** As the Biennium Budget is prepared and authorized only once every two years, it may be necessary to update and make adjustments to the budget for various changes that may have occurred since the budget was passed. Significant changes to the budget are made through budget realignments. A budget realignment is generally a reforecasting of the total budget. Budget realignments are prepared by the CEO through the CFO and presented to the BOT for approval.
- **3.4.h.** Changes to the Biennium Budget that are not comprehensive enough to require realignment are to be handled through budget adjustments. Administration is delegated the authority to approve budget adjustments that fall within the lesser of \$100,000 or 5% between each program. Budget adjustments in and out of grant and sponsorships appropriations are prohibited.
- **3.4.i.** An annual report of budget adjustments made pursuant to section 3.5.f. shall be submitted to the Board of Trustees no later than 60 days after the closing of each fiscal year. The Budget Adjustment Report shall identify the program from which funds were transferred, the total amount of funds transferred, the program that received the transferred funds, the total adjustments made for the fiscal year, and a brief explanation of the necessity of the adjustments.

Budget Evaluation

3.4.j. OHA shall establish a budgetary monitoring process which ensures intra-office and program fiscal accountability. No later than 120 days after the closing of a fiscal year, the

Administration shall submit to the Board of Trustees in an agendized meeting a Variance Report on program performance for the last completed fiscal year. In format, the Variance Report shall follow the same format as the Biennium Budget. The Variance Report shall include:

- i. A comparison of the budgeted expenditures and actual expenditures for the last completed fiscal year;
- ii. A comparison of the program size anticipated, and the size realized in the last completed fiscal year;
- iii. A comparison of the level of effectiveness anticipated and the level attained in the last completed fiscal year; and
- iv. A narrative explanation summarizing the major reasons for the differences in the comparisons made for the last completed fiscal year.

Fiscal Transparency

3.4.b. OHA shall maintain an official, searchable web portal accessible to the public that affirmatively discloses, at minimum, all appropriate financial information from fiscal year 2022 and beyond, as described in the following subsections.

- i. Biennium Budgets and Multi Year Financial Plans;
- ii. Variance Reports;
- iii. Statements of the Native Hawaiian Trust Fund Investment portfolio that display quarterly holdings and investment returns;
- A digital and searchable data set of the annual check registers including the amount, date, vendor name, and program that is associated with the payment; and
- v. A digital and searchable data set of all grant, sponsorship and other funding awarded by OHA, including a listing of the names of all applicants, the names of all recipients, award amount, funding type, and means of financing.

3.4.c. The aforementioned financial information shall be uploaded onto the searchable web portal no later than 120 days after the conclusion of each fiscal year beginning with fiscal year 2022.

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Committee on Resource Management

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RM # 18-12

ATTACHMENT D

Budget Policy Flowchart

	PREPARATION Administration Evaluate, formulate and recommend a Biennium Budget and Multi-Year Financial Plan Board of Trustees: Consider the proposed Biennium Budget and Multi-Year Financial Plan, Approve new programs within OHA's program structure, Review implementation of the Biennium Budget and evaluate program management, execution and		IMPLEMENTATION	EVALUATION			
RESPONSIBILITIES			Administration is delegated the authority to approve budget adjustments that fall within the lesser of 5% or \$100,000 between each program, except for grant and sponsorship appropriations.	Administration shall prepare a Variance Report	Administration shall maintai a Transparency Portal		
	Biennium Budget	Multi-Year Financial Plan	Budget Adjustment Report	Variance Report	Transparency Portal		
FORMAT	Proposed changes are grouped by Line of Business, program and cost categories; Capital investment cost, debt service and operating costs are separated; Salary adjustments and changes in the number of positions are identified, Program size indicators and performance measures are reported, An appendix table with vacant positions and contracts is included	Summary of outstanding debt, Summary of the actual and projected investment performance and valuations; Financial summaries displaying the financial condition for each program and Line of Business; Actual, estimated and planned level of effectiveness attained for each program; Brief narrative of the program plans over the course of the strategic plan	Budget Adjustment Report shall follow the same format as the Biennium Budget	Includes a comparison between budgeted expenditures and actual expenditures; Comparison between program size anticipated and actual program size attained; Comparison between the level of effectiveness anticipated and the level attained Variance Report shall follow the same format as the Biennium Budget	Includes the Biennium Budgets and Multi-Year Financial Plans; Variance Reports; NHTF Investment Portfolio quarterly statements; Digital and searchable data set of all check, grant and sponsorship registers		
DEADLINE	Submitted no later than 7 calendar days before formal consideration		Reported no later than 60 calendar days after each fiscal year	Reported no later than 120 calendar days after each fiscal year			

Action Item

Committee on Resource Management

September 26, 2018

RM # 18-12

APPENDIX 1

Reconciliation with Government Finance Officers Association (GFOA) Best Practices

APPENDIX 1: Reconciliation with Government Finance Officers Association (GFOA) Best Practices

GFOA best practices identify specific policies and procedures that contribute to improvement management of both small and large governments. Best practices are approved by the GFOA executive board and represent the official position of the organization.

The GFOA best practices are accessible on the following website: www.gfoa.org/best-practices

The following provides an analysis of how the proposed policy amendments that are defined in RM #18-12 reconcile with the GFOA best practices:

#	Best Practice	Description	RM #18-12
1	Long-Term Financial Planning	Recommends that all governments regularly engage in long-term financial planning.	Section 3.4.f. requires the submission of a multi-year financial plan that covers all remaining fiscal years of the strategic plan.
2	Strategic Planning	Recommends that all governmental entities use some form of strategic planning to provide a long-term perspective for service delivery and budgeting, thus establishing a logical link between authorized spending and organizational goals.	The existing policy already requires the development of 6-year strategic plans. (section 3.1.b)
3	Performance Management for Decision-Making	Recommends that program and service performance measures be developed and used as an important component of long term strategic planning and decision-making which should be linked to governmental budgeting.	Section 3.4.b. and 3.4.e. require the development and public disclosure of program objectives as well as measurements of effectiveness. In addition, section 3.4.j. also requires the public disclosure of a variance report that compares the level of effectiveness anticipated and the level attained in the last completed fiscal year.
4	Financial Forecasting in the Budget Preparation Process	Recommends that governments at all levels forecast major revenues and expenditures. The forecast should extend several years into the future. The forecast, along with its underlying assumptions, methodology, should be clearly stated and made available to stakeholders in the budget process.	Section 3.4.f. requires the submission of a multi-year financial plan that covers all remaining fiscal years of the strategic plan. The section also requires the submission of brief statements disclosing the basis upon which the revenue and expenditure estimates in the financial plan are made.

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#	Best Practice	Description	RM #18-12
5	Making the Budget Document Easier to Understand	Recommends that governments incorporate specific guidelines to facilitate broader consumption and greater comprehension of the budget document.	Section 3.4.d, and 3.4.e, define general principles for the presentation of the budget document,
		Guidelines are: i. introduction and overview ii. financial structure iii. policy and purpose iv. financial summaries v. capital and debt vi. departmental information vii. statistical/supplemental section	
6	Departmental Presentation in Operating Budget Document	vii. statistical/supplemental section Recommends that governments consider specific guidelines when presenting information in the departmental section of the operating budget.	Section 3.4.d. and 3.4.e. define general principles for the presentation of the budget document.
		Guidelines are: i. Design ii. Brevity iii. Services iv. Issues v. Revenues vi. Expenditures vii. Staffing viii. prioritization/goals and objectives ix. measures.	
7	Public Participation in Planning, Budgeting and Performance Management	Recommends that governments incorporate public participation efforts in planning, budgeting, and performance management result processes.	The current policy already requires the development of a public input plan to ensure that the public has adequate opportunity to comment on the Biennium Budget through various means (Section 3.5.b.)
8	Presenting Official Financials	Recommends that governments use their official websites as a primary means of communicating financial information to stakeholders.	Section 3.4.k. requires the development of a fiscal transparency portal that discloses budget, financial, performance and expenditure data in a digital and searchable format to the public.

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#	Best Practice	Description	RM #18-12
	Documents on Website		
9	Adopting Financial Policies	Recommends that governments adopt the following financial policies:	With the exception of an debt and economic development policy, all of the recommended policies have been implemented.
		 i. General fund reserves ii. Reserves in other funds iii. Grants iv. Debt v. Investment vi. Economic development vii. Accounting and financial reporting viii. Risk management and internal controls ix. Procurement x. Long-term financial planning 	
10	Measuring the Full Cost of Government Service	Recommends that governments calculate the full costs of the different services they provide.	Section 3.4.b.iv. requires that the full costs of each program be identified.

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Committee on Resource Management

September 26, 2018

RM # 18-12

APPENDIX 2

Reconciliation with State of Hawaii Executive Budget Act

APPENDIX 2: Reconciliation with State of Hawaii Executive Budget Act

The following table provides a brief analysis of how the proposed budget policies reconcile with the State of Hawaii Executive Budget Act.

Section	Hawaii Revised Statutes	OHA Executive Policy Manual	Reconciliation
Definitions	HRS §37-62	Section 3.4.a	The definitions included in Section 3.4.a. are identical to the definitions used in HRS §37-62.
Budget Preparation	HRS §37-64; HRS §37-65; HRS §37- 66; HRS §37-71.	Section 3,4,b,-e	The governing principles used in Section 3.4.b. are identical to HRS §37-64. The responsibilities defined in Section 3.4.c. are identical to the responsibilities assigned to the Governor and Legislature as defined in HRS §37-65 and HRS §37-66. The budget format requirements defined in Section 3.4.d. and 3.4.e. are consistent with HRS §37-71.
Financial Planning	HRS §37-69	Section 3.4.f.	The financial planning requirement is consistent with HRS §37-69. Since OHA's planning process is guided by a strategic plan, the 6-year financial planning requirement that is defined in HRS §37-69 is amended to require the submission of a financial plan that only includes the remaining fiscal years of the financial plan.
Budget Implementation	HRS §37-36; HRS §37-37; HRS §37- 38; HRS §37-39	Section 3.4.g-h.	Transfers between programs within the same department are allowed if approved by the Department of Budget and Finance and the Governor. Transfers between expenditure categories within a program are allowed if approved by the Department of Budget and Finance. Sections 3.4 h and 3.4 i. provide a greater level of budget execution flexibility that is currently offered at the state level.
Budget Evaluation	HRS §37-75	Section 3.4.j.	The contents of the variance report are consistent with HRS §37-75. The submission of 120 days is shorter than the 5 months that is required under HRS §37-75. However, HRS §37-75 requires the submission of a variance report of the previous fiscal year and the fiscal year in progress. Section 3.4.j. only requires the submission of a variance report for the last completed fiscal year, which justifies the 120 days submission deadline.
Fiscal Transparency	HRS §27-44; HRS Chapter 92F	Section 3.4.k.	HRS §27-44 requires each department to "use reasonable efforts to make appropriate and existing data sets" available to the public through the State's open data portal. Section 3.4.k. builds upon this requirement by defining, what specific information, at minimum, shall be disclosed to the public in a searchable and digital format. The information that is required for submission is considered public information under HRS Chapter 92F.

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Committee on Resource Management

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RM # 18-12

APPENDIX 3

Action Item PP-17, Committee on Policy and Planning (May 21st, 2002)

Office of Hawaiian Affairs ACTION ITEM

Action Item Code: PP-17

Meeting: Committee on Policy and Planning

Date: May 21, 2002

Prepared by: 05-16
Crawn Akina, Trustee Aide Date

Reviewed by:

amu`o, Administrator

Reviewed by:

Trustee John Waihe'e IV, Chair Date

Committee on Policy and Planning

I. Action

To amend the Office of Hawaiian Affairs (OHA) Policy and Procedures Manual (Jan. 1991)

Date

Section 2.0 Powers and Duties of Trustees

Subsection 2.5 Program Priorities

to the following:

"The OHA Board of Trustees shall set program priorities[.] <u>as established by OHA's Master Plan through an integrated process of strategic planning, community input, and program evaluation through the Performance & Program Budget (PPB) and Total Operating Budget (TOB) process."</u>

II. Issue

Shall OHA amend its *Policy and Procedures Manual* (Jan. 1991), Section 2.0 Powers and Duties of Trustees, Subsection 2.5 Program Priorities (Attachment A) to assure that the process of planning in OHA: 1) includes and involves all stakeholders, and 2) is systemized within the structure of OHA?

III. Discussion

A. Background

In February of 2001, OHA led by its Board of Trustees (BOT), began a strategic planning process that sought the input and involvement with as many of its stakeholders and partners as possible. The Strategic Planning process took the following steps:

1. Trustee Directives

In the beginning stages of the effort, a series of workshop meetings were conducted where Trustees brainstormed "Trustee-driven" Priorities for OHA (16 Total). Results from these workshops were documented and sorted. The Board then formulated and formally adopted:

- a) a Vision Statement, and
- b) a Mission Statement

2. Community Meetings

The Vision Statement, Mission Statement, OHA Budget, and Trustee Priorities were presented to the community for review and comment via 15 statewide community meetings. With 329 individuals in attendance, community brainstorming resulted in 284 "Community-driven" Priorities to supplement priorities produced by Trustees.

3. Research

Two research devices were launched to gain further input and feedback. More importantly the research sought to validate the direction of OHA's Strategic Planning efforts, according to beneficiaries.

- a) The first research method was a Printed Survey conducted through the Ka Wai Ola o OHA resulting in 45 responses
- b) The second method was a Telephone Survey (where respondents, when first-asked what ethnicity they were, answered "Hawaiian", and therefore qualified themselves for the survey). SMS Research conducted research with 802 responses.

In the end, the research validated the Strategic Planning effort as the data gathered proved that, for the most part, Trustees and its beneficiaries were in concert on issues / concerns / priorities.

4. Working Groups

Next, the Strategic Planning Core Group (Core Group), as a Board-approved entity, combined all priorities identified by both Trustees and the community and categorized them into the following areas of concentration:

- Advocacy
- Culture
- Economic Development
- Education
- Environment & Resources Management
- Nationhood
- Policy
- Social Services
- Values and Principles (OHA Internal Working Group)

The Core Group then organized "Working Groups" based on these themes. Working Groups consisted of 50 individuals from the community who were organized into the groups mentioned above. Members were matched to a specific Working Group according to their background / work / expertise. Priorities were forwarded to these Working Groups where they would review the priorities and discuss proposals.

After discussions, each Working Group submitted a final written report to the Core Group. From these documents, Goals and Goal Statements were developed and submitted to the Trustees for approval.

5. Approval of Goals

On January 10, 2002, Trustees approved the Goals (10 total) of the OHA Strategic Plan (Attachment C). These goals were then taken back into the community where a series of meetings was conducted to inform the community on the status of the planning effort.

- Approval of First Year Action Plan
 On April 4, 2002, Trustees approved the First Year Action Plan of the
 OHA Strategic Plan (Attachment D).
- 7. Commencement of Strategic Plan
 On July 1, 2002, the OHA Strategic Plan will formally commence in
 synchronous fashion with the OHA fiscal year.

B. Initiative of the Strategic Planning Core Group

The Core Group initiated this amendment proposal in their February 26, 2002 meeting.

With the advent of the OHA Strategic Plan, Core Group discussions focused on systemizing the process of planning at OHA. The Core Group felt that by amending subsection 2.5 Program Priorities, OHA Programs would be driven by the strategic plan, the community, and the budgeting

process. The amendment would therefore assure stakeholder involvement and systemize the process within the structure of OHA.

C. Linking the Strategic Plan and Budget Process

On March 7, 2002, the BOT approved the Performance and Program Budgeting (PPB) Approach (Attachment E). The purpose of the PPB approach was to:

- 1) link the Strategic Plan to the budget, and
- 2) complement the Total Operating Budget (TOB) approach already practiced by OHA.
- D. Benefits of the Integrated Planning Process (involving OHA, Community, and the Budgeting Process)

The Integrated Planning Process, experienced with the Strategic Planning effort, benefits both OHA and the community. Both parties in this exchange have gained from their shared collaborations.

The planning process with the commencement of the Strategic Plan should be dynamic and on-going. With the passage of this amendment, OHA would institutionalize:

- Kākou: We work together, unified to accomplish our mission, and
- Po`okela: We do our absolute best and continuously seek improvement

IV. Alternatives

- A. Amend the Office of Hawaiian Affairs (OHA) *Policy and Procedures Manual* (Jan. 1991)
 - Section 2.0 Powers and Duties of Trustees
 - Subsection 2.5 Program Priorities

to the following:

"The OHA Board of Trustees shall set program priorities[.] <u>as established by OHA's Master Plan through an integrated process of strategic planning, community input, and program evaluation through the Performance & Program Budget (PPB) and Total Operating Budget (TOB) process."</u>

- B. Amend the Office of Hawaiian Affairs (OHA) *Policy and Procedures Manual* (Jan. 1991)
 - Section 2.0 Powers and Duties of Trustees
 - Subsection 2.5 Program Priorities

to include only the planning and budget process, without community input as follows:

"The OHA Board of Trustees shall set program priorities[.] <u>as established</u> by OHA's Master Plan through an integrated process of strategic planning and program evaluation through the Performance & Program Budget (PPB) and Total Operating Budget (TOB) process."

- C. Amend the proposed Amendment on the Committee's terms
- D. Do not amend the OHA *Policy and Procedures Manual* (Jan. 1991)

V. Recommended Action

Amend the Office of Hawaiian Affairs (OHA) Policy and Procedures Manual (Jan.1991)

Section 2.0 Powers and Duties of Trustees

Subsection 2.5 Program Priorities

to the following:

"The OHA Board of Trustees shall set program priorities[.] <u>as established</u> by OHA's Master Plan through an integrated process of strategic planning, community input, and program evaluation through the Performance & Program Budget (PPB) and Total Operating Budget (TOB) process."

VI. Timeframe

Immediate action is recommended.

VII. Funding Source

No additional funds are required.

VIII. Attachments

Attachment A: OHA Policy and Procedures Manual (Jan. 1991)

section 2.0 Powers and Duties of Trustees

subsection 2.5 Program Priorities

Attachment B: HRS 10-5(4)

Attachment C: Board of Trustees Minutes, January 10, 2002

Attachment D: Board of Trustees Minutes, April 4, 2002

Attachment E: Board of Trustees Minutes, March 7, 2002



OHA POLICY AND PROCEDURE MANUAL

2.2 Administration of Trust Assets

In the administration of trust assets, the Board of Trustees shall act in a reasonable and prudent manner according to the highest fiduciary standards applicable to private Trustees.

Justification: Section 10-5(2), Hawaii Revised Statutes

2.3 Investment of Funds

In the investment of funds, the Board of Trustees shall act according to the highest fiduciary standards applicable to private trusts, with the further provision that investments shall not be made in companies substantially involved in nuclear or weaponry contracts, or companies that have a large capital investment in countries that practice apartheid.

Justification: Section 10-5(3), Hawaii Revised Statutes

2.4 Policies

All policies formulated by the Board of Trustees shall not diminish or limit the benefits of native Hawaiians under Section 4 of Article XII of the State Constitution, and shall be designed to serve the needs of the Hawaiian community as a whole.

Justification: Section 10-5(4), Hawaii Revised Statutes

2.5 Program Priorities

The OHA Board of Trustees shall set program priorities.

Justification: Section 10-5(4), Hawaii Revised Statutes

(6) Serving as a receptacle for reparations. [L 1979, c 196, pt of §2; am L 1990, c 304, §4]

Case Notes

Determination of whether damages received by State from illegal sand mining operation was funds derived from a public land trust was a nonjudicial discretion; whether income from sales, leases, or other dispositions of lands surrounding harbors on all major islands, of land on Sand Island, of land on Airport, fell within section was a nonjudicial discretion. 69 H. 154, 737 P.2d 446.

[§10-4] Office of Hawaiian affairs; established; general powers. There shall be an office of Hawaiian affairs constituted as a body corporate which shall be a separate entity independent of the executive branch. The office, under the direction of the board of trustees, shall have the following general powers:

 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;

(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;

(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 of Hawaiian affairs;

(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;

(5) To execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; and

(6) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law. [L 1979, c 196, pt of §2]

§10-5 Board of trustees; powers and duties. [Validity of 1990 amendment and retroactivity to June 16, 1980. L 1990, c 304, §§16, 18.] The board shall have the power in accordance with law to:

(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 moneys received by the office equivalent to that pro rata portion of the revenue derived from the public land trust referred to in section 10-2;

(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;

(3) Collect, receive, deposit, withdraw, and invest money and property on behalf of the office;

(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;

(5) Otherwise act as a trustee as provided by law;

Trustee Stender and Trustee Akana. He offered to expedite and support the NHRLF effort with the support and joint effort of Trustees Akana and Stender, who have experience with the Administration for Native Americans. Finally he echoed the comments of Trustee Ota.

Trustee Dela Cruz also congratulated Park on the decrease in delinquency rates and noted the NHRLF report was excellent.

UNFINISHED BUSINESS -STRATEGIC PLANNING

Trustee Waihe'e MOVED, SECONDED by Trustee Ota to approve the goals, for the Office of Hawaiian Affairs Strategic Plan.

Trustee Akana MOVED, SECONDED by Trustee Ota to AMEND the motion to read to approve the goals for the Office of Hawaiian Affairs Strategic Plan subject to the completion of the action plan. The plan should be reviewed by the Board by at least a biennial basis.

A vote was taken:

Trustee Akana	Yes		Trustee Stender	Yes	3
Trustee Dela Cruz	Yes		Trustee Waihe'e, IV	Yes	3
Trustee Ota	Yes	48	Chair Hee	Yes	3

AMENDMENT CARRIED UNANIMOUSLY. To AMEND the motion to read, "To approve the goals for the Office of Hawaiian Affairs Strategic Plan subject to the completion of the action plan. The plan should be reviewed by the Board by at least a biennial basis".

Trustee Akana MOVED, SECONDED by Trustee Stender to AMEND goal nine entitled Land and Housing to read, "By 2003 OHA shall have increased the percentage of its investment in real estate by no less than 15% and shall develop strategies to enhance the use of these assets to benefit the Native Hawaiian people".

A vote was taken:

Trustee Akana	Yes	Trustee Stender	Yes
Trustee Dela Cruz	Yes	Trustee Waihe'e, IV	Yes
Trustee Ota	Yes	Chair Hee	Yes

AMENDMENT CARRIED UNANIMOUSLY. To AMEND goal nine entitled Land and Housing to read, "By 2003 OHA shall have increased the percentage of its investment in real estate by no less than 15% and shall develop strategies to enhance the use of these assets to benefit the Native Hawaiian people".

A vote was taken:

Trustee Akana	Yes	Trustee Stender	Yes
Trustee Dela Cruz	Yes	Trustee Waihe'e, IV	Yes
Trustee Ota	Yes	Chair Hee	Yes

MAIN MOTIN CARRIED UNANIMOUSLY AS AMENDED. To approve the goals for the Office of Hawaiian Affairs Strategic Plan subject to the completion of the action

Trustee Machado:

I have nothing further to add except that no decision-making was done in executive

session.

Chairperson Apoliona:

Okay members, going back to our agenda. We are at VI. B. and I will recognize Trustee

Cataluna.

VI. NEW BUSINESS

B. STRATEGIC PLAN – ACTION PLANS

MOTION

Trustee Cataluna:

Thank you Madame Chair. I move to adopt the first year action plan of the OHA

Strategic Plan.

Trustee Waihee:

Second.

Chairperson Apoliona:

Okay, discussion members? This is inclusive of the corrected sheets that were provided

by the Administrator. If there is no...

Trustee Cataluna:

And as per discussions we had a special briefing session on...

Chairperson Apoliona:

On Tuesday.

Trustee Cataluna:

Tuesday.

Chairperson Apoliona:

It's been seconded by Trustee Waihee. Any discussion members? Hearing none can I

have a roll call vote?

ROLL CALL VOTE

MOTION

move to adopt the first year action plan of the OHA Strategic Plan.

TRUSTE	Ē	1	2	'AE	A'OLE	KANALUA	EXCUSED
TOHOTER DANIELL				(YES)	(NO)	ABSTAIN	
TRUSTEE ROWENA	AKANA			YES			
TRUSTEE DONALD	CATALUNA	1		YES			
TRUSTEE LINDA	DELA CRUZ			YES			
TRUSTEE CLAYTON	HEE						EXCUSED
TRUSTEE COLETTE	MACHADO			YES			2.00025
TRUSTEE CHARLES	OTA		-	YES			
TRUSTEE OSWALD	STENDER			YES			
TRUSTEE JOHN	WAIHEE		2	YES			
CHAIRPERSON HAUNANI	APOLIONA			YES			
TOTAL VOTE COUNT		_	-				

MOTION: [X] UNANIMOUS

[]PASSED

[] DEFERRED

[] DIED

[] FILED

Chairperson Apoliona:

Motion passes. Congratulations Mr. Administrator.

Trustee Machado:

And Trustee Cataluna...

Chairperson Apoliona:

The continuing work begins...

Trustee Cataluna:

And Trustee Waihee...

Chairperson Apoliona:

...and Trustee Waihee and all the Trustees. Okay moving to the Committee on Budget &

Finance, Trustee Stender.

well known through out the state. He is a Hawaiian. I know that from his heart that he cares and wants to do more for his people. And this would be ideal for him to work towards this approach in housing. David Hulihee is ranked the top ten, he might be the number one person next the Fletcher in the construction industry. Royal Construction has an excellent reputation and their all-union people. Louis Kau works for the land reality arm of Kamehameha Schools Bishop Estate. He was the point of contact when I was the chair of B&F worked with to finalize the plans for Ku Lana O liwi. And the final payments that took place for that project. So I know he is familiar and he too like David is part Hawaiian. And they too are constantly looking at giving back to the community and to his people. Leatrice Kauahi is a member of a very prestigious bank. She is also Vice-President. She is a young, I couldn't say young cause she is middle age but she is a Hawaiian woman...

Trustee Stender:

That's young...

Trustee Machado:

...she is a Hawaiian woman in this field of finance and financial banking. She too has constantly giving to the Native Hawaiian Revolving Loan Fund. With her service as an Alu Like Board member. Gary Yee who I do not know but in reviewing his resume has an impeccable background as an architect. We should be proud of this list and I really want Kali Watson and Quality Homes to move on. I don't want to be that individual that would attempt to hold back this process. This needs to be in place as part of our condition. So I will be supporting these individuals because they are a wonderful group and we should be pleased that they are willing to serve with Kali on a limited partnership, LLC with...on behalf of the Office of Hawaiian Affairs.

Chairperson Apoliona:

Are there any other discussion members? Hearing none can I have a roll call vote on the motion?

ROLL CALL VOTE

MOTION:

move to approve the appointment of Frank Brandt, David Hulihee, Louis Kau, Leatrice Kauahi, and Gary Yee as Office of Hawaiian Affairs representatives on the board of directors of Quality Homes of the Pacific, LLC.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA	AKANA			YES W/RESERVATIONS			
TRUSTEE DONALD	CATALUNA			YES			
TRUSTEE LINDA	DELA CRUZ			YES			
TRUSTEE CLAYTON	HEE			YES			
TRUSTEE COLETTE	MACHADO		2	YES			
TRUSTEE CHARLES	OTA			YES			
TRUSTEE OSWALD	STENDER	1		YES			
TRUSTEE JOHN	WAIHEE	1		YES			, , , , , , , , , , , , , , , , , , , ,
CHAIRPERSON HAUNANI	APOLIONA			YES			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] DIED [] FILED

Chairperson Apoliona: Motion passes, congratulations Kali. Going to VI. D. 1., Trustee Stender.

VI. NEW BUSINESS

D. JOINT MEETING OF COMMITTEES ON BUDGET AND FINANCE & POLICY AND PLANNING

1. OHA STRATEGIC PLAN PERFORMANCE AND PROGRAM BUDGETING APPROACH

Page 14 of 24

MOTION

Trustee Stender:

Madame Chair your committee at a Budget and Finance and Policy and Planning had a joint meeting this moming. Reviewed the subject matter and <u>move to adopt the Performance & Program Budgeting approach to complement OHA's existing Total operating Budget approach, wherein beginning Fiscal Year 2003, all OHA expenditures are lined to OHA's Strategic Plan and program evaluation to the budgeting process.</u>

Chairperson Apoliona:

Trustee Waihee.

Trustee Waihee:

Second.

Chairperson Apoliona:

Discussion members? Hearing none, can I have a roll call vote?

ROLL CALL VOTE

MOTION:

move to adopt the <u>Performance & Program Budgeting approach</u> to <u>complement OHA's existing Total operating Budget approach</u>, wherein <u>beginning Fiscal Year 2003</u>, all OHA expenditures are lined to OHA's <u>Strategic Plan and program evaluation</u> to the budgeting process.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA	AKANA				1	ABSTAIN	
TRUSTEE DONALD	CATALUNA			YES	1		
TRUSTEE LINDA	DELA CRUZ			YES			
TRUSTEE CLAYTON	HEE				NO		
TRUSTEE COLETTE	MACHADO			YES			
TRUSTEE CHARLES	OTA			YES			
TRUSTEE OSWALD	STENDER	1		YES			
TRUSTEE JOHN	WAIHEE		2	YES			
CHAIRPERSON HAUNANI	APOLIONA			YES			
TOTAL VOTE COUNT		-	-	7	1	1	0

MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] DIED [] FILED

Chairperson Apoliona:

Motion passes. Moving to Committee on Program Management. Trustee Dela

Cruz

VI. NEW BUSINESS

E. COMMITTEE ON PROGRAM MANAGEMENT

NATIVE HAWAIIAN REVOLVING LOAN FUND (NHRLF) ADVISORY BOARD OF DIRECTORS

Vice Chair Dela Cruz:

Wait, were are we?

Chairperson Apoliona:

VI. E. 1.

Vice Chair Dela Cruz:

move to approve the submission to the Administration for Native Americans (ANA), of a list of names to serve on the Native Hawalian Revolving Loan Fund (NHRLFO Advisory Board of Directors. The list of names consist of Ainsley A. Ahio, Teresa Bright, Harvey H. McInerny Jr., Robert N.E. Piper, Christine Van Bergelijk, and Aaron E. Lorenzo. Names from this list will be selected to fill any vacancies that may arise upon the expiration of terms or resignation of existing advisory board members.

Chairperson Apoliona:

Trustee Cataluna.

Trustee Cataluna:

Second.

Action Item

Committee on Resource Management

September 26, 2018

RM # 18-12

APPENDIX 4

Action Item , Performance & Program Budgeting, Joint Committee on Policy & Planning and Budget & Finance (March 7th, 2002)

Action Item

Joint Committee on Policy & Planning and Budget & Finance March 7, 2002

Action Item Issue:	Performance & Program Budgeting				
Prepared by:	Joan M. Bolte, CFO	<i>3-27-08</i> Date			
Reviewed by:	Clyde W. Namu'o, Administrator	FEB 2 8 2002 Date			
Approved by:	John Waihe'e IV, Policy & Planning Chairman	Date			
Approved by:	Toswald Stender, Budget & Finance Chairman	M4R 2002 Date			

I. Action Item:

To adopt the Performance & Program Budgeting approach to complement OHA's existing Total Operating Budget approach, wherein beginning in Fiscal Year 2003, all OHA expenditures are linked to OHA's Strategic Plan and program evaluation to the budgeting process.

II. Issue:

Whether the Office of Hawaiian Affairs should adopt the Performance & Program Budgeting approach.

III. Discussion:

A. BOT approved Strategic Plan Goals

On January 10, 2002, the Board of Trustees of the Office of Hawaiian Affairs (OHA) passed the following ten (10) Strategic Plan Goals:

Advocacy-Native Rights

By 2007 OHA shall have devised and implemented strategies to protect Native Hawaiian rights and entitlements and secured at least one significant legal outcome; created a legal mechanism to assure a predictable on-going revenue stream from the Public Land Trust; and ensured the settlement of the blood quantum issue.

Culture

By 2004 OHA shall have drafted a plan that identifies and provides solutions to safeguard endangered traditions, practices and rights, and subsequently put into practice steps that will protect, re-establish and enhance Hawaiian cultural assets by the year 2007.

Economic Development

By 2007 OHA's investment in the creation and retention of wealth for Native Hawaiians shall have: 1) impacted at least 7% of the total statewide Native Hawaiian population by improving economic solvency and 2) accounted for a return on investment to OHA "equal or greater than the cost of capital used to fund the activity and/or OHA's current rate of return (total fund) from the Native Hawaiian Trust Fund."

Education

By 2007 OHA shall have assisted 28,750 Native Hawaiians to achieve age appropriate literacy.

Environment-Natural Resources

By 2007 OHA shall have protected natural and cultural resources through the adoption of stewardship standards by 5 public and 10 private entities as evidenced by research, studies and partnerships; and the enactment of new laws, ordinances and rules.

Nationhood

By 2007 OHA shall have assisted, coordinated and enabled the creation of a unified Hawaiian Nation.

Policy

By 2007 OHA shall have initiated, collaborated, partnered and advocated with other agencies and organizations through five Memoranda of Agreements that will commit the signatories to act assertively together on behalf of their beneficiaries-in-common.

Social Services

By 2007 OHA shall have improved the quality of life for 17,500 Native Hawaiians in the areas of food, shelter, and safety.

Land and Housing

By 2003 OHA shall have increased the percentage of its investment in real estate by no less than 15% and shall develop strategies to enhance the use of these assets to benefit the Native Hawaiian people.

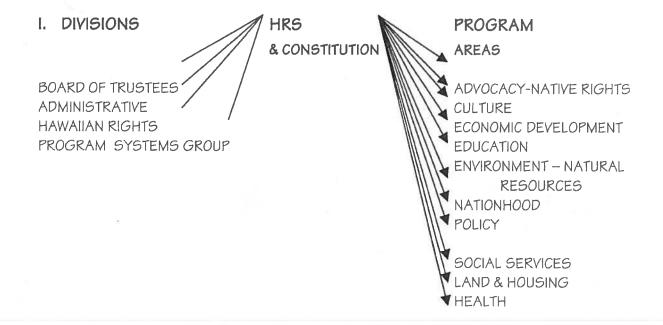
Health

By 2007 OHA shall have collaborated with other Native Hawaiian health care providers to increase the acquisition of resources from federal, state, counties and others, to address the health care needs of Native Hawaiians with particular focus on the needs of the aged and elderly, including but not limited to prevention, treatment, education, and other needs.

The proposed Performance & Program Budgeting (PPB) approach attempts to measure the efficiency and effectiveness of the Office of Hawaiian Affair's (OHA) objectives in meeting the above referenced Strategic Plan Goals. PPB recognizes the value of incorporating planning and evaluation (through outcome and performance measures) into OHA's accountability systems. Although the concept of PPB is not new, what is innovative is the movement to link planning and program evaluation to the budgeting process. The discussion below is a mix of several different models currently being utilized within the United States:

B. Perspective of Performance & Program Budgeting

ANOTHER WAY OF LOOKING AT OHA'S ACTIVITIES



C. Advantages of Performance & Program Budgeting

PPB promotes and fosters a process that results in maximizing efficiency and effectiveness in the Office of Hawaiian Affairs (OHA). Through the recent January 10, 2002 BOT establishment of program priorities, outcome measures and elimination of service duplication can be achieved. PPB provides for the enhancement of:

- 1. Trustee, Community, and Legislative decision-making
 - Groups activities sharing similar purposes
 - Allows evaluation of activities by outcomes
 - Provides for an interdepartmental overview of activities
 - Allows trustees and legislators to set informed priorities
- 2. Managerial accountability
 - Specifies outcomes, objectives and activity levels
 - Allows comparisons among similar objectives
- 3. Specified objectives and strategies
 - Defines measurable objectives as steps toward designated outcomes
 - Identifies strategies for achieving objectives
 - Relates strategies to outcomes and activities to strategies
- 4. Flexible budget presentation
 - Provides overview of all activities in an area for setting priorities
 - Displays budget funds and details department activities for managers and specialists
 - Ensures that the right questions are asked
 - Directs attention to program outcomes and their relationship to departments and funds
- 5. Program evaluation
 - Provides a basis for short-term management and long-term evaluation
 - Clarifies the purpose of a given set of activities
 - Presents criteria by which achievements can be assessed
 - Provides better direction to program managers

- Encourages divisions to improve program performance
- Provides measures of results

D. Steps to Performance & Program Budgeting

- Identify Program Areas, representing the major service commitments of OHA. This step was accomplished and solidified by the BOT on January 10, 2002 on Lana'i.
- 2. <u>Delineate each program area into hierarchical outline of goals, objectives, activities, and projects</u> to provide greater accountability to intent and policies. OHA's ongoing strategic planning efforts provide the basis for developing the outlines.
- 3. Classify all OHA services/activities and supporting budget funds to an objectives, activities, or projects. Develop a program classification accounting code to delineate each objective, activity, and element. Assign all OHA funds with a program classification code. Requirements, receipts, expenditures, objectives, and outcomes, will be tracked by program classification codes.
- 4. <u>Conduct strategic/performance Administrative planning</u>. An Operations Manual is conducted in concert with program planning (by Program Area). The Operations Manual is the foundation used to implement programs. Strategic/performance planning is at least a four-step process incorporating the following tasks:
 - Convene divisions/units serving similar beneficiaries needs or expected outcomes to improve collaboration and help avoid gaps and overlap in services. Identify target populations and expected outcomes.
 - Identify emerging trends and factors and the effects these trends and factors have on workload, program operations and expected outcomes.
 - Identify objectives and outcome measures. Divisions set their own objectives and outcome measures, then collaborate with other divisions serving similar beneficiary needs or expected outcomes for the purpose of coordination.
 - <u>Identify strategies, activities, and innovations</u> for achieving objectives and improving services. Strategies show the different types of activities used to accomplish objectives. Innovations represent new ideas (with current funding levels) for making services more effective or efficient.

5. Ensure that OHA's planning process includes and involves all stakeholders and is systematized within the structure of OHA.

E. Planning Outputs for Performance & Program Budgeting

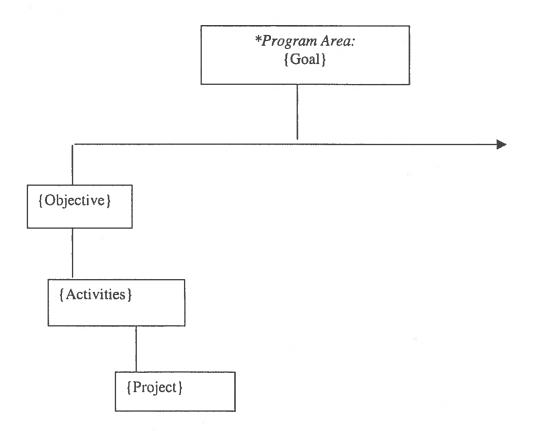
The proposed Performance Planning process would produce 12 outputs that could be incorporated in the Office of Hawaiian Affairs Operations Plan and the Performance & Program Budget documents. Three outputs are incorporated in each of the documents and provide a link between them: program objectives, outcome measures, and funds supporting objectives.

Performance Planning Outputs	OHA's Operations Manual (proposed)	Program Budget	Category Budget
Mission Statement	X		
Division Goals	Х		
Trends and Implications	Х	Х	
Beneficiaries	X	X	
Expected Outcomes		X	Х
Program Objectives	X	X	X
Administrative Objectives	X		
Outcome Measures	X	X	X
Performance Measures		X	X
Funds Supporting Objectives	X	X	X
Strategies/Activities	X	X	

Innovations		
	X	

F. Classification Structure of Performance & Program Budgeting

The Performance Budget provides information in an orderly presentation progressing from the general concept to a specific focus.



*"Program Area" refers to a group of functions sharing a common purpose. Also, these functions are not limited to any one division; they may involve several divisions working together toward the achievement of a single goal.

Some objectives will have no further division into activities, while others may have activities that are further divided into projects. The specific breakdowns of the objectives depends upon the purposes expressed in OHA's strategic plan, Hawaii Revised Statues, rules & regulations, and Board of Trustees policies.

The intention is to make objectives broad enough to encompass activities and

projects that:

- Share a common purpose;
- Have common or similar outcome measures; and
- Can be analyzed and evaluated by similar methods.

G. Performance Budgeting Accounting

The intent for OHA's FY:03 portion of the Total Operating Budget (TOB) is to have each budget fund linked to a program number, with an objective of minimizing split funds. If the PPB approach is accepted by the BOT in a timely fashion, it may be possible to integrate this change within OHA's Oracle Financial accounting system. The change will not affect the biennium TOB budget passed for FY:02 and FY:03; however, we will need to link any assigned PPB numbering system with Oracle's account code string.

H. Key Documents of Performance & Program Budgeting

Four key documents are associated with Performance & Program Budgeting:

1. Biennium Total Operating Budget (TOB)

This document serves as the base budget upon which the Performance & Program Budgeting approach is applied. Currently, OHA's Total Operating Budget (TOB) for FY:02 & FY:03, the category-budget (Attachment A), is and will continue to be the approved budget. There are four (4) divisions, which include all of the budget funds used to support OHA's operations, in compliance with OHA's Spending Policy. The four divisions correspond to four (4) legislative divisions established for the biennium fiscal years of 2001-2002 and 2002 - 2003. The funds in each division are grouped by categories, and include expenditures, providing the basis for fiscal control. Fiscal information is presented by "categories of expenditure" rather than by specific "objects of expenditure." OHA funds are appropriated by categories rather than by objects, except for general funds, which provides division managers greater flexibility in administering their funds.

2. Performance & Program Category Budget, by Program Area (Goal)

This summary document is considered an overlay budget to the Total Operating Budget (TOB). The four divisions' resources approved through the TOB process are allocated to the ten (10) program areas (goals). Attachment B is an illustrative template of a "Budget Summary for All Program Areas (goals)" for Fiscal Year 2003. All of the funds will be cross-referenced to the objectives they

support. This format clearly shows how funds from different divisions are sometimes classified together if they address a similar goal (program area).

3. Performance & Program Budget, by Division

This document groups budget information by program area (goals) and provides policy-related information on the purpose and intent of funds. There are ten (10) program areas, each representing a broad sector of services. Within each program area, funds are classified by objective, activities or projects, each addressing a type of policy issue, such as "native rights" or "access to social services." Attachment C is an illustrative template for one of the program area, "policy" for Fiscal Year 2003. Attachment D provides an example of the type of information that would be submitted to the Board of Trustees as supporting documentation to the Performance & Program Budget for approval by the Budget & Finance Committee and the Board of Trustees.

4. OHA Operations Manual

This document is intended to provide operational plans for each of the principle divisions in OHA. The manual should describe specifically how (through strategies and activities) each division's program objectives are being addressed by the division/unit. In addition, the manual should show what innovations are planned over the next five years to improve the performance of the division or program activities. Both the division and program budget documents should be cross-referenced to the OHA Operations Manual.

Cross-References

Certain reference points are used to link the *Performance & Program Budget documents* with each other and with the *OHA Operations Manual*. Reference points include: program objectives, outcome measures (*values only shown in budget documents*), supporting funds, and Performance & Program Budget codes.

IV. Alternatives:

- A. Adopt the Performance & Program Budgeting Approach as a means of linking the Strategic Plan and evaluations to the budgetary process;
- B. Modify and/or replace with another approach that attempts to measure the efficiency and effectiveness of objectives and links objectives and evaluations to the budgetary process.
- C. Reject the Performance & Program Budgeting Approach and use no means of linking the Strategic Plan and evaluations to the budgetary process.

V. Recommended Action:

To adopt the Performance & Program Budgeting approach to complement OHA's existing Total Operating Budget approach, wherein beginning in Fiscal Year 2003, all OHA expenditures are linked to OHA's Strategic Plan and program evaluation to the budgeting process.

VI. Timeframe:

Immediate action is recommended.

VII. Funding Source:

No additional funds are required, the Performance & Program Budgeting approach is a budget overlay to the existing FY:02 & FY:03 Total Operating Budget (TOB) and future biennium TOB's.

VIII. Attachments

- A. FY:02 & O3 Total Operating Budget
- B. Performance & Program Category Budget, by Program Area (sample)
- C. Performance & Program Budget, by Division (sample)
- D. Performance & Program Budget Supporting Documentation (sample)

Office of Hawaiian Affairs 560 N Nimitz Hwy. Ste. 200 Honolulu, HI 96817

Roll Call Vote Sheet - ACTION ITEM

Committee on Resource Management				DATE: September 26, 2018 Motion:				
			Vote:					
AGENDA ITEM	I: IV. New Busines	SS						
	Amendments to Oldget format, and bu				ve Policy N	Aanual related t	o budget	
Motion/Action:				ANT ANT		CHE THE STATE OF THE		
Executive Policy Manual") as des	udget preparation y Manual ("Policy scribed in Attachm 4.l in Attachment "	Manual"; ents "A" a	and Boar and "B" <u>ex</u>	d of Trus	stees Oper	ations Manual	("Operations	
AMENDMENT:			d to					
MEANS OF FIN	IANCING:							
TRU	STEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED	
LEI	AHU ISA			X				
DAN	AHUNA						Х	
ROWENA	AKANA						X	
KELI'I	AKINA X X							
PETER	APO X							
ROBERT	LINDSEY							
COLETTE	MACHADO							
JOHN	WAIHE'E	X		X				
CHAIR HULU	LINDSEY			Х				
TOTAL VOTE COUNT 6 1								

WOTION. [[Y] PASSED	[] DEFENDED	[] FAILED	
	 			,

Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

V. New Business

B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.

Note: Material for this item was not received at folder distribution. The material will be distributed once it has been received.



OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

DATE: September 26, 2018

CC:

TO: OHA Board of Trustees:

Trustee Lei Ahu Isa Trustee Dan Ahuna Trustee Rowena Akana Trustee Keli'i Akina Trustee Peter Apo

Trustee C. Hulu Lindsey Trustee Robert K. Lindsey Trustee John Waihe'e IV

FROM: Trustee Colette Y. Machado, Chairperson

Dr. Kamana opono Crabbe, CEO/Ka Pouhana

SUBJECT: Notice to the Board of Trustees of the termination of the Ad Hoc Committee for OHA

Colitie y. Machado

Strategic Planning 2020+ approved and created on July 26, 2018

I am providing notice to the Board of Trustees (BOT) of my decision as the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ ("Ad Hoc"), approved and created on July 26, 2018, effective immediately.

Attached is a copy of a memo, including the attachments, I received from Administration requesting to sunset the Ad Hoc and provides reasons for this request. Trustee Dan Ahuna, the Ad Hoc Chair, and Trustee Robert Lindsey, the Ad Hoc Vice-Chair, are both in agreement with Administration's request.

The Ad Hoc planned to have full and free discussions with the BOT to allow Trustees to participate in the strategic planning process and development, to solicit feedback and input from the BOT, to provide information to the BOT, and to communicate to the BOT the community input and feedback at various points in this process. However, Hawai'i Revised Statutes, Chapter 92-2.5 relating to permitted interactions and further guidance provided by the Office of Information Practices in its *Quick Review: Who Board Members Can Talk To and When, Part 3*, restricts and limits the Ad Hoc's (permitted interaction group) process in which it communicates and interacts with the full board. Termination of the Ad Hoc will allow a working group, consisting of the same Administrative staff appointed to the Ad Hoc, to meet with the full board more frequently on the OHA strategic planning and would allow the working group to proceed with the workshop listed on the September 27, 2018 BOT meeting agenda.

OHA Board of Trustees September 26, 2018 Page 2

Also attached are excerpts of the minutes from the July 26, 2018 BOT meeting relevant to the discussion and approval of this Ad Hoc.

The authority for the BOT Chair to terminate an Ad Hoc Committee is found in the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E, and the OHA Board of Trustee Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e, and further affirmed in the motion approving this Ad Hoc.

This memo gives Trustees notice of my decision as the BOT Chair to terminate the Ad Hoc and listing this matter on the September 27, 2018 BOT agenda creates a record of the BOT Chair's decision to terminate the Ad Hoc.

If you have any questions, please contact my office. Mahalo.

Attachments:

- 1. Memo dated September 6, 2018 from OHA CEO to BOT Chair re: Request to Sunset the Ad Hoc Committee for OHA Strategic Planning 2020+ 4 pages
- 2. Excerpts of the July 26, 2018 BOT Meeting Minutes relevant to the discussion and approval of the Ad Hoc Committee for OHA Strategic Planning 2020+ 4 pages



OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

DATE:

September 6, 2018

TO:

Colette Machado - Ke Kauhuhu o Ke Kaupoku o Ke Ke'ena Kuleana Hawai'i-

Chairperson

Cc:

Ke Kaupoku o Ke Ke'ena Kuleana Hawai'i

FROM:

Kamana'opono M. Crabbe, Ka Pouhana-Chief Executive Officer &

SUBJECT:

Request to Sunset the Ad hoc Committee for OHA Strategic Planning 2020+

Administration hereby requests your consideration and approval¹ to sunset the Ad hoc Committee for OHA Strategic Planning 2020+, for the following reasons:

- 1. The membership of this ad hoc committee includes two members of the Board of Trustees, subject to HRS Chapter 92.
- 2. HRS Chapter 92, as interpreted by the Office of Office of Information Practices (OIP), defines these types of ad hoc committees, because of Board member participants, as Permitted Interaction Groups (PIGs).
- 3. OIP has further prepared the attached guidelines for two types of PIGs; investigation and negotiation
 - a. These guidelines layout the process and procedures by which the PIG can communicate and interact with the full Board.
 - b. These guidelines are restrictive and do not allow the PIG to have free and open discussion with the full Board.

For the reasons and limitations stated above, Administration recommends your consideration and approval to sunset this ad hoc committee to allow for full and free discussions with the entire Board. The authority for your approval is found in the OHA BOT Executive Policy Manual 1040 Board and Committees 1.4.e. "[t]he term of the Ad Hoc Committee shall expire with the completion of the assigned task or at the discretion of the Standing Committee Chair." In this case, the Board established the ad hoc committee; therefore, the discretion is with the Board Chair.

Background

At the Board of Trustees meeting on July 26, 2018, Administration requested consideration to approve the creation of an ad hoc committee for OHA Strategic Planning 2020+. Administration requested the inclusion of (2) members of the Board to allow for Board member involvement and

¹ OHA Board of Trustee Executive Policy Manual, Ad Hoc Committee Extension Request, 1.4.e., Term of the Ad Hoc Committee

Request to Sunset the Ad-hoc Committee for OHA Strategic Planning 2020+ September 6, 2018 Page 2

to have free and open discussion when necessary with all members of the Board on this significant planning matter.

Immediately following the creation of the ad hoc committee, the strict limitations for interaction between the ad hoc committee and the full Board became evident. As stated in Administration's memo of July 13, 2018 the purview of the committee outlined phases of the planning process. Several junctions in the timeline required the committee to go back to the full Board for either input or approval to move on to the next phase.

- Preparation
 - Strategic Planning Process Development
 - Transition Planning
- Phase 1
 - o Revisit OHA's identity: HRS Chapter 10, Vision, Mission, Roles, and Approaches
 - Obtain BOT agreement on elements
- Phase 2
 - Presentation of data on current conditions of Native Hawaiians, Stakeholder input, and Matrix of Native Hawaiian Serving Organization's Strategic Plan
 - Obtain BOT agreement on Priority Areas
- Phase 3
 - o Presentation on Conceptual Framework and Financial Strategic Approach
 - Obtain BOT agreement on Strategies
- On-going
 - o Implementation Planning

The membership of the ad hoc committee included: Trustee Dan Ahuna, Ad Hoc Committee Chair, Trustee Robert Lindsey, Ad Hoc Committee Vice-Chair, Ka Pouhana Kamana'opono M. Crabbe, Lisa Watkins-Victorino, Ka Pou Kihi Kāne-Research Director, Mehana Hind, Ka Pou Kihi Lono-Community Engagement Director, and Carla Hostetter, Ka Pou Kako'o Noi'i Pāhana Kūikawā

Request and recommendation

To allow for and gain full Board participation, this ad hoc committee recommends the Board Chair sunset its existence. Administration will continue a working group, made up of the same staff members stated above. This working group will make periodic reports to the full Board.

Upon termination of the ad hoc, the working group is requesting to hold a (2) hour workshop with the full Board on Thursday, September 27, 2018.

APPROVED BY:

Colette Machado, OHA Board Chair

lewy macago

9/26/18 Date

Quick Review: Who Board Members Can Talk To and When (Part 3) (August 8, 2013)

OIP often is asked whether board members can talk to one another in various situations when not in a meeting. To help board members understand what they can talk about when they are not in a meeting, OIP put together a three-part Quick Review. The entire series can be found online on OIP's Sunshine Law training webpagepage at oip.hawaii.gov.

Boards subject to the Sunshine Law, Part I of Chapter 92, Hawaii Revised Statutes (HRS), are generally required to conduct all business in open meetings that have been properly noticed to allow for public participation. This Quick Review discusses an exception to the open meeting requirement for "permitted interaction groups" or "PIGs," as set forth in section 92-2.5, HRS. While other types of permitted interactions were previously discussed in Part 2 of this Quick Review series, this article explains how members of a board may form a PIG to investigate or to negotiate a matter.

PIGs Established to Investigate

Two or more members of a board, but less than the number of members which would constitute a quorum, may be assigned to investigate a matter relating to the official business of their board.

In order for a board to take action on a matter investigated by a PIG, **three meetings must occur**. At the **FIRST** meeting of the full board, the scope of the investigation and the scope of each member's authority are defined. The PIG may then conduct its investigation.

At a **SECOND** meeting of the full board, findings and recommendations of the PIG are presented to the board, but the board cannot discuss or act on the report at this meeting.

A PIG may present its findings to the full board in an executive session if the reason for
entering into the executive meeting is one of those set forth in section 92-5(a), HRS, or
other law. For example, if a PIG was created to investigate whether to take certain
disciplinary action against an employee, it may present its findings to the full board in
accordance with section 92-5(a)(2), HRS, which allows board to enter executive meetings to
consider the discipline of an employee.

If the board would like to discuss, deliberate, or make any decisions regarding the PIG's report, it must do so only at a **THIRD** meeting held separately and after the meeting at which the findings and recommendations of the investigation were presented by the PIG.

 The public must be allowed to testify on any agenda item of the board, including those concerning PIGs and reports by PIGs.

Some Practical Considerations for Investigative PIGs

 PIGs are not subject to the Sunshine Law's requirements for giving notice, holding open meetings, or keeping minutes.

- PIG members may communicate by interactive technology (Skype, teleconference, etc.), and by e-mail, telephone, etc., on matters within the scope of the PIG's authority without violating the Sunshine Law.
- Although a PIG is not required to hold public meetings, it can choose to do so if it wishes.
- PIGs may solicit input from the public as part of an investigation without the need of filing a
 meeting agenda in accordance with the Sunshine Law.
- A PIG may include among its members people who are not members of the board that
 created the PIG. A PIG may also consult with others (i.e., staff, members of the public,
 individuals with expertise in a field) in furtherance of its investigation, but should NOT
 consult with other members of its parent board.
- Members of a board who are not part of the PIG may NOT attend PIG meetings.
- Before the PIG reports to the board, PIG members should not discuss the status of their investigation with other board members who are not part of the PIG.
- A standing committee of a board may create a PIG, and such PIGs must follow all the requirements of section 92-2.5(b), HRS.
- If a member of a PIG ceases to be a member of the parent board, the board should not substitute another board member into that vacant PIG position. The PIG's membership was previously established at the initial meeting that created the PIG. If a board wants to change the PIG's membership, it should dissolve the PIG and create a new one.

PIGs Established to Negotiate

Another less common type of PIG can be formed when two or more members of a board, but less than a quorum, are assigned to present, discuss, or negotiate any position adopted by the board at a meeting. The assignment of members to a PIG for the purpose of negotiation, and the scope of each member's authority, must be defined at a board meeting prior to the presentation, discussion, or negotiation. The three-meeting requirement for investigative PIGs does not apply to PIGs established to negotiate.

As a final note, boards should keep in mind that they may be subject to other laws or rules in addition to the Sunshine Law, which could affect members' ability to discuss pending matters. This may be particularly relevant for boards that exercise adjudicatory functions (which are not subject to the Sunshine Law), as they must generally avoid *ex parte* communications. Boards should consult with their own attorneys on the application of such laws and rules.

NOTE: Only portions of the minutes relevant to the discussion and approval of the Ad Hoc Committee for OHA Strategic Planning 2020+ is provided

E. Approval of the Ad Hoc Committee for OHA Strategic Planning 2020+

Chair Colette Machado – Can I get a motion Trustee Dan Ahuna?

Trustee Dan Ahuna moves to approve the appointment of the following members to the Ad Hoc Committee for OHA Strategic Planning 2020+:

- 1. Trustee Dan Ahuna, Ad Hoc Committee Chair
- 2. Trustee Robert Lindsey, Ad Hoc Committee Vice-Chair
- 3. Ka Pouhana Kamana'opono M. Crabbe
- 4. Lisa Watkins-Victorino, Ka Pou Kihi Kane Research Director
- 5. Mehana Hind, Ka Pou Kihi Lono-Community Engagement Director
- 6. Carla Hostetter, Ka Pou Kako'o Noi'i Pahana Kuikawa

The term of the ad hoc committee expires at the completion of the assigned task, or at the discretion of the Chair of the Board of Trustees, subject to later adjustment. The charge and purview of the ad hoc committee would be for Trustees and administrative staff to work together to achieve the goals in the following phases:

- Preparation
 - o Strategic Planning Process Development
 - o Transition Planning

- Phase 1
 - o Revisit OHA's identity: HRS Chapter 10, Vision, Mission, Roles, and Approaches
 - o Obtain BOT agreement on elements
- Phase 2
 - o Presentation of data on current conditions of Native Hawaiians, Stakeholder input, and Matrix of Native Hawaiian Serving Organization's Strategic Plan
 - o Obtain BOT agreement on Priority Areas
- Phase 3
 - o Presentation on Conceptual Framework and Financial Strategic Approach
 - o Obtain BOT agreement on Strategies
- On-going
 - o Implementation Planning

The ad hoc committee shall perform duties, including external consultations, necessary to accomplish its task.

Trustee John Waihe'e IV seconds the motion.

Chair Colette Machado - Further discussions. Trustee Rowena Akana.

Trustee Rowena Akana – I just want to say to this group that is going to head this group that you know what the last strategic plan it turned out to be a wish list that was impossible to fill. I want to make sure that doesn't happen with this strategic plan. It has to be achievable at the end goal. There has to be earmarks so that each goal as we complete is measured. I don't want to see culture as one of the top goals because culture should be incorporated in all things. But it should not be isolated by itself. Because the problem we've had in the past is that, you look at the strategic plan and staff have said this appropriation matches this in the strategic plan, boom they throw some money at it out of their bailiwick, that's not the kind of stuff that we want to see anymore. We want to see results based on realistic kinds of things in this strategic plan. So that's all I have to say.

Trustee Keli'i Akina – I will vote yes with one provision is that we make sure that the strategic planning process and outcomes are tightly integrated with our budgeting that we tightly integrate them with a program planning budget system. That means we will have some work to do apart from the strategic planning process but that is the bases that I am going to vote yes. I appreciate the insights that SMS will give us but I think we want to have a stronger control of metrics then to ask for a survey after a 5-year strategic plan. I'd like us the next time we come to the board to approve a budget to be able to tell how each item is related to a strategic plan out some with the metric of a PPBS system. Thank you but I will vote yes on that basis.

Trustee Peter Apo – Again, I raise the question of the need perhaps as part of this process to revisit (conversation indiscernible)

Trustee Carmen Hulu Lindsey – Do we have a budget for this?

Kamana'opono Crabbe – We have very minimal, we've already worked it in to our work plans for the fiscal year 17-18 and it now included for Biennium 18-19 and then 20-21. As we shared earlier, the only contract we are doing is with the facilitation. But all of the heavy lifting in terms of work, analysis will be with our staff.

Trustee Carmen Hulu Lindsey – Thank you for that hard work.

Chair Colette Machado - Roll call vote.

Trustee Dan Ahuna moves to approve the appointment of the following members to the Ad Hoc Committee for OHA Strategic Planning 2020+:

- 1. Trustee Dan Ahuna, Ad Hoc Committee Chair
- 2. Trustee Robert Lindsey, Ad Hoc Committee Vice-Chair
- 3. Ka Pouhana Kamana'opono M. Crabbe
- 4. Lisa Watkins-Victorino, Ka Pou Kihi Kane Research Director
- 5. Mehana Hind, Ka Pou Kihi Lono-Community Engagement Director
- 6. Carla Hostetter, Ka Pou Kako'o Noi'i Pahana Kuikawa

The term of the ad hoc committee expires at the completion of the assigned task, or at the discretion of the Chair of the Board of Trustees, subject to later adjustment. The charge and purview of the ad hoc committee would be for Trustees and administrative staff to work together to achieve the goals in the following phases:

- Preparation
 - o Strategic Planning Process Development
 - o Transition Planning
- Phase 1
 - o Revisit OHA's identity: HRS Chapter 10, Vision, Mission, Roles, and Approaches
 - o Obtain BOT agreement on elements
- Phase 2
 - o Presentation of data on current conditions of Native Hawaiians, Stakeholder input, and Matrix of Native Hawaiian Serving Organization's Strategic Plan
 - o Obtain BOT agreement on Priority Areas
- Phase 3
 - o Presentation on Conceptual Framework and Financial Strategic Approach
 - o Obtain BOT agreement on Strategies
- On-going
 - o Implementation Planning

The ad hoc committee shall perform duties, including external consultations, necessary to accomplish its task.

Trustee John Waihe'e IV seconds the motion.

TRUSTEE		1	2	'AE (YES)	A'OLE	KANALUA (ABSTAIN)	EXCUSED
TO LICTURE LEDVA (ALA	ATTILICA		_	(IES)	(NO)	(ADSTAIN)	
TRUSTEE LEINA'ALA	AHU ISA						X
TRUSTEE DAN	AHUNA	х		X			
TRUSTEE ROWENA	AKANA			X			
TRUSTEE KELI'I	AKINA			X			
TRUSTEE PETER	APO			X			
TRUSTEE CARMEN H	ULU LINDSEY			X			
TRUSTEE ROBERT	LINDSEY						x
TRUSTEE JOHN	WAIHE'E		X	X			
TRUSTEE COLETTE	MACHADO			X			
TOTAL VOTE	E COUNT			7			2
MOTION: [] UNANI	MOUS [x] PA	SSE	D	1 DEFE	RRED [1 FAILED	-

MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with seven (7) yes votes and two (2) excused.

Chair Colette Machado - We have one more item to go Community Concerns, we have on

Chair Colette Machado - We have one more item to go Community Concerns, we have on individual that has signed up. Trustee Keli'i Akina.

Trustee Keli'i Akina – Following the vote we just took I wonder if we might consider forming a PIG, a group where multiple Trustees can feed some feedback into the Strategic Planning group. We may not need to decide

that today, but I'd like to put that out there that, that might be a good way to let Trustees brainstorm with each other and feed that input back into the strategic planning process if we formed a PIG.

VI. COMMUNITY CONCERNS

Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

V. New Business

C. BOT Workshop for OHA Strategic Planning 2020+, Phase I, Agreement and Confirmation regarding the foundational documents and direction of new OHA Strategic Plan. (note: This is the first in a series of workshops regarding OHA's new Strategic Plan)

2020 Strategic Planning Process

Phase 1: OHA's Identity Review of Foundational Elements

Purpose

The purpose of this document is to provide background information to support OHA Board of Trustee decision-making in Phase 1 of OHA's Strategic Planning process.

Overview of Process

This planning process will take place in 3 phases as approved by the Trustees on July 26, 2018, through which a new OHA Strategic plan will be created by FY2020, July 1, 2019. In all 3 phases of planning, activities of both BOT, at the decision-making level, and Administration, supporting with data and information, will be essential these critical strategic decisions. The 3 phases of planning, include:

Phase 1. OHA's identity:

- Revisit foundational documents, such as: HRS Chapter 10, Vision, Mission, and Roles
- Obtain BOT agreement on elements of OHA's identity

Phase 2. Priority Areas

- Presentation of data on current conditions of Native Hawaiians, Stakeholder input, and Matrix of Native Hawaiian Serving Organization's Strategic Plan
- Obtain BOT agreement on Priority Areas

Phase 3. Strategies

- Presentation on Conceptual Framework and Financial Strategic Approach
- Obtain BOT agreement on Strategies

Phase 1: OHA's Identity Introduction

Therefore, the September 27, 2018 Board of Trustees meeting will complete Phase 1 of the planning process by reaffirming or re-envisioning OHA's identity. These decisions regarding interpretation of our statutory requirements, the continuation or reconstruction of OHA's mission, vision, and the roles we play in Native Hawaiian communities, will form the foundation of all future decisions regarding OHA's 2020 Strategic Plan. Each decision that is made in Phase 2 or Phase 3 will be vetting against OHA's Identity as affirmed by the Trustees to ensure alignment.

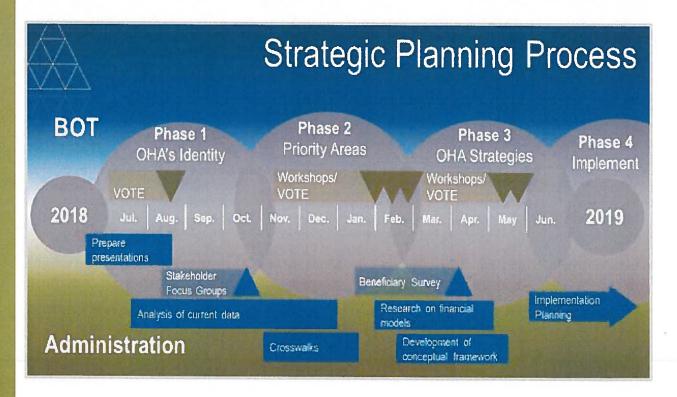
In preparation for Phase 1 of the planning process, OHA Administration here provides an overview of OHA current foundational documents. Contents included:

- Strategic Planning Process Overview Presentation Slides
- — OHA Statuary Reference Presentation Slides and Handout
- Mission and Vision Presentation Slides and Handout
- Roles of the Office of Hawaiian Affairs Presentation Slides

PHASE 1

Strategic Planning Process Overview Presentation Slides





OHA Statuary Reference Presentation Slides

OHA Statutory References

in support of OHA Strategic Plan 2020+

Everett Ohta, Esq.
OHA Corporation Counsel

Presentation overview

- I. Constitutional and statutory basis for OHA
- II. OHA statutory requirements
- III. OHA powers

I. OHA constitutional basis

- OHA established under Hawai'i Constitution art. XII, sec. 5.
 - Led by OHA Board of Trustees
 - Exercise powers enumerated in Haw. Const. art. XII, sec. 6.
- Owing to the trust obligation to native Hawaiians in the state constitution, OHA was established to address the needs of the aboriginal class of people of Hawai'i (HI Rev. Stat. ch.10)

I. OHA statute - HRS ch. 10

- OHA's broad mandates are set forth under state law (HRS ch. 10)
- Purposes of OHA:
 - The betterment of conditions of native Hawaiians and Hawaiians;
 - Serving as the principal public agency for the performance, development, and coordination of programs and activities relating to Native Hawaiians;
 - Assessing the policies and practices of other agencies impacting on Native Hawaiians and conducting advocacy efforts;
 - Applying for, receiving, and disbursing, grants and donations for NH programs and services;
 - Serving as a receptacle for reparations.

PHASE 1

I. OHA statute - HRS ch. 10

- OHA requirements
- OHA powers

Other federal, state, and county laws also apply

II. OHA statutory requirements and references

· 20 USC 7514(b) 42 USC 2991b-1 Hawai'i Const. art. XII, sec. 5 HRS 4E-1 HRS 6E-3 HRS 6E-17 HRS 6E-43 HRS 6E-43.5 HRS 6E-43.6 ■ HRS 6K-5 HRS 10-3(4) HRS 10-3(5) HRS 10-3(6) HRS 10-4.5 HRS 10-6(a)(1)(A), (B) HRS 10-6(a)(1)

HRS 10-6(a)(2)

HRS 10-6(a)(3)

HRS 10-6(a)(4)

 HRS 10-6(a)(5) HRS 10-6(a)(6) HRS 10-6(a)(7) HRS 10-6(a)(8) HRS 10-6(a)(9) HRS 10-13 HRS 10-13.5 HRS 10-14.5 • HRS 10-14.5(c) HRS 10-14.55 HRS 10-14.6 HRS 10-15 HRS 10-17 HRS 10-19 HRS 10-42 HRS 23-12 HRS 90-5 HRS 171-50

HRS 171-64.7

 HRS 200D-2 HRS 210D-5 HRS 225P-3 · HRS 304A-1903 * HRS 304A-1904 HRS 346-382 HRS 353F-4 HRS 560:2-105.5 • HRS 669-2 Act 178 (SLH 2006) Act 104 (SLH 2017) Act 185 (5LH 2017) HCC 2-226(b) • HCC 19-89.5 KCC 5A-11.29 MCC 2.88.030 MCC 3.48.554 MCC 19.510.010(D)(9)

ROH 8-10.32

PHASE

II. OHA statutory requirements and references

Other sources of obligations for OHA:

- Responsibilities assumed by agreement or administrative process
 - Examples: HLID program, Papahānaumokuākea co-trustee
- Responsibilities as a government agency
 - Examples: procurement code, Sunshine law, ethics code
- Engagement as the principle public agency responsible for Native Hawaiian programs and advocacy
 - · Examples: cultural site preservation, health consortium, water rights
- Fiduciary duties of Trustees and OHA
 - Examples: duty of care, duty of loyalty

II. OHA statutory requirements and references

 20 USC 7514(b) HRS 10-6(a)(5) HRS 200D-2 OHA - Advocacy (Public Policy, 42 USC 2991b-1 HRS 10-6(a)(6) HRS 210D-5 Compliance Enforcement, Washington D.C. Hawal'i Const. art. XII, sec. 5 • HRS 10-6(a)(7) HRS 225P-3 Bureau, Papahānaumokuākea programs) HRS 4E-1
 HRS 10-6(a)(8) HRS 304A-1903 HRS 6E-3 HRS 10-6(a)(9) HRS 10-3(4) HRS 304A-1904 HRS 6E-17 HRS 10-13 HRS 346-382 HRS 346-382
HRS 353F-4
HRS 560:2-105.5 HRS 10-6(a)(2) HRS 10-15 HRS 6E-43 HRS 10-13.5 HRS 353F-4 HRS 10-14.5 HRS 10-42 HRS 6E-43.5 HRS 6E-3 HRS 10-14.5(c) HRS 6E-43.6 HRS 669-2 • Act 178 (SLH 2006) HRS 6E-17 HRS 10-14.55 HRS 6K-5 • HRS 6E-43 HRS 10-14.6 • HRS 10-3(4) Act 104 (SLH 2017) Act 185 (SLH 2017)
HCC 2-226(b)
HCC 19-89.5
KCC 5A-11.29
MCC 2.88.030
MCC 3.48.554 HRS 6E-43.5 HRS 10-3(5) HRS 10-15 HRS 6E-43.6 HRS 10-3(6) HRS 10-17 • HRS 171-50 • HRS 10-4.5 HRS 10-19 HRS 171-64.7 • HRS 10-6(a)(1)(A), (B) • HRS 10-42 • HRS 304A-1903 • HRS 10-6(a)(1) • HRS 23-12 HRS 304A-1904 HRS 10-6(a)(2) HRS 90-5 • HRS 10-6(a)(3) • HRS 171-50 • MCC 19.510.010(D)(9) • MCC 2.88.030 HRS 10-6(a)(4) HRS 171-64.7 ROH 8-10.32 MCC 19.510.010(D)(9)

II. OHA statutory requirements and references

<u>OHA – Advocacy</u> (Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs)

- Assist with planning for state/county plans for Native Hawaiian programs and services (HRS 10-6(a)(2))
- Prepare and submit special reports as required by Legislature (HRS 10-15)
- Administer Native Hawaiian law training course (HRS 10-42)
- Submit nominee lists to Governor for island burial councils (HRS 6E-43.5)
- Submit nominee lists to Maui and Hawai'i mayors for respective Cultural Resources Commissions, when requested (HCC 2-226(b), MCC 19.510.010(D)(9))

II. OHA statutory requirements and references

<u>OHA – Advocacy</u> (Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs)

Consulting agency on Native Hawaiian issues and conducting advocacy for Native Hawaiians (HRS 10-3(4)). Excludes OHA representation on boards and commissions and laws requiring consultation Native Hawaiian organizations, including OHA.

- Consult on proposed public land sales and exchanges (HRS 171-50; 171-64.7)
- Consult on Maunakea rulemaking related to traditional and customary rights and administrative fines (HRS 304A-1903; 304A-1904)
- Consult on rulemaking on burial site relocation, rulemaking on burial council appointment, cultural site confidentiality, and upon the inadvertant discovery of burial sites. (HRS 6E-17; 6E-43; 6E-43.5; 6E-43.6)
- Consult on access permits to cultural site, via Native Hawaiian Historic Preservation Council (HRS 6E-3(17))
- Consult on planning applications and preservation plans in the County of Maui (MCC 2.88.030)

II. OHA statutory requirements and references

• 20 USC 7514(b) 42 USC 2991b-1 Hawai'i Const. art. XII, sec. 5 • HRS 10-6(a)(7) HRS 4E-1
 HRS 10-6(a)(8)

HRS 6K-5

HRS 10-3(5)

 HRS 10-3(6) HRS 10-4.5

HRS 10-6(a)(1)

 HRS 10-6(a)(3) HRS 10-6(a)(4)

 HRS 10-6(a)(6) HRS 10-6(a)(9) HRS 10-13 HRS 10-13.5 HRS 10-14.5 * HRS 10-14,5(c) HRS 10-14.55 HRS 10-14.6

HRS 10-6(a)(5)

HRS 10-17HRS 10-19 HRS 10-6(a)(1)(A), (B) HRS 23-12 HRS 90-5

- HRS 200D-2 HRS 210D-5
- HRS 225P-3
- HR5 346-382 HRS 353F-4
- HRS 560:2-105.5 HRS 669-2
- Act 178 (SLH 2006) Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HCC 19-89,5 KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10-32

OHA – Community Engagement

(Community Outreach, Digital and Print Media, Hawaiian Registry programs)

- HRS 10-6(a)(3)
- HRS 10-19

II. OHA statutory requirements and references

OHA - Community Engagement (Community Outreach, Digital and Print Media, Hawaiian Registry programs)

- Maintain an inventory of federal, state, county, and private Native Hawaiian programs and services for referral (HRS 10-6(a)(3))
- Establish a registry of all Native Hawaiians (HRS 10-19)

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II. OHA statutory requirements and references

 20 USC 7514(b) HRS 10-6(a)(5) 42 USC 2991b-1 HRS 10-6(a)(6) Hawai'i Const. art. XII, sec. 5 • HRS 10-6(a)(7) HRS 4E-1
 HRS 10-6(a)(8) HRS 10-6(a)(9) HRS 10-13 HRS 10-13.5 HRS 10-14:5 HRS 10-14.5(c) HRS 6K-5 HRS 10-14.55 HRS 10-14.6

• HRS 10-3(6) • HRS 10-17 • HRS 10-4.5

• HRS 10-6(a)(1) • HRS 23-12

HRS 90-5

* HRS 10-3(5)

HRS 10-4.5

HRS 10-6(a)(4)

+ HRS 10-6(a)(1)(A), (B)

- HR5 200D-2 HRS 210D-5 HRS 225P-3
- HRS 346-382 HRS 353F-4 HRS 560:2-105.5 HRS 669-2
- Act 178 (SLH 2006) Act 104 (SLH 2017) Act 185 (SLH 2017)
- HCC 19-89.5 KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10-32

OHA - Research (Program Improvement; Land, Culture and History: Special Projects; Demography programs)

- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(5)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

II. OHA statutory requirements and references

OHA - Research (Program Improvement; Land, Culture and History; Special Projects; Demography programs)

- Conduct and support research related to Native Hawaiians (HRS 10-6(a)(5))
- · Compile demographic data and identify the physical, sociological, psychological, and economic needs of Native Hawaiians (HRS 10-6(a)(1)(A), (B))
- Provide kuleana land tax ancestry verification (HCC 19-89.5; KCC 5A-11.29; MCC 3.48.554; ROH 8-10.32)

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II. OHA statutory requirements and references

20 USC 7514(b)		 HR5 200D-2 	OHA Possures Managament		
42 USC 2991b-1	 HRS 10-6(a)(6) 	 HRS 210D-5 	OHA – Resource Management		
Hawai'i Const. art. XII, sec. 5	. HRS 10-6(a)(7)	 HRS 225P-3 	Financial Assets (Administrative		
HRS 4E-1	• HRS 10-6(a)(8)		Services, Procurement, Information		
	 HRS 10-6(a)(9) 		Systems, Investment Transaction,		
	• HRS 10-13	 HRS 346-382 	Transitional Assistance programs)		
	• HRS 10-13.5	 HRS 353F-4 			
	 HRS 10-14.5 	 HRS 560:2-105.5 	• 42 USC 2991b-1		
	 HRS 10-14.5(c) 	 HRS 669-2 	• HRS 10-3(5)		
HRS 6K-5	 HRS 10-14.55 	 Act 178 (SLH 2006) 	• HRS 10-4.5		
	• HRS 10-14.6	 Act 104 (SLH 2017) 	• HRS 10-6(a)(8)		
HRS 10-3(5)		 Act 185 (SLH 2017) 	• HRS 10-13 • HRS 10-14 5		
HRS 10-3(6)	• HRS 10-17		• HRS 10-14.5 • HRS 10-14.5(c)		
HRS 10-4.5			• HRS 10-14.5(c)		
			• HRS 10-14.6		
HRS 10-6(a)(1)	• HRS 23-12		• HRS 10-17		
	• HRS 90-5		• HRS 23-12		
HRS 10-6(a)(4)					

II. OHA statutory requirements and references

OHA – Resource Management – Financial Assets (Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs)

- Make disbursements via OHA instruments and make deposits (HRS 10-4.5)
- Administer federal funds alloted by federal act for Native Hawaiians; deposit such funds in depositories and report such funds to the state comptroller (HRS 10-6(a)(8); 10-13)
- Establish a revolving loan funds for underserved Native Hawaiian organizations and individuals (42 USC 2991b-1)

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II. OHA statutory requirements and references

OHA – Resource Management –Financial Assets (Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs) - continued

- Prepare a budget, program/financial plans, and variance reports and submit to legislature. Budget must be provided to beneficiaries for input, along with an accounting of funds expended and the effectiveness of programs (HRS 10-14.5)
- Comply with state auditor in its audit every four years and review of OHA special, revolving, and trust funds. (HRS 10-14.5(c); 14.55; 23-12)
- Apply for and disburse grants for Native Hawaiian programs and services (HRS 10-3(5); 10-17)

II. OHA statutory requirements and references

- HRS 10-6(a)(6)
 Hawal'i Const. art. XII, sec. 5 HRS 10-6(a)(7)
 HRS 4E-1
 HRS 10-6(a)(9)
 HRS 10-13.5
 HRS 6K-5
 HRS 10-3(6)
- HRS 2000-2
 HRS 2100-5
- HRS 225P-3
- HR5 346-382
- HRS 353F-4
 HRS 560:2-105.5
- HRS 669-2
- HRS 669-2
 Act 178 (SLH 2006)
- * Act 104 (SLH 2017)
- Act 185 (SLH 2017)

OHA – Resource Management-

Land Assets (Commercial Property Management, Land and Property Management, Hālawa-Luluku Interpretive Development programs)

- Hawai'i Const. art. XII, sec. 5
- HRS 560:2-105.5
- HRS 669-2

- HRS 10-6(a)(1)
 - HRS 90-5
- HRS 10-6(a)(4)

20 USC 7514(b)

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II. OHA statutory requirements and references

<u>OHA – Resource Management-Land Assets (Commercial Property Management, Land and Property Management, Hālawa-Luluku Interpretive Development programs)</u>

- Hold property in trust for Native Hawaiians (Hawai'i Const. art. XII, sec. 5)
- Develop a land management plan for kuleana lands where an interest escheats to the state (HRS 560:2-105.5) Represent itself in quiet title or adverse possession cases where OHA has been named as a defendant (HRS 669-2)

II. OHA statutory requirements and references

 20 USC 7514(b) HRS 200D-2 OHA - generally HRS 10-6(a)(6) HRS 210D-5 • HRS 10-6(a)(7) HRS 225P-3 HRS 10-6(a)(1) HRS 4F-1 HRS 10-6(a)(4) HRS 10-6(a)(9) HRS 10-13.5 HRS 346-382 HRS 10-15 * HRS 10-13-5 HRS 353F-4 HRS 21F-8 HRS 90-5 Act 178 (SLH 2006) HRS 6K-5 . Act 178 (SLH 2006) Act 104 (SLH 2017) Act 185 (SLH 2017) HRS 10-3(6) HRS 10-6(a)(1) HRS 90-5 HRS 10-6(a)(4)

II. OHA statutory requirements and references

OHA - generally

- Develop a Strategic Plan that provides for the compilation of demographic data, identification of the needs of Native Hawaiians, establishment of long-range goals, establishment of priorities and alternatives, and organizes OHA facilities and personnel (HRS 10-6(a)(1))
- Expend annual Public Land Trust funds for the benefit of native Hawaiians (HRS 10-13.5; Act 178 (SLH 2006)
- Prepare an annual report on OHA's activities, income, and expenditures, as well as volunteer statistics (HRS 10-15; 90-5)

II. OHA statutory requirements and references

· 20 USC 7514(b) HRS 2000-2 OHA – generally (representative) • HRS 10-6(a)(6) HRS 210D-5 HRS 10-6(a)(7) HRS 225P-3 20 USC 7514(b) HRS 4E-1 HRS 4E-1 HRS 10-6(a)(9) HRS 6K-5 HRS 346-382 HRS 200D-2 HRS 353F-4 HRS 210D-5 HRS 225P-3 HRS 346-382 • HRS 6K-5 HRS 353F-4 Act 104 (SLH 2017) Act 104 (SLH 2017) Act 185 (SLH 2017) Act 185 (SLH 2017) HRS 10-3(6)

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II. OHA statutory requirements and references

OHA - generally (representative on boards and commissions)

- Native Hawaiian Education Council (20 USC 7514(b))
- State Board on Geographic Names (HRS 4E-1)
- Kaho'olawe Island Reserve Commission (HRS 6K-5)
- Kāne'ohe Bay Regional Council (HRS 200D-2)
- Community-Based Economic Development Advisory Council (HRS 210D-5)
- Hawai'i Climate Change Mitigation and Adaptation Commission (HRS 225P-3)
- Hawai'i Interagency Council on Homelessness (HRS 346-382)
- Corrections Population Management Commission (HRS 353F-4)
- Dark Night Skies Protection Advisory Committee (Act 104 (SLH 2017))
- Temporary Comm'n on the 13th Festival of the Pacific Arts (Act 185 (SLH 2017))

II. OHA statutory requirements and references

- * HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

OHA – unassigned

- HRS 10-3(6)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

HRS 10-3(6)

II. OHA statutory requirements and references

OHA – unassigned

- Serve as a receptacle for reparations (HRS 10-3(6))
- Develop and review models for comprehensive Native Hawaiian programs (HRS 10-6(a)(6))
- Act as a clearinghouse for applications for federal and state assistance for Native Hawaiian programs and projects (HRS 10-6(a)(7))
- Promote establishment of agencies to serve Native Hawaiians (HRS 10-6(a)(9))

III. OHA powers

- OHA powers established in Hawai'i Constitution and enumerated in HRS chapter 10, specifically HRS 10-4, HRS 10-5, HRS 10-22, in addition to the powers necessary to perform the duties in HRS chapter 10.
- OHA may also retain its own attorneys and utilize volunteers

OHA Statuary Reference Handout

I. OHA PURPOSES

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, 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.¹

II. OHA STATUTORY REQUIREMENTS

This section identifies the statutory requirements imposed on OHA under federal and state laws and the ordinances of the various counties, due to our focus on Native Hawaiian issues. The listing below does not include obligations placed on OHA that are not based in statute, such as assumed responsibilities under formal agreements with other entities (e.g., HLID, Papahānaumokuākea), or those obligations that arise from our government agency status (e.g., procurement code, Sunshine law, ethics code).

This section is organized by the Paia that has been assigned primary responsibility over a given statutory requirement.²

A. <u>Advocacy (Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs)</u>

- 1. Assist with planning for programs and services. OHA is to assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services.³
- Special reports. The board shall prepare and submit special reports as may be required by the legislature."⁴

¹ HRS §10-3; see also HRS §10-1.

² The powers and duties of the OHA Board of Trustees may be delegated to the OHA Administrator and employees. HRS § 10-5(6).

³ HRS §10-6(a)(2).

⁴ HRS §10-15.

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- 3. Native Hawaiian law training course. "OHA, at its own expense, shall establish, design, and administer a training course relating to [Native Hawaiian] traditional and customary rights, [Native Hawaiian] natural resource protection and access rights, and the public trust, including the State's trust responsibility. ...[OHA], 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-A(a) that attendance in a training course is mandatory. The office of Hawaiian affairs shall offer the training course at least twice per year."
- 4. <u>Vetting for island burial councils</u>. OHA shall submit to the governor a list of nominees for filling vacancies on the five island burial councils.⁶
- <u>Vetting for Maui and Hawai'i county Cultural Resources Commissions.</u> The mayors of Maui and Hawai'i counties must solicit lists of two or more persons to their respective county Cultural Resources Commission from members of the public, including OHA.⁷
- 6. Consulting agency on Native Hawaiian issues. Although not explicitly required under HRS Chapter 10, OHA serves in a consultative role in a number of state and county processes. Furthermore, a primary purpose for OHA is to "[assess] the policies and practices of other agencies impacting on [Native Hawaiians], and conducting advocacy efforts for [Native Hawaiians]." Note, this category does not include OHA representation on state boards and commissions, which is discussed separately in this memo under the general duties of OHA, under section II.F., nor does it include instances where consultation with, or representation by, Native Hawaiian organizations (not specifically OHA) is required.
 - a. <u>Maunakea rulemaking</u>. In adopting rules to regulate public and commercial activities on Maunakea lands, the UH Board of Regents must consult with OHA to ensure that the rules will not affect any traditional and customary rights of Native Hawaiians, except as a reasonable regulation of such rights.¹⁰ The UH Board of Regents shall consult with OHA on the assessment and collection of administrative fines for violations of the Maunakea rules.¹¹
 - b. <u>Public land sales or exchanges</u>. Three months prior to the convening of the legislative session, OHA must be provided with a draft of the legislative resolution seeking approval of any sale or exchange of former Crown or government lands of

⁵ HRS §10-42.

⁶ HRS §6E-43.5.

⁷ Maui County Charter (MCC), sec. 2.88.030; Hawai'i County Code (HCC), sec. 2-226(b).

⁸ HRS §10-3(4).

⁹ For example, under the federal Native American Graves Protection and Repatriation Act, OHA is listed as an example of a Native Hawaiian Organization that must be consulted upon discovery of a Native Hawaiian cultural item on federal lands. See 25 United States Code (USC) §3001-3002. See also 20 USC §80q-11.

¹⁰ HRS §304A-1903.

¹¹ HRS §304A-1904.

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the Kingdom of Hawai'i (or lands exchanged for such lands) to allow OHA to analyze the proposed sale or exchange. 12

c. <u>Historic preservation and Native Hawaiian burials</u>. Consultation with OHA is required for: (1) determining when the location of archeological sites should be withheld from public posting when there is a threat of destruction or loss; 13 (2) rulemaking to establish criteria for when burial sites should be relocated or preserved in place; 14 (3) rulemaking to establish a process for appointing members to the island burial councils; 15 and (4) inadvertent discoveries of burial sites (with notification coming via DLNR). 16

Consultation with the Native Hawaiian Historic Preservation Council, which serves in an advisory capacity to the OHA CEO, is required for rulemaking related to permits for access by Native Hawaiians to historic sites. 17 All applications to the Maui Planning Department must include preliminary archaeological and historical data and comments from DLNR and OHA, and if applicable, a preservation/mitigation plan that has been reviewed and approved by OHA.¹⁸

Community Engagement (Community Outreach, Digital and Print Media, В. Hawaiian Registry programs)

- 1. Clearinghouse and referral agency. OHA is to maintain an inventory of federal, state. county, and private programs and services for Native Hawaiians and act as a clearinghouse and referral agency. 19
- 2. Hawaiian Registry. OHA is to "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."20

C. Research (Program Improvement; Land, Culture and History; Special Projects programs)

1. Research and development. OHA is to conduct, encourage, and maintain research relating to Native Hawaiians and to develop and review models for comprehensive Native Hawaiian programs.21

¹² HRS §§171-50; 171-64.7.

¹³ HRS §6E-17.

¹⁴ HRS §6E-43.

¹⁵ HRS §6E-43.5.

¹⁶ HRS §6E-43.6.

¹⁷ HRS §6E-3.

¹⁸ MCC, sec. 19.510.010(D)(9).

¹⁹ HRS §10-6(a)(3).

²⁰ HRS §10-19.

²¹ HRS §10-6(a)(5).

- <u>Data gathering</u>. As provided in the Strategic Plan, OHA has the duty to compile basic demographic data on Native Hawaiians and identify the physical, sociological, psychological, and economic needs of Native Hawaiians.²²
- 3. <u>Kuleana land tax verification</u>. The counties of Hawai'i, Kaua'i, and Maui, as well as the City and County of Honolulu, recognizes that OHA (or a court of law) may verify the genealogy of a kuleana land property tax exemption applicant as a lineal descendant of the original titleholder of kuleana land.²³

D. <u>Resource Management-Financial Assets (Administrative Services, Procurement, Information Systems, Investments Transactions, Transitional Assistance programs)</u>

- 1. <u>Disbursement and depositing of money</u>. "[OHA] shall have and exercise the power to make all necessary and appropriate disbursements of its moneys by issuing checks in its own name and by any other means. . . . [OHA] shall have and exercise the power to deposit any of its moneys in any banking institution within or outside the State."²⁴
- 2. Administration of federal funds. OHA is to apply for, accept and administer any federal funds made available or allotted under any federal act for Native Hawaiians.²⁵ "Moneys received from the federal government for research, training, and other related purposes of a transitory nature, and moneys in trust or revolving funds administered by the office, shall be deposited in depositories other than the state treasury and shall be reported on to the state comptroller under section 40-81, and rules prescribed thereunder."
- 3. Revolving loan fund. Using federal funds received from the Department of Health and Human Services, OHA is to establish a revolving loan fund to make loans or loan guarantees to Native Hawaiian organizations and individuals "for the purpose of promoting economic development in the State of Hawaii." Prior to making a loan, OHA must determine that the borrower is unable to obtain financing from other services on reasonable terms and conditions and there is a reasonable prospect that the borrower will repay the loan. Loans must be made on terms established by statute and under payment and collection terms reviewed and approved by the Commissioner of the Administration for Native Americans. OHA must report to the Commissioner loans in default and prospects for collection of such loans, and shall carry out the instructions of the Commissioner with respect to loans in default.²⁷
- 4. <u>Budget preparation and submission</u>. OHA is to submit to the state legislature its budget, sixyear program and financial plan, and variance report, in accordance with the budget submission schedule specified for the governor in HRS Chapter 37. At least twenty days prior

²² See HRS §10-6(a)(1)(A), (B) (requirements under the OHA Strategic Plan).

²³ See Revised Ordinances of Honolulu, sec. 8-10.32; HCC, sec. 19-89.5; Kaua'i County Code, sec. 5A-11.29; MCC, sec. 3.48.554. See also HRS § 10-5(8) (providing that OHA may "[m]ake available technical and financial assistance and advisory services to any agency . . . for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs.").

²⁴ HRS §10-4.5.

²⁵ HRS §10-6(a)(8).

²⁶ HRS §10-13.

²⁷ 42 USC 2991b-1.

to the convening of each regular session of the legislature, OHA is to submit to the legislature an accounting of the expenditures made in 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 OHA BOT shall provide written notification to the governor of the proposed total expenditures, by cost categories and sources of funding, and estimated revenues of OHA for each fiscal year of the next fiscal biennium."²⁸

The OHA BOT is to provide opportunities for beneficiaries in every county to participate in the preparation of each biennial and supplemental budget of OHA.²⁹ These opportunities shall include an accounting by trustees of the funds expended and of the effectiveness of programs undertaken."³⁰ "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."³¹

- <u>5.</u> <u>Grants.</u> One of the purposes for which OHA was established is "[a]pplying for, receiving, and disbursing, grants and donations from all sources for [Native Hawaiian] programs and services." In awarding grants, OHA is responsible for ensuring:
 - (1) The applicant has applied for or received all applicable licenses and permits, when such is required to conduct the activities 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 improvements 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 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.

Further, OHA is responsible for monitoring to ensure compliance with HRS Chapter 10 and the purposes and intent of the grant; and annual evaluation to determine whether the grant attained the intended results in the manner contemplated.³³

6. Support for audit. "The office shall be subject to governmental audit."³⁴ "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

²⁸ HRS §10-14.5(a).

²⁹ HRS §10-14.5(b).

³⁰ ld

³¹ HRS §10-14.6.

³² HRS §10-3(5).

³³ HRS §10-17.

³⁴ HRS §10-14.5(c).

of the next immediate legislative session."³⁵ Every five years, the office of the auditor shall submit a review of the special, revolving, and trust funds of OHA.³⁶

E. Resource Management-Land Assets (Commercial Property Management, Land and Property Management, Hālawa-Luluku Interpretive Development programs)

- 1. <u>Hold title.</u> "The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians." ³⁷
- 2. Escheat of kuleana land. "Any provision of law to the contrary notwithstanding, if the owner of an inheritable interest in kuleana land dies intestate, or dies partially intestate and that partial intestacy includes the decedent's interest in the kuleana land, and if there is no taker. . . such inheritable interest shall pass to [DLNR] to be held in trust until [OHA] develops a land management plan for the use and management of such kuleana properties, and such plan is approved by [DLNR]. Upon approval, [DLNR] shall transfer such kuleana properties to [OHA]."38 OHA shall be joined as a defendant in any quiet title or adverse possession claim for kuleana land and where plaintiff has reason to believe that an owner of an inheritable interest in kuleana land died intestate or partially intestate.³⁹

F. General

- 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:
 - (A) Compilation of basic demographic data on native Hawaiians and Hawaiians:
 - (B) Identification of the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians;
 - (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.⁴⁰
- <u>Public Land Trust spending.</u> "Twenty per cent of all funds derived from the public land trust, described in section 10-3, shall be expended by the office, as defined in section 10-2, for the purposes of [HRS Chapter 10]."⁴¹ Beginning in fiscal year 2005-2006, the annual amount of the income and proceeds from the pro rata share of the PLT shall be \$15,000,000.⁴²

³⁵ HRS §10-14.55.

³⁶ HRS §23-12.

³⁷ Hawai'i Constitution art. XII, section 5.

³⁸ HRS §560:2-105.5.

³⁹ HRS §669-2.

⁴⁰ HRS §10-6(a)(1).

⁴¹ HRS §10-13.5.

⁴² Act 178 (Session Laws of Hawai¹ (SLH) 2006).

- 3. Annual reports. "The [OHA BOT] 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 annual report shall also include a list of volunteer job titles and estimates of the total number of volunteers and the total number of hours of volunteer service.
- <u>4.</u> <u>Positions on boards and commissions</u>. OHA is to advise and inform federal, state, and county officials about Native Hawaiian programs, and coordinate federal, state, and county activities relating to Native Hawaiians.⁴⁵ To these ends, a representative of OHA is made a member of the following state boards and commissions:
 - Native Hawaiian Education Council (OHA Chairperson or designee)⁴⁶
 - State Board on Geographic Names (OHA Chairperson or representative)⁴⁷
 - Kaho'olawe Island Reserve Commission (OHA trustee or representative) 48
 - Kāne'ohe Bay Regional Council (OHA representative) 49
 - Community-Based Economic Development Advisory Council (OHA Chairperson or designee)⁵⁰
 - Hawai'i Climate Change Mitigation and Adaptation Commission (OHA CEO or CEO's designee)⁵¹
 - Hawai'i Interagency Council on Homelessness (OHA Chairperson or Chair's designee)⁵²
 - Corrections Population Management Commission (OHA Administrator or Administrator's designee)⁵³
 - Dark Night Skies Protection Advisory Committee (OHA Administrator or Administrator's designee)⁵⁴
 - Temporary Commission on the Thirteenth Festival of Pacific Arts (OHA CEO or CEO's designee)⁵⁵

G. Unassigned

After reviewing the statutory responsibilities of OHA and comparing them to the responsibilities assigned to the various Paia, the following responsibilities are believed to be unassigned or unaccounted for under OHA's current operational structure.

⁴³ HRS §10-15.

⁴⁴ HRS §90-5.

⁴⁵ HRS §10-6(a)(4).

⁴⁶ 20 USC § 7514(b).

⁴⁷ HRS §4E-1.

⁴⁸ HRS §6K-5.

⁴⁹ HRS §200D-2.

⁵⁰ HRS §210D-5.

⁵¹ HRS §225P-3.

⁵² HRS §346-382.

⁵³ HRS §353F-4.

⁵⁴ Act 185 (SLH 2017).

⁵⁵ Act 104 (SLH 2017).

- 1. Reparations. A primary purpose of OHA is to serve as a receptacle for reparations. 56
- Develop and review program models. OHA is to "develop and review models for comprehensive [Native Hawaiian] programs."⁵⁷
- 3. Clearinghouse for Native Hawaiian assistance. OHA is to act as a clearinghouse for applications for federal or state assistance to carry out Native Hawaiian programs or projects.⁵⁸
- <u>4.</u> <u>Develop Native Hawaiian agencies</u>. OHA is to promote and assist the establishment of agencies to serve native Hawaiians.⁵⁹

III. GENERAL POWERS OF OHA

The following section includes the general powers of OHA that may be invoked in order to fulfill OHA's purpose and statutory responsibilities.

<u>General powers</u>. "The Office of Hawaiian Affairs, under the direction of the board of trustees, shall have the following general powers: ...

- (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;
- (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;
- (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;
- (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;
- (5) To execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers:
- (6) To issue revenue bonds pursuant to [HRS Chapter 10] 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 [HRS §10-21 to -36];
- (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

⁵⁶ HRS §10-3(6).

⁵⁷ HRS §10-6(a)(6).

⁵⁸ HRS §10-6(a)(7).

⁵⁹ HRS §10-6(a)(9).

- whereby any of these activities shall be undertaken or supervised by that qualified person or by a person designated by the qualified person;
- (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
- (9) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law."⁶⁰

General powers, continued. "The [OHA BOT] shall have the power in accordance with law to:

- (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;
- (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;
- (3) Collect, receive, deposit, withdraw, and invest money and property on behalf of the office;
- (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;
- (5) Otherwise act as a trustee as provided by law;
- (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;
- (7) Provide grants to individuals, and public or private organizations to better the conditions of native Hawaiians and Hawaiians consistent with the standards set forth in section 10-17;
- (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 agreed upon by the board and any such agency or organization; and
- (9) Adopt and use a common seal by which all official acts shall be authenticated."61

Revenue Bonds. "In addition to the powers which it now possesses, the [OHA BOT] shall have power to:

⁶⁰ HRS §10-4.

⁶¹ HRS §10-5.

- (1) Prescribe and collect rents, fees, and charges for the use of or services furnished by any office project or the facilities thereof or of any loan program;
- (2) Issue revenue bonds under this chapter, in such principal amounts as may be authorized by the legislature from time to time, to finance in whole or in part the cost of acquisition, purchase, construction, reconstruction, improvement, betterment, extension, or maintenance of any office project or the establishment, funding, or administration of any loan program, including reserves therefor;
- (3) Pledge to the punctual payment of such revenue bonds and interest thereon, the revenue of the office project or projects or loan program or programs for which the bonds have been issued, or the revenues of the office, or both, in an amount sufficient to pay such bonds and interest as the same become due and to create and maintain reasonable reserves therefor; and
- (4) Advance such moneys of the office, not otherwise required, as are necessary to pay the expenses incurred in making the preparations for the initial issuance of revenue bonds under this part, and to take any other action necessary or proper for carrying into execution and administering this part, including providing for the full use of office projects or the establishment, funding, and administration of any loan program in every way conducive to the furtherance of any or all purposes of the office."62

"The [OHA BOT], without further authorization from the legislature, may provide for the issuance of revenue bonds (herein referred to as refunding bonds) for the purpose of refunding, redeeming, or retiring at or at any time before maturity or at any time before the first date upon which the outstanding bonds to be refunded may be called for redemption, any bonds issued under this part, including any bonds which the holders may consent to be paid or refunded even though the bonds are not matured or are not callable or redeemable, and for the purpose of funding indebtedness not evidenced by revenue bonds but which was incurred for purposes for which revenue bonds may be issued pursuant to this part." 63

Taro Funding.

- "(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."64

<u>Successor determination for 999-year homestead leases</u>. "The office of Hawaiian affairs may establish a successor determination program to assist persons with an interest or presumed

⁶² HRS §10-22.

⁶³ HRS §10-34.

⁶⁴ HRS §10-20.

2020 Strategic Planning Process Phase 1: OHA's Identity: Review of Foundational Elements

interest in a nine hundred ninety-nine-year homestead lease to determine their legal interests under the provisions of section 171-99(e)."65

<u>Liability</u>. (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 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 suit only in the manner provided for suits against the State under [HRS Chapter] 662.
- (c) In matters of misapplication of funds and resources in breach of fiduciary duty, board members shall be subject to suit 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.⁶⁶

<u>Hiring of attorneys</u>. "(a) No department of the State other than the attorney general may employ or retain any attorney, by contract or otherwise, for the purpose of representing the State or the department in any litigation, rendering legal counsel to the department, or drafting legal documents for the department; provided that the foregoing provision shall not apply to the employment or retention of attorneys. . .(7) By the office of Hawaiian affairs;"⁶⁷

<u>Use of volunteers</u>. OHA may recruit, train, and accept the service of volunteers, as provided by state law.⁶⁸

⁶⁵ HRS §171-100.

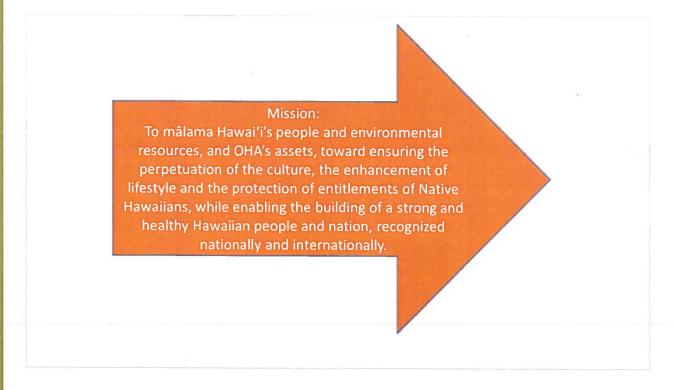
⁶⁶ HRS §10-16.

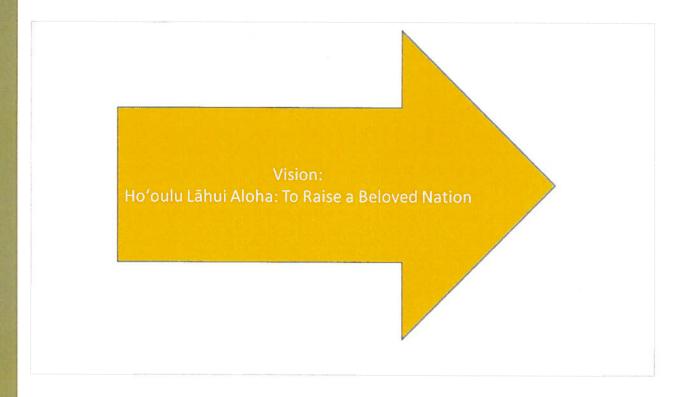
⁶⁷ HRS § 28-8.3.

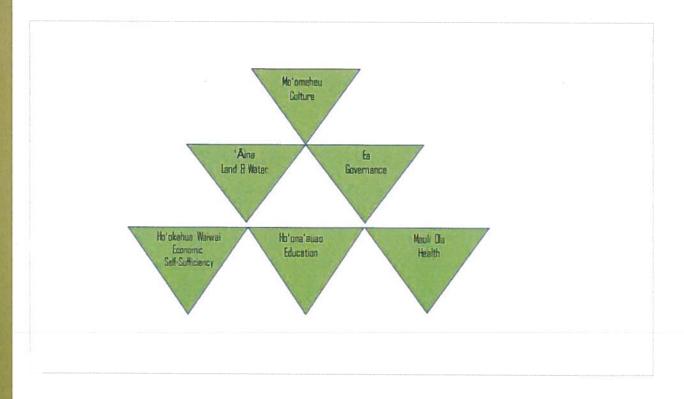
⁶⁸ HRS §90-1 to -5.

Mission and Vision Presentation Slides









Lili'uokalani Trust

NDISIV

e nā kamalei lupalupa *Thriving Hawaiian Children*



We **believe** in the resiliency of all Native Hawaiian children. We **advocate** for their wellbeing and **build** them pathways to thriving lives.



Kamehameha Schools

Mission

Kamehameha Schools' mission is to fulfill Pauahi's desire to create educational opportunities in perpetuity to improve the capability and well-being of people of Hawaiian ancestry.

KAMEHAMEHA SCHOOLS®

Vision Statement

Within a generation of twenty-five years, we see a thriving lāhui where our learners achieve postsecondary educational success, enabling good life and career choices. We also envision that our learners will be grounded in Christian and Hawaiian values and will be leaders who contribute to their communities, both locally and globally.

Mission and Vision Handout

The Vision and Mission of OHA Through Time

What was the Vision for OHA during the 1978 Con-Con?

In thinking about the future of OHA's vision and mission, it might be helpful to see what was envisioned for OHA by the people who led to its creation. During the 1978 Consitutional Convention, the Hawaiian Affairs committee proposed and passed five amendments related to Native Hawaiians, one being the creation of the Office of Hawaiian Affairs. In the Debates in Committee of the Whole on Hawaiian Affairs delegates discussed their support of creating an OHA:

Aunty French DeSoto: "It is my dream and the dream of my people that the Hawaiian today be given the opportunity to provide for betterment of the condition and well-being of these young Hawaiians, to address the contemporary problems which Hawaiians face--of crime, inadequate housing conditions, welfare rolls, education. Committee Proposal No. 13, Mr. Chairman, I submit, attempts to build the steps for native Hawaiian people so that they may realize, or at least decide some point in, self-determination." 69

<u>C. Randall Peterson</u>: "I'm happy to speak a few words in favor of this proposal. I think it's time that native Hawaiians have more impact on their own future, and the transfer to Hawaiians of the responsibilities of self-government is only right and proper. I think that the extension to Hawaiians of all the rights without having a limitation of blood is only a proper extension of these other benefits. So, I'm pleased to speak in favor of this proposal."⁷⁰

1982-1997 Master Plan

A draft of OHA's first strategic plan was formulated in 1982 and did not explicitly contain a vision and mission.⁷¹ Perhaps organization language like mission and vission were not standard practice during this time. Stated below is the purpose of the plan which comes from chapter 10 and OHA's fundamental reason of existence, or what can be looked at as its "vision":

⁶⁹ Proceedings of the CONSITUTIONAL CONVENTION OF HAWAII OF 1978, Vol. II, "Debates in Committee of the whole on HAWAIIAN AFFAIRS," p. 458.

70 Ibid, p. 459.

⁷¹ In the Winter 1983 issue of Ka Wai Ola it stated that "The Office of Hawaiian Affairs has recently completed a draft of an OHA master Plan," It is unclear when the first plan was officially published, the updated plan of 1988 has 1982 as the original date.

The overall purpose of the Comprehensive Master Plan is to provide a framework for the definition, delineation, and implementation of specific objectives, policies, and programs which lead to the betterment of the conditions for Hawaiians and Native Hawaiians.⁷²

The organization etablished the following three goals in this plan which may be thought of as its mission, or the way it sought to fulfill the vision:

- 1. Revive, Promote, Enhance and Perpetuate Hawaiian Culture
- 2. Promote Opportunitites for Full Participation of the Beneficiaries in Society and Promote Self-Determination and Self-Sufficiency
- 3. Promote full participation of the beneficiary community in the political decision-making process

In 1988, based on updated research that was produced from an OHA Population Survey/Needs Assessment in 1986, a recomendation from an OHA commissioned management audit in the same year to "Enhance and reorient the focus of the Master Plan" OHA updated its 1982 plan. The 1988 update contained the same goals but the Implementing Actions, Strategy Narratives, and Work Plans were removed to be elaborated on in seperate Division Plans and Operating Plans.

The updated plan contained the following Mission Statement:

Hawai'i is the homeland of ka po'e Hawai'i. These islands have shaped and sustained a unique culture that struggles to survive the loss of sovereignty, alienation from the land, dominance of other cultures, and the concomitant decline of the general welfare of Hawaiians.

The Office of Hawaiian Affairs was established in recognition of Hawaiians' indigenous status and in response to the severe social, economic, cultural, and spiritual problems of Hawaiians. It is therefore the mission of OHA to:

<u>strenghen and maintain the Hawaiian people and their culture as powerful</u> and vital components in society.⁷³

There was no explicitly stated vision in this updated plan but it did explain that "<u>The Master Plan is a vision</u> of a desired and possible future for all Hawaiians combined with practical and appropriate methods of making that vision a reality" and thus acknowledged the entire plan as the vision (the desired future) and mission (the means to achieve it). The original three goals were slightly reworded with the addition of a fourth goal which was present in the original 1982 plan but not called out as such:

- 1. To achieve revival, enhancement, and maintenence of the Hawaiian Culture.
- 2. To provide opportunities for Hawaiians to enhance their social and economic well being.

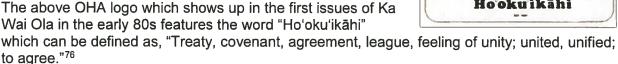
⁷² Office of Hawaiian Affairs, *The Master Plan of the Office of Hawaiian Affairs*, 1982 (?), no date, p. 1. The cover letter of the 1988 update of this plan stated that the first plan was created in 1982 which is where the date for this plan is. The cover letter of this plan states that it is a draft so perhaps the final version is accurately dated.

⁷³ Office of Hawaiian Affairs, Master Plan, 1982 (Revised 1988), p. 11.

⁷⁴ Office of Hawaiian Affairs, Master Plan, 1982 (Revised 1988), p. 4.

- 3. To achieve full participation of Hawaiians in polical processes.
- 4. To achieve a strong, viable Office of Hawaiian Affairs, characterized by responsive leadership and financial independence that enables the fulfillment of the needs and expectations of current and future generations of Hawaiians.⁷⁵

In the 1991-1997 Division Functional Plans it was stated that OHA was currently in a 10-year strategic plan. None of the strategic plan documents reviewed were clear on the plans duration. The 1982 document contained work plans for 1983-1985. If they were counting from the revised plan of 1988 then 1997 would conclude a 10 year period.





Outdated plans & the 2002-2007 Master Plan

The previous plan had become outdated and based on the 2001 State Audit of OHA, the BOT had "neglected to update key planning documents despite repeated promises to do so."⁷⁷ The report recommended that OHA "Identify and prioritize goals and objectives for the Office of Hawaiian Affairs. These goals and objectives should be developed within the context of a comprehensive master plan that clearly identifies OHA's role in relation to other agencies providing services to Hawaiians."⁷⁸ In February of 2001 the Board took action to develop a strategic plan which was completed in April 2002.⁷⁹

<u>Preamble</u>: The intention of the Trustees of the Office of Hawaiian Affairs in creating the vision statement was to blend the thoughts and leadership of King Kalākaua and Queen Lili'uokalani. Both faced tumultuous times as do we all today. Both responded unique to their leadership style, as do we all today. The words Ho'oulu Lāhui are Kalākaua's motto. The additional word of aloha comes from the gentle guidance of Lili'uokalani:

"I could not turn back the time for the political change, but there is still time to save our heritage. You must remember enver to cease to act becuase you fear you may fail. The way to lose any earthly kingdom is to be inflexible, intolerant, and prejudicial. Another way is to be too flexible, tolerant of too many wrongs and without judgement at all. It is a razor's edge. It is the width of a blade of pili grass. To gain the kingdom of heaven is to hear what is not said, to see what cannot be seen, and to know the unknowable- that is Aloha" Queen Lili'uokalani, 1917.

⁷⁵ Office of Hawaiian Affairs, Master Plan, 1982 (Revised 1988), p. 12.

⁷⁶ Mary Kawena Pukui & Samuel H. Elbert, Hawaiian Dictionary, accessed on 9/11/18 at wehwehe.org.

⁷⁷ The Auditor State of Hawaii, Audit of the Office of Hawaiian Affairs, Report No. 01-06, March 2001, p. 10.

⁷⁸ Ibid, p. 28.

⁷⁹ Office of Hawaiian Affairs, OHA's Strategic Plan, 2002-2207, p11

Vision: Ho'oulu Lāhui Aloha: To Raise a Beloved Nation

<u>Mission</u>: To mālama Hawai'i's people and environmental resources, and OHA's assetts, torward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, while enabling the building of a strong and healthy Hawaiian people and nation, recognized nationally and internationally.

The BOT voted on Aug. 4, 2005 to amend and extend the plan.⁸⁰ In the administrator's message in the 2005 OHA annual report it stated that "The OHA strategic plan 2002-2007 guides OHA programs, activities and operating budget. In August 2005, that strategic plan was revisited, updated and refined, and now extends through 2011."⁸¹ The activities and objectives were updated but the original goals were kept the same.

2010-2016 Strategic Plan

It is unclear why the 2006-2011 plan was cut short into the adoption of the 2010-2016 plan. Perhaps it was that the 2010-2016 was officially a new plan versus the updating of the 2002-2007 plan for 2006-2011.

The BOT adopted the 2010-2016 plan in September 2009. Following the 2002-2007 plan "The new strategic plan was developed after OHA determined in 2008 that it was crucial to evaluate the progress of the organization and decide how to best meet the challenges on the horizon for Hawaiians." Through the current strategic plan, OHA sought to change strategy from being reactive to the needs of our people to a more systemic model of change. The following is a quote from an interview of Administrator Clyde Nāmu'o regarding the new approach:

Currently, we see ourselves as a need-based organization," said OHA Administrator Clyde Nāmu'o. "If a group from the community says, "We need your help doing this," OHA reacts to that. I'm not suggesting that that is going away completely....(but) that long-range vision is to bring us to a place where these needs diminish because we are simply a healthier population." Under the new strategic plan OHA will shift its focus from serving individual needs to advocacy and promoting systemic change in six priority areas [...]⁸³

The vision and mission was word for word taken from the previous strategic plan:

⁸⁰ OHA Annual Report, 2005, p.6.

⁸¹ OHA Annual Report, 2005, p.4.

⁸² KWO October, 2009.

⁸³ KWO October, 2009.

<u>Vision:</u> "Ho'oulu Lāhui Aloha" To Raise a Beloved Nation OHA's vision statement blends the thoughts and leadership of both King Kalākaua and his sister, Queen Lili'uokalani. Both faced tumultous times and we do today, and met their challenges head on. "Ho'oulu Lāhui" was King Kalākaua's motto. Aloha expresses the high values of Queen Lili'uokalani.⁸⁴

Mission: To mālama Hawai'i's people and environmental resources, and OHA's assets, torward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitltements of Native Hawaiians, while enabling the building of a strong and healthy Hawaiian people and nation, recognized nationally and internationally.85

The original duration of the plan was between 2010-2016 and was extended to 2018.86

Please find below articles that I thought might be helpful in envisioning the bigger picture for OHA:

⁸⁴ OHA Stratplan Brochure.

⁸⁵ OHA Stratplan Brochure.

⁸⁶ Unale to locate document that explains the plan's extension.









THE RICH MEANING OF 'OHA

(Reprinted with permission

Article first appeared: Friday, Sept. 19, 1980 Honolulu Star-Bulletin

SAY OHA to most anyone in Hawai'i today and he thinks, correctly, that it's an acronym for the Office of Hawaiian Affairs.

Say 'oha to almost any Hawaiian and a greatly enhanced image emerges,

A Hawaiian puts 'oha in its modern political context, of course, but the cultural symbolism of 'oha expands that image back through Polynesian time to before the creation of man.

That Hawaiian word 'Oha has several meanings.

Literally, an 'oha is a bud of a taro corm. It's sort of a small taro corm growing on the side of an older, bigger corm. A taro corm is the starchy, underground part of the stem that is harvested, cooked and pounded into poi.

As an 'oha is to its corm, so is a Hawaiian child to its parents. Same relationship.

Figuratively, then, 'oha means offspring.

Further, 'oha is the root word for the Hawaiian term for family, 'ohana. A Hawaiian 'ohana includes more than a father, mother and children, but reaches out to include all relatives—a large kin group.

Tied in with all this is the traditional Hawaiian reverence for taro in any form.

Even today, the eating of taro in the form of poi is a religious experience as well as a nutritional act to many Hawaiian families.

Many 'ohana observe certain practices at home when eating poi. While the poi bowl is uncovered, there is only sociability, pleasantness and light talk out of respect for what the poi represents.

Many a Hawaiian mother has uncovered the poi when a family quarrel was about to erupt.

And what does taro in any form represent?

Taro represents the eldest brother of the Hawaiian people, a first-born of the founding Polynesian gods.

Haloa-nuku must not hear his earthly family quarrel or talk about unpleasant subjects.

Precedence in birth, even 3,000 or more years ago, determined for all time the senior and junior family lines.

Hawaiians are descended from the second-born of the founding Polynesian gods. Taro comes from the first-born.

Wakea, the Polynesian founding god, married his daughter Ho'ohokuka-lani, child of his goddess wife Papa.

Their first-born, according to one version of this Hawaiian creation story, arrived in the shape of a root—in another version as a premature fetus. In both versions, this first-born was a male, and named Haloa-nuku.

Haloa-nuku was discarded, perhaps buried, in the east end of Wakea's house. He grew up to be the first taro.

The second-born of Wakea and Ho'ohoku-ka-lani was also named Haloa. This Haloa is the ancestor of all Hawaiian chiefs and all other Hawaiians.

King Kalakaua traced his ancestry directly back to the Polynesian god through this second son, Haloa. Kalakaua's jewelled crown displayed a gold taro leaf.

Taro-leaf symbolism continues today. The logo of the Volunteers for OHA, the group that among other things is registering Hawaiians for the election of OHA trustees, is a taro leaf with human figures that represent the 'ohana-ship of all Hawaiians.

Article in Volunteers for OHA, Vol. 1, No. 1, October 20, 1980

Why OHA?

DURING the 1978 Constitutional Convention, the Committee on Hawaiian Affairs met to review the section in the Constitution dealing with Hawaiian Homelands and to discuss many Hawaiian related issues. In the process of reviewing and discussing, the Committee decided to introduce an amendment to set up OHA based on several legal and historical precedents:

- a) Since the fall of the Constitutional Monarchy in 1893, Hawaiians have had less and less of a voice in Government.
- b) The boards and commissions set up to help Hawaiians are either appointed by courts, the Legislature or the Governor.
- c) The income from the public land trust was not being used to directly benefit Hawaiians.
- d) Hawaiians need a state agency that would represent their needs and concerns, and coordinate programs for all of them.

The decision to introduce the amendment setting up the Office of Hawaiian Affairs was a direct result of the above areas of concern. Thus, the establishment of OHA was an attempt:

- To give Hawaiians more of a voice in government;
- To accord to them the right to choose their representatives through the election of OHA trustees;
- 3) To secure for them a pro rata portion of the public land trust and;
- 4) To offer representation of all Hawaiians.

At OHA, the trustees and staff work as advocates for the Hawaiian community. They remain open and sensitive to the needs and concerns of the people. To that end, meetings have been held in various communities throughout the state to share mana'o.

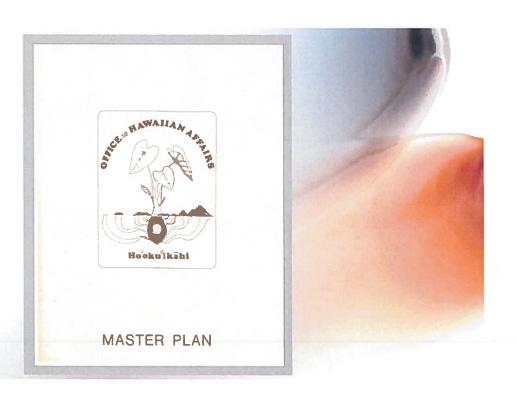
We at OHA are concerned about the welfare of all Hawaiians and try to represent their best interest at the Legislature, with other state agencies and with community organizations. We are also committed to working for Hawaiians through the creation of political, economic, cultural, educational, and legal programs.

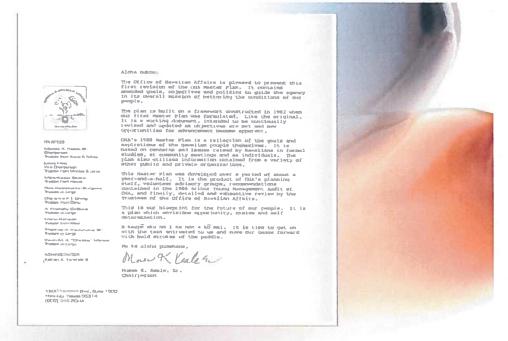
Figure 2. Ka Wai Ola Article, Summer 1981

Roles of the Office of Hawaiian Affairs Presentation Slides

ROLES OF THE OFFICE OF HAWAIIAN AFFAIRS

September 27, 2018





ROLES:

- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator/Provider of Services
- Trustee of Assets

Advocate: OHA will pursue advocacy efforts for Hawaiians and native Hawaiians, which may include provision of advice and information, legislation, litigation, and negotiation.

Chapter 10, Hawaii Revised Statues, requires OHA:

- To conduct "advocacy efforts for native Hawaiians and Hawaiians" [Section 10-3(4)]; and
- "To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs" [Section 10-6(4)].

Coordinator: OHA will establish liaisons, agreements, or otherwise coordinate any programs and activities impacting on its constituents, utilizing among other things, memoranda of understanding or memoranda of agreement with other state, county, and private agencies, where appropriate, and maintaining membership in interagency organizations and associations.

Chapter 10 requires OHA:

 To serve "as the principal public agency in this State 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" [Section 10-3(3)];

- "To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services" [Section 10-2(2)];
- "To maintain an inventory of federal, state, county, and private programs and services for Hawaiians and native Hawaiians and act as a clearinghouse and referral agency" [Section 10-6(3)];
- To "coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians" Section 10-6(4)]; and
- "To act as a clearinghouse for applications for federal or state assistance to carry out native Hawaiian or Hawaiian programs or projects" [Section10-6(7)].

Monitor: OHA will assess the policies and practices of other agencies which impact native Hawaiians and Hawaiians by and through its divisions.

Chapter 10, Hawaii Revised Statutes requires OHA:

• To assess "the policies and practices of other agencies impacting on native Hawaiians and Hawaiians" [Section 10-3(4)].

Policy-Maker: OHA will formulate policies which shall be designed to serve the needs of the Hawaiian community as a whole.

Chapter 10 mandates OHA:

- To "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" [Section 10-5(4)];
- To establish immediate and long-range goals pursuant to programs and services for native Hawaiians and Hawaiians; establish priorities for program implementation and alternatives for program implementation; and organize administrative and program structure, including the use of facilities and personnel [Section 10-6(1)].

Researcher: OHA will collect data, determine needs and opportunities, develop programs, and otherwise articulate a wide range of information concerning Hawaiians and native Hawaiians.

Chapter 10 directs OHA:

- To compile "basic demographic data on native Hawaiians and Hawaiians" and identify "the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians" [Section 10-6(1)];
- "To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians" [Section 10-6(5)]; and
- "To develop and review models for comprehensive native Hawaiian and Hawaiian programs" [Section 10-6(6)].
- To "promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians" [Section 10-6(9)].

Facilitator/Provider of Services: OHA will assist others in their activities and efforts which correspond to those of OHA in bettering the conditions of Hawaiians, specifically:

- To "provide grants to public or private agencies for pilot projects, demonstrations, or both, where such projects or demonstrations fulfill criteria established by the board [Section 10-5(7)];
- To "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 agreed upon by the board and any such agency organization" "Section 10-5(8); and

Trustee: OHA, through its Board of Trustees, shall act in a reasonable and prudent manner according to the highest fiduciary standards applicable to private trustees.

Chapter 10 instructs OHA:

- To apply for, receive, and disburse "grants and donations from all sources for native Hawaiian and Hawaiian programs and services" [Section 10-3(5)];
- To serve "as a receptacle for reparations" [Section 10-3(6)];
- "To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians" [Section 10-6(8)].

Because the mandate of Chapter 10 is all-encompassing and the needs of the Hawaiian community cover a broad spectrum of issues, OHA must define its role in the context of private and public agencies and services already available to Hawaiians.

ROLES: 1988

- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator
- Trustee of Assets

2010

- ProvidingResources
- Advocating For Native Hawaiians
- FacilitatingCollaboration





Office of Hawaiian Affairs Board of Trustee Meeting September 27, 2018 9:30 am

VI. Executive Session

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. *Pursuant to HRS § 92-5(a)(4)*.
- B. Approval of Minutes1. July 26, 2018

Note: Any material that is relevant to this section will be distributed at the table during Executive Session.