

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888
Fax: (808)-1868

**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**

560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

- I. Call to Order**
- II. Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.**
- III. Approval of Minutes**
 - A. June 27, 2024***
 - B. January 9, 2025***
- IV. New Business**
 - A. Committee on Beneficiary Advocacy and Empowerment – February 5, 2025**
 1. 2025 OHA State Legislative Package-Matrix 1
 2. 2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2
 3. 2025 Legislature: OHA Position on Bills Affecting the Public Land Trust-Matrix 3
 4. 2025 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices-Matrix 4
 5. on Bills Affecting Native Hawaiian Housing-Matrix 5
 6. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Health-Matrix 6
 7. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Education -Matrix 7
 8. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Development-Matrix 8
 9. 2025 Legislature: OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) -Matrix 9
 10. OHA Position on Honolulu County Council, Resolution 25-037, Urging the State of Hawai'i to Create a Hawaiian Language Commission
 - B. Committee on Budget and Finance – January 22, 2025**
 1. **Action Item BF #25-01:** OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments*
 2. **Action Item BF #25-04:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event

Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

3. **Action Item BF #25-05:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*
4. **Action Item BF #25-06:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Kanu o ka 'Āina Learning 'Ohana for the 2025 Kanaeokana Aloha 'Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

C. Committee on Investment and Land Management – January 22, 2025

1. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan*
2. **Action Item ILM #25-02:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna'ala, Nu'uaniu, O'ahu to the Office of Hawaiian Affairs, in reference to Action Item ILM #25-02, as amended.*
3. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs*
4. **Action Item ILM #25-04:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs*
5. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimānalo, O'ahu to the Office of Hawaiian Affairs.*

D. Action Item BOT #25-01: Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice-Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity*,
First Reading

E. Action Item BOT #25-02: Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawai'i's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).*

V. Executive Session§

A. Discussion on Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Office of Hawaiian Affairs Board of Trustees Bylaws and also any proposed revisions thereto.

B. Approval of Executive Session Minutes

1. March 14, 2024

VI. Community Concerns and Celebrations

VII. Announcements

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website <https://www.oha.org/about/leadership/board-of-trustees/> as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, OHA's neighbor island offices, and on OHA's website <https://www.oha.org/bot> no later than two business days before the meeting. 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.

Testimony can be provided to the Board of Trustees either as: (1) *written testimony* or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

- (1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via email to botmeetings@oha.org or via postal mail to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting.
- (2) Persons wishing to provide *oral testimony online* during the remote meeting, please click on the link below:
<https://us06web.zoom.us/j/84383849672>

To provide oral testimony online, you will need:

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

Persons wishing to provide *oral testimony at the physical meeting location* can sign up the day-of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline **will not** be accepted at this time.



Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date

DRAFT

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

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
June 27, 2024**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee Keoni Souza
Trustee Mililani Trask
Trustee John Waihe‘e, IV

ADMINISTRATION:

Stacy Ferreira, CEO
Ramona Hinck, CFO
Everett Ohta, Interim General Counsel
Nietzsche Ozawa, Interim Sr. legal Counsel
Hailama Farden, Dir. of Hawaiian Culture Affairs
Daniel Santos, IT Support
Arlene Aguinaldo, IT Support

BOARD STAFF:

Amber Kalua, Trustee Aide
Kauikeaolani Wailehua, Trustee Aide
Pohai Ryan, Trustee Aide
Richelle Kim, Trustee Aide
Kaui Robello, Trustee Secretary
LeiAnn Durant, Trustee Aide
Kyla Hee, Trustee Secretary
Sommer Soares, Trustee Secretary
Anuheia Diamond, Trustee Aide
Mele Moniz, Trustee Aide
Melissa Wennihan, Trustee Aide
Crayn Akina, Trustee Aide

GUEST:

Luann Lankford-Faborito
Faith Chase
Darrien Texeira Tante

Call to Order

Chair Hulu Lindsey I'd like to call today's Board of Trustees meeting to order that the record reflect it is Thursday, June 27, 2024, and the time is 10:01 a.m.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	AHUNA		Excused
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	J. KEONI	SOUZA	X	
TRUSTEE	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

There are **eight (8)** Trustees PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Welcomes everyone to the BOT meeting. This meeting can be viewed and observed via livestream on OHA's website, www.oha.org/livestream Before we begin, I would like to announce that items II.A 1-6 and II.B. 1 were received under the 72-hour deadline.

Joining us today, we have our CEO, Ka Pouhana, Stacy Ferreira. I would like to ask Stacy to introduce any staff we have joining us here today.

Stacy Ferreira, CEO Aloha Kakahiaka Chair and Trustees. Joining us today, we have CFO-Ramona Hinck, Interim Corporate Counsel-Everett Ohta, Interim Sr. Legal Counsel-Nietzsche Ozawa, Sr. Director of Cultural Hawaiian Affairs-Hailama Farden, IT Support-Daniel Santos and Arlene Aguinaldo.

Chair Hulu Lindsey I would like to call upon Trustee Waihe'e.

New Business

1. Action Item RM #24-26: Approval of OHA funding for an Event Sponsorship for the 2024 Moloka'i Canoe Racing Series*

Trustee Waihe'e Chair Lindsey, Your Committee on Resource Management, having met on June 26, 2024, and after full and free discussion, recommends approval of the following six (6) actions to the Board of Trustees:

Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$10,000

Organization Name	Event	Award Amount Recommendation
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1. O‘ahu Hawaiian Canoe Racing Association (OHCRA)	Nā Wāhine O Ke Kai September 29, 2024 Moloka‘i Hoe World Championship October 13, 2024	\$10,000
Total Recommendations (1)		\$10,000

Trustee Akaka Seconds the motion

**Motion made at: 10:02 am
Trustee Waihe‘e moves to**

Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$10,000

Organization Name	Event	Award Amount Recommendation
1. O‘ahu Hawaiian Canoe Racing Association (OHCRA)	Nā Wāhine O Ke Kai September 29, 2024 Moloka‘i Hoe World Championship October 13, 2024	\$10,000
Total Recommendations (1)		\$10,000

Trustee Akaka Seconds the motion

Vote taken at: 10:03 am	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E	X		X			
CHAIRPERSON HULU LINDSEY			X			

TOTAL VOTE COUNT			8		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED					
Motion passes with Eight (8) Yes votes, Zero (0) No votes & One (1) Excused votes					

2. Action Item RM #24-27: Approval of OHA funding for an Event Sponsorship for the CNHA 2024 Native Hawaiian Convention*

Trustee Waihe'e moves to approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$15,000

Organization Name	Event	Award Amount Recommendation
1. Council for Native Hawaiian Advancement (CNHA)	2024 Native Hawaiian Convention September 17th – 19th, 2024 Hawai'i Island Hilton Waikoloa Village	\$15,000
Total Recommendations (1)		\$15,000

Trustee Alapa Seconds the motion

Motion made at: 10:03 am						
Trustee Waihe'e moves to						
Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$15,000						
Organization Name	Event		Award Amount Recommendation			
1. Council for Native Hawaiian Advancement (CNHA)	2024 Native Hawaiian Convention September 17th – 19th, 2024 Hawai'i Island Hilton Waikoloa Village		\$15,000			
Total Recommendations (1)			\$15,000			
Trustee Alapa Seconds the motion						
Vote taken at 10:03 am	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			

TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA		X	X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Eight (8) Yes votes, Zero (0) No votes & One (1) Excused votes						

3. Action Item RM #24-28: Approval of OHA funding for an Event Sponsorship for the Moanalua Gardens, Prince Lot Hula Festival*

Trustee Waihe'e Moves to approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$15,000

Organization Name	Event	Award Amount Recommendation
1. Moanalua Gardens Foundation	Moanalua Gardens Prince Lot Hula Festival July 20, 2024 Moanalua Gardens	\$15,000
Total Recommendations (1)		\$15,000

Trustee Alapa Seconds the motion.

Motion made at: 10:04 am Trustee Waihe'e Moves to
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Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$15,000

Organization Name	Event	Award Amount Recommendation
1. Moanalua Gardens Foundation	Moanalua Gardens Prince Lot Hula Festival July 20, 2024 Moanalua Gardens	\$15,000
Total Recommendations (1)		\$15,000

Trustee Alapa Seconds the motion.

Vote taken at: 10:04 am	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA		X	X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1

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

Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes

4. Action Item RM #24-29: Approval of OHA funding for an Event Sponsorship for the Native Hawaiian Chamber of Commerce 'Ō'ō Awards*

Trustee Waihe'e moves to

Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$10,000

Organization Name	Event	Award Amount Recommendation
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1. Native Hawaiian Chamber of Commerce	Native Hawaiian Chamber of Commerce ‘Ō‘ō Awards Gala October 4, 2024 Hilton Hawaiian Village Coral Ballroom	\$10,000
Total Recommendations (1)		\$10,000

Trustee Souza Seconds the motion.

Motion made at: 10:05 am						
Trustee Waihee Moves to						
Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$10,000						
Organization Name	Event					Award Amount Recommendation
1. Native Hawaiian Chamber of Commerce	Native Hawaiian Chamber of Commerce ‘Ō‘ō Awards Gala October 4, 2024 Hilton Hawaiian Village Coral Ballroom					\$10,000
Total Recommendations (1)						\$10,000
Trustee Souza Seconds the motion.						
Vote taken at: 10:05 am	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			

TRUSTEE JOHN WAIHE‘E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes						

5. Action Item RM #24-30: Approval of OHA funding for an Event Sponsorship for the Kalani Ali‘i Awards*

Trustee Waihe‘e Moves to approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$5,000

Trustee Alapa Seconds the motion.

Organization Name	Event	Award Amount Recommendation
1. ‘Ahahui Ka‘ahumanu & Hale O Nā Ali‘i O Hawai‘i	The Kalani Ali‘i Awards Banquet August 24, 2024 Japanese Chamber of Commerce, 5th Floor Generations Ballroom	\$5,000
Total Recommendations (1)		\$5,000

Trustee Waihe‘e This motion needs to be amended.

Motion 2 Amendment

Trustee Galuteria moves to amend the organization receiving the funding from ‘Ahahui Ka‘ahumanu & Hale O Nā Ali‘i O Hawai‘i to Pohai ‘o Kamehameha.

Trustee Alapa Seconds the motion.

Chair Hulu Lindsey Announces that they will vote on the amendment.

Trustee Trask We are making an amendment right here on public record and I am wondering if this is conforming with the requirements that we are supposed to have all agenda items and materials posted publicly within that time frame. This had come up a few years back. It was similar to this; it was an amendment made right at the meeting.

Chair Hulu Lindsey Okay, I will ask Everett to weigh in on this.

Everett Ohta, Interim Sr. Legal Counsel To Trustee Trask’s question, yes, this is permissible. The information is included in the RM 24-30 action item that was referred from the RM committee. It is included in the original action item information. It is just a correction to the recipient grantee. Nothing about the event or the amount is changing from what was referred to by the Committee. We just wanted to be sure that we are correcting the receiving organization.

Trustee Trask Let’s put in the minutes that we looked at this, but we were informed by cCounsel. That way if it comes up, we have the record.

Chair Hulu Lindsey Thank you Trustee and thank you Everett.

Motion made at 10:06 am						
Trustee Galuteria Moves to						
Amend the organization receiving the funding from ‘Ahahui Ka‘ahumanu & Hale O Nā Ali‘i O Hawai‘i to Pohai ‘o Kamehameha.						
Organization Name	Event					Award Amount Recommendation
1. ‘Ahahui Ka‘ahumanu & Hale O Nā Ali‘i O Hawai‘i	The Kalani Ali‘i Awards Banquet August 24, 2024 Japanese Chamber of Commerce, 5th Floor Generations Ballroom					\$5,000
Total Recommendations (1)						\$5,000
Trustee Alapa Seconds the motion.						
Vote taken at: 10:08 am	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA		X	X			
TRUSTEE BRICKWOOD GALUTERIA	X		X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						

Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes

Chair Hulu Lindsey the amendment passes, and we will now vote on the original motion as amended.

Trustee Waihe'e Moves to

Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$5,000

Organization Name	Event	Award Amount Recommendation
1. 'Ahahui Ka'ahumanu & Hale O Nā Ali'i O Hawai'i	The Kalani Ali'i Awards Banquet August 24, 2024 Japanese Chamber of Commerce, 5th Floor Generations Ballroom	\$5,000
Total Recommendations (1)		\$5,000

Trustee Alapa Seconds the motion.

Vote taken at 10:09 am	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA		X	X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1

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

Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes

6. Action Item RM #24-31: Approval of OHA funding for an Event Sponsorship for Uluo'a Native Hawaiian Legal Corporation Fundraiser Dinner*

Trustee Waihe'e Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$5,000

Organization Name	Event	Award Amount Recommendation
1. Native Hawaiian Legal Corporation	Native Hawaiian Legal Corporation Uluo'a 50 th Anniversary 'Aha 'Āina August 10, 2024 Ala Moana Hotel Hibiscus Ballroom	\$5,000
Total Recommendations (1)		\$5,000

Trustee Souza Seconds the motion.

Motion made at: 10:09 am
Trustee Waihe'e Moves to

Approve and authorize the following fiscal year 2024 event sponsorship disbursement totaling \$5,000

Organization Name	Event	Award Amount Recommendation
1. Native Hawaiian Legal Corporation	Native Hawaiian Legal Corporation Uluo'a 50 th Anniversary 'Aha 'Āina August 10, 2024 Ala Moana Hotel Hibiscus Ballroom	\$5,000
Total Recommendations (1)		\$5,000

Trustee Souza Seconds the motion.

Vote taken at: 10:09 am	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			

TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes						

B. Committee on Beneficiary Advocacy and Empowerment

1. Action Item BAE #24-03: To Approve the First Terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund Board of Directors.*

Trustee Akaka moves to approve the First Terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund Board of Directors.

Trustee Waihe'e Seconds the motion

Motion made at: 10:10 am Trustee Akaka Moves to						
Approve the First Terms of Elizabeth Lehua Kauka as the Moloka'i Island Representative and Louisa Lee as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund Board of Directors.						
Trustee Waihe'e Seconds the motion.						
Vote taken at: 10:10 am	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			

TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Eight (8) Yes votes, Zero (0) No votes, & One (1) Excused votes						

Community Concerns and Celebrations

Faith Chase, Director of Fundraising and Strategic Communications of Re-Use Hawai'i She tells the Board of Trustees that they understand the goals they have for Hakuone does not include what they do. She assures the Trustees that they are actively working on a relocation plan. They are very sad to be leaving but grateful to the fifteen years. They are looking for support for a graceful transition. 30% of their workforce is Native Hawaiian and they are going through many changes in their lives. She hopes to be an applicant for an OHA grant next year as they are working on a massive EPA grant that includes beneficiaries from Nānākuli and Wai‘anae.

Luann Lankford-Faborito Stands on her written testimony from last week supporting Lehua Kauka.

Darrien Teixeira Tante He is from O‘ahu and shares that historically his ‘ohana has had kuleana over Westlock. He speaks of ongoing problem of diaspora forcing Native Hawaiians and local people out of Hawai‘i. He and his family have decided that if they cannot afford a home in ten years, they will be forced to leave the islands. He makes too much money to qualify for any assistance but not enough money either. There has to be a way for Native Hawaiians to be able to purchase a home. There are just too many foreigners coming in and buying. He urges the Board to think of their people, the Native Hawaiians, and the locals.

Announcements

Chair Hulu Lindsey announces the Board of Trustees will be on the island of Kaua‘i for their annual community and Board meeting on July 23 and 24.

Adjournment

Trustee Trask Moves to adjourn the meeting.

Trustee Akina Seconds the motion.

Trustee Trask Something has come up from the last testifier. We spoke about this in the past. We still do not have a full inventory of the ceded lands. We have never been able to do that, and we also do not have an inventory on the submerged lands. They have started to do deep sea mining testing off the Big Island. I wanted to bring this to the Board’s attention because I am sending a letter out to the Trustees. I think we should initiate litigation for the purpose of establishing what the ceded land trust is. I have tried to work with DLNR, and they don’t have it. We had several meetings before I left the PLT committee. The PLT committee from our office only looks at revenues coming in from ceded lands but neither OHA or DLNR actually has a full inventory of our people’s trust assets, it is the first obligation we have. I think it’s time

we seek litigation. We either need to go to court and ask them to help us to get the agencies to respond or the other thing is we do it ourselves. I would like to get some comment from the Trustees on it.

Chair Hulu Lindsey I am sorry Trustee, but we are not agendized for this item today.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						X
KALEI	AKAKA			X			
KELI'I	AKINA		X	X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA			X			
MILILANI	TRASK	X			X		
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				7	1		1

Chair Hulu Lindsey Adjourns the Board of Trustees meeting at 10:23 a.m.

Respectfully submitted,

 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on *****

 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments *(all attachments will be added to the final approved minutes)*

DRAFT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the
A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy.,
Suite 200, Honolulu HI 96817.

**Minutes of the
BOARD OF TRUSTEES MEETING
MINUTES
January 9, 2025
3:00 p.m.**

ATTENDANCE:

Chairperson Kaiali'i Kahele
Trustee Dan Ahuna
Trustee Kalei Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee Carmen Hulu Lindsey
Trustee Keoni Souza
Trustee John Waihe'e, IV.

ADMINISTRATION:

Kēhaulani Pu'u, COO
Ramona Hinck, CFO
Everett Ohta, Interim General Counsel
Naiwi Wurdeman, Board Counsel
Hailama Farden, Dir. of Hawaiian Culture
Elena Farden, Sr. Dir. of Strategy & Implementation
Kū'ike Kamakea-Ōhelo, Dir. of Well-being and 'Āina
Momona
Ku'uleianuheha Awo-Chun, Dir of Education and
Cultural-Based Learning
Bill Brennan, Dir. Communications
Lisa Vaughn-Sekona, Dir. of Community Engagement
Ilima Kela, BSA Manager
Sandi Stancil, EA
Lauwae Clayton, EA

ADMINISTRATION CONT.

Leina'ala Ley, Dir. of Advocacy
Luci Meyer, Genealogy Ancestry Spec.
Kahelelani Keawekane, Admin. Asst.
Jason Lees, Comms
Kaliko Santos, BSA
Roy Newton, BSA

BOT STAFF:

Lehua Itokazu, Board Secretary
Kanani Iaea, Trustee Aide
Amber Kalua, Trustee Aide
LeiAnn Durrant, Trustee Aide
Melissa Wennihan, Trustee Aide
Anuheha Diamond, Trustee Aide
Mele Moniz, Trustee Aide
Kyla Hee, Trustee Secretary
Mark Watanabe, Trustee Aide
Nathan Takeuchi, Trustee Aide
Sommer Soares, Trustee Secretary
Carina Lee, Trustee Aide
Crayn Akina, Trustee Aide
Kauikeaolani Wailehua, Trustee Aide

GUEST:

Council Member Keani Rawlins-Fernandez
Germaine Meyers
Klaus Radtke

Call to Order

Chair Kaiali'i Kahele Calls the Board of Trustees Meeting to order for Thursday, January 9, 2025 at 3:05 p.m. Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	CARMEN "HULU"	LINDSEY	X	
TRUSTEE	KEONI	SOUZA	X	
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	KAIALI'I	KAHELE	X	
			9	

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

Chair Kaiali'i Kahele This meeting can be viewed via livestream on OHA's website at www.oha.org/livestream If you'd like to testify on any agenda item during the zoom meeting, please raise your hand when that item is announced. When you name is called upon, please unmute yourself. You'll be given the ability to turn your camera on during your testimony and once you're finished, we ask that you mute your microphone.

Joining us today, we have our COO-Kēhau Pu'u, please introduce any administrative staff joining us today.

Kēhau Pu'u, COO Mahalo Chair Kahele, Vice Chair Souza, and Trustees. I just really want to quickly say to all of you, ho'omaika'i on today's succesful Investiture. With us today, we have Chief Financial Officer-Ramona Hinck, Interim Corporation Counselor-Everett Ohta, Interim Senior Legal Counsel-Nietzsche Ozawa, Senior Director of Strategy and Implementation-Elena Farden, Senior Director of Hawaiian Cultural Affairs-Hailama Farden, Director of Advocacy-Leina'ala Ley, Director of Well-being and 'Āina Momona- Kū'ike Kamakea-'Ōhelo, Director of Education and Culture-Based Learning-Anuheha Awo-Chun, Director of Economics and Business Resilience-Poni Askew, Director Community Engagement-Lisa Vaughn-Sekona, Director of Communication-Bill Brennan, Interim IT Manager-Kevin Chak, and IT Support-Kelcie Wade.

Chair Kaiali'i Kahele Before we move on to new business, I want to reiterate what Kehau said, we had an amazing Investiture. I want to say a big mahalo to our entire staff and everyone who worked behind the scenes. Chair Emeritus Lindsey, thank you so much for putting together a fantastic program. We also have some family that have joined us today. I want to introduce my wife, Maria, and my two daughters, 'Iolana and Namaka, who ran out of the room. Trustees, do you have any family or anyone you would like to introduce here in the room?

Trustee Lindsey I would like to welcome our Maui County Councilwoman, Keani Rawlins-Fernandez.

Chair Kaiali'i Kahele Before we move on to new business, I would like to note that item III. B. 1 and 2 were received under the 72- hour deadline and this is due to the Committee on Beneficiary Advocacy and Empowerment's quick turn around. Also, before we move on to new business, all of our Standing Committee

Chairs did a fantastic job yesterday, congratulations. In my observation and in helping this Board especially when our full Board meets and for consideration for our Standing Committee Chairs to make sure that we run efficient meetings and we can capture all the information we need to capture, our current Bylaws allow for five minutes of verbal presentations or testimony given in front of the Board. Moving forward, as the Board Chair, when we have Board of Trustee meetings and for consideration by the Standing Committee Chairs, I'd like to implement the five minute rule at least for now. Our Bylaws allow to apply to everyone. When someone is speaking, giving a verbal presentation, a member of the public is provided testimony, a trustee is speaking, the chair is speaking, or our staff are speaking, we will be limited to five minutes. We'll have a running clock of that five minutes. Once you get to five minutes. I'll give you a few more seconds, then I'll start tapping the gavel and that'll be your indication to summarize your comments. I think the ability to share what you need to convey in a very coherent and meaningful way is important so we allow our agendas to continue to move. It's always subject to the call of the Chair, and we can extend time as necessary, but i think those are good ground rules to start with. We will see how that goes.

Trustee Lindsey I just want to add that some presentations on critical issues cannot take only five minutes.

Chair Kaiali'i Kahele I agree. When you read the Bylaws under meetings, verbal presentations are five minutes. I have been talking to Counsel and I think we should incorporate into our Bylaws that verbal presentations, like yesterday's sea-glider and other presentations, should be at least 15 minutes in my opinion.

Trustee Lindsey Yes, because you can't hear anything in five minutes.

Chair Kaiali'i Kahele Our Bylaws don't even reflect what it actually should be.

Trustee Lindsey We should give them a limit like if it's 15 or 20 minutes, hold them to that 20 minutes.

Chair Kaiali'i Kahele Looking at the Bylaws, we should incorporate the minutes in how we run meetings and minutes, two distinct sections. One section that provides for verbal presentations, these could be by the CEO or verbal presentations by groups or individuals coming to give a presentation to the Board. I'm open to what that limit should be, but I think 15 minutes is probably reasonable. Then, testimony from a member of the public, or ourselves in commenting or asking questions, we can come to a decision on what that time limit should be. I think somewhere around 3 minutes, which allows you to say exactly what you want to say and allows us to keep minutes and meetings moving. We do have three committees now and we are aggressively putting all three committees into one day with an hour and a half allocated to each committee. We want to make sure we run good, efficient meetings, and when we have full board meetings, I think we should run them the same. Given that our Bylaws don't provide for that right now, we'll just stick with five minutes. Hopefully, Board Counsel and our Interim General Counsel will get together a nice, good refresh for our Bylaws and bring that to the Board at our January 23rd meeting for consideration. Amendments to the Bylaws require two readings, so, potentially, we could adopt new rules by the sixth of February, if I'm not mistaken, which is when the Board meets next. Our first agenda item is the approval of the minutes.

Approval of Minutes

Trustee Lindsey I move to approve all the minutes.

Trustee Ahuna Seconds the motion.

Chair Kaiali'i Kahele Do we have anyone signed up to speak on this item?

Board Secretary No one has signed up to speak on item.

Chair Kaiali'i Kahele Please do a roll call vote for the approval of the minutes.

3:14 pm Trustee Lindsey moves to						
Approve the following minutes: a. May 9, 2024 b. May 15, 2024 Site Visit 1 c. May 15, 2024 Site Visit 2						
d. May 15, 2024 Moloka'i Community Meeting e. May 16, 2024 Moloka'i Board Meeting						
Trustee Ahuna seconds the motion						
Vote: 3:14 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

New Business

A. Appointment and Approval of Vice-Chairperson on Committee on Budget and Finance‡

Chair Kaiali'i Kahele Our next item is the appointment and approval of Vice Chairperson on the Committee on Budget and Finance. Do we have anyone signed up to speak on this item?

Board Secretary No one is signed up to speak on this item.

Chair Kaiali'i Kahele The Chair would like to appoint Trustee John Waihe'e, IV. as Vice Chair on the Committee on Budget and Finance. Trustee Waihe'e, do you accept the appointment?

Trustee Waihe'e I do.

Chair Kaiali'i Kahele I would like to ask the Board to ratify this appointment.

3:14 pm Chair Kahele appoints the following						
Trustee John Waihe'e, IV. as Vice Chair on the Committee on Budget and Finance						
Trustee Ahuna seconds the motion.						
Vote: 3:15 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE	X		X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

B. Committee on Beneficiary Advocacy and Empowerment

1.Public Land Trust Bill-Action Item BAE #25-02: Approval of an addition to the 2025 OHA Legislative Bill Package – Relating to the Public Land Trust Working Group (recommendation for inventory and audit funding).*

Chair Kaiali'i Kahele Our next item is III. B. Committee on Beneficiary Advocacy and Empowerment, do we have anyone signed up to speak on this item.

Chair Kaiali'i Kahele I will call on Trustee Galuteria, Chair of the BAE Committee, to read the motion.

Trustee Galuteria Your Committee on Beneficiary Advocacy and Empowerment having met on January 8, 2025 and after full and free discussion recommends approval of the following motions to the board of trustees:

Action Item BAE #25-02:

Approval of an addition to the 2025 OHA Legislative Bill Package – Relating to the Public Land Trust Working Group (recommendation for inventory and audit funding)

Trustee Souza Seconds the motion.

Chair Kaiali'i Kahele Do we have anyone signed up to speak on this action item?

Board Secretary There is no one signed up to speak on this item.

3:16 pm Trustee Galuteria moves						
Action Item BAE #25-02: Approval of an addition to the 2025 OHA Legislative Bill Package – Relating to the Public Land Trust Working Group (recommendation for inventory and audit funding)						
Trustee Souza seconds the motion.						
Vote: 3:17 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Trustee Galuteria Your Committee on Beneficiary Advocacy and Empowerment having met on January 8, 2025 and after full and free discussion recommends approval of the following motions to the board of trustees:

Action Item BAE #25-03:

Approval of an addition to the 2025 OHA Legislative Bill Package – Relating to Hawai‘i Community Development Authority (framework for residential development in portions of Kaka‘ako Makai)

Trustee Souza Seconds the motion.

Chair Kaiali‘i Kahele Mahalo. Do we have testifiers?

Germaine Meyers Aloha, for the record my name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment. I am also a Nānākuli Hawaiian homestead lessee. Chair, I wanted to reconfirm what happened last night, your presentation was amazing. It was something new for me as far as what was going to happen with the towers. I’ve always supported Kaka‘ako Makai for OHA to build towers but the new vision of a workforce housing with fifty plus affordable housing is amazing. To develop it so that we can be profitable is very important. I was surprised by the the mixture of individuals there because I got the announcement through OHA and so I thought that it was going to be filled with Native Hawaiians. I am familiar with Friends of Kewalo and they have been on this adventure with OHA for many years now and I wasn’t going to testify but I did want to come to clarify a few things because the person that’s going to testify after me, I really wanted to make sure that he understands why I support it as a Native Hawaiian. The thing that came up last night a couple times was about sea level rise and saying that you know the type of land that’s there was rubbish land and that if there should be sea level rise, up comes the rubbish. For me, in Nānākuli homestead and she’s a Nānākuli homesteader with me, we know the reality. If there is sea level rise, Farrington highway will be under the sea. Three things will impact my community and one of them will be all the trash from my Waimanalo gulch. All of that is going to be on our roads and it is going to be in my backyard and not the people of Kaka‘ako. They are going to be towers on the mauka side and we’re going to be dealing with all of the social and environmental injustice that we’ve been enduring over the years. We will be dealing with the ‘ōpala. We help this island to have the trash come into our community, we help this island by providing electricity for all of those towers that are in Kaka‘ako so it behooves me that the statement of we worry that it’s going to be in our backyard, well, I say come to my backyard and see what we got to deal with and what we have been living with because of the island of O‘ahu and sustaining the island of O‘ahu. We even have a wastewater treatment plant and the people in Kapolei have to deal with another wastewater treatment plant. I just wanted to highlight those things, you are worried about those things but it’s a reality for us. We have monumental ‘ōpala to deal with. Last night there was question about the name change and I just want to share with you my understanding of names about a place. I’ve been on both sides of an issue with name change. I’ve been for name change and against name change. For example, in Piliokahi in Nānākuli, on the oceanside to mountainside of Nānākuli, that street, some homesteaders wanted to change it to Piliokahe. They came to our Neighborhood Board and they actually got Ed Sniffen to change the sign. Those of us that were against it because you got to change your ID, your lease, all your bills just because one letter got changed. We went against it and they stopped it. Ed Sniffen changed the sign back because it’s on Hawaiian Homelands and it’s our street. He apologized and he changed the sign after Auntie Patty, Chair of our Board, confronted him about that change. I’ve also been on the side of changing a name. Nānākuli Beach Park, it’s always been Nānākuli Beach Park since I was a little girl. We changed it to Kalaniana‘ole Beach Park to honor Prince Kūhiō. Then as far as another change I’ve been against is the airport. I wanted it to stay as Honolulu International Airport but it’s now Daniel Inouye. I’m at peace with whatever change, it’s your decision as a Board whether you’re going to change Hakuone to another name. I notice my time is up so I’m going to honor it. Ke Akua pu, god bless all of you.

Klaus Radtke My name is Klaus Radtke, I am an environmental scientist Ph.D. and I represent Aloha Hawai‘i. I think you have our testimony and I will summarize it here for you. We strongly recommend that you read online the effectual document filed by Aloha Hawai‘i ‘Onipa‘a in opposition to this proposed development. The project does not provide sustainable development defined as development that meets the needs of the present

without compromising the ability of wise future generations to meet their own needs. We really have to think about that, at the same time we greatly appreciate OHA's new approach to openness shown in yesterday's public hearing in Kaka'ako, thank you. Let us all work together to help ease the burden of Native Hawaiians now rather than waiting for the future. The project under the banner of workforce housing proposes to rezone the Kaka'ako Makai frontage along Ala Moana boulevard with 400-foot tall residential high rises accommodating four such tall buildings while changing the open space character of the area forever.

It was acknowledged by OHA that the workforce housing created would largely not benefit Native Hawaiians now but perhaps in 10-20 years, OHA could reap income from the sale of the units while also holding onto the underlying land. To make this all possible, it is hoped that the slogan of workforce housing will create a political type that can minimize environmental concerns pertaining to unstable geology of the former oceanside as global warming. Again, we have testified year after year against all the high rises along Ala Moana boulevard, it was hopeless. We have to all realize this because we will be looking at more than a 3-foot sea level rise. Where do we go from here? We need to think about the future and work together. Thank you.

Chair Kaiali'i Kahele Thank you, we appreciate you coming down and testifying and thank you for coming last night.

Members, we have a motion on the table brought forward by Trustee Galuteria. Do we have a second?

Trustee Souza Seconds the motion.

Chair Kaiali'i Kahele Trustees, any discussion? I will say that last night, I think it was a very good meeting. Thank you Trustee Souza for joining us and Trustee Akina for stopping in. There was over 100 people from the community that attended. It was a broad range of people and community groups. I think the message may not have been what some wanted to hear but I think the transparency and opportunity to convey OHA's vision and intent this legislative session was received very well.

One of the take aways that I took from last night as I was decompressing and digesting everything that we heard, and it does go to Doctor Radtke 's point was the concerns that were also voiced in 2006 and subsequent years when OHA brought legislation to the legislature and that is on the possible hazardous soil contamination which we know exists in Kaka'ako Makai and probably Kaka'ako Mauka, as well as the sea level rise, flood mitigation and those two issues. As we move forward into the legislative session and as our bill moves forward, one of the things that we may consider doing is getting an environmental conditions assessment within the next 90 days. That would look at possible hazardous materials in certain parcels, I think specifically in lots I and E up there on Ala Moana boulevard and maybe a sea level rise assessment. If we have them, we can dust them off and take a look at them. I am familiar with the 2009 study that was done on the hazardous contaminants in that area.

I was not sure if OHA internally did their own studies. I think having that information for our legislative colleagues, our partners at the legislature, many of whom were there last night and allow them to have the information they need to answer the concerns that people raised in the community meeting last night which have been the same issues raised year over year. That was of my one take aways and feedback from last night. I think if we can get something for them in the next couple months as this bill moves forward especially in April when it's at critical crossover, I think that would help. Those are my thoughts on last night. Anyone else?

Trustee Souza Great things happened last night. There was back and forth amongst everyone, and I think the overall picture from what I learned last night has nothing to do with Kaka'ako really. I know the meeting was

specifically about Kaka‘ako and the presentation but after hearing the feedback, I realized it was more than that. I think it’s about educating the community, our people, malihini, and whoever it may be and let them know what OHA is responsible for, what OHA does, and who our obligation is to. We need to wear this cap when we engage with any community. Ultimately, it is a community issue because the development will be in Kaka‘ako but ultimately it is a Native Hawaiian issue. I think we made that clear last night. I think more people need to hear that. I want on record that whatever happens at this legislative session, I know from the past feedback from this Board that we will develop in the near future. That is why I said last night, you will see some activity on those lots, and you can be sure of that. We deserve to.

Trustee Akina I would like to commend our BOT Chair as well as the Chair of our ILM Committee, Trustees Kahele and Trustee Souza on an excellent presentation that they gave last night. I think that we grew in credibility and community engagement, it was just delightful to see a large number of diverse members of the community as well as public leaders and OHA came along very well. Thank you very much for that.

Trustee Ahuna I just wanted to make a comment, this area too had names. This area too had lots of Hawaiians back in the day living there. What happened back in the days when the military ships came is the ships came in and started kicking out the Hawaiians from this area. Many of them went to Kalihi, Pālolo, and Papakolea. I grew up in that area, this where I am from, and we have every right to be there, and we have right to do what we need to do. I think people have been grumbling about Hawaiians living along the beach for a long time. I think now is the time we need to educate them and before you change names, there were names there, and these names told stories about these places. When you change the name, you change history. You take away the culture of those people. What we need to do is implement the culture right back into it and educate them about this area. That area was an amazing place. I used to walk down the rivers all the way to the beach, that’s where I grew up. Everybody in Papakolea used to go down there but more or less that place used to be salt ponds. It was an amazing place and in fact, those two salt ponds had these names and those names we lost. Before all these beaches were called like shipwrecks or whatever, they had names. We just want to make sure we instill that culture and preserve who we are within that place.

Chair Kaiali‘i Kahele Trustee Ahuna, you have a very powerful story because your pilina is to this area, where you grew up, where your kūpuna grew up, please share that story as this bill and issue continues throughout the course of the legislative session. I want to thank Hailama Farden, who answered a very important question that someone in the audience had last night. The question was specifically around the name that was given to this area a few years ago. Hailama, thank you for doing the research on that and continuing to do the research on that and for explaining that to all of us. Trustees, any other discussion?

Trustee Galuteria Thank you Trustee Ahuna for sharing your pilina. Our family too comes from makai on Ohe street and Ilalo street. I spent much of my youth in Kaka‘ako and I appreciate the special conversations around this area. I am offering a suggestion, I think a conversation will serve us well if we start a dialogue with our neighbors, our fellow landowners, and one of them is a Hawaiian trust, in other cases it is Howard Hughes, another case it is A&B. I am not sure if they were at our presentation last night but if we can offer them the same presentation, it would pull the knitting for this blanket. I hope you would consider something like that. I would be more than happy to help convene a meeting with our fellow landowners in the area.

Chair Kaiali‘i Kahele Mahalo, Trustee Galuteria, absolutely. My remarks today at our Investiture, I acknowledge our Ali‘i Trust and our partners at Kamehameha Schools are major landowners and they were there last night. We do need to have robust conversations with them. Our bill has the potential to benefit our ali‘i trust as it should because they represent our lāhui as well. If there are nother comments, roll call vote.

3:16 pm Trustee Galuteria moves						
Kaka'ako Makai Bill-Action Item BAE #25-03 Approval of an addition to the 2025 OHA Legislative Bill Package - Relating to the Hawai'i Community Development Authority (framework for residential development in portions of Kaka'ako Makai. Allows the Hawaii Community Development Authority to approve residential development on certain parcels of land in the Kaka'ako Makai area and to raise the building height limit on certain parcels in the area. Provides other measures as part of the framework for residential development in the Kaka'ako Makai area).*						
Trustee Souza seconds the motion.						
Vote: 3:38 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Chair Kaiali'i Kahele Thank you to our Board of Trustees and staff. I think we have it all packaged for the upcoming legislative session which includes our iwi kūpuna bill, our PLT bill, and now our Kaka'ako Makai bill. Congratulations everyone.

Community Concerns and Celebrations

Germaine Meyers Aloha Chair and Trustees. Congratulations to all of you. This was my very first Investiture, mahalo Trustee for the invitation. The hospitality of the OHA staff was exceptional and heartfelt. The mele and hula, world class. The lunch, my tummy is full right now. Chair, your message and the messages of our Kahu, and our CEO, I am excited for OHA. I am excited for our lāhui, for all the gifts that I'm looking forward to, for pono solutions, programs, and opportunities for all native Hawaiians and Hawaiians statewide. I will do my best to support OHA with testimony and speaking to my legislators for the PLT and for Kaka'ako Makai and any other initiatives that is pono with our community. Ke Akua pu, God bless all of you.

Chair Kaiali'i Kahele Mahalo Germaine. Anyone else to speak on community concerns and celebrations? We will move on to announcements.

Announcements

Chair Kaiali'i Kahele I would be remiss if I didn't say one of our hard-working staff one of our Aides had a mishap before the event began and she stuck it out through the Investiture program but wasn't feeling good when the program ended, and she went to the hospital. Let us keep her in our thoughts and prayers and we hope that she is doing well.

In accordance with the Office of Information Practices (OIP) and State Sunshine Law, we are required to announce that early this week at the Hawaii State Capitol, the Ways and Means Committee and the House Finance Committee, OHA was given an opportunity to present the 2025 annual budget request. We had an opportunity for myself as well as our CEO and staff but more importantly several trustees to join us in that briefing. We are required to announce that on Monday, January 6, 2025 the joint hearing of the Senate Ways and Means and the House Finance Committee which was held at the Hawaii State Capitol. The Office of Hawaiian Affairs was well represented with our Ka Pouhana, our Admin staff as well as myself, and some of our Trustees. We briefly discussed what occurred and what OHA's budget request is for the upcoming year as well as some of our bills that legislators were interested in talking about. That will continue this discussion at our next board meeting on January 23 and that report will be part of the agenda for the meeting given between WAM and FIN which occurred less than six days before today's meeting so that's required for this sunshine law.

Trustee Akina If I may add that Trustee Waihe'e, Trustee Souza, and myself were present.

Chair Kaiali'i Kahele After speaking to OIP at these briefings, up to four Trustees were allowed to be present at the meeting. It would be great if all of us could be there but unfortunately that is current law.

Trustee Akina And to continue on January 6, 2025, House Finance and Ways and Means included Trustee Alapa, yourself, Chair Kahele, Trustee Souza, and myself.

Chair Kaiali'i Kahele Perfect, thank you.

Trustee Lindsey That hearing was livestreamed so those of us that were at home were able to witness it. It is also still on YouTube for those Trustees who have not seen it can watch it.

Trustee Akina Do we need to report on last night public information?

Naiwi Wurdemann, Board Counsel In my opinion there, it was scheduled for two which under the exception would not require a robust discussion but I think we had one anyway during the discussion portion of the legislative package so I think we've covered that requirement either way.

Trustee Akina inaudible.

Chair Kaiali'i Kahele It was a good week. Next week is the opening day at the Legislature, if you are available, I hope we are all planning to attend. It will be a good opportunity to build and continue these relationships at the Capitol. That will be key this year for OHA's legislative priorities. For our beneficiaries watching this, we need your help. Go to capitolhawaii.gov, sign up, track our bills, provide testimony because

we cannot do this alone. We need our Lāhui to help us. Our next Board meeting is scheduled for January 23rd at 10:00 am.

I will entertain a motion to adjourn.

Adjournment

Trustee Souza Moves to adjourn.

Trustee Alapa Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		X	X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA	X		X			
JOHN	WAIHE'E			X			
CHAIR KAIALI'I	KAHELE			X			
TOTAL VOTE COUNT				9			

Chair Kaiali'i Kahele Adjourns the Board of Trustees meeting at 3:48 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on XXXXXXXXXXXX

—

Kaiali'i Kahele
Chairperson, Board of Trustees

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888
Fax: (808)-1868

**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**

560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

- I. Call to Order**
- II. Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.**
- III. Approval of Minutes**
 - A. June 27, 2024***
 - B. January 9, 2025***
- IV. New Business**
 - A. Committee on Beneficiary Advocacy and Empowerment – February 5, 2025**
 - 1. 2025 OHA State Legislative Package-Matrix 1**
 - 2. 2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2**
 - 3. 2025 Legislature: OHA Position on Bills Affecting the Public Land Trust-Matrix 3**
 - 4. 2025 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices-Matrix 4**
 - 5. on Bills Affecting Native Hawaiian Housing-Matrix 5**
 - 6. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Health-Matrix 6**
 - 7. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Education -Matrix 7**
 - 8. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Development-Matrix 8**
 - 9. 2025 Legislature: OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) -Matrix 9**
 - 10. OHA Position on Honolulu County Council, Resolution 25-037, Urging the State of Hawai'i to Create a Hawaiian Language Commission**
 - B. Committee on Budget and Finance – January 22, 2025**
 - 1. Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments***
 - 2. Action Item BF #25-04: Approval of OHA funding for a Ho'ākoakoa Lāhui Event**

Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

3. **Action Item BF #25-05:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*
4. **Action Item BF #25-06:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Kanu o ka 'Āina Learning 'Ohana for the 2025 Kanaeokana Aloha 'Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

C. Committee on Investment and Land Management – January 22, 2025

1. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan*
2. **Action Item ILM #25-02:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna'ala, Nu'uauu, O'ahu to the Office of Hawaiian Affairs, in reference to Action Item ILM #25-02, as amended.*
3. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs*
4. **Action Item ILM #25-04:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs*
5. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimānalo, O'ahu to the Office of Hawaiian Affairs.*

D. Action Item BOT #25-01: Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice-Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity*,
First Reading

E. Action Item BOT #25-02: Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawai'i's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).*

V. Executive Session§

A. Discussion on Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Office of Hawaiian Affairs Board of Trustees Bylaws and also any proposed revisions thereto.

B. Approval of Executive Session Minutes

1. March 14, 2024

VI. Community Concerns and Celebrations

VII. Announcements

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website <https://www.oha.org/about/leadership/board-of-trustees/> as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, OHA's neighbor island offices, and on OHA's website <https://www.oha.org/bot> no later than two business days before the meeting. 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.

Testimony can be provided to the Board of Trustees either as: (1) **written testimony** or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

- (1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to botmeetings@oha.org or via **postal mail** to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting.
- (2) Persons wishing to provide **oral testimony online** during the remote meeting, please click on the link below:
<https://us06web.zoom.us/j/84383849672>

To provide oral testimony online, you will need:

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

Persons wishing to provide **oral testimony at the physical meeting location** can sign up the day-of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline **will not** be accepted at this time.



Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date

OHA State Legislative Package - Matrix 1

Bill No	Companion	Report	Description
HB409	SB268	RELATING TO ISLAND BURIAL COUNCILS.	Decreases the size of the Island Burial Councils from 9 to 7 members. Removes the requirement for the councils to include members having development and large property owner interests.
HB410	SB269	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2025, and ending on 6/30/2027.
HB1358		RELATING TO THE PUBLIC LAND TRUST WORKING GROUP.	Appropriates moneys to the Office of Hawaiian Affairs to facilitate the hiring of necessary staff and the purchase of equipment and professional services on behalf of the public land trust working group.
SB268	HB409	RELATING TO ISLAND BURIAL COUNCILS.	Decreases the size of the Island Burial Councils from 9 to 7 members. Removes the requirement for the councils to include members having development and large property owner interests.
SB269	HB410	RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.	Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2025, and ending on 6/30/2027.
SB534	HB605	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Allows the Hawaii Community Development Authority to approve residential development on certain parcels of land in the Kakaako Makai area. Raises the building height limit on certain parcels in the area. Requires a certain percentage of the residential units developed on certain parcels to be allocated to households at or below a certain income level, with priority given to certain essential workforce in the area. Limits the sale of residential units developed in certain residential developments to prospective owner-occupants. Requires the Hawaii Community Development Authority to determine a Kakaako Makai Association Fee to be collected from all residential developments on certain parcels to be deposited into a special account in the Hawaii Community Development Revolving Fund to fund various services and projects in the Kakaako Makai area.
SB1600		RELATING TO THE PUBLIC LAND TRUST WORKING GROUP.	Appropriates funds to the Office of Hawaiian Affairs to hire necessary staff, purchase equipment, and retain professional services on behalf of the Public Land Trust Working Group.

OHA Position on Bills Naming OHA - Matrix 2

Bill No	Companion	Report	Description
SB51		RELATING TO PUBLIC FINANCING FOR CANDIDATES TO ELECTED OFFICE.	Establishes a comprehensive system of public financing for all candidates seeking election to state and county public offices in the State of Hawaii, to begin with the 2026 general election year. Requires the Campaign Spending Commission to submit reports to the Legislature. Appropriates funds.
HB19		RELATING TO TOURISM.	Replaces the Hawaii Tourism Authority with the Corporation for the Stewardship of Hawaii Tourism, a nonprofit entity to guide Hawaii's visitor economy in collaboration with public, private, nonprofit, and community stakeholders in achieving beneficial outcomes from tourism based on the principles of destination stewardship and regenerative tourism.
HB296	HB568	RELATING TO OFFICE OF LEGISLATIVE ANALYST.	Requires the office of legislative analyst to produce fiscal notes on all fiscal bills. Prohibits a committee from making a decision on a fiscal bill without a fiscal note. Mandates that fiscal notes be made available to the public. Appropriates funds.
HB585		RELATING TO HAWAIIAN AFFAIRS.	Short form bill relating to Hawaiian affairs.
HB967	SB1186	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the Statewide Interagency Food Systems Coordination Team and the Interagency Food Systems Working Group within the Department of Agriculture. Requires reports to the Legislature. Establishes positions. Appropriates funds.
HB1476		RELATING TO ENVIRONMENTAL ASSESSMENTS.	Requires an environmental impact statement and consultation with the Office of Hawaiian Affairs for actions that propose any launch of a spacecraft from or reentry into state waters or the Papahānaumokuākea Marine National Monument.
SB903		RELATING TO HAWAIIAN AFFAIRS.	Short form bill.
SB904		RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Short form bill.

OHA Position on Bills Naming OHA - Matrix 2

SB1186	HB967	RELATING TO SUSTAINABLE FOOD SYSTEMS.	Establishes the Statewide Interagency Food Systems Coordination Team and the Interagency Food Systems Working Group within the Department of Agriculture. Requires reports to the Legislature. Establishes positions. Appropriates funds.
SB1193	HB305	RELATING TO LAND RESTORATION.	Creates the Aloha Aina Land Trust to rehabilitate and manage lands transferred by the United States military to the State after the leases for those lands expires. Appropriates funds.
HB307		RELATING TO SPECIAL NUMBER PLATES.	Authorizes the issuance of special number plates to recognize the island of Kahoolawe.
HB405	SB272	RELATING TO WATER.	Defines the public trust responsibilities of the Commission on Water Resource Management. Allows the Commission to retain independent legal counsel. Amends the scope of the Commission to include declaration of emergencies. Repeals the position of Deputy to the Chairperson of the Commission on Water Resource Management and establishes the position of Executive Director. Amends the composition of the Commission. Authorizes entities to challenge an emergency order of the Commission under certain conditions. Establishes fines for certain water use offenses.
HB663		RELATING TO SPECIAL LICENSE PLATES.	Authorizes the issuance of special number vehicle license plates commemorating the Office of Hawaiian Affairs.
HB780	SB848	RELATING TO DESALINATION.	Establishes a Desalination Planning Task Force to examine the feasibility of, and develop a plan and timeline for, the use desalination as a source of potable water in the State.
HB1256		RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTH REPRESENTATIVE DISTRICT.	Appropriates funds for capital improvement projects in the fourth representative district.

OHA Position on Bills Naming OHA - Matrix 2

SB3		RELATING TO WATER.	<p>Authorizes the Commission of Water Resource Management to retain independent legal counsel. Repeals the position of First Deputy to the Chairperson of the CWRM and establishes the position of Executive Director of the CWRM. Authorizes entities to challenge an emergency order of the CWRM under certain conditions. Establishes fines for certain water use offenses. Amends the CWRM's authority to declare water emergencies and issue orders to address them and declare water shortages and related notice requirements. Adds the management of groundwater near the Red Hill Bulk Fuel Storage Facility to the powers and duties of the CWRM. Transfers all rights, powers, functions, and duties of DLNR relating to water resource management to CWRM. Effective 7/1/2026, amends the composition of the CWRM, amends the designation of the Chairperson of the CWRM, limits CWRM's placement within the Department of Land and Natural Resources for administrative purposes only, and adds one member to the nominating committee for CWRM, to be appointed and by the Chief Executive Officer of the Office of Hawaiian Affairs.</p>
SB4		RELATING TO THE ROYAL MAUSOLEUM.	Requires the Department of Land and Natural Resources to transfer the stewardship of the Royal Mausoleum, Mauna Ala, to the Office of Hawaiian Affairs.

OHA Position on Bills Naming OHA - Matrix 2

<p>SB272</p>	<p>HB405</p>	<p>RELATING TO WATER.</p>	<p>Defines the public trust responsibilities of the Commission on Water Resource Management. Allows the Commission to retain independent legal counsel. Amends the scope of the Commission to include declaration of emergencies. Repeals the position of Deputy to the Chairperson of the Commission on Water Resource Management and establishes the position of Executive Director. Amends the composition of the Commission. Authorizes entities to challenge an emergency order of the Commission under certain conditions. Establishes fines for certain water use offenses.</p>
<p>SB543</p>		<p>RELATING TO WATER.</p>	<p>Part I: Establishes a WAI Policy Coordinator and other positions within the Commission on Water Resource Management for coordination of Red Hill WAI initiatives. Creates the Red Hill Remediation Special Fund. Requires reports to the Legislature, Governor, and Mayor and City Council of the City and County of Honolulu. Appropriates funds. Part II: Allows the Commission of Water Resource Management to retain independent legal counsel. Repeals the position of Deputy to the Chairperson of the Commission and establishes the position of Executive Director of the Commission. Amends the composition of the Commission and administratively attaches it to DLNR. Authorizes entities to challenge an emergency order of the Commission under certain conditions. Establishes fines for certain water use offenses. Amends the Commission's authority to declare water emergencies and issue orders to address them and declare water shortages and related notice requirements. Specifies that the nominating committee of the Commission shall include one person appointed by the Chief Executive Officer of the Office of Hawaiian Affairs.</p>

OHA Position on Bills Naming OHA - Matrix 2

SB848	HB780	RELATING TO DESALINATION.	Establishes a Desalination Planning Task Force to examine the feasibility of, and develop a plan and timeline for, the use desalination as a source of potable water in the State.
SB1275		RELATING TO STATE-OWNED HISTORIC PROPERTIES AND INHERITED LANDS.	Establishes the State-Owned Historic Properties Preservation Plan Working Group within the Department of Land and Natural Resources to ensure the preservation of state-owned historic properties and inherited lands. Requires reports to the Legislature.
SB1578		RELATING TO INTERNATIONAL AFFAIRS.	Establishes the Hawaii Sister-State and International Partnerships Commission. Requires the Office of International Affairs to provide support to the Hawaii Sister-State and International Partnerships Commission. Allows the Department of Business, Economic Development, and Tourism to establish out-of-state offices and facilities to support sister-state and other partnerships that promote and enrich the people, cultures, environments, and economies of the State and its international partners, generate revenue for the State, and buy property. Appropriates funds.
HB603		RELATING TO NATIVE HAWAIIAN BUSINESS MARKETING.	Requires the Office of Hawaiian Affairs to administer and oversee a Native Hawaiian Marketing Program to promote businesses owned by Native Hawaiians through marketing and technical assistance.
HB1327		RELATING TO FEES.	Provides that any Hawaii-born or Native Hawaiian individual shall qualify for resident fees at state parks, regardless of where the individual currently resides; provided that the individual first presents to the Department of Land and Natural Resources certain documentation.
SB199		RELATING TO HAWAIIAN CULTURE.	Requires the Office of Hawaiian Affairs to establish and maintain Native Hawaiian cultural centers within the State. Requires the Office to submit reports to the Legislature regarding the Office's compliance with this Act. Appropriates moneys for the planning and design of the first Native Hawaiian cultural center.

OHA Position on Bills Naming OHA - Matrix 2

SB345		RELATING TO PUBLIC FINANCING.	<p>Raises the cap on the maximum amount of matching funds available to candidates for the Hawaii Partial Public Financing Program. Increases the cap on the amount of expenditures a candidate can make in the Program. Increases the matching fund ratio from \$1 for each \$1 of qualifying contributions raised by a candidate to \$2 for each \$1 of qualifying contributions raised in excess of the minimum qualifying contributions that a candidate must raise to participate in the Program. Appropriates funds.</p>
SB1266		RELATING TO BURIAL SITES.	<p>Establishes an inter-division program within the Department of Land and Natural Resources consisting of certain agencies to address the location, movement, and restoration of Hawaiian burial sites or â€˜iwi, exposed or likely to be exposed by coastal erosion. Requires a report to the Legislature. Makes appropriations.</p>
SB1301		RELATING TO HISTORIC PRESERVATION.	<p>Establishes conditions under which archaeological inventory surveys and reconnaissance surveys are required. Establishes conditions under which archaeological permits may be issued and revoked and the practice of archaeology may be temporarily revoked. Modifies the composition and operations of island burial councils. Modifies procedures upon the inadvertent discovery of burial sites.</p>

OHA Position on Bills Affecting the Public Land Trust - Matrix 3

Bill No	Companion	Report	Description
HB317	SB590	RELATING TO THE STATE PARKS SPECIAL FUND.	Allows the Department of Land and Natural Resources to expend the moneys from the State Parks Special Fund for programs aimed at environmental protection.
HB491	SB427	RELATING TO LAND LEASES.	Prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.
SB77	HB528	RELATING TO RESIDENTIAL LEASEHOLDS.	Exempts state and county lands leased after July 1, 2025, for an initial period of not less than ninety-nine years from chapters 516 and 516D, Hawaii Revised Statutes.
SB198		RELATING TO PUBLIC LANDS.	Prohibits the State from leasing public lands to or extending the lease of the US Department of Defense or any branch of the US military if the department or branch is noncompliant with any environmental order, consent decree, or memoranda of agreement, or any law, rule, or order on a matter affecting residents' health and safety. Requires Department of Land and Natural Resources to request that the military agree to remediation of existing leased lands prior to the end of the lease term.
SB242	HB192	RELATING TO FOREIGN OWNERSHIP OF AGRICULTURAL LAND.	Prohibits foreign entities from owning, leasing, or holding a controlling interest in more than an unspecified number of acres of agricultural land. Limits the lease term for agricultural land by foreign entities. Requires foreign entities that own or lease interest in agricultural lands to file an annual report with the Department of Agriculture. Appropriates funds.

OHA Position on Bills Affecting the Public Land Trust - Matrix 3

SB427	HB491	RELATING TO LAND LEASES.	Prohibits the State from leasing any public lands, or extending the lease of any public lands, to any individual, corporation, or federal agency that is in arrears in the payment of certain moneys to the State, noncompliant with a consent decree or memoranda of agreement with the State that requires environmental maintenance or remediation with regard to the subject public lands, or convicted of a crime. Requires certification by the Office of the Governor before the issuance or extension of any federal lease that the individual, corporation, or federal agency is in good standing with the State. Provides that, if any existing lessee of public lands is found not to be in good standing with the State as of the effective date of this Act, the lessee shall have three years, or until the end of the lease term, whichever is sooner, to correct the violation or the lease shall be terminated.
HB143	SB769	RELATING TO MAUNA KEA.	Amends the conservation district use permit application, approval, and oversight responsibilities of the Board of Land and Natural Resources, Mauna Kea Stewardship and Oversight Authority, and lessees. Provides that certain conservation district use permits that are in effect as of 7/1/2028, to which the University of Hawaii is a permittee or other named party, shall not be transferred to the Mauna Kea Stewardship and Oversight Authority.
HB293		RELATING TO PUBLIC LAND TRUST REVENUES.	Requires that all moneys in the pro rata portion of the Public Land Trust be transferred to the Office of Hawaiian Affairs.
SB535	SB1188	RELATING TO FEDERAL LAND.	Establishes an Advisory Committee convened by the Department of Land and Natural Resources and the Department of Health to inventory lands owned by the United States government which may be reasonably transferred back to the State and to make recommendations on relevant land conditions and appropriateness of potential transfer. Requires reports to the Legislature.
SB769	HB143	RELATING TO MAUNA KEA.	Amends the conservation district use permit application, approval, and oversight responsibilities of the Board of Land and Natural Resources, Mauna Kea Stewardship and Oversight Authority, and lessees. Provides that certain conservation district use permits that are in effect as of 7/1/2028, to which the University of Hawaii is a permittee or other named party, shall not be transferred to the Mauna Kea Stewardship and Oversight Authority.

OHA Position on Bills Affecting the Public Land Trust - Matrix 3

SB1188	SB535	RELATING TO FEDERAL LAND.	Establishes an Advisory Committee convened by the Department of Land and Natural Resources and the Department of Health to inventory lands owned by the United States government which may be reasonably transferred back to the State and to make recommendations on relevant land conditions and appropriateness of potential transfer. Requires reports to the Legislature.
SB6		RELATING TO NATURAL RESOURCE MANAGEMENT.	Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district; provided that the Board of Land and Natural Resources upholds its affirmative and non-transferable duty to protect the traditional and customary rights of native Hawaiians as articulated in the Hawaii State Constitution. Clarifies that the natural resource management enforcement and emergency response over Mauna Kea lands shall remain the responsibility of the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources. Takes effect 7/1/2026.

**OHA Position on Bills Affecting Natural Resources and Native Hawaiian
Traditional Customary Practices - Matrix 4**

BillNo	Companion	Report	Description
HB210	SB364	RELATING TO STATE BOATING FACILITIES.	Establishes a State Boating Facility Lease Program within the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources to be administered by DOBOR. Authorizes the Board of Land and Natural to lease Ala Wai Small Boat Harbor for private development, management, maintenance, and operation. Repeals provisions relating to the leasing of fast lands and submerged lands of Ala Wai Boat Harbor. Requires annual reports to the Legislature. Repeals the State Boating Facility Lease Program on 6/30/2045.
SB16		RELATING TO AQUARIUM FISH PERMITS.	Exempts persons engaging in aquaculture research from the aquarium fish permit requirement. Defines aquaculture research.
SB210		RELATING TO PUBLIC LANDS.	Prohibits the Department of Land and Natural Resources from approving any land disposition to the United States military that allows for or facilitates any military training activities on the subject lands. Requires that any lease or lease extension between the State and the US Department of Defense or branches of the US military include certain provisions, including an acknowledgement that the State retains authority over all environmental matters within its jurisdiction. Provides that violation of state or federal environmental law, or any law, rule, or order on a matter affecting the health and safety of the State's residents, shall be grounds for terminating the lease.
SB364	HB210	RELATING TO STATE BOATING FACILITIES.	Establishes a State Boating Facility Lease Program within the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources to be administered by DOBOR. Authorizes the Board of Land and Natural to lease Ala Wai Small Boat Harbor for private development, management, maintenance, and operation. Repeals provisions relating to the leasing of fast lands and submerged lands of Ala Wai Boat Harbor. Requires annual reports to the Legislature. Repeals the State Boating Facility Lease Program on 6/30/2045.
HB123	SB22	RELATING TO FISHERIES.	Exempts actions involving the operation and management of fisheries in the State from environmental review requirements.

**OHA Position on Bills Affecting Natural Resources and Native Hawaiian
Traditional Customary Practices - Matrix 4**

SB22	HB123	RELATING TO FISHERIES.	Exempts actions involving the operation and management of fisheries in the State from environmental review requirements.
HB969	HB748, SB668	RELATING TO WASTE OR DISPOSAL FACILITIES.	Prohibits the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health.
SB129	HB534	RELATING TO LABELING REQUIREMENTS.	Prohibits the sale of raw ahi and raw ahi products in retail establishments without a label that states the country where the ahi was landed.
SB244		RELATING TO PARROTFISH.	Amends conservation and resources law to prohibit: (1) Commercial sales of parrotfish that have been caught by spearing; and (2) The spearing of parrotfish in state waters after sunset or before sunrise.
SB252		RELATING TO INVASIVE SPECIES.	Clarifies that the importation of any item or material infested or infected with an insect or other animal, disease, or other pest is prohibited. Authorizes the Department of Agriculture to inspect any item imported or moved into the State from another part of the continental United States or between the Hawaiian Islands. Prohibits the sale of merchandise that a seller knows is infested or infected with a pest. Authorizes the Department of Agriculture to compel the quarantine, treatment, or destruction of certain materials. Clarifies penalties for violations.
SB446		RELATING TO WASTE MANAGEMENT.	Prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans.

**OHA Position on Bills Affecting Natural Resources and Native Hawaiian
Traditional Customary Practices - Matrix 4**

SB673	HB752	RELATING TO ENVIRONMENTAL STEWARDSHIP FEES.	Effective 7/1/2027, establishes the Environmental Stewardship Fee Program within the Department of Land and Natural Resources, through which the Department will collect a fee from visitors for a license to visit a state park, forest, hiking trail, or other state natural area. Establishes the Environmental Stewardship Fee Special Fund effective 7/1/2025. Allocates a certain amount of transient accommodations tax revenues to the special fund. Requires report to the Legislature on strategic plan and timetable for objectives and implementation of the environmental stewardship fee program. Appropriates funds for the environmental stewardship fee strategic plan and positions for the Environmental Stewardship Fee Program.
HB512		RELATING TO OCEAN RECREATION MANAGEMENT.	Establishes a standard of state waters within three thousand feet seaward of the base line of the territorial sea as ocean recreation management areas. Prohibits commercial activity in ocean recreation management areas, except by a commercial use permit.
HB49	SB1021	RELATING TO WILDLIFE.	Bans the keeping or breeding of cetaceans in captivity except in certain circumstances.
SB1021	HB49	RELATING TO WILDLIFE.	Bans the keeping or breeding of cetaceans in captivity except in certain circumstances.

OHA Position on Bills Affecting Native Hawaiian Housing - Matrix 5

Bill No	Companion	Report	Description
HB605	SB534	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Allows the Hawaii Community Development Authority to approve residential development on certain parcels of land in the Kakaako Makai area. Raises the building height limit on certain parcels in the area. Requires a certain percentage of the residential units developed on certain parcels to be allocated to households at or below a certain income level, with priority given to certain essential workforce in the area. Limits the sale of residential units developed in certain residential developments to prospective owner-occupants. Requires the Hawaii Community Development Authority to determine a Kakaako Makai Association Fee to be collected from all residential developments on certain parcels to be deposited into a special account in the Hawaii Community Development Revolving Fund to fund various services and projects in the Kakaako Makai area.
HB944		RELATING TO NEIGHBORHOOD BOARDS.	Authorizes neighborhood boards to solicit suggestions for capital improvement projects and operating budget priorities from residents. Requires each county mayor to consider and respond in writing to the suggestions for capital improvement projects and operating budget priorities submitted by each neighborhood board. Requires each county council to consider the neighborhood boards' recommendations, the mayor's responses, and county fiscal health in determining the final budget.
SB26	HB1451	RELATING TO AFFORDABLE HOUSING.	Establishes the Affordable Housing Land Inventory Task Force within the Hawaii Community Development Authority to update the Affordable Rental Housing Report and Ten-Year Plan maps, tier tables, and inventories of state lands suitable and available for affordable housing development. Requires a report to the Legislature. Appropriates moneys.
SB211		RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Allows the raising of the building height limit for 2 of the 5 parcels owned by the Office of Hawaiian Affairs in the Kakaako Makai area to 400 feet. Lifts the current restriction against residential development on the 5 OHA-owned parcels in Kakaako Makai to allow residential development by OHA or by third parties to which OHA conveys the parcels. Requires OHA and any developer to provide written notice to any tenant or resident of potential aircraft related nuisances before entering into a lease, and to assess and propose mitigation efforts to address aircraft related nuisances in development plans and proposals.
SB28		RELATING TO THE LAND USE COMMISSION.	Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.

OHA Position on Bills Affecting Native Hawaiian Housing - Matrix 5

HB89		RELATING TO TEACHER HOUSING.	Establishes the Teacher Home Assistance Program to provide housing vouchers to certain eligible teachers. Appropriates funds out of the Teachers' Housing Revolving Fund.
HB295		RELATING TO HAWAIIAN HOME LANDS.	Provides that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential, agricultural or pastoral tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/25 Hawaiian.
HB431		RELATING TO HOUSING.	Appropriates funds for the Kauhale Initiative. Establishes and appropriates funds into and out of the Supportive Housing Special Fund. Effective 6/29/3000. (HD1)
HB464	SB153	RELATING TO HOUSING.	Requires, for tenancies greater than 90 days, a landlord to notify a tenant of any intent to raise the rent for any subsequent rental agreement or any intent to terminate a rental agreement 60 days before the expiration of the original rental agreement. Requires 90 day's notice for a landlord or tenant to terminate tenancies of three years or more and 60 days' notice to terminate tenancies of less than three years, with certain exceptions. Increases the amount of notice required to terminate tenancies that are less than month-to-month.
HB855		RELATING TO HAWAIIAN HOME LANDS.	Provides that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential, agricultural or pastoral tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least twenty-five per cent native Hawaiian.
SB153	HB464	RELATING TO HOUSING.	Requires, for tenancies greater than 90 days, a landlord to notify a tenant of any intent to raise the rent for any subsequent rental agreement or any intent to terminate a rental agreement 60 days before the expiration of the original rental agreement. Requires 90 day's notice for a landlord or tenant to terminate tenancies of three years or more and 60 days' notice to terminate tenancies of less than three years, with certain exceptions. Increases the amount of notice required to terminate tenancies that are less than month-to-month.
SB490	HB739	RELATING TO HOUSING.	Establishes the Kamaaina Homes Program to provide funding to the counties to purchase voluntary deed restrictions from eligible homeowners or homebuyers.
SB749		RELATING TO HOUSING.	Requires rental housing projects to maintain, in perpetuity, fifty per cent of the project's units for certain low-income tenants to be eligible for assistance under the Hawaii Housing Finance and Development Corporation's rental assistance program.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

BillNo	Companion	Report	Description
HB407		RELATING TO MIDWIVES.	Establishes a licensing scheme for licensed certified midwives and licensed certified professional midwives, to be overseen by the Department of Commerce and Consumer Affairs. Re-establishes the home birth task force to provide recommendations on issues related to home births. Dissolves the task force on 6/30/2026. Requires reports to the Legislature.
SB370	SB274	RELATING TO MIDWIVES.	Establishes a licensing scheme for licensed certified midwives and licensed certified professional midwives, to be overseen by the Department of Commerce and Consumer Affairs. Reestablishes the home birth task force to provide recommendations on issues related to home births. Dissolves the task force on 6/30/2026. Requires reports to the Legislature.
HB60		RELATING TO JUVENILE JUSTICE.	Requires and appropriates moneys for the Department of Human Services' Office of Youth Services to develop and implement a program offering individualized service and support teams to assist at-risk and court-involved youth.
HB111		RELATING TO SEX TRAFFICKING.	Authorizes civil claims to be made against a person, business, business owner, or business operator that profits from sexual exploitation or sex trafficking. Extends the statute of limitations for civil claims related to sexual exploitation or sex trafficking to ten years.
HB127		RELATING TO PRETRIAL RELEASE.	Requires the court to enter on the record its written findings regarding the necessity of the conditions imposed on a defendant's release. Requires bail to be set in an amount that the defendant can afford based on certain factors.
HB129		RELATING TO YOUTH FEES AND FINES.	Prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. Limits court-ordered community service for a minor to no more than seventy-two hours. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

HB609		RELATING TO SEX TRAFFICKING.	Requires the posting of informational placards on sex trafficking and resources available to victims, in public buildings and at other specified locations. Requires the Department of Human Services to develop and make available a model placard. Requires the Department of Education to train teachers, school administrators, and other school personnel on the dynamics of sex trafficking and strategies for prevention and response. Requires and appropriates moneys for the Department of the Attorney General to develop and implement public education and outreach events on the dynamics of sex trafficking and the importance of community involvement in prevention and response efforts.
HB610		RELATING TO COLD CASE INVESTIGATIONS.	Establishes and appropriates money for a Cold Case Investigation Unit within the Department of the Attorney General. Prioritizes unsolved cases involving an Indigenous victim.
HB641		RELATING TO HEALTH.	Beginning 1/1/2026, requires health insurers and mutual benefit societies to provide coverage for traditional native Hawaiian healing and cultural practices offered through a Federally Qualified Health Center or a Native Hawaiian Health Care System.
HB677	SB224	RELATING TO IDENTIFICATION.	Requires the Department of Corrections and Rehabilitation, in collaboration with various agencies and upon request of the inmates, to assist inmates in obtaining the inmates' civil identification card, birth certificate, social security card, and other relevant identification necessary for successful reentry into society, as soon as practicable. Requires the Department of Corrections and Rehabilitation to initiate the process of obtaining identifying documents for inmates released to work furlough, extended furlough, or community placement programs, by providing the forms necessary for the inmate to obtain civil identification cards and other identifying documents to the inmate as soon as practicable.
HB689	SB292	RELATING TO SEXUAL EXPLOITATION.	Establishes safe harbor protections for survivors of sexual exploitation who seek medical or law enforcement assistance.
HB784	SB569	RELATING TO HEALTH.	Makes an appropriation for the operation of an additional ambulance for the island of Hawaii to be based in Makalei.
HB905		RELATING TO AMBULANCES.	Appropriates funds to the Department of Health to purchase of one advanced life support ambulance and related equipment to be based in central Maui, fund pay-related personnel costs for state-certified emergency medical services personnel, and increase the predictability and stability of available air ambulance services for all islands in the State.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

HB1285	SB352	RELATING TO PESTICIDES.	Requires the Department of Agriculture to use consistent units of measurement in its summary to the public on the amounts of restricted use pesticides used. Establishes a one-half mile buffer zone for pesticides around schools and state and county public parks.
HB1300		RELATING TO CANCER.	Appropriates funds to the University of Hawaii Cancer Center to conduct a multiethnic cohort study focusing on the social determinants of health, lifestyles, environmental exposures, and resilience factors of Native Hawaiians, Pacific Islanders, and Filipinos, including an analysis of the health effects and risks of individuals living in close proximity to landfills in Nanakuli, Oahu. Requires the University of Hawaii Cancer Center to seek federal funding to complete the study.
HB1322	SB104	RELATING TO CORRECTIONS.	Restricts the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions. Requires the Department of Corrections and Rehabilitation to develop written policies and procedures regarding solitary confinement by 7/1/2026. Requires the Hawaii Correctional System Oversight Commission to review certain housing placements. Requires the Department to develop policies and procedures to review committed persons placed in solitary confinement and develop a plan for committed persons currently in solitary confinement by 4/1/2026. Requires a report to the Legislature and Hawaii Correctional System Oversight Commission. Effective 7/1/2026.
HB1328		RELATING TO MIDWIVES.	Continues a licensing scheme for licensed certified midwives and licensed certified professional midwives, to be overseen by the Department of Commerce and Consumer Affairs. Reestablishes the home birth task force to provide recommendations on issues related to home births. Dissolves the task force on 6/30/2026. Requires reports to the Legislature.
HB1342		RELATING TO OFFENDER REENTRY PROGRAMS.	Expands programming and training for the comprehensive offender re-entry program under the Department of Corrections and Rehabilitation to reduce the rate of recidivism and increase inmate marketability and workforce readiness. Appropriates funds.
HB1357		RELATING TO MISSING PERSONS.	Establishes and appropriates moneys for a Missing Indigenous Person Alert program to help locate indigenous persons who are missing and thought to be in danger.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

SB12		RELATING TO NEONICOTINOIDS.	Classifies neonicotinoid pesticides as restricted use pesticides and establishes a list of chemicals that shall belong to the neonicotinoid class of chemicals. Prohibits the sale or use of seeds coated or treated with neonicotinoid pesticides. Requires the Department of Agriculture to adopt rules that identify and regulate the most harmful neonicotinoid pesticide formulations and develop guidelines for safer alternatives.
SB104	HB1322	RELATING TO CORRECTIONS.	Restricts the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specified exceptions. Requires the Department of Corrections and Rehabilitation to develop written policies and procedures regarding solitary confinement by 7/1/2026. Requires the Hawaii Correctional System Oversight Commission to review certain housing placements. Requires the Department to develop policies and procedures to review committed persons placed in solitary confinement and develop a plan for committed persons currently in solitary confinement by 4/1/2026. Requires a report to the Legislature and Hawaii Correctional System Oversight Commission. Effective 7/1/2026.
SB224	HB677	RELATING TO IDENTIFICATION.	Requires the Department of Corrections and Rehabilitation, in collaboration with various agencies and upon request of the inmates, to assist inmates in obtaining the inmates' civil identification card, birth certificate, social security card, and other relevant identification necessary for successful reentry into society, as soon as practicable. Requires the Department of Corrections and Rehabilitation to initiate the process of obtaining identifying documents for inmates released to work furlough, extended furlough, or community placement programs, by providing the forms necessary for the inmate to obtain civil identification cards and other identifying documents to the inmate as soon as practicable.
SB274	HB407	RELATING TO MIDWIVES.	Establishes a licensing scheme for licensed certified midwives and licensed certified professional midwives, to be overseen by the Department of Commerce and Consumer Affairs. Reestablishes the home birth task force to provide recommendations on issues related to home births. Dissolves the task force on 6/30/2026. Requires reports to the Legislature.
SB292	HB689	RELATING TO SEXUAL EXPLOITATION.	Establishes safe harbor protections for survivors of sexual exploitation who seek medical or law enforcement assistance.
SB352	HB1285	RELATING TO PESTICIDES.	Requires the Department of Agriculture to use consistent units of measurement in its summary to the public on the amounts of restricted use pesticides used. Establishes a one-half mile buffer zone for pesticides around schools and state and county public parks.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

SB544		RELATING TO SENTENCING OF MINOR DEFENDANTS.	Requires courts to consider certain factors when sentencing a person convicted as an adult for an offense that the person committed when the person was a minor. Allows courts to reduce a mandatory minimum period of incarceration or depart from a mandatory sentencing enhancement if the court determines that the reduction or departure is warranted given certain factors.
SB569	HB784	RELATING TO HEALTH.	Makes an appropriation for the operation of an additional ambulance for the island of Hawaii to be based in Makalei.
SB623		RELATING TO THE STATE COUNCIL ON MENTAL HEALTH.	Requires the State Council on Mental Health to include an unspecified number of members with demonstrated knowledge of or work experience involving native Hawaiian health practices. Requires council members to receive annual training on topics related to native Hawaiian healing and health.
SB691		RELATING TO FAMILY COURTS.	Establishes a minimum age of twelve for delinquency adjudication.
SB694		RELATING TO THE DETENTION OF MINORS.	Prohibits minors from being held in jails, lockups, or prisons for adults.
SB991		RELATING TO LONG-TERM CARE.	Requires the Department of Health to conduct a study on the adequacy of long-term care on the island of Molokai. Requires a report to the Legislature. Appropriates funds.
HB688	SB1004	RELATING TO COMMUNITY HEALTH WORKERS.	Requires the Department of Health to establish and administer a three-year Rural Community Health Worker Pilot Program that enables community health workers to provide outreach, education, training, and navigation to individuals residing in rural communities in the State and address social determinants of health. Appropriates funds.
HB1284	SB351	RELATING TO PESTICIDES.	Requires quarterly rather than annual reporting of all use of restricted use pesticides. Amends the contents of reports to include specific geospatial data and information and increased detail on the amount of restricted use pesticides used. Requires the Department of Agriculture to develop an online reporting tool for restricted use pesticides.
SB79		RELATING TO HISTORIC PRESERVATION REVIEWS.	Requires the Department of Land and Natural Resources to determine the effect of any certain proposed housing projects within ninety days of a request for determination. Establishes historical review requirements based on the project area's known historic, cultural, and archaeological resources. Requires the Department of Hawaiian Home Lands to consult with the DLNR before commencement of a proposed project relating to lands under DHHL's jurisdiction.

OHA Position on Bills Affecting Native Hawaiian Health - Matrix 6

SB351	HB1284	RELATING TO PESTICIDES.	Requires quarterly rather than annual reporting of all use of restricted use pesticides. Amends the contents of reports to include specific geospatial data and information and increased detail on the amount of restricted use pesticides used. Requires the Department of Agriculture to develop an online reporting tool for restricted use pesticides.
SB1004	HB688	RELATING TO COMMUNITY HEALTH WORKERS.	Requires the Department of Health to establish and administer a three-year Rural Community Health Worker Pilot Program that enables community health workers to provide outreach, education, training, and navigation to individuals residing in rural communities in the State and address social determinants of health. Appropriates funds.

OHA Position on Bills Affecting Native Hawaiian Education - Matrix 7

BillNo	Companion	Report	Description
HB87		RELATING TO SCHOOL MEALS.	Beginning with the 2025-2026 school year, requires public schools to provide free breakfast and lunch to all enrolled students.
HB89		RELATING TO TEACHER HOUSING.	Establishes the Teacher Home Assistance Program to provide housing vouchers to certain eligible teachers. Appropriates funds out of the Teachers" Housing Revolving Fund.
HB91		RELATING TO HIGHER EDUCATION.	Establishes a homeless student stability program and homeless student housing resource program within the University of Hawaii. Establishes a minimum of one benefits navigator position at each University of Hawaii System campus and a position within the University of Hawaii System to coordinate campus positions and initiatives. Appropriates funds.
HB763		RELATING TO CIVIC EDUCATION.	Establishes the civic education trust fund to support programs benefiting civic education of public school students. Appropriates funds for the expansion of civic education in the public schools and for two full-time equivalent permanent civic education resource teacher positions.
HB1436	SB1631	RELATING TO THE ALOHA SPIRIT, CIVICS, AND DEMOCRACY.	Establishes the Hawaii Civics Collaborative within the Department of Accounting and General Services to promote civics engagement and perpetuate the Aloha Spirit. Requires the Department of Education, University of Hawaii Matsunaga Institute for Peace, Public Access Room, and other community organizations to facilitate civic engagement education statewide. Establishes two full-time equivalent (2.0 FTE) civic education specialist positions within the Department of Education. Appropriates funds.
SB178	HB133	RELATING TO SURFING.	Appropriates funds to the Department of Education to support the establishment of surfing as an interscholastic sport.
SB408		RELATING TO EDUCATION.	Appropriates funds to the Department of Education to increase per-pupil expenditures to \$18,000 per student.

OHA Position on Bills Affecting Native Hawaiian Education - Matrix 7

SB426	HB549	RELATING TO AN EARLY LEARNING APPRENTICESHIP GRANT PROGRAM.	Establishes an Early Learning Apprenticeship Grant Program to be administered by the University of Hawaii to provide financial support for early learning program service providers in the State to participate in state- or federally-approved early learning apprenticeship programs. Requires an annual report to the Legislature. Appropriates funds.
SB1000		RELATING TO EDUCATION.	Appropriates funds to the Department of Education for teacher-requested classroom supplies.
SB1073		RELATING TO CHARTER SCHOOLS.	Authorizes charter school contracts to be renewed for successive ten-year terms of duration.
SB1181	HB1242	RELATING TO HAWAIIAN LANGUAGE IMMERSION EDUCATION.	Requires the Department of Education to implement a plan for a Hawaiian language immersion school in Kapolei that shall be ready to educate students in grades kindergarten through 12 by the 2028-2029 school year. Appropriates moneys.
SB1274	HB1188	RELATING TO TEACHER WORKFORCE HOUSING.	Establishes a Teacher Workforce Housing Stipend Program to support teacher retention at public and charter schools classified as rural and underserved. Requires reports to the Legislature. Appropriates funds.
SB1391	HB1072	RELATING TO EDUCATION.	Appropriates funds to the Department of Education for teacher-requested classroom supplies for fiscal years 2025-2026 and 2026-2027.
SB1524	HB1345	RELATING TO TEACHER EDUCATION.	Requires the Board of Regents to grant a waiver on all tuition and mandatory fees to a resident student enrolled in the College of Education at the University of Hawaii at Manoa for the semester or term that the student enrolls in a State-Approved Teacher Education Program.
SB1566	HB1272	RELATING TO A HAWAII TEACHER REGISTERED APPRENTICESHIP PROGRAM.	Establishes the Hawaii Registered Teacher Apprenticeship Program, to be administered by the Hawaii Teacher Standards Board. Appropriates funds.
SB1604		RELATING TO THE UNIVERSITY OF HAWAII.	Appropriates funds to the University of Hawaii for the development of faculty, staff, teacher, and workforce housing at the Kauai Community College.

OHA Position on Bills Affecting Native Hawaiian Education - Matrix 7

SB1631	HB1436	RELATING TO THE ALOHA SPIRIT, CIVICS, AND DEMOCRACY.	Establishes the Hawaii Civics Collaborative within the Department of Accounting and General Services to promote civics engagement and perpetuate the Aloha Spirit. Requires the Department of Education, University of Hawaii Matsunaga Institute for Peace, Public Access Room, and other community organizations to facilitate civic engagement education statewide. Establishes two full-time equivalent (2.0 FTE) civic education specialist positions within the Department of Education. Appropriates funds.
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OHA Position on Bills Affecting Native Hawaiian Economic Development - Matrix 8

BillNo	Companion	Report	Description
HB189		RELATING TO AGRICULTURAL TOURISM.	Requires the counties to adopt ordinances setting forth procedures and requirements for the review and permitting of agricultural tourism uses and activities as secondary uses, in addition to accessory uses, on a working farm or farming operation. Requires the counties' ordinances to include requirements that: the principal agricultural use on a working farm or farming operation preexists the issuance of any land use permit or building permit for any accessory and secondary use; agricultural tourism includes only those activities that are allowed under existing zoning and land use regulations; and agricultural tourism be allowed only on land on which productive agricultural use is occurring.
HB496	SB1183	RELATING TO MAMAKI TEA.	Imposes labeling requirements for mamaki tea grown in the State.
HB521		RELATING TO OFFICE OF ENTREPRENEURSHIP.	Establishes the Office of Entrepreneurship. Creates a program in partnership with the Hawaii film and creative industries development special fund. Appropriates moneys to establish the Office of Entrepreneurship.
HB984	SB1303	RELATING TO AGRICULTURAL LOANS.	Updates the agricultural loan program by lowering interest rates, increasing and standardizing loan limits, and reducing the number of credit denials. Authorizes the agricultural loan program to issue lines of credit. Creates a new class of loans to encourage large scale agriculture of import replacement crops grown for the farm to state program. Appropriates funds.
HB1442		RELATING TO OFFICE OF ENTREPRENEURSHIP.	Establishes the office of entrepreneurship. Authorizes the use of the Hawaii film and creative industries development special fund for a partnership program with the office. Appropriates funds.
HB1493	SB1641	RELATING TO THE STATE OF HAWAII FILM COMMISSION.	Establishes the State of Hawaii Film Commission within the Creative Industries Division of the Department of Business, Economic Development, and Tourism to support the State's film and media industries. Requires reports to the Legislature. Appropriates funds.
SB132	HB455	RELATING TO SMALL BUSINESS LOANS.	Establishes the Hawaii start-up business loan program. Establishes the Hawaii start-up business loan program special fund. Requires DBEDT to submit an annual report to the Legislature regarding the program. Appropriates funds.
SB151		RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Appropriates funds to the Department of Hawaiian Home Lands to continue geophysical data collection, investigation, exploration, and identification of geothermal resources on Hawaiian home lands. Authorizes DHHL to hire consultants.

OHA Position on Bills Affecting Native Hawaiian Economic Development - Matrix 8

SB162	HB209	RELATING TO WORKFORCE DEVELOPMENT.	Establishes the Hawaii State Fellows Program within the Department of Human Resources Development to match talented applicants with full-time, paid fellowship roles in various state agencies for a period of ten to eleven months. Establishes minimum qualifications and procedures for eligible applicants to apply to the program. Gives preference to eligible program applicants who have pre-existing ties to the State or a demonstrated commitment to long-term leadership in the State. Requires the Department of Human Resources Development, in consultation with the Department of Labor and Industrial Relations, to coordinate with state agencies to implement and promote the program. Requires a report to the Legislature. Appropriates funds.
SB233		RELATING TO CLIMATE RESILIENCE.	Requires the Hawaii Clean Energy Initiative Program to design and implement a plan to increase jobs that strengthen emergency preparedness and climate resilience. Authorizes the use of the Energy Security Special Fund to advance the State's goals of strengthening emergency preparedness and climate mitigation.
SB440		RELATING TO EDUCATION.	Establishes the future career and technical education teacher scholarship program to be administered by the Department of Education to facilitate the recruitment and retention of career and technical teachers in Hawaii public schools. Appropriates funds.
SB989		RELATING TO ECONOMIC DEVELOPMENT.	Appropriates funds to the Hawaii Technology Development Corporation to assist small businesses with technology enablement. Requires a report to the Legislature.
SB1184	HB776	RELATING TO AGRICULTURAL SUPPORT.	Establishes within the Department of Agriculture the Hawaii Agricultural Transportation Assistance Program, to consist of a reimbursement program and grant program, to assist certain farmers and livestock producers with transportation costs for agricultural products, inputs, supplies, and production and distribution of agricultural commodities. Requires reports to the Legislature.
SB1303	HB984	RELATING TO AGRICULTURAL LOANS.	Updates the agricultural loan program by lowering interest rates, increasing and standardizing loan limits, and reducing the number of credit denials. Authorizes the agricultural loan program to issue lines of credit. Creates a new class of loans to encourage large scale agriculture of import replacement crops grown for the farm to state program. Appropriates funds.

OHA Position on Bills Affecting Native Hawaiian Economic Development - Matrix 8

HB436	SB729, SB815	RELATING TO ENTERPRISE ZONES.	Amends the definition of "eligible business activity" for enterprise zone program purposes to include retail sales of tangible personal property manufactured and sold in the enterprise zone that is to be used or consumed by the purchaser and not for resale, the processing of value-added agricultural products grown within an enterprise zone, and the provision of professional services by health care professionals in health care related sectors.
HB549	SB426	RELATING TO AN EARLY LEARNING APPRENTICESHIP GRANT PROGRAM.	Establishes an Early Learning Apprenticeship Grant Program to be administered by the University of Hawaii to provide financial support for early learning program service providers in the State to participate in state- or federally-approved early learning apprenticeship programs. Requires an annual report to the Legislature. Appropriates funds.
HB774	SB558	RELATING TO VALUE-ADDED PRODUCTS.	Establishes a food and product innovation network within the Agribusiness Development Corporation.
SB529		RELATING TO EDUCATION.	Appropriates funds to the Department of Education for its Hoakea Program.
SB558		RELATING TO VALUE-ADDED PRODUCTS.	Establishes a Food and Product Innovation Network within the Agribusiness Development Corporation. Appropriates funds for food and product development or innovation facilities in the county of Maui and on the islands of Oahu and Hawaii.
HB966	SB1251	RELATING TO AGRICULTURAL TOURISM.	Establishes statewide, uniform standards to promote agricultural tourism activities in the State by establishing state agricultural tourism activity requirements that are applicable to all counties that have adopted an agricultural tourism ordinance. Requires agricultural tourism activities to be registered by the county planning commission. Requires agricultural tourism activities to coexist with an agricultural activity on a farming operation and requires termination of the agricultural tourism activities upon cessation of the agricultural activity. Makes conforming amendments.
SB231		RELATING TO AGRICULTURAL TOURISM.	Requires the counties to adopt ordinances setting forth procedures and requirements for the review and permitting of agricultural tourism uses and activities as secondary uses, in addition to accessory uses, on a working farm or farming operation. Requires the counties' ordinances to include requirements that: the principal agricultural use on a working farm or farming operation preexists the issuance of any land use permit or building permit for any accessory and secondary use; agricultural tourism includes only those activities that are allowed under existing zoning and land use regulations; and agricultural tourism be allowed only on land on which productive agricultural use is occurring.

OHA Position on Bills Affecting Native Hawaiian Economic Development - Matrix 8

SB992		RELATING TO THE HAWAII TECHNOLOGY DEVELOPMENT CORPORATION.	Requires the Hawaii Technology Development Corporation to establish state goals and implement projects to promote economic diversification through innovation and technology. Requires annual reports to the Legislature. Appropriates funds to the Small Business Innovation Research Program, Manufacturing Assistance Program, and Accelerator and Small Business Training Programs.
SB1251	HB966	RELATING TO AGRICULTURAL TOURISM.	Establishes statewide, uniform standards to promote agricultural tourism activities in the State by establishing state agricultural tourism activity requirements that are applicable to all counties that have adopted an agricultural tourism ordinance. Requires agricultural tourism activities to be registered by the county planning commission. Requires agricultural tourism activities to coexist with an agricultural activity on a farming operation and requires termination of the agricultural tourism activities upon cessation of the agricultural activity. Makes conforming amendments.

OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) - Matrix 9

Bill No	Companion	Report	Description
HB737		HISTORIC PRESERVATION.	Redefines "historic property" with respect to the State Historic Preservation Program. Requires historic review for proposed projects on existing privately-owned single-family detached dwelling units or townhouses only if the unit or townhouse is historic property, rather than over 50 years old.
HB738	SB1263	RELATING TO HISTORIC PRESERVATION.	Creates a process for expediting the review of residential transit-oriented development on certain parcels within county-designated transit oriented development zones that have a low risk of affecting historically significant resources. Authorizes lead agencies, including county governments, to make determinations on the potential effects of a project. Creates a ninety-day limit to concur or not concur with project effect determinations. Provides that projects with written concurrence are exempt from further review unless there is a significant change to the project or additional historic properties, aviation artifacts, or burial sites are identified within the project area.
HB1406		RELATING TO GOVERNMENT PROCEDURES.	Establishes the Intergovernmental Task Force for Permit Simplification to identify actions taken, challenges encountered, and legislative measures necessary to facilitate, expedite, and coordinate state and intergovernmental development permit processes. Appropriates funds.
HB1317	SB1200	RELATING TO WORKFORCE HOUSING.	Establishes the Workforce Housing Regulatory Sandbox Program within the Hawaii Housing Finance and Development Corporation. Establishes an Advisory Council within the Workforce Housing Regulatory Sandbox Program to advise on environmental and cultural practices within specific developments. Requires annual reports to the Legislature. Appropriates funds. Repeals 6/30/2030.
HB533		RELATING TO HISTORIC PROPERTY.	Amends the definition of "historic property" under the State's historic preservation program to include only property that predates Statehood Day and, with respect to buildings and structures, is registered on the Hawaii Register of Historic Places.
SB18		RELATING TO HISTORIC PRESERVATION.	Makes appropriations into and out of the Hawaii Historic Preservation Special Fund to the State Historic Preservation Division to inventory historic properties and burial sites in the State, collect data on burial site locations, and conduct an archaeological surface survey.
SB143		RELATING TO SPECIAL NUMBER PLATES.	Authorizes the issuance of special number plates to commemorate the island of Kahoolawe.

OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) - Matrix 9

SB15		RELATING TO HISTORIC PRESERVATION.	Amends the definition of "historic property" to require that the property meets the criteria for inclusion in the Hawaii Register of Historic Places or has important value to Native Hawaiians or other ethnic groups of the State due to associations with cultural practices once carried out, or still carried out, at the property or associations with traditional beliefs, events, or oral accounts that are important to history, traditional practices, and cultural identity.
SB79		RELATING TO HISTORIC PRESERVATION REVIEWS.	Requires the Department of Land and Natural Resources to determine the effect of any certain proposed housing projects within ninety days of a request for determination. Establishes historical review requirements based on the project area's known historic, cultural, and archaeological resources. Requires the Department of Hawaiian Home Lands to consult with the DLNR before commencement of a proposed project relating to lands under DHHL's jurisdiction.

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888
Fax: (808)-1868

**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**

560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

- I. Call to Order**
- II. Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.**
- III. Approval of Minutes**
 - A. June 27, 2024*
 - B. January 9, 2025*
- IV. New Business**
 - A. Committee on Beneficiary Advocacy and Empowerment – February 5, 2025**
 1. 2025 OHA State Legislative Package-Matrix 1
 2. 2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2
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 4. 2025 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices-Matrix 4
 5. on Bills Affecting Native Hawaiian Housing-Matrix 5
 6. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Health-Matrix 6
 7. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Education -Matrix 7
 8. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Development-Matrix 8
 9. 2025 Legislature: OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) -Matrix 9
 10. OHA Position on Honolulu County Council, Resolution 25-037, Urging the State of Hawai'i to Create a Hawaiian Language Commission
 - B. Committee on Budget and Finance – January 22, 2025**
 1. **Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments***
 2. **Action Item BF #25-04: Approval of OHA funding for a Ho'ākoakoa Lāhui Event**

Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

3. **Action Item BF #25-05:** Approval of OHA funding for a Ho'akoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*

4. **Action Item BF #25-06:** Approval of OHA funding for a Ho'akoakoa Lāhui Event Sponsorship for Kanu o ka 'Āina Learning 'Ohana for the 2025 Kanaeokana Aloha 'Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

C. Committee on Investment and Land Management – January 22, 2025

1. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan*

2. **Action Item ILM #25-02:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna'ala, Nu'uauu, O'ahu to the Office of Hawaiian Affairs, in reference to Action Item ILM #25-02, as amended.*

3. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs*

4. **Action Item ILM #25-04:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs*

5. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimānalo, O'ahu to the Office of Hawaiian Affairs.*

D. Action Item BOT #25-01: Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice-Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity*,
First Reading

E. Action Item BOT #25-02: Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawai'i's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).*

V. Executive Session§

A. Discussion on Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Office of Hawaiian Affairs Board of Trustees Bylaws and also any proposed revisions thereto.

B. Approval of Executive Session Minutes

1. March 14, 2024

VI. Community Concerns and Celebrations

VII. Announcements

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website <https://www.oha.org/about/leadership/board-of-trustees/> as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, OHA's neighbor island offices, and on OHA's website <https://www.oha.org/bot> no later than two business days before the meeting. 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.

Testimony can be provided to the Board of Trustees either as: (1) *written testimony* or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

- (1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via email to botmeetings@oha.org or via postal mail to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting.
- (2) Persons wishing to provide *oral testimony online* during the remote meeting, please click on the link below:
<https://us06web.zoom.us/j/84383849672>

To provide oral testimony online, you will need:

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

Persons wishing to provide *oral testimony at the physical meeting location* can sign up the day-of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline **will not** be accepted at this time.



Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date

OFFICE OF HAWAIIAN AFFAIRS
Board of Trustees Committee on Budget & Finance
COMMITTEE REPORT

January 22, 2025

The Honorable Kaiali'i Kahele,
Chair Board of Trustees
Office of Hawaiian Affairs

Chair Kahele:

Your Committee on Budget and Finance, having met on January 22, 2025; and after full and free discussion, recommends approval of the following motions to the Board of Trustees:

Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024- 2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments*

Motion: Approval of Action Item BF #25-01 as presented.

Action Item BF #25-02 Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship to Keu the Brand for the 2025 2nd Annual Pai Ka Leo aka 'Aha Mele Ho'omau O'ahu Event on January 25, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF# 25-02 as presented.

Action Item BF #25-03 Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for King Lunalilo Trust's 2025 'Aha 'Aina Hōuluulu Kālā no ka Lani Lunalilo Event on January 30, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF# 25-03 as presented.

Action Item BF #25-04 Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF# 25-04 as presented.

Action Item BF #25-05 Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF# 25-05 as presented.

F. Action Item BF #25-06 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for Kanu o ka ‘Āina Learning ‘Ohana for the 2025 Kanaeokana Aloha ‘Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

Motion: Approval of Action Item BF# 25-06 as presented.

Relevant attachments are included for your information and reference.

Attachment(s):

BF Roll Call Vote Sheet -Action Item BF #25-01:

Motion 1: Approval for Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023- 2024 (FY24) and 2024- 2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments*

Roll Call Vote for Action Item BF #25-02 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship to Keu the Brand for the 2025 2nd Annual Pai Ka Leo aka ‘Aha Mele Ho‘omau O‘ahu Event on January 25, 2025, in the amount of \$15,000.*

Motion 2: Approval of Action Item BF# 25-02 as presented.

Roll Call Vote for Action Item BF #25-03 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for King Lunalilo Trust’s 2025 ‘Aha ‘Aina Hōuluulu Kālā no ka Lani Lunalilo Event on January 30, 2025, in the amount of \$15,000.*

Motion 3: Approval of Action Item BF# 25-03 as presented.

Roll Call Vote for Action Item BF #25-04 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for the Native Hawaiian Hospitality Association’s Ho‘okipa Hawai‘i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

Motion 5: Approval of Action Item BF# 25-05 as presented.

Roll Call Vote for Action Item BF #25-05 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for Hale Kipa’s Pā‘ina 2025 themed “Kūkulu ‘ana i ke kaiāulu” event on February 22, 2025, in the amount of \$15,000.*

Motion 6: Approval of Action Item BF# 25-06 as presented.

Roll Call Vote for Action Item BF #25-06 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for Kanu o ka ‘Āina Learning ‘Ohana for the 2025 Kanaeokana Aloha ‘Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

Respectfully submitted:



Trustee Luana Alapa, Chair



Trustee John Waihe'e IV, Vice Chair

EXCUSED

Trustee Dan Ahuna



Trustee Kaleikahikina Akaka



Trustee Keli'i Akina

EXCUSED

Trustee Brickwood Galuteria

EXCUSED

Trustee Kaiali'i Kahele



Trustee Carmen Hulu Lindsey



Trustee Keoni Souza

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 1

ACTION ITEM:

IV. NEW BUSINESS

A. Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023- 2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignment*

Motion: Approval of Action Item BF #25-01 as presented.

Moved: Trustee Waihee

Second: Trustee Souza

VOTE: 6

PASS: 6

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Memo submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				UNAVAILABLE
TRUSTEE KAHELE				Memo submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			
TOTAL VOTES				

MOTION PASSES (x) FAILS () UNANIMOUS ()

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 2

ACTION ITEM:

IV. NEW BUSINESS

B. **Action Item BF #25-02** Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship to Keu the Brand for the 2025 2nd Annual Pai Ka Leo aka ‘Aha Mele Ho‘omau O‘ahu Event on January 25, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF #25-02 as presented.

Moved: Trustee Akaka

Second: Trustee Lindsey

VOTE: 6

PASS:

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Memo submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				Unavailable
TRUSTEE KAHELE				Memo submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			
TOTAL VOTES	6			

MOTION PASSES (x) FAILS () UNANIMOUS ()

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 3

ACTION ITEM:

IV. NEW BUSINESS

C. Action Item BF #25-03 Approval of OHA funding for a Ho'ākoako Lāhui Event Sponsorship for King Lunalilo Trust's 2025 'Aha 'Aina Hōuluulu Kālā no ka Lani Lunalilo Event on January 30, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF #25-03 as presented.

Moved: Trustee Lindsey

Second: Trustee Akaka

VOTE: 6

PASS: 6

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Letter submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				Unavailable
TRUSTEE KAHELE				Letter submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			

MOTION PASSES (x) FAILS () UNANIMOUS ()

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 4

ACTION ITEM:

IV. NEW BUSINESS

D. Action Item BF #25-04 Approval of OHA funding for a Ho'ākoako Lāhui Event Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

Motion: Approval of Action Item BF #25-04 as presented.

Moved: Trustee Lindsey

Second: Trustee Akaka

VOTE: 6

PASS: 6

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Memo submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				Unavailable
TRUSTEE KAHELE				Memo submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			

MOTION PASSES (x) FAILS () UNANIMOUS ()

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 5

ACTION ITEM:

IV. NEW BUSINESS

E. Action Item BF #25-05 Approval of OHA funding for a Ho‘ākoako Lāhui Event Sponsorship for Hale Kipa’s Pā‘ina 2025 themed “Kūkulu ‘ana i ke kaiāulu” event on February 22, 2025, in the amount of \$15,000.*

Motion: Approval for Action Item BF #25-05.

Moved: Trustee Waihee

Second: Trustee Souza

VOTE: 6

PASS: 6

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Memo submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				Unavailable
TRUSTEE KAHELE				Memo submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			

MOTION PASSES (x) FAILS () UNANIMOUS ()

OFFICE OF HAWAIIAN AFFAIRS
 BOARD OF TRUSTEES COMMITTEE ON BUDGET AND FINANCE
 VOTE ROLL CALL SHEET
 JANUARY 22, 2025

ATTACHMENT 6

ACTION ITEM:

IV. NEW BUSINESS

F. Action Item BF #25-06 Approval of OHA funding for a Ho‘ākoakoa Lāhui Event Sponsorship for Kanu o ka ‘Āina Learning ‘Ohana for the 2025 Kanaeokana Aloha ‘Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

Motion: Approval for Action Item BF# 25-06 as presented.

Moved: Trustee Waihee

Second: Trustee Souza

VOTE: 6

PASS: 6

NO PASS:

TRUSTEE	YES	NO	KANALUA	EXCUSED
TRUSTEE AHUNA				Memo submitted
TRUSTEE AKAKA	X			
TRUSTEE AKINA	X			
TRUSTEE ALAPA	X			
TRUSTEE GALUTERIA				Unavailable
TRUSTEE KAHELE				Memo submitted
TRUSTEE LINDSEY	X			
TRUSTEE SOUZA	X			
TRUSTEE WAIHEE	X			

MOTION PASSES (x) FAILS () UNANIMOUS ()

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
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**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

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 - B. Committee on Budget and Finance – January 22, 2025**
 1. **Action Item BF #25-01:** OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments*
 2. **Action Item BF #25-04:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event

Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

3. **Action Item BF #25-05:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*
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C. Committee on Investment and Land Management – January 22, 2025

1. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan*
2. **Action Item ILM #25-02:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna'ala, Nu'uaniu, O'ahu to the Office of Hawaiian Affairs, in reference to Action Item ILM #25-02, as amended.*
3. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs*
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5. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimānalo, O'ahu to the Office of Hawaiian Affairs.*

D. Action Item BOT #25-01: Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice-Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity*,
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V. Executive Session§

A. Discussion on Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Office of Hawaiian Affairs Board of Trustees Bylaws and also any proposed revisions thereto.

B. Approval of Executive Session Minutes

1. March 14, 2024

VI. Community Concerns and Celebrations

VII. Announcements

VIII. Adjournment

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Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date

ILM COMMITTEE REPORT 2025 January 22

January 28, 2025

The Honorable Kaiali‘i Kahele, Chairman of the Board

Office of Hawaiian Affairs

Chair Kahele,

Your Committee on Investment and Land Management, having met on January 22, 2024, and after full and free discussion, recommends approval of the following **five (5) actions** to the Board of Trustees:

ACTION 1 - regarding: Action Item ILM #25-01

Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan

ACTION 2 - regarding: Action Item ILM #25-02

1. Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.

2. Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the DLNR to OHA.

ACTION 3 - regarding: Action Item ILM #25-03

Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of Kanei‘olouma Heiau Complex, Koloa, Kaua‘i to the Office of Hawaiian Affairs;**

- 2) **Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the County of Kaua'i to OHA;**
- 3) **Take all other reasonable actions necessary and appropriate to implement the foregoing.**

ACTION 4 - regarding: Action Item ILM #25-04

Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs.

Approve and authorize the CEO to delegate to Office of Hawaiian Affairs (OHA) administration the authority to:

- 1) **Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs;**
- 2) **Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of the aforementioned parcels from the DLNR to OHA**
- 3) **Take all other reasonable actions necessary and appropriate to implement the foregoing.**

ACTION 5 - regarding: Action Item ILM #25-05

Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanalo, O'ahu to the Office of Hawaiian Affairs.

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) **Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanalo, O'ahu to the Office of Hawaiian Affairs;**
- 2) **Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of land from the HDOA to OHA;**
- 3) **Take all other reasonable actions necessary and appropriate to implement the foregoing.**

Attachment 1: ROLL CALL VOTE SHEETS

Please refer to the 01/22/2025 ILM Electronic Meeting Folder/Packet at <https://www.oha.org/ilm/>

Respectfully submitted:



Trustee Keoni Souza, ILM Chair



Trustee John Waihe'e, IV, ILM Vice Chair



Trustee Dan Ahuna, Member



Trustee Kaleihikina Akaka, Member



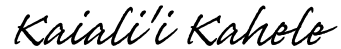
Trustee Keli'i Akina, Member



Trustee Luana Alapa, Member



Trustee Brickwood Galuteria, Member



Trustee Kaiali'i Kahale, Member



Trustee Carmen Hulu Lindsey, Member

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: January 22, 2024 Start: 2:00PM
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AGENDA ITEM:
 IV. **New Business**
 A. **Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan**

MOTION:
Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan

VOTE							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA				X		
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA	1		X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA			X			
JOHN	WAIHE'E		2	X			
TOTAL VOTE COUNT				8	1	0	

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

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: January 22, 2024 START: 2:00PM
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AGENDA ITEM:
IV. New Business
A. Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the land transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs*

MOTION:

1. Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs
2. Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the DLNR to OHA.

VOTE							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA					X	
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE	1		X			
CARMEN HULU	LINDSEY		2	X			
J. KEONI	SOUZA			X			
RM CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	1	

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

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: January 22, 2024	START: 2:00PM
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AGENDA ITEM:
IV. New Business
C. Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs

MOTION:
Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs, Remove item 3.

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of Kanei'olouma Heiau Complex, Koloa, Kaua'i to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the County of Kaua'i to OHA;
- ~~3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$50,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) – Realignment #3 – Approval of Core and Non-Core Realignments;~~
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

VOTE							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE	1		X			
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA			X			
RM CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9		0	

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

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: January 22, 2024	START: 2:00PM
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AGENDA ITEM:
IV. New Business
 A. **Action Item ILM #25-04: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua‘a ‘O Kahana parcels, Kahana, O‘ahu to the Office of Hawaiian Affairs**

MOTION:
Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua‘a ‘O Kahana parcels, Kahana, O‘ahu to the Office of Hawaiian Affairs, Remove item 3

- Approve and authorize the CEO to delegate to Office of Hawaiian Affairs (OHA) administration the authority to:
- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs;
 - 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of the aforementioned parcels from the DLNR to OHA;
 - 3) ~~Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) – Realignment #3 – Approval of Core and Non-Core Realignment;~~
 - 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

VOTE							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						Left mtg at 4:26pm
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE	1		X			
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA			X			
RM CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	0

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

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: January 22, 2024	START: 2:00PM
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AGENDA ITEM:
IV. New Business
Action Item ILM #25-05: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanālo, O'ahu to the Office of Hawaiian Affairs.

MOTION:
Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanālo, O'ahu to the Office of Hawaiian Affairs, Remove item 3

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanalo, O'ahu to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of land from the HDOA to OHA;
- 3) ~~Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) – Realignment #3 – Approval of Core and Non-Core Realignment;~~
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VOTE							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						Left mtg at 4:26pm
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE	1		X			
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA			X			
RM CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	

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

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888
Fax: (808)-1868

**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**

560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

- I. Call to Order**
- II. Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.**
- III. Approval of Minutes**
 - A. June 27, 2024***
 - B. January 9, 2025***
- IV. New Business**
 - A. Committee on Beneficiary Advocacy and Empowerment – February 5, 2025**
 - 1. 2025 OHA State Legislative Package-Matrix 1**
 - 2. 2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2**
 - 3. 2025 Legislature: OHA Position on Bills Affecting the Public Land Trust-Matrix 3**
 - 4. 2025 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices-Matrix 4**
 - 5. on Bills Affecting Native Hawaiian Housing-Matrix 5**
 - 6. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Health-Matrix 6**
 - 7. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Education -Matrix 7**
 - 8. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Development-Matrix 8**
 - 9. 2025 Legislature: OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) -Matrix 9**
 - 10. OHA Position on Honolulu County Council, Resolution 25-037, Urging the State of Hawai'i to Create a Hawaiian Language Commission**
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1. March 14, 2024

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VII. Announcements

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Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline **will not** be accepted at this time.



Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date



OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

February 6, 2025

BOT #25-01

Action Item Issue: **Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity**

Prepared by:
(By request)

Everett Ohta

02/03/2025

Everett Ohta
Interim General Counsel

Date

Reviewed by:

Stacy Ferreira

02/03/2025

Stacy K. Ferreira
Ka Pouhana, Chief Executive Officer

Date

Reviewed by:

Kaiali'i Kahele

02/03/2025

Kaiali'i Kahele
Chairperson, Board of Trustees

Date

I. PROPOSED ACTION

Approve revisions to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity, as set forth in Attachment A.

II. ISSUE

Whether the OHA Board of Trustees will approve revisions to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity, as set forth in Attachment A.

III. BACKGROUND & DISCUSSION

At the request of the BOT Chairperson, Kaiali'i Kahele, a proposed revision to the OHA BOT Bylaws was drafted to implement a number of proposed revisions by the BOT Chairperson.

Following an initial discussion of the proposed revisions to the BOT Bylaws on January 23, 2025, the Bylaws were further revised, as designated in italics in the sections below:

- A. Additional Vice-Chairperson position and responsibilities of Vice-Chairperson (Article II. Definitions; Article V. Officers; and Article VI. Duties of Officers and Members)** – Added language to Article V, section A to allow “up to two Vice-Chairpersons” to be elected by the Board. Article VI., section B. was revised to make the Vice-Chairperson shall be responsible for (1) training of Trustees and Board of Trustee Staff (moved from ILM Committee responsibilities) and (2) responsible for coordinating Trustee attendance at informal gatherings, as defined by HRS §92-2 , by two or more Board members where matters related to board business are not discussed and for ensuring the timely posting of meeting minutes as required by HRS §92-9. *Article VI., section B was revised to allow the Vice-Chairperson responsibilities to be designated by the Chairperson to the Vice-Chairpersons if more than one is elected and for the Vice-Chairperson designated in writing by the Board Chairperson and held by Board Counsel to assume the duties and responsibilities of the Chairperson in the absence or vacancy of the Chairperson.*

[Feb. 6, 2025 update] - Added language to Article V, section D and Article VI., section B to allow the Board, by Simple Majority vote, to designate the Vice-Chairperson who will assume the duties and responsibilities of the Chairperson in the absence or vacancy of the Chairperson.

- B. Succession language for Chairperson Pro Tempore in the event that the BOT Chairperson and Vice-Chairperson positions are vacant (Article V. Officers, sections B and D.)** – Added new language for a Chairperson Pro Tempore to serve as Chairperson at the first meeting after an election and in the event of a vacancy in the Chairperson and Vice-Chairperson positions.
- C. Chairperson Emerita and Chairperson Emeritus (Article V. Officers, section E)** -- New section E that allows for designation of Chairperson Emerita/Emeritus by simple majority vote of the Board.
- D. Removal of Standing Committee Chairperson and Vice-Chairperson (Article VI. Duties of Officers and Members, section A.1.)** – Added “remove” Chairperson and Vice-Chairperson of all Standing Committees to the duties of the Board Chairperson, subject to the approval of the Board.
- E. Standing Committee Chairperson authority to set agenda (Article VIII. Committees of the Board, section B)** – Added language that the Standing Committee Chairperson is responsible for approving agenda items for all meeting under the Chairperson’s Committee, similar to the responsibility of the Board Chairperson.
- F. Succession language for Committee Vice Chairperson in the event of the absence of the Committee Chairperson (Article VIII. Committees of the Board, section B)** – Added succession language for the Committee Vice-Chairperson in the absence of the Committee Chairperson.
- G. Committee referrals by a majority of the Board (Article VIII. Committees of the Board, section L)** – Added language to clarify the referral of matters to a Committee, Council, Commission, or Permitted Interaction Group by a Simple Majority vote that followed the procedures of a Committee Recommendation to the Board.
- H. Verbal presentation time limit of 15 minutes for agendized presenters, subject to further extension by the Chairperson of the Board or Committee (Article IX. Meetings, section F.1 – F.3)** – Changed verbal presentation on an agenda item time limit to 15 minutes, unless the requirement is waived by the Chairperson. Deleted requirement that presenting testimony must be requested and submitted 72 hours in advance as this requirement is contrary to the Sunshine Law. Also deleted requirement for 13 copies of written testimony to be provided, as this requirement is contrary to the Sunshine Law.

**Action Item BOT #25-01: Revision to the Office of Hawaiian Affairs Board of Trustees
Bylaws – February 6, 2025**

~~**I. Testimony time limit of 3 minutes, subject to further extension by majority vote (Article IX. Meetings, section F.2 and F.3) – Changed testimony time limit to 3 minutes for each testifier on each agenda item and allowed such time to be extended or restricted for all testifiers by a majority vote.**~~

J. Revisions to Board of Trustee Staff positions (Article XIV. Board of Trustee Staff) -- Added language to clarify the specific responsibilities and expectations of the Chief of Staff and Board Secretary positions under the Board Chairperson and to make Trustee staff compensation subject to BOT approval.

[Feb. 6, 2025 update] - Retained a portion of the existing job description of the Chief of Staff and removed language that had been interpreted as expanding the responsibilities of the Chief of Staff to manage the daily operations of Trustee Aides and Secretaries of other Trustees. Added language to the Trustee Aide and Secretary positions to clarify that the positions report directly to their respective Trustee.

Added an additional description for a Deputy Chief of Staff position as an option for the Board Chairperson to reallocate one of the Chairperson's two staff positions.

K. Conflict of Interest (Article XV. Conflict of Interest) – Added language to ethics training requirement to make Bylaws consistent with HRS § 84-42.

L. Disorderly Conduct (Article XVII. Order and Decorum, section H) – Added section to cover removal procedures for disruptive meeting participants, as provided by HRS § 92-3.

The proposed revisions are presented in clean (Attachment A) and redline (Attachment B) versions, along with the current, unamended OHA BOT Bylaws (October 31, 2024).

IV. TIMEFRAME

If adopted as an amendment to the OHA BOT Bylaws, the changes to the Bylaws will take effect immediately following the second reading and approval vote of the BOT.

Under Article XIII of the OHA BOT Bylaws “Proposed Bylaw amendments shall be submitted to the Board in writing. Before these Bylaws may be amended by a proposed Bylaw, it must be approved by a 2/3rd's vote of all the members to which the Board is entitled (6 affirmative votes) at least twice.

V. BUDGET AUTHORIZATION

No funding is required.

VI. RECOMMENDATION

- VII.** Approve revisions to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity, as set forth in Attachment A.

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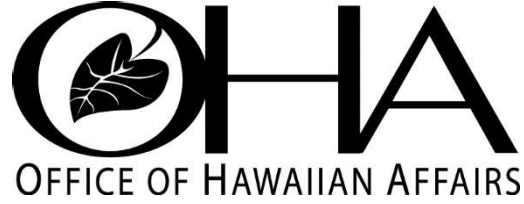
VIII. ALTERNATIVES

- A. Take no action.
- B. Approve only certain revisions to the OHA BOT Bylaws. .

IX. ATTACHMENTS

- A. Updated BOT By-Laws (clean version containing proposed amendments)
- B. BOT By-Laws Proposed Edits-Redlined
- C. OHA BOT By-Laws, approved October 31, 2024 (As-is)

Attachment A:
Updated BOT By-Laws (clean version containing proposed
amendments)



OFFICE OF HAWAIIAN AFFAIRS

BOARD OF TRUSTEES

BYLAWS

Updated as of _____

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ARTICLE I. AUTHORIZATION

These Bylaws are adopted pursuant to Hawai'i Revised Statutes ("HRS") § 10-4(1), as amended.

ARTICLE II. DEFINITIONS

As used herein:

"Ad Hoc Committee" means a Committee created by the Board for a one-time purpose or to focus on examining a specific subject and subject to a deadline by which the work must be completed or else the Ad Hoc Committee is dissolved.

"Administrator" means the Administrator of the Office of Hawaiian Affairs.

"Advisory Committee" means a Committee established to assist Standing Committees in an advisory capacity on matters within the purview of a Standing Committee.

"Agency" means the Office of Hawaiian Affairs.

"Board" means the Board of Trustees of the Office of Hawaiian Affairs.

"Chair" or "Chairperson" means the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs as stated in HRS § 10-8.

"CEO" means the Chief Executive Officer of the Office of Hawaiian Affairs.

"Committee" means a body that includes one or more Trustees established under Article VIII of these Bylaws.

"Committee Chairperson" means the Chairperson of a Standing Committee, Advisory Committee, Ad Hoc Committee, Permitted Interaction Group, Council, or Commission of the Office of Hawaiian Affairs.

"Government Record" means information maintained by OHA in written, auditory, visual, electronic, or other physical form with the exception of records excluded under HRS § 92F-3.

"Majority" means more than half of the members in good standing, who are both present and voting at a meeting.

"Meeting" means the convening of a Board or Committee for which a quorum is required to consider an agenda and to decide or to deliberate toward a decision on matters over which the Board or Committee has supervision, control, jurisdiction, or advisory power.

"Chance Meeting" means a social or informal assemblage of two or more Trustees at which matters relating to official business are not discussed.

"Executive Session" means a session closed to the public upon an affirmative vote taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a Simple Majority of the Board or committee members, as provided by HRS § 92-4, as amended. A session closed to the public shall be limited to matters exempted by HRS § 92-5, as amended. The reason for holding such a session shall be publicly announced and the vote of each member on the question of holding a session closed to the public shall be recorded, and entered into the minutes of the meeting.

"Open Meeting" means a Meeting of the Office of Hawaiian Affairs that is open to the public and all persons are permitted to attend any meeting unless otherwise provided in the constitution or as closed, as provided by HRS § 92-3, as amended.

"Limited Session" means a session of the Office of Hawaiian Affairs that is held at a location that is dangerous to health or safety, or if the Board determines that it is necessary to conduct an on-site inspection of a location that is related to the Board's business at which public attendance is not practicable, and the Director of the Office of Information Practices concurs, as provided by HRS § 92-3.1, as amended.

"Special Board Meeting" means a special meeting of the Board called by the Chairperson or a Simple Majority (5) of all Board members.

"Office" or "OHA" means the Office of Hawaiian Affairs.

"Officer" means the Chairperson and Vice Chairperson(s) of the Office of Hawaiian Affairs.

"Official Business" means an activity or activities authorized by the Chairperson for members of the Board. These activities include, when authorized, the following:

1. attending a meeting relevant to the work of the Board, Committee, or Office;
2. participating in a seminar or conference sponsored in whole or in part by the Office;
3. attending either as a representative of the Board, Office or as a participant, a meeting, seminar, or conference of a community, county, island, state, national, or international organization on a subject matter of direct concern to the Board, Committee, or Office;
4. participating in any training program to maintain or improve the skills of Trustees or OHA employees in the performance of their duties and/or;
5. conducting studies and investigations on matters before the Board, Committee, or Office.

"Packet" means documents that are compiled by the Board or a Committee and distributed to its members before a meeting for use at that meeting, as provided by HRS § 92-7.5, as amended. A Packet may exclude certain non-public information per HRS § 92-7.5, as amended.

"Permitted Interaction Group" or "PIG" means a group where two or more, but less than a quorum of Board or Committee members may discuss between themselves matter relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought, and Board or Committee members do not constitute a quorum of their board, as provided by HRS § 92-2.5, as amended.

"Quorum" means the minimum number of Trustees or members of a Committee who must be present for valid transaction of business.

"Reading" means a presentation of an action item or motion before the Board by the presentation of the action item, its title, or its number where the action is affirmatively voted on. A formal procedure as outlined by the Board's Operations Manual indicates a reading as a stage in the enactment process.

"Simple Majority" means five (5) of the nine (9) votes entitled to be cast by the Board.

"Special Councils or Commission" means a Council or Commission established by the Board to address a specific subject matter.

"Super Majority" means six (6) of the nine (9) votes entitled to be cast by the Board.

"Standing Committee" means a constituted Committee of the Board as detailed in Article VIII, section A of the Bylaws.

"Vice Chair" or "Vice-Chairperson" means a Vice-Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

ARTICLE III. DUTIES OF THE BOARD

The Board shall exercise power as provided by Article XII, §§ 5, 6 of the Constitution of the State of Hawai'i and HRS §§ 10-5, 10-6 as amended.

ARTICLE IV. MEMBERS

- A.** The membership of the Board shall be as provided by Article XII, § 5 of the Constitution of the State of Hawai‘i and HRS § 10-7, as amended.

- B.** Board members shall be elected in accordance with HRS Chapter 13D, as amended, and vacancies shall be filled in accordance with HRS § 17-7, as amended.

ARTICLE V. OFFICERS

- A. Election and Certification.** The Office of Hawaiian Affairs shall be governed by the Board of Trustees, Office of Hawaiian Affairs. The Board, at its first meeting after an election, shall elect from its own membership a Chairperson and up to two Vice-Chairpersons who shall serve at the pleasure of the Board. Their election shall be immediately certified by the Board to the Lieutenant Governor. The concurrence of a Simple Majority (5) of all Trustees shall be necessary to make any action of the Board effective, provided that due notice shall be given to all Board members.
- B. Vote.** At the first meeting after an election, the longest serving Board member shall serve as Chairperson Pro Tempore until a Chairperson is elected. Voting for Chairperson and up to two Vice-Chairpersons of the Board shall be determined by a method determined by a Simple Majority (5) of all Board members.
- C. Vacancy.** A vacancy in the Office of Chairperson or a Vice-Chairperson shall exist under the following circumstances:
1. When the Chairperson or a Vice-Chairperson is removed by a Simple Majority (5) of all Board members; or
 2. When the Chairperson or a Vice-Chairperson resigns from the position held; or
 3. In the case of illness or death of the Chairperson or a Vice-Chairperson; or
 4. At the end of the term of office of the Chairperson or a Vice-Chairperson.

D. Succession. In the event of a vacancy in the Office of the Chairperson, the Vice-Chairperson, or the Vice-Chairperson designated by a Simple Majority vote of all Trustees, shall succeed as Chairperson until the following Board meeting at which time a Chairperson is elected by a Simple Majority (5) of all Board members. In the event of a vacancy in the Chairperson and Vice-Chairperson position(s), the longest serving Board member shall serve as Chairperson Pro Tempore until the following Board meeting at which time a Chairperson and up to two Vice-Chairpersons are elected by a Simple Majority (5) of all Board members.

If a Vice-Chairperson is elected to become the Chairperson, the Board shall elect a Vice-Chairperson at the same meeting. The election(s) shall be immediately certified by the Board to the Lieutenant Governor as provided by HRS § 10-8, as amended.

E. Chairperson Emeritus or Emerita. The title of Chairperson Emeritus or Chairperson Emerita may be bestowed by a Simple Majority (5) to any Board member who previously served as Chairperson of the Board.

ARTICLE VI. DUTIES OF OFFICERS AND MEMBERS

A. Chairperson. The Chairperson, in addition to presiding at all regular and special Board meetings, shall:

1. appoint or remove the Chairperson and Vice-Chairperson of all Standing Committees, subject to the approval of the Board;
2. appoint members of Ad Hoc Committees and Permitted Interaction Groups, and designate the Chairperson and Vice-Chairperson of such Ad Hoc Committees or Permitted Interaction Groups;
3. acknowledge communications, petitions, requests, and proposals on behalf of the Board and refer same to the Administrator, appropriate Committee of the Board and/or Permitted Interaction Group for action and/or recommendation;
4. serve as the primary liaison with the Governor, Congressional delegation, the Legislature, and other agencies and organizations to ensure that there are effective working relationships between all of the above and the Board;
5. approve all press releases and public announcements which state the official position of the Board;
6. approve agenda items for all meetings of the Board; and
7. perform such other duties as may be required by law or such as may properly pertain to such office.

B. Vice-Chairperson. A Vice-Chairperson shall:

1. in consultation with the Standing Committee Chairperson with responsibilities over the subject matter, and in coordination with other resources (e.g., Board Counsel, Administrator, Corporate Counsel, Ethics Commission), develop training and orientation programs for Trustees, including materials relating to Trustees roles, fiduciary responsibilities, and ethical obligations, as provided by HRS Chapter 84, as amended, and Board staff;
2. be responsible for coordinating Trustee attendance at informal gatherings, as defined by HRS §92-2, by two or more Board members where matters relating to board business are not discussed and for ensuring the timely posting of meeting minutes as required by HRS §92-9; and
3. assume the duties and responsibilities of the Chairperson in the absence of the Chairperson; and
4. shall undertake such other duties as may be assigned by the Chairperson.

If two (2) Vice-Chairpersons are elected by the Board, the Chairperson may designate one (1) Vice-Chairperson to be responsible for the duties set forth in paragraph 1 of this section and one (1) Vice-Chairperson to be responsible for the duties set forth in paragraph 2 of this section; provided that the Board shall designate, by a Simple Majority vote, the Vice-Chairperson who will assume the duties set forth in paragraph 3 of this section.

ARTICLE VII. ADMINISTRATOR

The Board shall have the power to exercise control over the Office through its chief executive officer, the Administrator.

- A. Appointment.** The Board, by a Simple Majority (5) of all Board members, shall appoint an Administrator who shall serve a term to be determined by the Board as required by HRS § 10-10, as amended.
- B. Staff.** The Administrator may employ and retain such employees as deemed necessary to carry out the function of the Office as required by HRS § 10-12, as amended.
- C. Removal.** The Board, by a Super Majority (6) of all Board members, may remove the Administrator for cause at any time with a due process hearing, as required by HRS § 10-10, as amended.
- D. Function.** The Administrator shall function as the chief executive officer.

ARTICLE VIII. COMMITTEES OF THE BOARD

A. Establishment of Standing Committees. To facilitate consideration of policy matters that must be approved by the Board, Standing Committees are established. Authority to act on all matters is reserved to the Board, and the functions of each Standing Committee shall be to consider and make recommendations to the Board.

There shall be a minimum of three (3) Standing Committees of the Board. Each Committee shall be led by a Chairperson and a Vice-Chairperson. The Board may increase the number of Standing Committees, but the membership of the Standing Committees shall be all nine (9) Trustees. The three (3) Standing Committees, subject to increase, shall consist of the Committee on Budget and Finance (BF), Committee on Investment and Land Management (ILM), and Committee on Beneficiary Advocacy and Empowerment (BAE).

1. **Committee on Budget and Finance.** The committee shall:
 - a. handle all fiscal and budgetary matters and ensure proper management, planning, evaluation, and use of OHA's trust funds;
 - b. develop policies that strengthen OHA's fiscal controls and financial management;
 - c. review, approve, or disapprove appropriate grants that support OHA's overall mission;
 - d. evaluate OHA programs to determine their effectiveness to decide whether to continue, modify, or terminate a program;

- e. in consultation with the Chairperson of the Committee on Beneficiary Advocacy and Empowerment carry out the recruitment and selection of the OHA Administrator;
 - f. provide oversight of Special Councils or Commissions as assigned by the Board.
2. **Committee on Investment and Land Management.** The committee shall:
- a. handle all Native Hawaiian Trust Fund investments (financial assets portfolio and Hawai'i commercial real estate) and legacy land matters and ensure proper management, planning, evaluation, investment, and use of OHA's trust assets;
 - b. review and approve all Hawai'i real estate acquisition expenditures that impact the OHA Debt Management, Economic Development, Investment, and Spending policies;
 - c. develop policies on land use, native rights, and natural and cultural resources, including: the inventory, identification, analysis and treatment of land, native rights, and natural and cultural resources;
 - d. develop policies and criteria for OHA's land acquisitions, dispositions, development, management, and the use of real property in which OHA has an interest;
 - e. develop investment policies relating to OHA's Native Hawaiian Trust Fund, desired returns and risk, spending, debt

management, and balancing the financial assets portfolio and Hawai'i commercial real estate portfolio;

- f. oversee the use and condition of OHA's real estate, and develop and execute policies for the proper use and stewardship of such real property;
- g. develop policies and programs for OHA's ownership, financing, and development of real property, including capital improvements, debt management, economic development, investment and spending policies, and forms of ownership for OHA's real property;
- h. develop policies relating to OHA's real estate asset allocation, desired returns, and balancing OHA's real estate portfolio including legacy lands, corporate real property, programmatic lands, and investment properties;
- i. oversee the performance of OHA's rights and obligations with respect to real estate not owned by OHA in its own name; and
- j. provide oversight of Special Councils or Commissions as assigned by the Board.

3. **Committee on Beneficiary Advocacy and Empowerment.** The committee shall:

- a. plan, coordinate, and implement programs and activities that encourage Hawaiians to participate in governance;

- b. facilitate OHA's legislative agenda and advocacy efforts with federal, state, and county officials, private and community organizations, and groups involved in Hawaiian issues;
- c. review and support the passage of legislation that benefits Hawaiians and supports Hawaiian issues, and work to defeat legislation which is contrary to the interest of OHA and its beneficiaries;
- d. review, approve, or disapprove program grants that support OHA's legislative and advocacy efforts;
- e. develop programs that focus on beneficiary health, human services, economic stability, education, and native rights;
- f. develop policies and programs relating to housing, land use, the environment, and natural resources;
- g. evaluate all OHA programs to ensure that the programs have a positive impact on beneficiaries; and
- h. provide oversight of Permanent Special Councils or Commissions as assigned by the Board.

B. The Chairperson of each Standing Committee shall be responsible for approving agenda items for all meetings under that Chairperson's Committee. Each Standing Committee shall consider all matters referred to it in accordance with Section L, Article VIII, of these Bylaws and make appropriate recommendations to the Board in a timely manner, but no later than twelve (12) calendar days before a Board meeting, and shall make progress reports to the Board

periodically or when requested by the Chairperson of the Board. The Standing Committee Vice-Chairperson shall assume the duties and responsibilities of the Committee Chairperson in the absence of the Committee Chairperson.

C. Standing Committees may meet in joint session when subject matter falls under the purview of more than one of the Standing Committees. In the case of an unbudgeted funding decision, a joint meeting of the Beneficiary Advocacy and Empowerment Committee and the Committee on Budget and Finance, led by the Chairperson of the Committee on Budget and Finance, shall be mandatory.

D. Advisory Committees.

1. Standing Committees may create Advisory Committees as necessary to serve in an advisory capacity to the Standing Committees. Advisory Committees shall assist in the resolution or study of issues arising in the specific areas of concern assigned to their respective Standing Committee. To avoid duplication in the consideration of issues, the Standing Committees shall create only one Advisory Committee to study or undertake the resolution of a single subject or issue. Each Standing Committee shall have no more than three (3) Advisory Committees at any one time. All communications and advice from an Advisory Committee shall be made to the Chairperson of the Standing Committee, no later than twelve (12) calendar days before a Standing Committee Meeting. All communication and advice to an Advisory Committee shall be made by the Chairperson of the Standing Committee or designee.
2. The Advisory Committee Chairperson and membership shall be

appointed by the Standing Committee Chairperson, upon advice and counsel of Standing Committee members. The term of the Advisory Committees shall expire with the completion of the assigned task or at the discretion of the Standing Committee Chairperson. There shall be no less than three (3) members to each Advisory Committee, at least one (1) of whom shall be a Board member, who shall be appointed by the Standing Committee Chairperson. All Advisory Committee members, with the exception of Board members, shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

E. Ad Hoc Committees.

1. From time to time, there shall be such Ad Hoc Committees, as designated by the Chairperson, the members of which shall be appointed by the Chairperson, and subject to approval of the Board by a Simple Majority (5) vote. There shall be a minimum of three (3) members on each Ad Hoc Committee, at least one of whom shall be a Board member and who shall be the Chairperson of the Ad Hoc Committee.
2. The term of the Ad Hoc Committees shall expire at the completion of the assigned task or at a specific time that is determined for each Ad Hoc Committee at the time of the appointment of said Committee or at the discretion of the Chairperson.

- a. All communications and advice from an Ad Hoc Committee shall be made to the Chairperson of the Board no later than ten days before a Board meeting.
- b. All communications and advice to an Ad Hoc Committee shall be made by the Chairperson of the Board.
- c. All Ad Hoc Committee members, with the exception of Board members, shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.
- d. In the event that three (3) or more Board members are appointed to an Ad Hoc Committee, HRS Chapter 92, as amended, will apply.

F. Permitted Interaction Groups ("PIG").

- 1. The Chairperson may place on the agenda for Board consideration a request for the formation of a PIG in accordance with HRS § 92-2.5, as amended. The request shall set forth the title of the PIG, its scope, its suggested membership, and duration.
- 2. The purpose of the PIG shall be either to: (a) investigate a matter relating to the official business of the Board ("Investigative PIG") or (b) to present, discuss, or negotiate any position that the Board has adopted ("Negotiating PIG").
- 3. The membership, purpose, scope, and duration of the PIG shall be approved by the Board prior to the commencement of an investigation or

presentation, discussion, or negotiation of any position adopted by the Board at a meeting of the Board.

4. Upon creation of an Investigative PIG, its members shall proceed to investigate the matter within their purview and prepare a report together with the PIG's findings and recommendations that shall be presented to the Board for consideration by the Trustees. No discussion, deliberation, or decision making shall occur at the time that the report is presented.
5. A Negotiating PIG shall present the results of its negotiations to the Board for deliberation and decision making by the Trustees at the same time or subsequent meeting.
6. Deliberation and decision making on the matter investigated, if any, must occur only at a duly noticed meeting of the Board held subsequent to the meeting at which the finding and recommendations of the Investigative PIG were presented at the Board.
7. The report of any PIG may be accepted, rejected, recommitted subjected to the PIG for further consideration or dissolved at the deliberation and decision-making meeting, upon majority vote of the Trustees.

G. Permanent Special Councils or Commissions.

1. There shall be such Permanent Special Councils or Commissions as the Board deems appropriate to create. The Board shall designate a Standing Committee that shall exercise oversight of said Council or Commission. The Special Council shall determine the duration of said Council or Commission.
2. Council members or Commissioners shall be appointed by the Standing Committee to which oversight authority is granted pending confirmation of the Board through a Simple Majority (5) vote of all Board members.
3. Membership of each Council or Commission shall be composed of at least one (1) Board member.
4. The subject matter and purview of said Councils or Commissions shall be clearly defined and limited to only those areas so recommended by the Standing Committee having oversight thereof and subject to the approval of the Board by a Simple Majority (5) vote of all Board members. Oversight by the appropriate Standing Committee shall include, but not be limited to, review of budgetary concerns for the operation of said Council or Commission, and affirmation of requests for actions by such Council or Commission for the continued operations of such Council or Commission.
5. Such Council members or Commissioners, with the exception of any Board member, shall serve terms as established by the Board and shall

serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

H. Quorum and Voting for Committees, Councils and Commissions.

1. For Advisory, Ad Hoc, and Standing Committees, Councils and Commissions, a majority of the members of the Committee, Council or Commission shall constitute a quorum. Except for Ad Hoc Committees, three (3) members shall constitute a quorum to do business.
2. The concurrence of a quorum shall be required for any Committee (other than a Standing Committee), Council or Commission to make any recommendation to the Board or Standing Committee where appropriate, for Board or Standing Committee approval.
3. A Simple Majority (5) of the Trustees shall be required for it to make any recommendation to the Board, provided that a quorum is present at the time of the vote.
4. When Standing Committees meet jointly, each Committee shall vote separately as individual Committees.

I. Authority to act on all matters is reserved to the Board and the functions of the Advisory and Ad Hoc Committees, Councils, Commissions, and Permitted Interaction Groups shall be to investigate, consider, and make recommendations to the Standing Committee and the Board, respectively.

J. Staff Assignments. The Administrator shall assign to each Standing, Advisory, and Ad Hoc Committee, and to each Council, Commission and Permitted

Interaction Group, appropriate Administration staff to conduct research, analyze data, draft findings, and report and provide project management and support for and to advise the respective Committee, Council, Commission or Permitted Interaction Group and to maintain records of the proceedings of same.

- K. Committee Recommendations.** The Chairperson of the Board of Trustees shall place a Committee recommendation on a Board of Trustees agenda no later than thirty (30) calendar days after receipt of the recommendation.
- L. Committee Referrals.** Referrals to a Committee, Council, Commission, or Permitted Interaction Group by a Simple Majority (5) vote of all Board members shall be placed on an agenda by the chairperson of the Committee, Council, Commission, or Permitted Interaction Group no later than thirty (30) calendar days after receipt of the referral.
- M.** Waiver of any matter by committee to the Board of Trustees shall require a Super Majority ((6) vote of all Board members.

ARTICLE IX. MEETINGS

- A.** Board meetings shall be convened at the call of the Chairperson or by a quorum, as often as may be necessary for transaction of the Board’s business as required in HRS § 10-8, as amended. The Board shall meet at least once annually on each of the islands of Hawai’i, Maui, Moloka’i, Lāna’i, Kaua’i, and O’ahu. At each meeting, the Board may fix the time and place for its next regular meeting.
- B.** Board meetings may be convened by the Chairperson. In addition, upon written request of a Simple Majority (5) of all Board members, the Administrator shall schedule a meeting of the Board to take place within twelve (12) calendar days after receipt of such request, provided that the notice requirement is met pursuant to HRS §§ 92-7, 41, as amended.
- C.** Emergency meetings may be called by the Chairperson in accordance HRS § 92-8, as amended.
- D.** Committee meetings shall be called by the Committee Chairperson.
- E.** The Board shall give written public notice of any regular, special, emergency or rescheduled Board or Standing Committee, at least six (6) calendar days before the meeting and in the manner as required by HRS §§ 92-7, 41, as amended. All meetings of the Board or its Committees, excluding PIGS, shall be open to the public, except for executive session meetings as required by HRS § 92-3, as amended.
- F.** Appearances before the Board or Standing Committee, Committee, Council, or Commission shall be in accordance with HRS Chapter 92, as amended.

1. Any verbal presentation on an agenda item before the Board or any Standing Committee shall be limited to fifteen (15) minutes unless such requirement is waived by the Chairperson of the Board or Standing Committee.
2. To ensure the orderly conduct of board business, each testifier before the Board or Standing Committee, Committee, Council, or Commission shall be limited to five (5) minutes per agenda item.
3. The Board or Standing Committee, Committee, Council, or Commission may extend or restrict the time allowed for all testifiers by a majority vote of the members present.
4. Unless a testifier's testimony is related to a specific agenda item, the testifier may only give testimony under "Community Concerns" if the item is placed on the agenda.

G. Minutes of Meetings. The Board and each Standing Committee, Committee, Council or Commission shall keep written or recorded minutes of all meetings as required under HRS § 92-9, as amended. The Board shall adopt standardized forms for use in the recordation of minutes of meetings. Minutes of all preceding meetings shall be available as provided by HRS § 92-9(b), as amended. The minutes shall include, but need not be limited to:

1. the date, time, and place of the meeting;
2. the members of the Board, Standing Committee, Council, or Commission recorded as either present, absent, or excused;

3. a summary of all matters proposed, discussed, or decided; and a record, by individual member, of motions made, motions seconded, and votes taken to include dissenting votes and abstentions;
4. staff assignments for investigation and the date staff reports are due;
5. departure and arrival of members from meetings to show matters discussed before arrival, while there, or after departure; and
6. any other information that any member of the Board, Standing Committee, Committee, Council, or Commission requests be included or reflected in the minutes.

H. Packet. At the time the Packet is distributed to its members, the Board or Committee shall also make the Packet available for public inspection in the Board's office, as required by HRS § 92-7.5. The Board shall provide notice to persons requesting notification of meetings pursuant to HRS Section 92-7(e), as amended,, that the board packet is available for public inspection in the board's office and shall provide reasonably prompt access to the Packet to any person upon request. The Board is not required to mail board packets. As soon as practicable, the Board shall accommodate requests for electronic access to the Board Packet.

I. Referrals. The Board shall adopt procedures for research, due diligence and analysis, and referrals to staff via the Administrator.

J. The Board may hold additional community meetings, informational meetings and public hearings, as needed.

ARTICLE X. QUORUM AND VOTING

A Simple Majority (5) of all Board members shall constitute a quorum to conduct business as required by HRS § 10-8, as amended. The concurrence of a Simple Majority (5) of all Board members shall be necessary to make any action of the Board valid provided that due notice shall be given to all Board members.

An abstention shall not be considered a positive or negative vote. A procedural motion may be passed by a majority vote of the Board members present. Upon the request of any Board member, the Board Secretary or staff of the Committee Chairperson shall call the roll.

- A.** Unless a Board member is excused from voting, such Board member's silence shall be recorded as an abstention.
- B.** A Board member may use a "kanalua" response when called upon to vote and if repeated when polled again, that vote shall be recorded as an "abstention", or when polled to vote again, the second time may either vote "yes" or "no".

The Board Secretary or staff of the Committee Chairperson shall record each vote in the minutes and report to the Chairperson, who shall announce the result to the Board or Committee.

ARTICLE XI. LEGAL COUNSEL

- A.** Legal Counsel shall be present at all regular meetings and certain committee meetings of the Board when requested by the Chairperson or Chairperson of the relevant Committee.
- B.** The Chairperson or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from OHA’s Corporate Counsel, Department of the Attorney General or from any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General, or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form.
- C.** The Administrator of the Office Hawaiian Affairs or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from the Department of the Attorney General, or any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form.

ARTICLE XII. PARLIAMENTARY AUTHORITY

The most recent edition of Robert's Rules of Order shall apply in situations not covered by these Bylaws, applicable statutes, or opinions of Board Counsel, Corporate Counsel, or external counsel.

ARTICLE XIII. AMENDMENTS TO BYLAWS

Proposed Bylaw amendments shall be submitted to the Board in writing. Before these Bylaws may be amended by a proposed Bylaw, it must be approved by a Super Majority (6) vote of all Board members at least twice.

ARTICLE XIV. BOARD OF TRUSTEE STAFF

- A. Chief of Staff.** The Board Chairperson shall appoint a Chief of Staff who will serve as the Chairperson’s chief policy advisor. The Chief of Staff shall manage all operations and staff of the Board Chairperson’s O‘ahu and island offices(s) (if applicable), while coordinating the Chairperson’s activities with other Trustees’ offices. Additionally, the Chief of Staff is responsible for coordinating Trustee Aide and Secretary staff functions and activities and shall act as a liaison between the Board staff and the Administrator. The Chief of Staff shall report directly to the Chairperson of the Board.
- B. Deputy Chief of Staff.** The Board Chairperson shall have the option to appoint a Deputy Chief of Staff, who serves under the Chief of Staff and assists in managing and executing the operations, functions, and activities of the Chairperson’s office. If the Board Chairperson exercises the option to appoint a Deputy Chief of Staff, the Deputy Chief of Staff position shall replace one of the two full-time Trustee Aide or Trustee Secretary positions otherwise allocated to the Board Chairperson.
- C. Board Secretary.** The Board Chairperson shall appoint a Board Secretary who will serve as the personal assistant to the Chairperson of the Board. The Board Secretary requires performing highly specialized and complex clerical and administrative tasks to support the efficient functioning of the Chairperson’s office and Board of Trustee operations. The Board Secretary is expected to synthesize and communicate ideas, memos, and official correspondence concisely, coherently and comprehensively.
- D. Trustee Aide and Secretary.** Each Board member shall be entitled to a maximum of two full-time positions. To carry out the duties of their office, each Trustee shall choose their staff positions from the following job classifications: Trustee Aide and Trustee Secretary. Each Board member shall have the sole discretion to select their staff positions from the job classifications listed above

that best suit the needs of their office. Each Trustee Aide or Trustee Secretary shall report directly to, and be managed by, their respective Board member.

Changes to the type, number, and compensation of Board of Trustee staff positions shall be subject to approval of the Board by a Simple Majority (5) vote.

ARTICLE XV. CONFLICT OF INTEREST

Board members shall comply with the provisions of this Bylaw and are subject to the standards of conduct and financial interest disclosure requirements of HRS Chapter 84, as amended, to include attending a live ethics training within ninety (90) days of taking office and once every four years thereafter, pursuant to HRS § 84-42. For the purpose of this Bylaw Article:

- A. An ‘affiliation’ exists if a Board member or a member of the Board member’s family is an owner (an ownership interest valued at more than \$5,000 or 10% or more ownership of the business), officer, director, trustee, partner, employee (which shall also include legal counsel, consultant, contractor, advisor, or representative), or agent of such organization.
- B. All Board members must disclose to the Chairperson and the Board their membership(s) or affiliation(s) with any organizations or person(s) who are eligible to receive grants from, may be in competition with for resources or eligible to procure from or contract with the Office of Hawaiian Affairs. Board members shall disqualify themselves any time an action is being considered by the Board which would affect the funding, procurement or contracts of that organization or person. Disclosure by declaration shall be made before Board action on the matter.

Board members have a clear obligation to conduct all affairs of OHA in the best interest of beneficiaries. Board members are expected to place the welfare of OHA above personal interests or the interests of family members or others who may be personally involved in affairs affecting OHA. All decisions of the Board

are to be made solely based on a desire to promote the best interest of OHA and its beneficiaries and in alignment with a Board member's fiduciary duties.

- C. Board members violating this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.

ARTICLE XVI. CONFIDENTIALITY

- A.** All information, data, and documents that do not qualify as Government Records that are received or reviewed by a Board member acting in his or her official capacity shall be deemed confidential and shall not be released or utilized by any Board member for any purpose other than OHA Board or Committee business.
- B.** The unanimous vote of all Board members after full consultation with Board Counsel shall be required before any confidential communication, proprietary, or otherwise privileged communications or material received may be publicly released, except that Board Executive Session Minutes may be released after redaction by Board Counsel under HRS § 92-9 and pursuant to Board of Trustees Operations Manual, Rule 21 (July 2007).

ARTICLE XVII. ORDER AND DECORUM

- A.** While the Chairperson is putting any question to, or addressing the Board, or when a person is speaking, all persons present are expected to conduct themselves with decorum and provide respect to the speaker. While a person is speaking, no one shall pass between such speaker and the Chairperson.
- B.** When a Board member or other person properly before the Board wishes to speak, the speaker shall address the Chairperson, be recognized before proceeding, and shall confine remarks to the question under discussion.
- C.** If a Board member or other person, in speaking or otherwise, transgresses these rules, any Board member may raise a question of order. The Chairperson shall then decide the question of order without debate, subject to an appeal to the Board. In addition, the Chairperson may call for the sense of the Board on any question of order.
- D.** Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided and may proceed with the matter under discussion within the ruling made on the question of order.
- E.** All persons attending Board meetings, including staff, witnesses, members of the media, and the general public, are expected to respect the dignity of the Board.
- F.** Board members who repeatedly violate any provision of any of the above sections of this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.
- G. Defamation..** OHA is concerned that no defamatory material or statements are presented at Board and Committee meetings. In the event that this situation

should develop, it will be necessary to call this to the attention of the persons making those statements, and request that they desist in their action. Such information may be stricken from the record.

H. Disorderly Conduct. A disruptive Board member or meeting attendee shall be called upon by the Chairperson of the Board or Committee to cease and desist all willfully disruptive behavior that prevents and compromises the conduct of a meeting. If the disruption continues, the person may be removed from the meeting pursuant to HRS §92-3. Removal may include muting of a Board member's or testifier's microphone, removal from the interactive conference technology meeting platform, or removal of the disruptive person from the in-person meeting room.

**ARTICLE XVIII. TRUSTEE CODE OF CONDUCT AND SANCTIONS FOR
VIOLATION OF THE CODE OF CONDUCT**

The professional conduct of a Board member shall be guided by the Code of Conduct and Sanctions for Violations of the Code of Conduct, hereinafter referred to as the “Code of Conduct,” which shall be created as a stand-alone executive policy of the Board of Trustees and made part of the OHA Board of Trustees’ Executive Policy Manual as a stand-alone policy.

The Sanctions for Violations of the Code of Conduct shall contain procedures that are fitting to the position of an elected Trustee and while ensuring that due process is afforded to a Trustee whose matter is being considered by the Board of Trustees.

The purpose of this Article is to establish guidelines relating to the Trustee Code of Conduct, including standards for the ways in which Board members interact with one another staff, and beneficiaries in the pursuit of setting OHA policy and managing its trust.

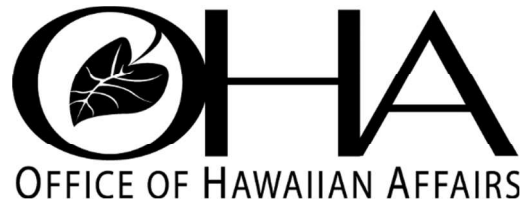
ARTICLE XIX. HAWAIIAN LANGUAGE USAGE

All Board members and staff are expected to use Hawaiian language and the proper spelling and grammar of Hawaiian words when preparing official correspondence and documents for OHA, as required by Article XV, § 4 of the Constitution of the State of Hawai‘i, as amended.

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Attachment B:
BOT Bylaws Proposed Edits-Redline



OFFICE OF HAWAIIAN AFFAIRS

BOARD OF TRUSTEES

BYLAWS

~~Approved by the Board of Trustees, October 2024~~ Updated as of

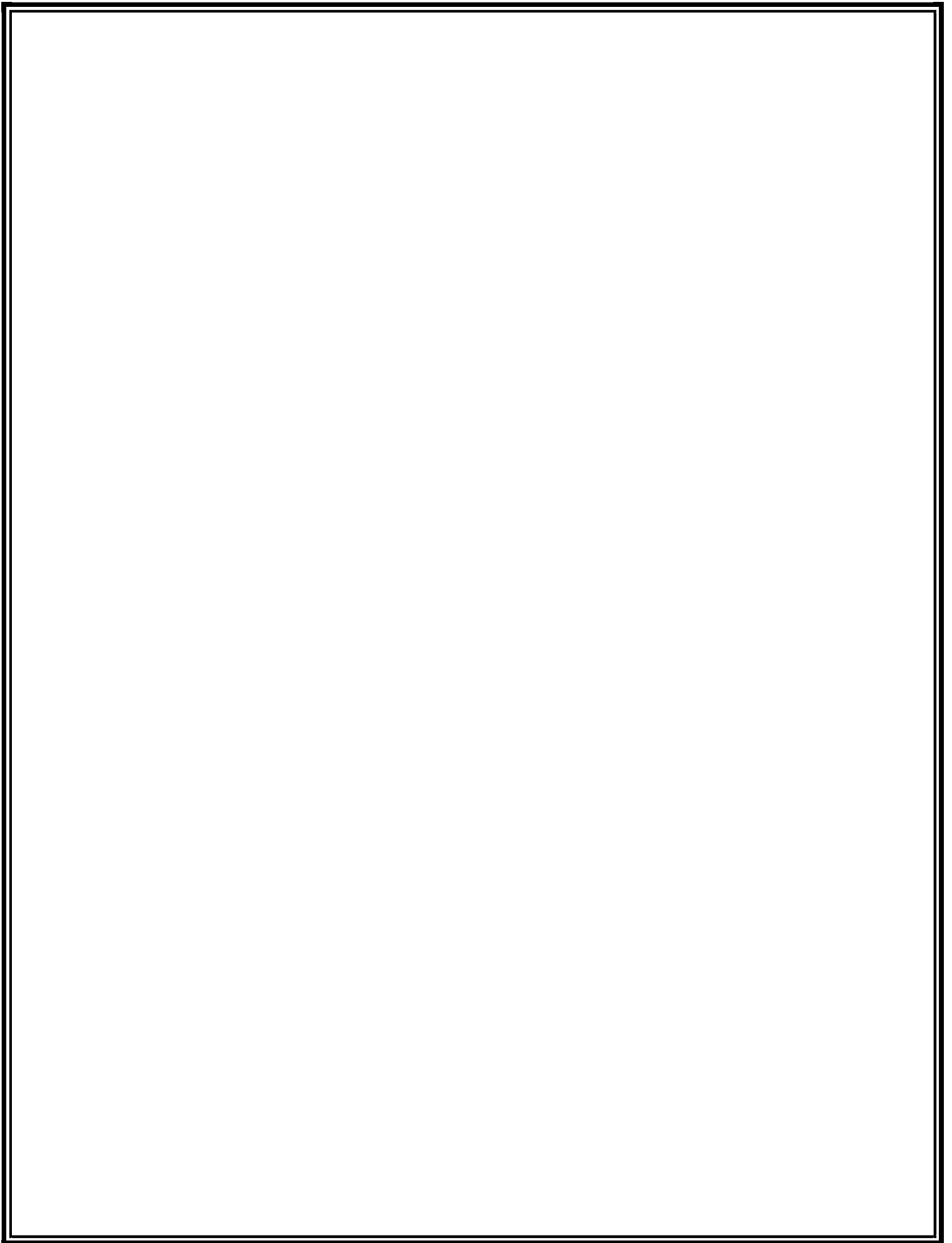


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ARTICLE I. AUTHORIZATION

These Bylaws are adopted pursuant to Hawai'i Revised Statutes ("HRS") § 10-4(1), as amended.

ARTICLE II. DEFINITIONS

As used herein:

"**Ad Hoc Committee**" means a Committee created by the Board for a one-time purpose or to focus on examining a specific subject and subject to a deadline by which the work must be completed or else the Ad Hoc Committee is dissolved.

"**Administrator**" means the Administrator of the Office of Hawaiian Affairs.

"**Advisory Committee**" means a Committee established to assist Standing Committees in an advisory capacity on matters within the purview of a Standing Committee.

"**Agency**" means the Office of Hawaiian Affairs.

"**Board**" means the Board of Trustees of the Office of Hawaiian Affairs. ~~."~~

"**Chair**" or "**Chairperson**" means the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs as stated in HRS § 10-8.

"**CEO**" means the Chief Executive Officer of the Office of Hawaiian Affairs.

"**Committee**" means a body that includes one or more Trustees established under Article VIII of these Bylaws.

"**Committee Chairperson**" means the Chairperson of a Standing Committee, Advisory Committee, Ad hoc Committee, Permitted Interaction Group, Council, or Commission of the Office of Hawaiian Affairs.

"**Government Record**" means information maintained by OHA in written, auditory, visual, electronic, or other physical form with the exception of records excluded under HRS § 92F-3.

"**Majority**" means more than half of the members ~~to which the Board is entitled,~~ in good standing, who are both present and voting at a meeting.

"Meeting" means the convening of a Board or Committee for which a quorum is required to consider, an agenda and to decide or to deliberate toward a decision on matters over which the Board or Committee has supervision, control, jurisdiction, or advisory power.

"Chance Meeting" means a social or informal assemblage of two or more Trustees at which matters relating to official business are not discussed.

"Executive Session" means a session closed to the public upon an affirmative vote taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a ~~simple majority~~Simple Majority of the ~~members to which the board~~Board or committee ~~is entitled~~members, as provided by HRS § 92-4, as amended. A session closed to the public shall be limited to matters exempted by HRS § 92-5, as amended. The reason for holding such a session shall be publicly announced and the vote of each member on the question of holding a session closed to the public shall be recorded, and entered into the minutes of the meeting.

"Open Meeting" means a Meeting of the Office of Hawaiian Affairs that is open to the public and all persons are permitted to attend any meeting unless otherwise provided in the constitution or as closed, as provided by HRS § 92-3, as amended.

"Limited Session" means a ~~Session~~session of the Office of Hawaiian Affairs that is held at a location that is dangerous to health or safety, or if the Board determines that it is necessary to conduct an on-site inspection of a location that is related to the Board's business at which public attendance is not practicable, and the Director of the Office of Information Practices concurs, as provided by HRS § 92-3.1, as amended.

~~"Meeting by interactive conference technology" means a meeting that utilizes any form of interactive conference technology, as provided by HRS § 92-3.5(a). The interactive conference technology used by the Board should allow for interaction among all members of the public attending the meeting, and the should meet the conditions for written public notice as required by HRS § 92-7, as amended. The notice should identify all locations where participating board members of the public may join board members at any of the identified locations.~~

"Special Board Meeting" means a special meeting of the Board called by the Chairperson or a ~~simple majority~~Simple Majority (5) of all Board members ~~to which the Board is entitled.~~

"Office" or "OHA" means the Office of Hawaiian Affairs.

"Officer" means the Chairperson and Vice Chairperson(s) of the Office of Hawaiian Affairs.

"Official Business" means an activity or activities authorized by the Chairperson for members of the Board. These activities include, when authorized, the following:

1. attending a meeting relevant to the work of the Board, Committee, or Office;
2. participating in a seminar or conference sponsored in whole or in part by the Office;
3. attending either as a representative of the Board, Office or as a participant, a meeting, seminar, or conference of a community, county, island, state, national, or international organization on a subject matter of direct concern to the Board, Committee, or Office;

4. participating in any training program to maintain or improve the skills of Trustees or OHA employees in the performance of their duties and/or;
5. conducting studies and investigations on matters before the Board, Committee, or Office.

"Packet" means documents that are compiled by the Board or a Committee and distributed to ~~Members~~its members before a meeting for use at that meeting, as provided by HRS § 92-7.5, as amended. A Packet may exclude certain non-public information per HRS § 92-7.5, as amended.

"Permitted Interaction Group" or "PIG" means a group where ~~not two or more~~, but less than a simple majority quorum of ~~a Board~~ or Committee members may discuss between themselves matter relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought, and Board or Committee members do not constitute a quorum of their board, as provided by HRS § 92-2.5, as amended.

"Quorum" means the minimum number of Trustees or ~~Members~~members of a Committee who must be present for valid transaction of business.

"Reading" means a presentation of an action item or motion before the Board by the presentation of the action item, its title, or its number where the action is affirmatively voted on. A formal procedure as ~~outline~~outlined by the Board's Operations Manual indicates a reading as a stage in the enactment process.

"Simple Majority" means five (5) of the nine (9) votes entitled to be cast by the Board.

"Special Councils or Commission" means a Council or Commission established by the Board to address a specific subject matter.

"**Super Majority**" means six (6) of the nine (9) votes entitled to be cast by the Board.

-"**Standing Committee**" means a constituted Committee of the Board as detailed in Article VIII, section A of the Bylaws.

"**Vice Chair**" or "**Vice-Chairperson**" means ~~the~~a Vice-Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

ARTICLE III. DUTIES OF THE BOARD

The Board shall exercise power as provided by Article XII, §§ 5, 6 of the Constitution of the State of Hawai'i and HRS §§ 10-5, 10-6 as amended.

ARTICLE IV. MEMBERS

- A. The membership of the Board shall be as provided by Article XII, § 5 of the Constitution of the State of Hawai‘i and HRS § 10-7, as amended.
- B. ~~Members of the Board~~ members shall be elected in accordance with HRS Chapter 13D, as amended, and vacancies shall be filled in accordance with HRS § 17-7, as amended.

ARTICLE V. OFFICERS

- A. Election and Certification.** The Office of Hawaiian Affairs shall be governed by the Board of Trustees, Office of Hawaiian Affairs. The Board, at its first meeting after an election, shall elect from its own membership a Chairperson and up to two Vice-~~Chairperson~~Chairpersons who shall serve at the pleasure of the Board ~~as required HRS § 10-8, as amended.~~ Their election shall be immediately certified by the Board to the Lieutenant Governor. The concurrence of a ~~simple majority~~Simple Majority (5) of all Trustees shall be necessary to make any action of the Board effective, provided that due notice shall be given to all Board members.
- B. Vote.** At the first meeting after an election, the longest serving Board member shall serve as Chairperson Pro Tempore until a Chairperson is elected. Voting for Chairperson and up to two Vice-~~Chairperson~~Chairpersons of the Board shall be determined by a method determined by a ~~simple majority~~Simple Majority (5) of all ~~Trustees to which a Board is entitled~~members.
- C. Vacancy.** A vacancy in the Office of Chairperson or a Vice-Chairperson shall exist under the following circumstances:
1. When the Chairperson or a Vice-Chairperson is removed by ~~the simple majority~~a Simple Majority (5) of ~~the all Board~~ members to which the Board is entitled; or
 2. When the Chairperson or a Vice-Chairperson resigns from the position held; or

3. In the case of illness or death of the Chairperson or a Vice-Chairperson;
or

4. At the end of the term of office of the Chairperson or a Vice-Chairperson.

D. **Succession.** In the event of a vacancy in the Office of the Chairperson, the Vice-Chairperson, or the Vice-Chairperson designated by a Simple Majority vote of all Trustees, shall succeed as Chairperson until the following Board meeting at which time a Chairperson is elected by a ~~simple majority (5) of the members of the Board.~~ Simple Majority (5) of all Board members. In the event of a vacancy in the Chairperson and Vice-Chairperson position(s), the longest serving Board member shall serve as Chairperson Pro Tempore until the following Board meeting at which time a Chairperson and up to two Vice-Chairpersons are elected by a Simple Majority (5) of all Board members.

D. If a Vice-Chairperson is elected to become the Chairperson, the Board shall elect a Vice-Chairperson at the same meeting. The election(s) shall be immediately certified by the Board to the Lieutenant Governor as provided by HRS § 10-8, as amended.

E. Chairperson Emeritus or Emerita. The title of Chairperson Emeritus or Chairperson Emerita may be bestowed by a Simple Majority (5) to any Board member who previously served as Chairperson of the Board.

ARTICLE VI. DUTIES OF OFFICERS AND MEMBERS

A. Chairperson. The Chairperson, in addition to presiding at all regular and special Board meetings, shall:

1. appoint or remove the Chairperson, and Vice-Chairperson ~~and members~~ of all Standing Committees, subject to the approval of the Board;
2. appoint members of ~~Ad hoc~~ Hoc Committees, and Permitted Interaction Groups, and designate the Chairperson and Vice-Chairperson of such Ad Hoc Committees or Permitted Interaction Groups;
3. acknowledge communications, petitions, requests, and proposals on behalf of the Board and refer same to the Administrator, appropriate Committee of the Board and/or Permitted Interaction Group for action and/or recommendation;
4. serve as the primary liaison with the Governor, Congressional delegation, the Legislature, and other agencies and organizations to ensure that there are effective working relationships between all of the above and the Board;
5. approve all press releases and public announcements which state the official position of the Board;
6. approve agenda items for all meetings of the Board; and
7. perform such other duties as may be required by law or such as may properly pertain to such office.

B. Vice-Chairperson. ~~The~~ A Vice-Chairperson shall:

1. in consultation with the Standing Committee Chairperson with responsibilities over the subject matter, and in coordination with other resources (e.g., Board Counsel, Administrator, Corporate Counsel, Ethics Commission), develop training and orientation programs for Trustees, including materials relating to Trustees roles, fiduciary responsibilities, and ethical obligations, as provided by HRS Chapter 84, as amended, and Board staff;

2. be responsible for coordinating Trustee attendance at informal gatherings, as defined by HRS §92-2, by two or more Board members where matters relating to board business are not discussed and for ensuring the timely posting of meeting minutes as required by HRS §92-9; and

~~B.3. assume the duties and responsibilities of the Chairperson in the absence of the Chairperson and; and shall undertake such other duties as may be assigned by the Chairperson.~~

4. shall undertake such other duties as may be assigned by the Chairperson.

If two (2) Vice-Chairpersons are elected by the Board, the Chairperson may designate one (1) Vice-Chairperson to be responsible for the duties set forth in paragraph 1 of this section and one (1) Vice-Chairperson to be responsible for the duties set forth in paragraph 2 of this section; provided that the Board shall designate, by a Simple Majority vote, the Vice-Chairperson who will assume the duties set forth in paragraph 3 of this section.

ARTICLE VII. ADMINISTRATOR

The Board shall have the power to exercise control over the Office through its chief executive officer, the Administrator.

- A. **Appointment.** The Board, by a ~~simple majority~~ Simple Majority (5) of all Board members ~~to which the Board is entitled~~, shall appoint an Administrator who shall serve a term to be determined by the Board as required by HRS § 10-10, as amended.
- B. **Staff.** The Administrator may employ and retain such employees as deemed necessary to carry out the function of the Office as required by HRS § 10-12, as amended.
- C. **Removal.** The Board, by a ~~two-thirds vote~~ Super Majority (6) of all ~~Trustees to which it is entitled~~ Board members, may remove the Administrator for cause at any time with a due process hearing, as required by HRS § 10-10, as amended.
- D. **Function.** The Administrator shall function as the chief executive officer.

ARTICLE VIII. COMMITTEES OF THE BOARD

A. Establishment of Standing Committees. To facilitate consideration of policy matters that must be approved by the Board, Standing Committees are established. Authority to act on all matters is reserved to the Board, and the functions of each Standing Committee shall be to consider and make recommendations to the Board.

There shall be a minimum of three (3) Standing Committees of the Board. Each Committee shall be led by a Chairperson and a Vice-Chairperson. The Board may increase the number of Standing Committees, but the membership of the Standing Committees shall be all nine (9) Trustees. The three (3) Standing Committees, subject to increase, shall consist of the Committee on Budget and Finance (BF), Committee on Investment and Land Management (ILM), and Committee on Beneficiary Advocacy and Empowerment (BAE).

1. **Committee on Budget and Finance.** The committee shall:
 - a. handle all fiscal and budgetary matters and ensure proper management, planning, evaluation, and use of OHA's trust funds;
 - b. develop policies that strengthen OHA's fiscal controls and financial management;
 - c. review, approve, or disapprove appropriate grants that support OHA's overall mission;
 - d. evaluate OHA programs to determine their effectiveness to decide whether to continue, modify, or terminate a program;

- e. in consultation with the Chairperson of the Committee on Beneficiary Advocacy and Empowerment carry out the recruitment and selection of the OHA Administrator;
- f. provide oversight of Special Councils or Commissions as assigned by the Board.

2. **Committee on Investment and Land Management.** The committee shall:

~~a.~~ handle all Native Hawaiian Trust Fund investments (financial assets portfolio and Hawai'i commercial real estate) and legacy land matters and ensure proper management, planning, evaluation, investment, and use of OHA's trust assets;

~~b.~~a.

~~e.~~b. review and approve all Hawai'i real estate acquisition expenditures that impact the OHA Debt Management, Economic Development, Investment, and Spending policies;

~~d.~~c. develop policies on land use, native rights, and natural and cultural resources, including: the inventory, identification, analysis and treatment of land, native rights, and natural and cultural resources;

~~e.~~d. develop policies and criteria for OHA's land acquisitions, dispositions, development, management, and the use of real property in which OHA has an interest;

~~f.e.~~ develop investment policies relating to OHA’s Native Hawaiian Trust Fund, desired returns and risk, spending, debt management, and balancing the financial assets portfolio and Hawai‘i commercial real estate portfolio;

~~g.f.~~ oversee the use and condition of OHA’s real estate, and develop and execute policies for the proper use and stewardship of such real property;

~~h.g.~~ develop policies and programs for OHA’s ownership, financing, and development of real property, including capital improvements, debt management, economic development, investment and spending policies, and forms of ownership for OHA’s real property;

~~i.h.~~ develop policies relating to OHA’s real estate asset allocation, desired returns, and balancing OHA’s real estate portfolio including legacy lands, corporate real property, programmatic lands, and investment properties;

~~j.i.~~ oversee the performance of OHA’s rights and obligations with respect to real estate not owned by OHA in its own name; ~~and~~

~~k. — in consultation with the Chairperson of the Committee on Budget and Finance or the Committee on Beneficiary Advocacy and Empowerment with responsibilities over the subject matter, and in coordination with other resources (e.g., Board Counsel, Administrator, Corporate Counsel, Ethics Commission),~~

~~develop training and orientation programs for Trustees, including materials relating to Trustees roles, fiduciary responsibilities, and ethical obligations, as provided by HRS Chapter 84, as amended; and~~

~~h.j.~~ provide oversight of Special Councils or Commissions as assigned by the Board.

3. **Committee on Beneficiary Advocacy and Empowerment.** The committee shall:

- a. plan, coordinate, and implement programs and activities that encourage Hawaiians to participate in governance;
- b. facilitate OHA's legislative agenda and advocacy efforts with federal, state, and county officials, private and community organizations, and groups involved in Hawaiian issues;
- c. review and support the passage of legislation that benefits Hawaiians and supports Hawaiian issues, and work to defeat legislation which is contrary to the interest of OHA and its beneficiaries;
- d. review, approve, or disapprove program grants that support OHA's legislative and advocacy efforts;
- e. develop programs that focus on beneficiary health, human services, economic stability, education, and native rights;

- f. develop policies and programs relating to housing, land use, the environment, and natural resources;
- g. evaluate all OHA programs to ensure that the programs have a positive impact on beneficiaries; and
- h. provide oversight of Permanent Special Councils or Commissions as assigned by the Board.

- B.** The Chairperson of each Standing Committee shall be responsible for approving agenda items for all meetings under that Chairperson's Committee. Each Standing Committee shall consider all matters referred to it in accordance with Section L, Article VIII, of these Bylaws and make appropriate recommendations to the Board in a timely manner, but no later than twelve (12) calendar days before a Board meeting, and shall make progress reports to the Board periodically or when requested by the Chairperson of the Board. The Standing Committee Vice-Chairperson shall assume the duties and responsibilities of the Committee Chairperson in the absence of the Committee Chairperson.
- C.** Standing Committees may meet in joint session when subject matter falls under the purview of more than one of the Standing Committees. In the case of an unbudgeted funding decision, a joint meeting of the Beneficiary Advocacy and Empowerment Committee and the ~~Resource Management~~ Committee on Budget and Finance, led by the Chairperson of the ~~Resource Management~~ Committee on Budget and Finance, shall be mandatory.
- D. Advisory Committees.**

1. Standing Committees may create Advisory Committees as necessary to serve in an advisory capacity to the Standing Committees. Advisory Committees shall assist in the resolution or study of issues arising in the specific areas of concern assigned to their respective Standing Committee. To avoid duplication in the consideration of issues, the Standing Committees shall create only one Advisory Committee to study or undertake the resolution of a single subject or issue. Each Standing Committee shall have no more than three (3) Advisory Committees at any one time. All communications and advice from an Advisory Committee shall be made to the Chairperson of the Standing Committee, no later than twelve (12) calendar days before a Standing Committee Meeting. All communication and advice to an Advisory Committee shall be made by the Chairperson of the Standing Committee or designee.
2. The Advisory Committee Chairperson and membership shall be appointed by the Standing Committee Chairperson, upon advice and counsel of Standing Committee members. The term of the Advisory Committees shall expire with the completion of the assigned task or at the discretion of the Standing Committee Chairperson. There shall be no less than three (3) members to each Advisory Committee, at least one (1) of whom shall be a ~~member of the Board of Trustees of the Office of Hawaiian Affairs~~ Board member, who shall be appointed by the Standing Committee Chairperson. All Advisory Committee members, with the exception of Board ~~members of the Board of Trustees~~, shall serve on a

voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

E. Ad Hoc Committees.

1. From time to time, there shall be such Ad ~~hœe~~Hoc Committees, as designated by the Chairperson, the members of which shall be appointed by the Chairperson, and subject to approval of the Board by a ~~majority~~Simple Majority (5) vote. There shall be a minimum of three (3) members on each Ad ~~hœe~~Hoc Committee, at least one of whom shall be a Board member ~~of the Board~~ and who shall be the Chairperson of the Ad ~~hœe~~Hoc Committee.
2. The term of the Ad ~~hœe~~Hoc Committees shall expire at the completion of the assigned task or at a specific time that is determined for each Ad ~~hœe~~Hoc Committee at the time of the appointment of said Committee or at the discretion of the Chairperson.
 - a. All communications and advice from an Ad ~~hœe~~Hoc Committee shall be made to the Chairperson of the Board no later than ten days before a Board meeting.
 - b. All communications and advice to an Ad ~~hœe~~Hoc Committee shall be made by the Chairperson of the Board.
 - c. All Ad ~~hœe~~Hoc Committee members, with the exception of Board members ~~of the Board of Trustees~~, shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

- d. In the event that three (3) or more Board members are appointed to an Ad Hoc Committee, HRS Chapter 92, as amended, will apply.

F. Permitted Interaction Groups (~~"PIG"~~), ("PIG").

1. The Chairperson may place on the agenda for Board consideration a request for the formation of a PIG in accordance with HRS § 92-2.5, as amended. The request shall set forth the title of the PIG, its scope, its suggested membership, and duration.
2. The purpose of the PIG shall be either to: (a) investigate a matter relating to the official business of the Board ("Investigative PIG") or (b) to present, discuss, or negotiate any position that the Board has adopted ("Negotiating PIG").
3. The membership, purpose, scope, and duration of the PIG shall be approved by the Board prior to the commencement of an investigation or presentation, discussion, or negotiation of any position adopted by the Board at a meeting of the Board.
4. Upon creation of an Investigative PIG, ~~the, its~~ members shall proceed to investigate the matter within their purview and prepare a report together with the PIG's findings and recommendations that shall be presented to the Board for consideration by the Trustees. No discussion, deliberation, or decision making shall occur at the time that the report is presented.

5. A Negotiating PIG shall present the results of its negotiations to the Board for deliberation and decision making by the Trustees at the same time or subsequent meeting.
6. Deliberation and decision making on the matter investigated, if any, must occur only at a duly noticed meeting of the Board held subsequent to the meeting at which the finding and recommendations of the Investigative PIG were presented at the Board.
7. The report of any PIG may be accepted, rejected, recommitted subjected to the PIG for further consideration or dissolved at the deliberation and decision-making meeting, upon majority vote of the Trustees.

G. Permanent Special Councils or Commissions.

1. There shall be such Permanent Special Councils or Commissions as the Board deems appropriate to create. The Board shall designate a Standing Committee that shall exercise oversight of said Council or Commission. The Special Council shall determine the duration of said Council or Commission.
2. Council ~~Members~~members or Commissioners shall be appointed by the Standing Committee to which oversight authority is granted pending confirmation of the Board through a ~~simple majority~~Simple Majority (5) vote of all Board members ~~to which the Board is entitled~~.
3. Membership of each Council or Commission shall be composed of at least one (1) Board member ~~of the Board of Trustees~~.

4. The subject matter and purview of said Councils or Commissions shall be clearly defined and limited to only those areas so recommended by the Standing Committee having oversight thereof and subject to the approval of the ~~full~~ Board by a ~~simple majority~~ Simple Majority (5) vote of all Board members ~~to which the Board is entitled~~. Oversight by the appropriate Standing Committee shall include, but not be limited to, review of budgetary concerns for the operation of said Council or Commission, and affirmation of requests for actions by such Council or Commission for the continued operations of such Council or Commission.
5. Such Council ~~Members of~~ members or Commissioners, with the exception of any ~~Members of the Board of Trustees, shall serve terms as established by the Board and~~ member, shall serve terms as established by the Board and shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

H. Quorum and Voting for Committees, Councils and Commissions:

1. For Advisory, Ad ~~hoc~~ Hoc, and Standing Committees, Councils and Commissions, a majority of the members of the Committee, Council or Commission shall constitute a quorum. Except for Ad Hoc Committees, three (3) members shall constitute a quorum to do business.
2. The concurrence of a quorum shall be required for any Committee (other than a Standing Committee), Council or Commission to make any

recommendation to the Board or Standing Committee where appropriate, for Board or Standing Committee approval.

3. A ~~simple majority~~Simple Majority (5) of the ~~Members present at a Standing Committee meeting~~Trustees shall be required for it to make any recommendation to the Board, provided that a quorum is present at the time of the vote.

4. When Standing Committees meet jointly, each Committee shall vote separately as individual Committees.

I. Authority to act on all matters is reserved to the Board and the functions of the Advisory and Ad ~~hoc~~Hoc Committees, Councils, Commissions, and Permitted Interaction Groups shall be to investigate, consider, and make recommendations to the Standing Committee and the Board, respectively.

J. Staff Assignments. The Administrator shall assign to each Standing, Advisory, and Ad ~~hoc~~Hoc Committee, and to each Council, Commission and Permitted Interaction Group, appropriate Administration staff to conduct research, analyze data, draft findings, and report and provide project management and support for and to advise the respective Committee, Council, Commission or Permitted Interaction Group and to maintain records of the proceedings of same.

K. Committee Recommendations. The Chairperson of the Board of Trustees shall place a Committee recommendation on a Board of Trustees agenda no later than thirty (30) calendar days after receipt of the recommendation. ~~All Standing Committees shall do the same with respect to any matter referred to the committee by a Member.~~

L. Committee Referrals. Referrals to a Committee, Council, Commission, or Permitted Interaction Group by a Simple Majority (5) vote of all Board members shall be placed on an agenda by the chairperson of the Committee, Council, Commission, or Permitted Interaction Group no later than thirty (30) calendar days after receipt of the referral.

L.M. Waiver of any matter by committee to the Board of Trustees shall require ~~two-thirds~~ (2/3 a Super Majority ((6)) vote of all ~~Members to which the Board is entitled~~members.

ARTICLE IX. MEETINGS

- A. Board meetings shall be convened at the call of the Chairperson or by a quorum, as often as may be necessary for transaction of the Board's business as required in HRS § 10-8, as amended. The Board shall meet at least once annually on each of the islands of Hawai'i, Maui, Moloka'i, Lāna'i, Kaua'i, and O'ahu. At each meeting, the Board may fix the time and place for its next regular meeting.
- B. Board meetings may be convened by the Chairperson. In addition, upon written request of a ~~majority~~Simple Majority (5) of the all Board members ~~of the Board~~, the Administrator shall schedule a meeting of the Board to take place within twelve (12) calendar days after receipt of such request, provided that the notice requirement is met pursuant to HRS §§ 92-7, 41, as amended.
- C. Emergency meetings may be called by the Chairperson in accordance HRS § 92-8, as amended.
- D. Committee meetings shall be called by the Committee Chairperson.
- E. The Board shall give written public notice of any regular, special, emergency or rescheduled Board or Standing Committee, at least six (6) calendar days before the meeting and in the manner as required by HRS §§ 92-7, 41, as amended. All meetings of the Board or its Committees, excluding PIGS, shall be open to the public, except for executive session meetings as required by HRS § 92-3, as amended.
- F. Appearances before the Board, ~~and/~~ or Standing ~~Committees, Councils~~Committee, Committee, Council, or CommissionsCommission shall be in accordance with HRS Chapter 92, ~~as~~as amended.

1. ~~Any person who wants to appear~~ Any verbal presentation on an agenda item before the Board or any Standing Committee shall be limited to fifteen (15) minutes unless such requirement is waived by the Chairperson of the Board or Standing Committee.

2. To ensure the orderly conduct of board business, each testifier before the Board or Standing Committee, Committee, Council, or Commission, except for executive meetings, shall be limited to present testimony on a matter before the five (5) minutes per agenda item.

1. ~~The Board or any Standing Committee, Committee, Council, or Commission, shall make a request and submit a written copy of such testimony to the Administrator at least seventy-two (72) hours prior to the Board, or Standing Committee, Council or Commission meeting unless such requirement is waived by a simple~~ may extend or restrict the time allowed for all testifiers by a majority of the Board or Standing Committee, Council, or Commission. Any verbal presentation permitted by the Board or Standing Committee, Council or Commission shall be limited to five (5) minutes.

2. ~~The Chairperson or Standing Committee Council or Commission Chairperson shall have the authority to extend, limit, or terminate any testimony, which the Chairperson determines to be repetitious, made solely for purposes of delay, or without any substantive purpose.~~

3. ~~Any person who wants to submit written testimony, data, views, or arguments on any agenda item shall submit thirteen (13) copies of such~~

~~testimony to the Administrator at least seventy-two (72) hours prior to the Board or Standing Committee, Council, or Commission meeting unless waived by a majority vote of all Board, Standing Committee, Council, or Commission members present.~~

~~4.3. The Board or Standing Committee, Council, or Commission by a simple majority (5) vote may restrict the total time allowed per agenda item. vote of the members present.~~

~~5.4. Unless a testifier's testimony is related to a specific agenda item, the testifier may only give testimony under "Community Concerns" if the item is placed on the agenda.~~

G. Minutes of Meetings. The Board and each Standing Committee, Committee, Council or Commission shall keep written or recorded minutes of all meetings as required under HRS § 92-9, as amended. The Board shall adopt standardized forms for use in the recordation of minutes of meetings. Minutes of all preceding meetings shall be available as provided by HRS § 92-9(b), as amended. The minutes shall include, but need not be limited to:

1. the date, time, and place of the meeting;
2. the members of the Board, Standing Committee, Council, or Commission recorded as either present, absent, or excused;
3. a summary of all matters proposed, discussed, or decided; and a record, by individual member, of motions made, motions seconded, and votes taken to include dissenting votes and abstentions;
4. staff assignments for investigation and the date staff reports are due;

5. departure and arrival of members from meetings to show matters discussed before arrival, while there, or after departure; and
6. any other information that any member of the Board, Standing Committee, Committee, Council, or Commission requests be included or reflected in the minutes.

- H. Packet.** At the time the Packet is distributed to its members, the Board or Committee shall also make the Packet available for public inspection in the Board's office, as required by HRS § 92-7.5. ~~Additionally, the Board or Committee shall provide reasonably prompt access to the Packet to any person upon request.~~ The Board shall provide notice to persons requesting notification of meetings, pursuant to HRS Section 92-7(e), as amended, that the board packet is available for public inspection in the board's office and shall provide reasonably prompt access to the Packet to any person upon request. The Board is not required to mail board packets. As soon as practicable, the Board shall accommodate requests for electronic access to the Board Packet.
- I. Referrals.** The Board shall adopt procedures for research, due diligence and analysis, and referrals to staff via the Administrator.
- J.** ~~In the unlikely event, the~~The Board may hold additional community meetings, informational meetings and public hearings, as needed.

ARTICLE X. QUORUM AND VOTING

A ~~simple majority~~Simple Majority (5) of all ~~the~~Board members ~~to which the Board is entitled~~ shall constitute a quorum to conduct business as required by HRS § 10-8, as amended. The concurrence of a ~~simple majority~~Simple Majority (5) of all ~~the~~Board members ~~to which the Board is entitled~~ shall be necessary to make any action of the Board valid provided that due notice shall be given to all Board members.

An abstention shall not be considered a positive or negative vote. A procedural motion may be passed by a majority ~~(5)~~ vote of the Board members present. Upon the request of any Board member ~~of the Board~~, the Board Secretary or staff of the Committee Chairperson shall call the roll.

- A. Unless a Board member is excused from voting, such Board member's silence shall be recorded as an abstention.
- B. A ~~Member~~Board member may use a "kanalua" response when called upon to vote and if repeated when polled again, that vote shall be recorded as an "abstention", or when polled to vote again, the second time may either vote "yes" or "no".

The Board Secretary or staff of the Committee Chairperson shall record each vote in the minutes and report to the Chairperson, who shall announce the result to the Board or Committee.

ARTICLE XI. LEGAL COUNSEL

- A. Legal Counsel shall be present at all regular meetings and certain committee meetings of the Board when requested by the Chairperson or Chairperson of the relevant Committee.
- B. The Chairperson or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from OHA's Corporate Counsel, Department of the Attorney General or from any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General, or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form.
- C. The Administrator of the Office Hawaiian Affairs or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from the Department of the Attorney General, or any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form.

ARTICLE XII. PARLIAMENTARY AUTHORITY

The most recent edition of Robert's Rules of Order shall apply in situations not covered by these Bylaws, applicable statutes, or opinions of Board ~~Legal~~ Counsel, ~~Corporation~~Corporate Counsel, or external counsel.

ARTICLE XIII. AMENDMENTS TO BYLAWS

Proposed Bylaw amendments shall be submitted to the Board in writing. Before these Bylaws may be amended by a proposed Bylaw, it must be approved by a ~~2/3rds~~ Super Majority (6) vote of all the Board members ~~to which the Board is entitled (6 affirmative votes)~~ at least twice.

ARTICLE XIV. BOARD OF TRUSTEE STAFF

- A. Chief of Staff.** The Board ~~Chair~~Chairperson shall appoint a Chief of Staff who will ~~beserve~~ serve as the Chairperson's chief policy advisor. The Chief of Staff shall manage all operations and staff of the Board Chairperson's O'ahu and island offices(s) (if applicable), while coordinating the Chairperson's activities with other Trustees' offices. Additionally, the Chief of Staff is responsible for coordinating ~~Board~~Trustee Aide and Secretary staff functions and activities and shall act as a liaison between the Board staff and the Administrator. ~~The Chief of Staff shall report directly to the Chairperson of the Board.~~
- B. Deputy Chief of Staff.** The Board Chairperson shall have the option to appoint a Deputy Chief of Staff, who serves under the Chief of Staff and assists in managing and executing the operations, functions, and activities of the Chairperson's office. If the Board Chairperson exercises the option to appoint a Deputy Chief of Staff, the Deputy Chief of Staff position shall replace one of the two full-time Trustee Aide or Trustee Secretary positions otherwise allocated to the Board Chairperson.
- C. Board Secretary.** The Board Chairperson shall appoint a Board Secretary who will serve as the personal assistant to the Chairperson of the Board. The Board Secretary requires performing highly specialized and complex clerical and administrative tasks to support the efficient functioning of the Chairperson's office and Board of Trustee operations. The Board Secretary is expected to synthesize and communicate ideas, memos, and official correspondence concisely, coherently and comprehensively.
- D. Trustee Aide and Secretary.** Each Board ~~Member~~member shall be entitled to a maximum of two full-~~time~~ positions. To carry out the duties of their office, each Trustee shall choose their staff positions from the following job classifications: Trustee Aide and Trustee Secretary. Each Board member shall have the sole discretion to select their staff positions from the job classifications listed above

that best suit the needs of their office. Each Trustee Aide or Trustee Secretary shall report directly to, and be managed by, their respective Board member.

~~The Chairperson of the Board shall also be entitled to one additional staff position known as the BOT Private Secretary.~~

Changes to the type ~~and~~, number, and compensation of Board of Trustee staff positions shall ~~require Board~~ be subject to approval of the Board by a Simple Majority (5) vote.

ARTICLE XV. CONFLICT OF INTEREST

~~Members of the Board~~ members shall comply with the provisions of this Bylaw and are subject to the standards of conduct and financial interest disclosure requirements of HRS Chapter 84, as amended, to include attending a live ethics training within ~~a reasonable time upon~~ ninety (90) days of taking office and once every four years thereafter, pursuant to HRS § 84-42. For the purpose of this Bylaw Article:

A. An ‘affiliation’ exists if a Board ~~Member~~member or a ~~Member~~member of the Board member’s family is an owner (an ownership interest valued at more than \$5,000 or 10% or more ownership of the business), officer, director, trustee, partner, employee (which shall also include legal counsel, consultant, contractor, advisor, or representative), or agent of such organization.

B. All ~~Members~~Board members must disclose to the Chairperson and the Board their membership(s) or affiliation(s) with any organizations or person(s) who are eligible to receive grants from, may be in competition with for resources or eligible to procure from or contract with the Office of Hawaiian Affairs.

~~Members~~Board members shall disqualify themselves any time an action is being considered by the Board which would affect the funding, procurement or contracts of that organization or person. Disclosure by declaration shall be made before Board action on the matter.

Board members have a clear obligation to conduct all affairs of OHA in the best interest of beneficiaries. ~~Members~~Board members are expected to place the welfare of OHA above personal interests or the interests of family members or others who may be personally involved in affairs affecting OHA. All decisions

of the Board are to be made solely based on a desire to promote the best interest of OHA and its beneficiaries and in alignment with a Board ~~Member's~~member's fiduciary duties.

- C. ~~Members~~Board members violating this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.

ARTICLE XVI. CONFIDENTIALITY

- A.** ~~A.~~ All information, data, and documents that do not qualify as Government Records that are received or reviewed by a Board ~~Member~~member acting in his or her official capacity shall be deemed confidential and shall not be released or utilized by any Board ~~Member~~member for any purpose other than OHA Board or Committee business.
- B.** The unanimous vote of all ~~Members of the Board~~ members after full consultation with Board Counsel shall be required before any confidential communication, proprietary, or otherwise privileged communications or material received may be publicly released, except that Board Executive Session Minutes may be released after redaction by Board Counsel under HRS § 92-9 and pursuant to Board of Trustees Operations Manual, Rule 21 (July 2007).

ARTICLE XVII. ORDER AND DECORUM

- A. While the Chairperson is putting any question to, or addressing the Board, or when a person is speaking, all persons present are expected to conduct themselves with decorum and provide respect to the speaker. While a person is speaking, no one shall pass between such speaker and the Chairperson.
- B. When a MemberBoard member or other person properly before the Board wishes to speak, the speaker shall address the Chairperson, be recognized before proceeding, and shall confine remarks to the question under discussion.
- C. If a MemberBoard member or other person, in speaking or otherwise, transgresses these rules, any MemberBoard member may raise a question of order. The Chairperson shall then decide the question of order without debate, subject to an appeal to the Board. In addition, the Chairperson may call for the sense of the Board on any question of order.
- D. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided and may proceed with the matter under discussion within the ruling made on the question of order.
- E. All persons attending Board meetings, including staff, witnesses, members of the media, and the general public, are expected to respect the dignity of the Board.
- F. MembersBoard members who repeatedly violate any provision of any of the above sections of this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.
- G. Defamation-. OHA is concerned that no defamatory material or statements are presented at Board and Committee meetings. In the event that this situation

should develop, it will be necessary to call this to the attention of the persons making those statements, and request that they desist in their action. Such information may be stricken from the record.

H. Disorderly Conduct. A disruptive Board member or meeting attendee shall be called upon by the Chairperson of the Board or Committee to cease and desist all willfully disruptive behavior that prevents and compromises the conduct of a meeting. If the disruption continues, the person may be removed from the meeting pursuant to HRS §92-3. Removal may include muting of a Board member's or testifier's microphone, removal from the interactive conference technology meeting platform, or removal of the disruptive person from the in-person meeting room.

G.

**ARTICLE XVIII. TRUSTEE CODE OF CONDUCT AND SANCTIONS FOR
VIOLATION OF THE CODE OF CONDUCT**

The professional conduct of a Board member ~~of the OHA Board of Trustees~~ shall be guided by the Code of Conduct and Sanctions for Violations of the Code of Conduct, hereinafter referred to as the “Code of Conduct,” which shall be created as a stand-alone executive policy of the Board of Trustees and made part of the OHA Board of Trustees’ Executive Policy Manual as a stand-alone policy.

The Sanctions for Violations of the Code of Conduct shall contain procedures that are fitting to the position of an elected Trustee and while ensuring that due process is afforded to a Trustee whose matter is being considered by the Board of Trustees.

The purpose of this Article is to establish guidelines relating to the Trustee Code of Conduct, including standards for the ways in which ~~Members~~ Board members interact with one another staff, and beneficiaries in the pursuit of setting OHA policy and managing its trust.

ARTICLE XIX. HAWAIIAN LANGUAGE USAGE

All ~~Members~~Board members and staff are expected to use Hawaiian language and the proper spelling and grammar of Hawaiian words when preparing official correspondence and documents for OHA, as required by Article XV, § 4 of the Constitution of the State of Hawai‘i, as amended.

ARTICLE XX. TABLE OF AUTHORITIES

Statutes

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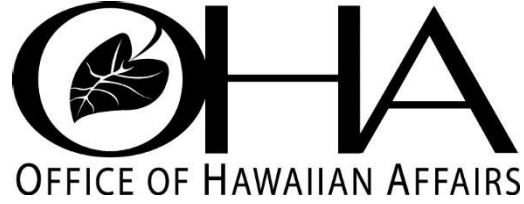
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OHA BOT By-Laws, approved October 31, 2024 (As-is)



OFFICE OF HAWAIIAN AFFAIRS

BOARD OF TRUSTEES

BYLAWS

Updated as of October 31, 2024

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ARTICLE I. AUTHORIZATION

These Bylaws are adopted pursuant to Hawai'i Revised Statutes ("HRS") § 10-4(1), as amended.

ARTICLE II. DEFINITIONS

As used herein:

"Ad Hoc Committee" means a Committee created by the Board for a one-time purpose or to focus on examining a specific subject and subject to a deadline by which the work must be completed or else the Ad Hoc Committee is dissolved.

"Administrator" means the Administrator of the Office of Hawaiian Affairs.

"Advisory Committee" means a Committee established to assist Standing Committees in an advisory capacity on matters within the purview of a Standing Committee.

"Agency" means the Office of Hawaiian Affairs.

"Board" means the Board of Trustees of the Office of Hawaiian Affairs. **"Chair" or "Chairperson"** means the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs as stated in HRS § 10-8.

"CEO" means the Chief Executive Officer of the Office of Hawaiian Affairs.

"Committee" means a body that includes one or more Trustees established under Article VIII of these Bylaws.

"Committee Chairperson" means the Chairperson of a Standing Committee, Advisory Committee, Ad hoc Committee, Permitted Interaction Group, Council, or Commission of the Office of Hawaiian Affairs.

"Government Record" means information maintained by OHA in written, auditory, visual, electronic, or other physical form with the exception of records excluded under HRS § 92F-3.

"Majority" means more than half of the members to which the Board is entitled, in good standing, who are both present and voting.

"Meeting" means the convening of a Board or Committee for which a quorum is required to consider, an agenda and to decide or to deliberate toward a decision on matters over which the Board or Committee has supervision, control, jurisdiction, or advisory power.

"Chance Meeting" means a social or informal assemblage of two or more Trustees at which matters relating to official business are not discussed.

"Executive Session" means a session closed to the public upon an affirmative vote taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a simple majority of the members to which the board or committee is entitled, as provided by HRS § 92-4, as amended. A session closed to the public shall be limited to matters exempted by HRS § 92-5, as amended. The reason for holding such a session shall be publicly announced and the vote of each member on the question of holding a session closed to the public shall be recorded, and entered into the minutes of the meeting.

"Open Meeting" means a Meeting of the Office of Hawaiian Affairs that is open to the public and all persons are permitted to attend any meeting unless otherwise provided in the constitution or as closed, as provided by HRS § 92-3, as amended.

"Limited Session" means a Session of the Office of Hawaiian Affairs that is held at a location that is dangerous to health or safety, or if the Board determines that it is necessary to conduct an on-site inspection of a location that is related to the Board's business at which public attendance is not practicable, and the Director of the Office of Information Practices concurs, as provided by HRS § 92-3.1, as amended.

"Meeting by interactive conference technology" means a meeting that utilizes any form of interactive conference technology, as provided by HRS § 92-3.5(a). The interactive conference technology used by the Board should allow for interaction among

all members of the public attending the meeting, and the should meet the conditions for written public notice as required by HRS § 92-7, as amended. The notice should identify all locations where participating board members of the public may join board members at any of the identified locations.

"Special Board Meeting" means a special meeting of the Board called by the Chairperson or a simple majority (5) of all members to which the Board is entitled.

"Office" or "OHA" means the Office of Hawaiian Affairs.

"Officer" means the Chairperson and Vice Chairperson of the Office of Hawaiian Affairs.

"Official Business" means an activity or activities authorized by the Chairperson for members of the Board. These activities include, when authorized, the following:

1. attending a meeting relevant to the work of the Board, Committee, or Office;
2. participating in a seminar or conference sponsored in whole or in part by the Office;
3. attending either as a representative of the Board, Office or as a participant, a meeting, seminar, or conference of a community, county, island, state, national, or international organization on a subject matter of direct concern to the Board, Committee, or Office;
4. participating in any training program to maintain or improve the skills of Trustees or OHA employees in the performance of their duties and/or;
5. conducting studies and investigations on matters before the Board, Committee, or Office.

"Packet" means documents that are compiled by the Board or a Committee and distributed to Members before a meeting for use at that meeting, as provided by HRS § 92-7.5, as amended. A Packet may exclude certain non-public information per HRS § 92-7.5, as amended.

"Permitted Interaction Group" or "PIG" means a group where no more than a simple majority of a Board may discuss between themselves matter relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought, and members do not constitute a quorum of their board, as provided by HRS § 92-2.5, as amended.

"Quorum" means the minimum number of Trustees or Members of a Committee who must be present for valid transaction of business.

"Reading" means a presentation of an action item or motion before the Board by the presentation of the action item, its title, or its number where the action is affirmatively voted on. A formal procedure as outline by the Board's Operations Manual indicates a reading as a stage in the enactment process.

"Simple Majority" means five (5) of the nine (9) votes entitled to be cast by the Board.

"Special Councils or Commission" means a Council or Commission established by the Board to address a specific subject matter.

"Super Majority" means six (6) of the nine (9) votes entitled to be cast by the Board.

"Standing Committee" means a constituted Committee of the Board as detailed in Article VIII of the Bylaws.

"Vice Chair" or "Vice-Chairperson" means the Vice-Chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

ARTICLE III. DUTIES OF THE BOARD

The Board shall exercise power as provided by Article XII, §§ 5, 6 of the Constitution of the State of Hawai'i and HRS §§ 10-5, 10-6 as amended.

ARTICLE IV. MEMBERS

- A.** The membership of the Board shall be as provided by Article XII, § 5 of the Constitution of the State of Hawai‘i and HRS § 10-7, as amended.

- B.** Members of the Board shall be elected in accordance with HRS Chapter 13D, as amended, and vacancies shall be filled in accordance with HRS § 17-7, as amended.

ARTICLE V. OFFICERS

- A. Election and Certification.** The Office of Hawaiian Affairs shall be governed by the Board of Trustees, Office of Hawaiian Affairs. The Board, at its first meeting after an election, shall elect from its own membership a Chairperson and a Vice-Chairperson who shall serve at the pleasure of the Board as required HRS § 10-8, as amended. Their election shall be immediately certified by the Board to the Lieutenant Governor. The concurrence of a simple majority (5) of all Trustees shall be necessary to make any action of the Board effective, provided that due notice shall be given to all members.
- B. Vote.** Voting for Chairperson and Vice-Chairperson of the Board shall be determined by a method determined by a simple majority (5) of all Trustees to which a Board is entitled.
- C. Vacancy.** A vacancy in the Office of Chairperson or Vice-Chairperson shall exist under the following circumstances:
1. When the Chairperson or Vice-Chairperson is removed by the simple majority (5) of the members to which the Board is entitled; or
 2. When the Chairperson or Vice-Chairperson resigns from the position held; or
 3. In the case of illness or death of the Chairperson or Vice-Chairperson.
- D. Succession.** In the event of a vacancy in the Office of the Chairperson, the Vice-Chairperson shall succeed as Chairperson until the following Board meeting at which time a Chairperson is elected by a simple majority (5) of the members of the Board. If the Vice-Chairperson is elected to become the Chairperson, the

Board shall elect a Vice-Chairperson at the same meeting. The election(s) shall be immediately certified by the Board to the Lieutenant Governor as provided by HRS § 10-8, as amended.

ARTICLE VI. DUTIES OF OFFICERS AND MEMBERS

A. Chairperson. The Chairperson, in addition to presiding at all regular and special Board meetings, shall:

1. appoint the Chairperson, Vice-Chairperson and members of all Standing Committees, subject to the approval of the Board;
2. appoint members of Ad hoc Committees, Permitted Interaction Groups and designate the Chairperson and Vice-Chairperson of such Committees or Permitted Interaction Groups;
3. acknowledge communications, petitions, requests, and proposals on behalf of the Board and refer same to the Administrator, appropriate Committee of the Board and/or Permitted Interaction Group for action and/or recommendation;
4. serve as the primary liaison with the Governor, Congressional delegation, the Legislature, and other agencies and organizations to ensure that there are effective working relationships between all of the above and the Board;
5. approve all press releases and public announcements which state the official position of the Board;
6. approve agenda items for all meetings of the Board; and
7. perform such other duties as may be required by law or such as may properly pertain to such office.

B. Vice-Chairperson. The Vice-Chairperson shall assume the duties and responsibilities of the Chairperson in the absence of the Chairperson and shall undertake such other duties as may be assigned by the Chairperson.

ARTICLE VII. ADMINISTRATOR

The Board shall have the power to exercise control over the Office through its chief executive officer, the Administrator.

- A. Appointment.** The Board, by a simple majority (5) of all members to which the Board is entitled, shall appoint an Administrator who shall serve a term to be determined by the Board as required by HRS § 10-10, as amended,
- B. Staff.** The Administrator may employ and retain such employees as deemed necessary to carry out the function of the Office as required by HRS § 10-12, as amended.
- C. Removal.** The Board, by a two-thirds vote (6) of all Trustees to which it is entitled, may remove the Administrator for cause at any time with a due process hearing, as required by HRS § 10-10, as amended.
- D. Function.** The Administrator shall function as the chief executive officer.

ARTICLE VIII. COMMITTEES OF THE BOARD

- A. Establishment of Standing Committees.** To facilitate consideration of policy matters that must be approved by the Board, Standing Committees are established. Authority to act on all matters is reserved to the Board, and the functions of each Standing Committee shall be to consider and make recommendations to the Board.

There shall be a minimum of three (3) Standing Committees of the Board. Each Committee shall be led by a Chairperson and a Vice-Chairperson. The Board may increase the number of Standing Committees, but the membership of the Standing Committees shall be all nine (9) Trustees. The three (3) Standing Committees, subject to increase, shall consist of the Committee on Budget and Finance (BF), Committee on Investment and Land Management (ILM), and Committee on Beneficiary Advocacy and Empowerment (BAE).

1. **Committee on Budget and Finance.** The committee shall:
 - a. handle all fiscal and budgetary matters and ensure proper management, planning, evaluation, and use of OHA's trust funds;
 - b. develop policies that strengthen OHA's fiscal controls and financial management;
 - c. review, approve, or disapprove appropriate grants that support OHA's overall mission;
 - d. evaluate OHA programs to determine their effectiveness to decide whether to continue, modify, or terminate a program;

- e. in consultation with the Chairperson of the Committee on Beneficiary Advocacy and Empowerment carry out the recruitment and selection of the OHA Administrator;
 - f. provide oversight of Special Councils or Commissions as assigned by the Board.
2. **Committee on Investment and Land Management.** The committee shall:
- a. handle all Native Hawaiian Trust Fund investments (financial assets portfolio and Hawai'i commercial real estate) and legacy land matters and ensure proper management, planning, evaluation, investment, and use of OHA's trust assets;
 - b. review and approve all Hawai'i real estate acquisition expenditures that impact the OHA Debt Management, Economic Development, Investment, and Spending policies;
 - c. develop policies on land use, native rights, and natural and cultural resources, including: the inventory, identification, analysis and treatment of land, native rights, and natural and cultural resources;
 - d. develop policies and criteria for OHA's land acquisitions, dispositions, development, management, and the use of real property in which OHA has an interest;
 - e. develop investment policies relating to OHA's Native Hawaiian Trust Fund, desired returns and risk, spending, debt

management, and balancing the financial assets portfolio and Hawai'i commercial real estate portfolio;

- f. oversee the use and condition of OHA's real estate, and develop and execute policies for the proper use and stewardship of such real property;
- g. develop policies and programs for OHA's ownership, financing, and development of real property, including capital improvements, debt management, economic development, investment and spending policies, and forms of ownership for OHA's real property;
- h. develop policies relating to OHA's real estate asset allocation, desired returns, and balancing OHA's real estate portfolio including legacy lands, corporate real property, programmatic lands, and investment properties;
- i. in consultation with the Chairperson of the Committee on Budget and Finance or the Committee on Beneficiary Advocacy and Empowerment with responsibilities over the subject matter, and in coordination with other resources (e.g., Board Counsel, Administrator, Corporate Counsel, Ethics Commission), develop training and orientation programs for Trustees, including materials relating to Trustees roles, fiduciary responsibilities, and ethical obligations, as provided by HRS Chapter 84, as amended;

- j. oversee the performance of OHA's rights and obligations with respect to real estate not owned by OHA in its own name; and
- k. provide oversight of Special Councils or Commissions as assigned by the Board.

3. **Committee on Beneficiary Advocacy and Empowerment.** The committee shall:

- a. plan, coordinate, and implement programs and activities that encourage Hawaiians to participate in governance;
- b. facilitate OHA's legislative agenda and advocacy efforts with federal, state, and county officials, private and community organizations, and groups involved in Hawaiian issues;
- c. review and support the passage of legislation that benefits Hawaiians and supports Hawaiian issues, and work to defeat legislation which is contrary to the interest of OHA and its beneficiaries;
- d. review, approve, or disapprove program grants that support OHA's legislative and advocacy efforts
- e. develop programs that focus on beneficiary health, human services, economic stability, education, and native rights;
- f. develop policies and programs relating to housing, land use, the environment, and natural resources;
- g. evaluate all OHA programs to ensure that the programs have a positive impact on beneficiaries, and;

- h. provide oversight of Permanent Special Councils or Commissions as assigned by the Board.
- B.** Each Standing Committee shall consider all matters referred to it in accordance with Section L, Article VIII, of these Bylaws and make appropriate recommendations to the Board in a timely manner, but no later than twelve (12) calendar days before a Board meeting, and shall make progress reports to the Board periodically or when requested by the Chairperson of the Board.
- C.** Standing Committees may meet in joint session when subject matter falls under the purview of more than one of the Standing Committees. In the case of an unbudgeted funding decision, a joint meeting of the Beneficiary Advocacy and Empowerment Committee and the Resource Management Committee, led by the Chairperson of the Resource Management Committee, shall be mandatory.
- D. Advisory Committees.**
 - 1. Standing Committees may create Advisory Committees as necessary to serve in an advisory capacity to the Standing Committees. Advisory Committees shall assist in the resolution or study of issues arising in the specific areas of concern assigned to their respective Standing Committee. To avoid duplication in the consideration of issues, the Standing Committees shall create only one Advisory Committee to study or undertake the resolution of a single subject or issue. Each Standing Committee shall have no more than three (3) Advisory Committees at any one time. All communications and advice from an Advisory Committee shall be made to the Chairperson of the Standing Committee,

no later than twelve (12) calendar days before a Standing Committee Meeting. All communication and advice to an Advisory Committee shall be made by the Chairperson of the Standing Committee or designee.

2. The Advisory Committee Chairperson and membership shall be appointed by the Standing Committee Chairperson, upon advice and counsel of Standing Committee members. The term of the Advisory Committees shall expire with the completion of the assigned task or at the discretion of the Standing Committee Chairperson. There shall be no less than three (3) members to each Advisory Committee, at least one (1) of whom shall be a member of the Board of Trustees of the Office of Hawaiian Affairs, who shall be appointed by the Standing Committee Chairperson. All Advisory Committee members, with the exception of members of the Board of Trustees, shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

E. Ad Hoc Committees.

1. From time to time, there shall be such Ad hoc Committees, as designated by the Chairperson, the members of which shall be appointed by the Chairperson, and subject to approval of the Board by a simple majority (5) vote. There shall be a minimum of three (3) members on each Ad hoc Committee, at least one of whom shall be a member of the Board and who shall be the Chairperson of the Ad hoc Committee.
2. The term of the Ad hoc Committees shall expire at the completion of the assigned task or at a specific time that is determined for each Ad hoc Committee at the time of the appointment of said Committee or at the discretion of the Chairperson.
 - a. All communications and advice from an Ad hoc Committee shall be made to the Chairperson of the Board no later than ten days before a Board meeting.
 - b. All communications and advice to an Ad hoc Committee shall be made by the Chairperson of the Board.
 - c. All Ad hoc Committee members, with the exception of members of the Board of Trustees, shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.
 - d. In the event that three (3) or more Board members are appointed to an Ad Hoc Committee, HRS Chapter 92, as amended, will apply.

F. Permitted Interaction Groups ("PIG").

1. The Chairperson may place on the agenda for Board consideration a request for the formation of a PIG in accordance with HRS § 92-2.5, as amended. The request shall set forth the title of the PIG, its scope, its suggested membership, and duration.
2. The purpose of the PIG shall be either to: (a) investigate a matter relating to the official business of the Board ("Investigative PIG") or (b) to present, discuss, or negotiate any position that the Board has adopted ("Negotiating PIG").
3. The membership, purpose, scope, and duration of the PIG shall be approved by the Board prior to the commencement of an investigation or presentation, discussion, or negotiation of any position adopted by the Board at a meeting of the Board.
4. Upon creation of an Investigative PIG, the members shall proceed to investigate the matter within their purview and prepare a report together with the PIG's findings and recommendations that shall be presented to the Board for consideration by the Trustees. No discussion, deliberation, or decision making shall occur at the time that the report is presented.
5. A Negotiating PIG shall present the results of its negotiations to the Board for deliberation and decision making by the Trustees at the same time or subsequent meeting.
6. Deliberation and decision making on the matter investigated, if any, must occur only at a duly noticed meeting of the Board held subsequent to the

meeting at which the finding and recommendations of the Investigative PIG were presented at the Board.

7. The report of any PIG may be accepted, rejected, recommitted subjected to the PIG for further consideration or dissolved at the deliberation and decision-making meeting, upon majority vote of the Trustees.

G. Permanent Special Councils or Commissions.

1. There shall be such Permanent Special Councils or Commissions as the Board deems appropriate to create. The Board shall designate a Standing Committee that shall exercise oversight of said Council or Commission. The Special Council shall determine the duration of said Council or Commission.
2. Council Members or Commissioners shall be appointed by the Standing Committee to which oversight authority is granted pending confirmation of the Board through a simple majority (5) vote of all members to which the Board is entitled.
3. Membership of each Council or Commission shall be composed of at least one (1) member of the Board of Trustees.
4. The subject matter and purview of said Councils or Commissions shall be clearly defined and limited to only those areas so recommended by the Standing Committee having oversight thereof and subject to the approval of the full Board by a simple majority (5) vote of all members to which the Board is entitled. Oversight by the appropriate Standing Committee shall include, but not be limited to, review of budgetary concerns for the

operation of said Council or Commission, and affirmation of requests for actions by such Council or Commission for the continued operations of such Council or Commission.

5. Such Council Members or Commissioners with the exception of any Members of the Board of Trustees, shall serve terms as established by the Board and shall serve terms as established by the Board and shall serve on a voluntary basis without compensation, other than reasonable expenses, such as travel, parking, and meals.

H. Quorum and Voting for Committees, Councils and Commissions.

1. For Advisory, Ad hoc, and Standing Committees, Councils and Commissions, a majority of the members of the Committee, Council or Commission shall constitute a quorum. Except for Ad Hoc Committees, three (3) members shall constitute a quorum to do business.
2. The concurrence of a quorum shall be required for any Committee (other than a Standing Committee), Council or Commission to make any recommendation to the Board or Standing Committee where appropriate, for Board or Standing Committee approval.
3. A simple majority (5) of the Members present at a Standing Committee meeting shall be required for it to make any recommendation to the Board, provided that a quorum is present at the time of the vote.
4. When Standing Committees meet jointly, each Committee shall vote separately as individual Committees.

- I. Authority to act on all matters is reserved to the Board and the functions of the Advisory and Ad hoc Committees, Councils, Commissions, and Permitted Interaction Groups shall be to investigate, consider, and make recommendations to the Standing Committee and the Board, respectively.
- J. **Staff Assignments.** The Administrator shall assign to each Standing, Advisory, and Ad hoc Committee, and to each Council, Commission and Permitted Interaction Group, appropriate Administration staff to conduct research, analyze data, draft findings, and report and provide project management and support for and to advise the respective Committee, Council, Commission or Permitted Interaction Group and to maintain records of the proceedings of same.
- K. **Committee Recommendations.** The Chairperson of the Board of Trustees shall place a Committee recommendation on a Board of Trustees agenda no later than thirty (30) calendar days after receipt of the recommendation. All Standing Committees shall do the same with respect to any matter referred to the committee by a Member.
- L. Waiver of any matter by committee to the Board of Trustees shall require two-thirds (2/3) vote of all Members to which the Board is entitled.

ARTICLE IX. MEETINGS

- A.** Board meetings shall be convened at the call of the Chairperson or by a quorum, as often as may be necessary for transaction of the Board's business as required in HRS § 10-8, as amended. The Board shall meet at least once annually on each of the islands of Hawai'i, Maui, Moloka'i, Lāna'i, Kaua'i, and O'ahu. At each meeting, the Board may fix the time and place for its next regular meeting.
- B.** Board meetings may be convened by the Chairperson. In addition, upon written request of a majority of the members of the Board, the Administrator shall schedule a meeting of the Board to take place within twelve (12) calendar days after receipt of such request, provided that the notice requirement is met pursuant to HRS §§ 92-7, 41, as amended.
- C.** Emergency meetings may be called by the Chairperson in accordance HRS § 92-8, as amended.
- D.** Committee meetings shall be called by the Committee Chairperson.
- E.** The Board shall give written public notice of any regular, special, emergency or rescheduled Board or Standing Committee, at least six (6) calendar days before the meeting and in the manner as required by HRS §§ 92-7, 41, as amended. All meetings of the Board or its Committees, excluding PIGS, shall be open to the public, except for executive session meetings as required by HRS § 92-3, as amended.
- F.** Appearances before the Board, and/or Standing Committees, Councils or Commissions shall be in accordance with HRS Chapter 92, as amended.

1. Any person who wants to appear before the Board or any Standing Committee, Council, or Commission, except for executive meetings, to present testimony on a matter before the Board or any Standing Committee, Council, or Commission, shall make a request and submit a written copy of such testimony to the Administrator at least seventy-two (72) hours prior to the Board, or Standing Committee, Council or Commission meeting unless such requirement is waived by a simple majority of the Board or Standing Committee, Council, or Commission. Any verbal presentation permitted by the Board or Standing Committee, Council or Commission shall be limited to five (5) minutes.
2. The Chairperson or Standing Committee Council or Commission Chairperson shall have the authority to extend, limit, or terminate any testimony, which the Chairperson determines to be repetitious, made solely for purposes of delay, or without any substantive purpose.
3. Any person who wants to submit written testimony, data, views, or arguments on any agenda item shall submit thirteen (13) copies of such testimony to the Administrator at least seventy-two (72) hours prior to the Board or Standing Committee, Council, or Commission meeting unless waived by a majority vote of all Board, Standing Committee, Council, or Commission members present.
4. The Board or Standing Committee, Council, or Commission by a simple majority (5) vote may restrict the total time allowed per agenda item.

5. Unless a testifier's testimony is related to a specific agenda item, the testifier may only give testimony under "Community Concerns" if the item is placed on the agenda.

G. Minutes of Meetings. The Board and each Standing Committee, Council or Commission shall keep written or recorded minutes of all meetings as required under HRS § 92-9, as amended. The Board shall adopt standardized forms for use in the recordation of minutes of meetings. Minutes of all preceding meetings shall be available as provided by HRS § 92-9(b), as amended. The minutes shall include, but need not be limited to:

1. the date, time, and place of the meeting;
2. the members of the Board, Standing Committee, Council, or Commission recorded as either present, absent, or excused;
3. a summary of all matters proposed, discussed, or decided; and a record, by individual member, of motions made, motions seconded, and votes taken to include dissenting votes and abstentions;
4. staff assignments for investigation and the date staff reports are due;
5. departure and arrival of members from meetings to show matters discussed before arrival, while there, or after departure; and
6. any other information that any member of the Board, Standing Committee, Council, or Commission requests be included or reflected in the minutes.

H. Packet. At the time the Packet is distributed to its members, the Board or Committee shall also make the Packet available for public inspection in the

Board's office, as required by HRS § 92-7.5. Additionally, the Board or Committee shall provide reasonably prompt access to the Packet to any person upon request. The Board shall provide notice to persons requesting notification of meetings, pursuant to HRS Section 92-7(e), as amended. The Board is not required to mail board packets. As soon as practicable, the Board shall accommodate requests for electronic access to the Board Packet.

- I. Referrals.** The Board shall adopt procedures for research, due diligence and analysis, and referrals to staff via the Administrator.
- J.** In the unlikely event, the Board may hold additional community meetings, informational meetings and public hearings, as needed.

ARTICLE X. QUORUM AND VOTING

A simple majority (5) of all the members to which the Board is entitled shall constitute a quorum to conduct business as required by HRS § 10-8, as amended. The concurrence of a simple majority (5) of all the members to which the Board is entitled shall be necessary to make any action of the Board valid provided that due notice shall be given to all members.

An abstention shall not be considered a positive or negative vote. A procedural motion may be passed by a majority (5) vote of the members present. Upon the request of any member of the Board, the Board Secretary shall call the roll.

- A.** Unless a member is excused from voting, such member's silence shall be recorded as an abstention.
- B.** A Member may use a "kanalua" response when called upon to vote and if repeated when polled again, that vote shall be recorded as an "abstention", or when polled to vote again, the second time may either vote "yes" or "no".

The Board Secretary shall record each vote in the minutes and report to the Chairperson, who shall announce the result to the Board.

ARTICLE XI. LEGAL COUNSEL

- A.** Legal Counsel shall be present at all regular meetings and certain committee meetings of the Board when requested by the Chairperson or Chairperson of the relevant Committee.
- B.** The Chairperson or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from OHA’s Corporate Counsel, Department of the Attorney General or from any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General, or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form.
- C.** The Administrator of the Office Hawaiian Affairs or designee, subject to prior approval of the Board, may request any written or verbal legal opinion from the Department of the Attorney General, or any other external legal counsel. Where a request is made in writing and a legal opinion is rendered by the Department of the Attorney General or any other external legal counsel, such opinion along with a copy of the written request for such opinion shall be immediately distributed to all Board members in written form

ARTICLE XII. PARLIAMENTARY AUTHORITY

The most recent edition of Robert's Rules of Order shall apply in situations not covered by these Bylaws, applicable statutes, or opinions of Board Legal Counsel, Corporation Counsel, or external counsel.

ARTICLE XIII. AMENDMENTS TO BYLAWS

Proposed Bylaw amendments shall be submitted to the Board in writing. Before these Bylaws may be amended by a proposed Bylaw, it must be approved by a 2/3rd's vote of all the members to which the Board is entitled (6 affirmative votes) at least twice.

ARTICLE XIV. BOARD OF TRUSTEE STAFF

The Board Chair shall appoint a Chief of Staff who will be responsible for coordinating Board staff functions and activities and shall act as a liaison between the Board staff and the Administrator.

Each Board Member shall be entitled to a maximum of two full time positions. To carry out the duties of their office, each Trustee shall choose their staff positions from the following job classifications: Trustee Aide and Trustee Secretary. Each Board member shall have the sole discretion to select their staff positions from the job classifications listed above that best suit the needs of their office.

The Chairperson of the Board shall also be entitled to one additional staff position known as the BOT Private Secretary.

Changes to the type and number of staff positions shall require Board approval.

ARTICLE XV. CONFLICT OF INTEREST

Members of the Board shall comply with the provisions of this Bylaw and are subject to the standards of conduct and financial interest disclosure requirements of HRS Chapter 84, as amended, to include attending ethics training within a reasonable time upon taking office. For the purpose of this Bylaw Article:

- A.** An ‘affiliation’ exists if a Board Member or a Member of the Board member’s family is an owner (an ownership interest valued at more than \$5,000 or 10% or more ownership of the business), officer, director, trustee, partner, employee (which shall also include legal counsel, consultant, contractor, advisor, or representative), or agent of such organization.
- B.** All Members must disclose to the Chairperson and the Board their membership(s) or affiliation(s) with any organizations or person(s) who are eligible to receive grants from, may be in competition with for resources or eligible to procure from or contract with the Office of Hawaiian Affairs. Members shall disqualify themselves any time an action is being considered by the Board which would affect the funding, procurement or contracts of that organization or person. Disclosure by declaration shall be made before Board action on the matter.

Board members have a clear obligation to conduct all affairs of OHA in the best interest of beneficiaries. Members are expected to place the welfare of OHA above personal interests or the interests of family members or others who may be personally involved in affairs affecting OHA. All decisions of the Board are

to be made solely based on a desire to promote the best interest of OHA and its beneficiaries and in alignment with a Board Member's fiduciary duties.

- C. Members violating this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.

ARTICLE XVI. CONFIDENTIALITY

- A.** All information, data, and documents that do not qualify as Government Records that are received or reviewed by a Board Member acting in his or her official capacity shall be deemed confidential and shall not be released or utilized by any Board Member for any purpose other than OHA Board or Committee business.
- B.** The unanimous vote of all Members of the Board after full consultation with Board Counsel shall be required before any confidential communication, proprietary, or otherwise privileged communications or material received may be publicly released, except that Board Executive Session Minutes may be released after redaction by Board Counsel under HRS § 92-9 and pursuant to Board of Trustees Operations Manual, Rule 21 (July 2007).

ARTICLE XVII. ORDER AND DECORUM

- A. While the Chairperson is putting any question to, or addressing the Board, or when a person is speaking, all persons present are expected to conduct themselves with decorum and provide respect to the speaker. While a person is speaking, no one shall pass between such speaker and the Chairperson.
- B. When a Member or other person properly before the Board wishes to speak, the speaker shall address the Chairperson, be recognized before proceeding, and shall confine remarks to the question under discussion.
- C. If a Member or other person, in speaking or otherwise, transgresses these rules, any Member may raise a question of order. The Chairperson shall then decide the question of order without debate, subject to an appeal to the Board. In addition, the Chairperson may call for the sense of the Board on any question of order.
- D. Whenever any person is called to order while speaking, such person shall be in possession of the floor after the question of order is decided and may proceed with the matter under discussion within the ruling made on the question of order.
- E. All persons attending Board meetings, including staff, witnesses, members of the media, and the general public, are expected to respect the dignity of the Board.
- F. Members who repeatedly violate any provision of any of the above sections of this Article shall be subject to disciplinary action, as set forth in Article XVIII herein.
- G. **Defamation.** OHA is concerned that no defamatory material or statements are presented at Board and Committee meetings. In the event that this situation

should develop, it will be necessary to call this to the attention of the persons making those statements, and request that they desist in their action. Such information may be stricken from the record.

**ARTICLE XVIII. TRUSTEE CODE OF CONDUCT AND SANCTIONS FOR
VIOLATION OF THE CODE OF CONDUCT**

The professional conduct of a member of the OHA Board of Trustees shall be guided by the Code of Conduct and Sanctions for Violations of the Code of Conduct, hereinafter referred to as the “Code of Conduct,” which shall be created as a stand-alone executive policy of the Board of Trustees and made part of the OHA Board of Trustees’ Executive Policy Manual as a stand-alone policy.

The Sanctions for Violations of the Code of Conduct shall contain procedures that are fitting to the position of an elected Trustee and while ensuring that due process is afforded to a Trustee whose matter is being considered by the Board of Trustees.

The purpose of this Article is to establish guidelines relating to the Trustee Code of Conduct, including standards for the ways in which Members interact with one another staff, and beneficiaries in the pursuit of setting OHA policy and managing its trust.

ARTICLE XIX. HAWAIIAN LANGUAGE USAGE

All Members and staff are expected to use Hawaiian language and the proper spelling and grammar of Hawaiian words when preparing official correspondence and documents for OHA, as required by Article XV, § 4 of the Constitution of the State of Hawai‘i, as amended.

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Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888
Fax: (808)-1868

**OFFICE OF HAWAIIAN AFFAIRS
BOARD OF TRUSTEES**
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 6, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

Viewable at www.oha.org/livestream Or

Listen by phone: (213) 338-8477, Webinar ID: 843 8384 9672

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

- I. Call to Order**
- II. Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.**
- III. Approval of Minutes**
 - A. June 27, 2024***
 - B. January 9, 2025***
- IV. New Business**
 - A. Committee on Beneficiary Advocacy and Empowerment – February 5, 2025**
 - 1. 2025 OHA State Legislative Package-Matrix 1**
 - 2. 2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2**
 - 3. 2025 Legislature: OHA Position on Bills Affecting the Public Land Trust-Matrix 3**
 - 4. 2025 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices-Matrix 4**
 - 5. on Bills Affecting Native Hawaiian Housing-Matrix 5**
 - 6. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Health-Matrix 6**
 - 7. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Education -Matrix 7**
 - 8. 2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Development-Matrix 8**
 - 9. 2025 Legislature: OHA Position on Bills Affecting HRS Chapter 6E (Iwi kūpuna) -Matrix 9**
 - 10. OHA Position on Honolulu County Council, Resolution 25-037, Urging the State of Hawai'i to Create a Hawaiian Language Commission**
 - B. Committee on Budget and Finance – January 22, 2025**
 - 1. Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Budget Realignments***
 - 2. Action Item BF #25-04: Approval of OHA funding for a Ho'ākoakoa Lāhui Event**

Sponsorship for the Native Hawaiian Hospitality Association's Ho'okipa Hawai'i Weekend Event on February 15 & 16, 2025, in the amount of \$15,000.*

3. **Action Item BF #25-05:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Hale Kipa's Pā'ina 2025 themed "Kūkulu 'ana i ke kaiāulu" event on February 22, 2025, in the amount of \$15,000.*
4. **Action Item BF #25-06:** Approval of OHA funding for a Ho'ākoakoa Lāhui Event Sponsorship for Kanu o ka 'Āina Learning 'Ohana for the 2025 Kanaeokana Aloha 'Āina Leader Awards (AALA) on March 3, 2025, in the amount of \$10,000.*

C. Committee on Investment and Land Management – January 22, 2025

1. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan*
2. **Action Item ILM #25-02:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Mauna'ala, Nu'uaniu, O'ahu to the Office of Hawaiian Affairs, in reference to Action Item ILM #25-02, as amended.*
3. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs*
4. **Action Item ILM #25-04:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs*
5. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimānalo, O'ahu to the Office of Hawaiian Affairs.*

- D. Action Item BOT #25-01:** Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws relating to the establishment of Board Vice-Chairpersons and Chair Emerita/Emeritus positions, succession of a Board officer and Committee Chairperson, approval of Committee agendas by the Committee Chairperson, requirements for meeting presentations and testifiers, revisions to the Board of Trustee staff positions, and miscellaneous revisions for consistency and clarity*,
First Reading

- E. Action Item BOT #25-02:** Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawai'i's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).*

V. Executive Session§

- A.** Discussion on Revision to the Office of Hawaiian Affairs Board of Trustees Bylaws Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Office of Hawaiian Affairs Board of Trustees Bylaws and also any proposed revisions thereto.

B. Approval of Executive Session Minutes

1. March 14, 2024

VI. Community Concerns and Celebrations

VII. Announcements

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website <https://www.oha.org/about/leadership/board-of-trustees/> as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, OHA's neighbor island offices, and on OHA's website <https://www.oha.org/bot> no later than two business days before the meeting. 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.

Testimony can be provided to the Board of Trustees either as: (1) **written testimony** or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

- (1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to botmeetings@oha.org or via **postal mail** to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting.
- (2) Persons wishing to provide **oral testimony online** during the remote meeting, please click on the link below:
<https://us06web.zoom.us/j/84383849672>

To provide oral testimony online, you will need:

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

Persons wishing to provide **oral testimony at the physical meeting location** can sign up the day-of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline **will not** be accepted at this time.



Trustee Kaiali'i Kahele
Chairperson, Board of Trustees

1/31/2025
Date



OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

January 23, 2025

BOT #25-02

Action Item Issue: Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).

Prepared by: Kaiali'i Kahele 01/21/2025
Kaiali'i Kahele Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Reviewed by: Everett Ohta 01/21/2025
Everett Ohta Date
Ka Paepae Puka Kūikawā, Interim General Counsel

Reviewed by: Stacy Ferreria 01/21/2025
Stacy Ferreria Date
Ka Pouhana, Chief Executive Officer

Reviewed by: Kaiali'i Kahele 01/21/2025
Kaiali'i Kahele Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

I. Proposed Action

Approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army (Army) and State of Hawai'i (State) regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area (PTA), Mākua Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army.

Scope. The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff, and OHA Administration staff to work together to investigate the status of the United States Army's (Army) and State of Hawai'i's (State) Army Training Land Retention efforts and make findings to the OHA BOT and recommendations on ways in which it may engage or participate in the decision-making regarding the subject state parcels.

Members. The membership of the PIG is proposed as follows:

(a) Trustee Kaiali'i Kahele; (b) Trustee Brickwood Galuteria; (c) Trustee Keoni Souza; and (d) Trustee Luana Alapa. Trustee Kaiali'i Kahele will serve as the Chair of the PIG and Trustee Keoni Souza will serve as its Vice Chair.

Term/Duration. The term of the PIG expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2025.

II. Issue

Whether or not the Board of Trustees (BOT) will approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army and State of Hawai'i regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area, Mākua Military Reservation, Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future use of these "ceded" lands currently leased to the Army.

III. Background and Discussion

A. History of Army Leases:

In 1964, the State of Hawai'i leased State-owned land to the U.S. Army for training-related purposes at Pōhakuloa Training Area (PTA), Mākua Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area.

For PTA, the State granted a 65-year lease covering approximately 23,000 acres for a nominal fee of \$1.00. This lease, set to expire on August 16, 2029, allowed PTA to become the largest Department of Defense installation in Hawai'i, encompassing nearly 133,000 total acres. As the lease expiration approaches, the Army is pursuing a renewal, proposing to lease approximately 22,700 acres, 19,700 acres, or 10,100 acres under different proposed alternative actions.

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

For MMR, a similar lease formalized the Army's ongoing use of the land, which began during the territorial era. Covering 782 acres, it was also granted for \$1.00 and will also expire in 2029. Live-fire training ceased in Makua Valley in 2004 due to legal and community opposition. In December 2023, the Army announced it no longer requires the area for live-fire training, but the Army is pursuing a renewal, proposing to lease approximately 782 acres or 572 acres under different proposed actions.

For Poamoho Training Area and Kahuku Training Area, both areas were also leased under similar agreements in 1964 that are expiring in 2029. Of the 4,390 acres currently leased for the Poamoho Training Area, the Army is pursuing a lease of either 4,390 acres or 3,170 acres. Of the 1,150 acres currently leased for the Kahuku Training Area, the Army is pursuing a lease of either 1,150 acres or 450 acres.

The approaching lease expirations in 2029 have initiated environmental reviews and public engagement, with increasing community scrutiny on cultural preservation, environmental justice, past mismanagement, and the best use of these lands in the future.

These leased lands are almost entirely comprised of "Ceded" Lands, i.e. former Crown and Government of the Kingdom of Hawai'i that were illegally confiscated and subsequently ceded and transferred to the United States at the time of the annexation of Hawai'i in 1898.

B. Ceded Lands and Public Trust Lands

"Ceded lands" refer to the approximately 1.8 million acres that once comprised the Crown and Government lands of the Hawaiian Kingdom. Following the 1893 illegal overthrow of the sovereign Kingdom of Hawai'i by a small group of non-Hawaiian residents of the Kingdom known as the Committee of Safety, a Provisional Government was established that illegally confiscated what was then the Government lands of the Kingdom as well as the Crown lands that belonged to Queen Lili'uokalani. These lands were then transferred to the Republic of Hawai'i which was established on July 4, 1894 and subsequently was then ceded and transferred to the United States of America in absolute fee and ownership upon annexation on July 7, 1898.

Upon granting Hawai'i statehood on August 21, 1959, the United States transferred 1.4 million acres of these lands to the new State of Hawai'i via the 1959 Admission Act. The Admission Act also established the Public Land Trust and transferred the Hawaiian Home Lands obligation and lands to the State. The Admission Act specified that the public land trust was to be held in trust for five purposes: the support of public schools and other educational institutions; the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, of 1920, as amended; the development of farm and home ownership; public improvements; and the provision of lands for public use. The federal government retained significant acreage of "ceded" lands, including over 200,000 acres in U.S. National Parks and other lands used for military purposes (e.g. other lands at Pōhakuloa, part of Mākua Valley, "Barking Sands", etc). As with all "ceded" lands, Native Hawaiians have never relinquished their claims to and continue to assert their rights to these lands (see e.g. U.S. Public Law 103-150 known as the Apology Resolution).

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To reiterate, “Ceded lands” comprise about 1.8 million acres of former crown and government lands of the Kingdom of Hawai‘i that were ceded and transferred to the United States at the time of the annexation of Hawai‘i in 1898. The Public Land Trust was established under the Admission Act, and includes over one million acres of these “ceded lands,” their associated natural resources, and the revenue generated from them. In other words, Public Land Trust lands are a portion of the “ceded” lands corpus.

C. The Role of OHA

OHA’s mission is rooted in the historical, legal, and cultural context of Ceded Lands and the Public Land Trust. Established in 1978 through a constitutional amendment, OHA was created to advance the betterment of conditions for Native Hawaiians and native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920, a purpose explicitly tied to the Public Land Trust. Under the terms of Hawai‘i’s Admission Act, the Public Land Trust—comprised of lands ceded to the United States from the Hawaiian Kingdom and later returned to the State—was to be used for five purposes, including the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, of 1920, as amended.

OHA has an inalienable interest in the future and management of all Ceded Lands, because these lands represent a tangible legacy of the Hawaiian Kingdom and form the basis of the trust established to benefit native Hawaiians. Moreover, proceeds from the use of Public Trust Lands—through leases, rents, and other revenue-generating activities—are meant to fund programs that address critical needs in housing, education, healthcare, and cultural preservation for Native Hawaiians. By law, OHA is entitled to a pro rata share of the revenues generated from these lands, symbolizing a recognition of Native Hawaiian claims and rights tied to their historical land base.

However, OHA’s mission also reflects broader tensions surrounding Ceded Lands and the Public Land Trust. Not all Ceded Lands were returned to the State at the time of statehood, as significant portions remain under federal control, particularly for military purposes. These lands, although not part of the Public Land Trust, are part of the historical narrative of dispossession that OHA should seek to address.

D. Environmental Impact Statement: Pōhakuloa Training Area

The initial Draft EIS was released on April 8, 2022, followed by a Second Draft EIS published on April 19, 2024, to incorporate public feedback and additional analyses. The PIG is encouraged to read the latest Second Draft Environmental Impact Statement, including OHA’s submitted comment letter.

E. Environmental Impact Statement: O‘ahu Lease Lands (Kahuku Training Area, Kawaiiloa-Poamoho Training Area, and Mākua Military Reservation)

The Draft EIS, which includes three training areas on O‘ahu including MMR, was made available for public review on June 7, 2024. The PIG is encouraged to read the Draft Environmental Impact Statement, including OHA’s submitted comment letter.

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F. Actions by State of Hawai'i

Chair Dawn Chang of the Board of Land and Natural Resources (BLNR) has publicly stated that the State may entertain conducting a land swap with the U.S. Army, whereby the U.S. Government would acquire specific leased State-owned lands via fee simple land title in exchange for the State acquiring other existing U.S. Government-owned land via fee simple land title. Neither Chair Chang, BLNR, nor the Army have publicly identified which lands might be considered for a land swap.

On April 12, 2024, BLNR considered authorizing the Chairperson to negotiate and execute a contract for appraisal services to determine the fair market value of State-owned land leased to the U.S. Army at PTA and the other O'ahu training areas. The issue was tabled and BLNR did not take action.

IV. Funding Source

No dedicated funding is needed to authorize and form a PIG. Any resources needed to carry out PIG related activities will conform with existing budgetary (e.g., realignment), spending and procurement authorities, policies and procedures.

V. Recommended Action

Approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army (Army) and State of Hawai'i (State) regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area (PTA), Mākua Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army.

Scope. The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff, and OHA Administration staff to work together to investigate the status of the United States Army's (Army) and State of Hawai'i's (State) Army Training Land Retention efforts and make findings to the OHA BOT and recommendations on ways in which it may engage or participate in the decision-making regarding the subject state parcels.

Members. The membership of the PIG is proposed as follows:

(a) Trustee Kaiali'i Kahele; (b) Trustee Brickwood Galuteria; (c) Trustee Keoni Souza; and (d) Trustee Luana Alapa. Trustee Kaiali'i Kahele will serve as the Chair of the PIG and Trustee Keoni Souza will serve as its Vice Chair.

Term/Duration. The term of the PIG expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2025.

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VI. Action to be Completed by the PIG

A. Synthesize and compile findings of draft EIS documents.

As a deliverable to the BOT, the PIG shall synthesize and compile findings of the draft EIS documents and provide a report back to the BOT. This synthesis shall include an overview of the EISs' Proposed Action; the analyzed alternatives; the level of impacts to analyzed resources; and Army efforts for community engagement. The report should also include copies of the comment letters on the EIS documents submitted by the Department of Land and Natural Resources (DLNR) and OHA, including the Army's responses to DLNR and OHA comments.

As part of this deliverable, the PIG shall gather information on whether this EIS could cover a potential land swap. The PIG is encouraged to engage with legal experts on land use and HRS 343 and HAR 11-200.1, collectively known as HEPA, to make this determination.

As part of this deliverable, the PIG shall also provide an overview of next steps under the EIS process driven by HRS 343 and HAR 11-200.1, collectively known as HEPA. This should include, but is not limited to, when Final EISs can be expected; identify future opportunities for public engagement; provide various scenarios on outcomes after either acceptance or non-acceptance by BLNR.

B. Request update from the Governor and the BLNR on status of land swap discussions with Army.

As a deliverable to the BOT, the PIG shall engage with the Office of the Governor, the BLNR, the DLNR and the Office of the Chairperson to determine the status of any land swap discussions, past or planned, that have occurred with the Army. Of note, the PIG shall inquire if any further steps have been taken for the Chairperson to acquire an appraisal of the Army-leased, State-owned land. As a deliverable to the BOT, the PIG shall provide a memo detailing information acquired from BLNR, the DLNR, the Office of the Chairperson, and the Office of the Governor.

C. Provide memo of Army Training Land Retention related offices, staff and personnel

As a deliverable to the BOT, the PIG shall provide a list of key Army offices and leadership engaged with Army Training Land Retention projects. This includes, but is not limited to, U.S. Army Garrison-Hawaii (USAG-HI); U.S. Army Garrison-PTA (USAG-PTA); USAG Public Affairs Officers; U.S. Indo-Pacific Command (USINDOPACOM); U.S. Army Pacific (USARPAC); U.S. Army Corps of Engineers (USACE). This list will assist the BOT in understanding the crucial partners and leadership within the Department of Defense that are engaged in land retention discussions.

D. Develop questions the BOT may consider for the Army and recommendations for future engagement

As a deliverable to the BOT, the PIG shall provide a list of questions the BOT might consider asking the Army regarding land retention efforts. These questions should be informed by Deliverables A and B. The PIG shall also make appropriate recommendations on how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army and individual and organizational stakeholders for future engagement regarding these lands.

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E. Engage with beneficiaries, community groups and organizations that are involved or have an interest in the Army's proposed land retention efforts.

As a deliverable to the BOT, the PIG shall engage with beneficiaries, community groups, and organizations that are involved or have an interest in the Army's proposed land retention efforts. This can include but not be limited to Mālama Makua, Kahoahoa Working Group, Waianae Moku Kūpuna Council, Hawai'i Chamber of Commerce Military Affairs Council, Waianae Coast Neighborhood Board, Waimea Community Association, Kāpele 'Ohana and others. The PIG shall include in its report the nature of these engagements and the outcomes or feedback gathered during these engagements. This includes documenting the perspectives, concerns, and recommendations of these groups regarding the Army's proposed land retention efforts. The PIG shall also assess the alignment or divergence of these viewpoints with OHA's mission, vision, and values.

The report should highlight key themes or trends that emerge from the discussions, as well as any actionable suggestions that could inform OHA's position or strategies moving forward. Additionally, the PIG should include any identified opportunities for collaboration or partnership with these groups to address shared concerns and objectives.

Furthermore, the PIG shall ensure that the engagement process is conducted in a manner that respects cultural protocols, fosters transparency, and provides equitable opportunities for all stakeholders to participate meaningfully. This ensures that the voices of beneficiaries and impacted communities are authentically reflected in the final recommendations to the Board of Trustees.

VII. References

- USAG-HI ATLR PTA Project Website: <https://home.army.mil/hawaii/ptaeis/documents>
- USAG-HI ATLR O'ahu Project Website: <https://home.army.mil/hawaii/OahuEIS/documents>
- BLNR Meeting, April 12, 2024: <https://dlnr.hawaii.gov/meetings/blnr-meetings-2024/land-board-submittals-04-12-24/>

VIII. Attachments - None