

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

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
November 4, 2021

ATTENDANCE:

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

BOT STAFF:

Colin Kippen, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary
Sam Chung, Financial Advisor to BOT
Veto Baker, Kuilei Consultant Inc.
Peter Gilpatrick, Kuilei Consultant Inc.

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Ka Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hinck, CFO
Kalani Fronda, Land Director
Daniel Santos, IT
Erin Nakama, IT
Robert Klein, Board Counsel

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, November 4, 2021, at 10:00 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA		Joins at 10:05 am
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA		Excused
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E		Joins at 10:03 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			6	

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

Chair Hulu Lindsey Thank you. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation related to COVID-19 Response dated October 1, 2021, that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream

Before we begin, I would like to inform you that I will be taking the agenda out of order. Item V.B. will be moved and placed after executive session.

Let me go over some quick announcements. Please mute your mics when you are not speaking. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my staff Colin Kippen-COS, my Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. With us today is Robert Klein, our Board Counsel and our CEO, Sylvia Hussey. I will now call on our Pouhana to announce who is joining us from administration.

Sylvia Hussey, CEO Thank you Chair and good morning Trustees, Chair, we have COO-Casey Brown, CFO-Ramona Hinck, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Assistant Senior Legal Counsel-Everett Ohta, as well as our IT staff, Dan and Erin who will be supporting us this morning. Thank you.

Chair Hulu Lindsey Yes, and also joining us today is Sam Chung, our Financial Analyst.

Approval of Minutes

September 8, 2021.

Chair Hulu Lindsey moving on to approval of minutes for September 8, 2021. Do I have a motion?

Trustee Akina Moves to approve the September 8, 2021 minutes.

Trustee Akaka Seconds the motion.

MINUTES: September 8, 2021						
	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA						
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI‘I AKINA	X		X			
TRUSTEE LUANA ALAPA						Excused
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes and one (1) EXCUSED vote.						

Chair Hulu Lindsey Do we have any public testimony or community concerns at this time?

Board Secretary None at this time.

New Business

A. Committee on Resource Management

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

Chair Hulu Lindsey I will call on Trustee Waihe‘e.

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

Action 1

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

Action 2

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

Trustee Akaka Seconds the motion.

Trustee Waihe'e motions to

Action 1

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

Action 2

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

Trustee Akaka Seconds the motion.

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

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

Chair Hulu Lindsey Moving onto item C. Can I have someone make a motion.

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

Trustee Waihe'e Seconds the motion.

Chair Hulu Lindsey Any discussion? I will call upon Raina.

Raina Gushiken, Senior Legal Counsel Mahalo and good morning. Following the workshop we had at the October 21st BOT meeting, I incorporated the feedback from the board and made appropriate changes to the policy. Under the BOT executive policy manual section 1.2E, this policy is being treated as a stand alone policy that is distinct from the general policies of the executive policy manual. This policy address a major area of operation and will have a distinct review and maintenance schedule. As the action sets forth, it would be subject for regular review by administration and updates by administration and updates by administration as *inaudible* as guidelines change without further board approval. So, because this is a policy being brought to the board for approval, it would require two readings of the board for passage. If there are any questions, I would be happy to answer them.

Trustee Ahu Isa Are you say that this is a moving target? This morning another announcement on the news came on from President Biden. This could affect us. Did you see this mornings news?

Sylvia Hussey, CEO What I thought I saw was a limit of a 100 employees which is fairly small. So its going to impact many people.

Trustee Ahu Isa This was Bloomberg that came out with this. These are big companies. I'm just asking if this is not set in stone. Everyday it comes out with different kinds of guidelines. A lot of HR work.

Raina Gushiken, Senior Legal Counsel Trustee Ahu Isa, I am aware at the Federal level there was rule making in the process to the rules issued recently. My understanding is the intent of the rule was to apply to private employers. I know we will seek clarification whether the rule would apply to State and County agencies but the intent of the rule was to apply to private employers. I believe it was for 100 employees or more but I will get clarification and provide an update to the board. Again, that is why the policy is set up so that administration would review it periodically and regularly to make changes necessary and make sure its compliance with federal, State, and County regulations as they change in this pandemic.

Trustee Ahu Isa OSHA has to go. January 4th is the deadline.

Sylvia Hussey, CEO So Trustee, it is 100 employees or more. The application of rule making and regulation. You are right they are putting with OSHA regulations.

Trustee Ahu Isa I just wanted to bring it up that its moved to January 4th. Mahalo.

Trustee Lee I am sure this is going to happen, but I just want to have it on the record. Given that this action item will require no further board action after the second reading for changes to this policy as changes are made to this policy, that administration is going to communicate those changes across to the BOT. Thank you Madam Chair.

Sylvia Hussey, CEO Yes, Trustee Lee. Confirming administration will communicate to the Board as well as the broader OHA as changes are made.

Trustee Lee Mahalo Ka Pou Hana.

Chair Hulu Lindsey Just know trustees that if you are not happy, we can change the policy back. Roll call vote.

Trustee Akaka motions to						
C. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration						
Trustee Waihe'e Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA						X
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

Chair Hulu Lindsey moving onto item D. I will turn this time over to our CEO, Sylvia Hussey.

A. Workshop: Board Governance Framework: Policy Framework

Sylvia Hussey, CEO I will be sharing my screen.



Okay, the documentation shares the progress of the work we've been talking about the policy framework, since February of this year. We had a workshop in May of this year and laid out the framework. This is just a refresher in anticipation of the action item that will come before the board to establish the framework and be able to populate the framework items with all of the policies.

We already have the Lahui policies.

Working Definition of Governance

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

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

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

This is all part of the Board governance framework that started back in 2019. We are progressing down on the triangle. The Board has been engaging in policy work on the flight of Trustee policies regarding spending and as a result of the Permitted Interaction Group (PIG) last year, that was organized by the Board and the counsel and the insights from that PIG are being brought forward for codification. There are other elements that we are incorporating in our policy work.

Element 3: Statutory Basis. OHA was established under the 1993 Constitution, article XII, section 5, with powers described in article XII, section 6. Hawaii Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.

DOCUMENT GOVERNANCE APPLICATION

HAWAII CONSTITUTION Article XII Hawaiian Affairs

- Section 5: Office of Hawaiian Affairs; Establishment of board of trustees
- Section 6: Powers of the Board of Trustees

OFFICE OF HAWAIIAN AFFAIRS TRUST (Beneficiaries)

STATE AGENCY

TRUST & BOARD CREATION

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

DOCUMENT GOVERNANCE APPLICATION

HRS CHAPTER 10

- Enabling Legislation and Trustee Powers and Duties

BOARD OF TRUSTEES

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

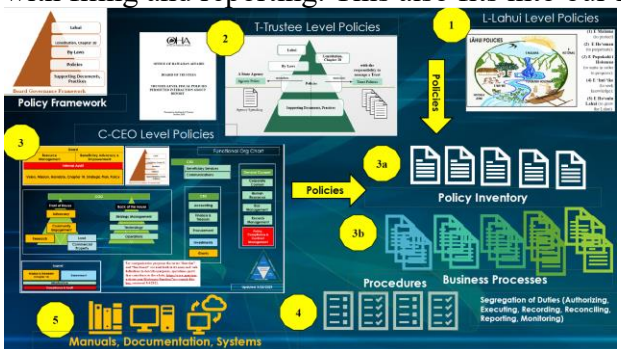
Element 4: Policies The PIG recommends that OHA policies be organized into three tiers: 1. Lāhui, 2. Trustee and C-CEO level policies. Lāhui level policies would articulate the organization as a basis for the Lāhui (heavy weight, values or significant history) (responsibility) to sustain Hawaiian language, practice and exercise native rights regarding land, water, public space and civil liberties, sovereignty, rights and land, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. Trustee level policies would articulate broad, systemic, strategic, connecting policies that are attributed to OHA's Trustee role as stated in the Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of conduct, recruitment, promotion, contracting, data retention, asset protection, risk management, etc.).

Element 5: Supporting Documents and Practices (Operational). Element 5 supports policy development, alignment, implementation, assessment and monitoring, as well as the development of operational documents (e.g., BOT Executive Policy Manual, BOT Operations Manual, standard operating procedures, position, operating manual, and employee practices).

IV. Funding Sources: Not applicable - no dedicated funding needed to approve the five elements of the Board Governance Framework.

This particular element of the statutory basis, you will see in the delegation of authority is policy of the explicit of either the retention of the power of the board or the delegation to the administrator. We have our Lāhui policies all set. When the action item comes before the board, it will ask for three things; one will be the approval of the policy framework and that needs this triangle - Lāhui level policies, Trustee level policies, CEO level policies which are functional and

operational, all of the policies we will have a policy inventory. Each of the policies will be associated with a number of processes. Each of the business processes will have a set a procedures that come with the process, either user procedures or operator procedures. For example, in travel there will be user procedures on how to access travel services and then there will be operator procedures on how to book and use the system. In the procedures, we want to ensure that we separate duties that authorizing responsibilities that don't coincide with filing and reporting. This also fits into our internal control environment.



It cascades down into manuals, documents, and systems.

Trustee Lee Ka Pouhana, did I understand you to say that when the action item comes back to the Board, you are going to ask the BOT for approval of this framework? Wasn't this framework already approved in 2019? That triangle that is on picture number 2, that was approved in the Initial PIG so what framework are we approving?

Sylvia Hussey, CEO So the framework is the policy framework, the fourth level in the triangle. The Board Governance framework has the policy. This is the policy framework for the fourth level that details our policy framework is comprised of three levels of policies. It has an inventory, the policy of policies, and then the retention and delegation of authority.

Trustee Lee So you are talking about the Administration level policies?

Sylvia Hussey, CEO We are talking about framework in which the lāhui tiles of policies, the trustee policies that are being worked on, and now the C-levels and how they all cascade down and operationalize in there.

Trustee Lee That's where I am still getting lost. I'm sorry Ka Pou hana, but the way they cascade down, to my understanding, they were approved. How those C-level policies are actualized and brought online, I don't see how that needs the BOT to be approved. That delegation of authority has already been delegated not only by Chapter 10 but by the BOT to the Administrator. That's where I'm getting loss. Are we being asked to approve how the C-level policies get activated and how they tie to the lāhui policies? Like I said, that has already been approved.

Sylvia Hussey, CEO What has been approved in the Board Governance framework is that cascading that you see the policies and supporting documentation. What this is trying to say is that we are trying to put the picture frame in which we put all the policy tiles in there. So, in one picture we can understand where all the policies ties. We can see how the T's tie to C's, how C's tie to procedures, how procedures tie to the manuals and how they tie to systems and how they cascade up and down.

Trustee Lee okay, and to me it sounds like you are saying the exact same thing that I'm saying just with more words. I still don't see how the BOT has to approve it. Like I said, you are explaining it differently then how I explained it, but my understanding is the same thing. How all of this ties together was approved by the BOT. Now, using your terminology, we approved the picture frame and now you want us to approve the pictures that are going into the frame. I think that is getting down into the weeds for the BOT to get involved with. We approved how the picture frame should look, what pictures you put in that picture frame below the T-level policies is your kuleana, not ours to approve. Of course, we want to know what you are putting in the frames, but I don't get why we are approving your level, the C-level pictures that are going into these frames.

Sylvia Hussey, CEO I guess approving the policy framework explicitly codified the policy framework picture frame is cascaded from the Board governance which aligns with the L's and T's and it's just the whole picture now. Okay, now saying this picture frame now has all of this below and that it cascades in alignment.

Chair Hulu Lindsey Sylvia, does the re-organization fall within this C-level policy?

Sylvia Hussey, CEO The re-organization does, not the budgeting aspect but the re-organization, the human resources policies, the compensation policies all fall with the C-level work.

Chair Hulu Lindsey Thank you. Trustee Akina.

Trustee Akina Sylvia, does this change what's in practice? Or is it merely a documentation or memorialization of what we have in practice?

Sylvia Hussey, CEO It changes what we would like to be practiced. It does change practice because right now all we have is the Executive Policy manual. We don't have a framework which the executive policy manual or the policies of the organization is cascaded and has these distinct retention and delegation of authorities. In addition, from an operating operational perspective, it doesn't identify all the inventory processes which are important. Again, we have pieces of this, but we do not have an entire piece. Yes, it does change practice toward an align organization in which policy, procedure, and practice can now be aligned.

Trustee Akina Would you just sum up what in the *inaudible* 2021-02 or the C2021-02 are actual changes from what's already in practice.

Sylvia Hussey, CEO The policy of policies is just to explain the responsibilities of refreshing who has delegated authority to refresh those policies and when they should be reviewed. The next one is the board, so the Board has implicitly in various places says what they do delegate to the administrator and what they don't delegate. Thereby, are in different policies all over the place, this one policy is intended in one place to directly connect chapter 10 authorities that is given to the Board, what the Board retains and what the Board delegates explicitly. Therefore, that policy is really important, it is one place to codify practice.

Trustee Akina Thank you.

Trustee Lee Thank you for that response to Trustee Akina. That made it crystal clear, now I understand. It is taking many itty-bitty picture frames and turning it into one big picture frame. Thank you, Ka Pouhana.

Chair Hulu Lindsey I want to share with the trustees that you look at our CEO's graph that she sent out to all of us showing what authorities we retain and what we are transferring. Make sure you agree with all of those items before we approve this.

Sylvia Hussey, CEO Thank you Chair for pointing that out. Among the reasons to draft that is to explicitly say, here is the Chapter 10 citation, this is what the Board retains. Currently what is drafted there is what is currently in practice. So, any changes any further delegation or any further retention that the board wants to effect, this is the policy to codify that retention or that delegation. What we did was we gave you an example of the CEO's further delegation as an example of, if procurement is delegated to the CEO, then you can see that all the contracting all the PR's and PO's, at the next level is the delegation by authority of the originator and up. That is also a codification of a document, a delegation of authority document that was issued back in 2018 by the previous administration. We have since had changing administration, we have had significant changes in systems. We've gone to Oracle fusion, we have an online business travel system, we have contracting systems that handle workflow, and of course because of COVID, a number of our systems have been automated. The delegations and the triggers are really important so that it goes to the right person and especially when we have interim positions being held, we have to ensure that the controls in place are adequately reflected in the electronic systems. I would say that like level five in the framework. That is why we need to ensure from top to bottom that everything aligns based on the delegated authorities.

We provided the CEO delegation as an example so that you can see what the CEO would do with that delegation further as context. As Chair pointed out, the decision and the policy is in that first one of whether the board will retain or delegate.

Trustee Akina For further clarification, I see we are looking to delegate for example; cash disbursements to the administration. What happens in a case where the Board Chair or the RM Chair is to contract the Administrator for a certain contract and we did this when we were contracting CLA services, you may recall. Back then the RM Chair was the contract administrator for that and had the authority to make or withhold full disbursements to CLA. Are Trustees giving this up or are we potentially entering into conflict with any State procurement code by agreeing to delegate?

Sylvia Hussey, CEO So, delegation of authority of disbursement and contracting in general because a trustee wears the hat of the contract administrator, they would be inserted into the authority electronic. Yes, the cash disbursements or the contracting is delegated to the administrator but because individual Trustees would hold

different roles then the Trustee would be inserted into the electronic authorities that would move through the system which is consistent with what we would do with contract administrator.

Trustee Akina Would it be cleaner if we as Trustees merely delegated that and ended it with we're delegating the administration, rather than going further and specifying we are ending administration delegating.

Sylvia Hussey, CEO You could, but the functional role of the contract administrator whether it's the CEO, Director, or manager, or a trustee is the functional role is what is being electronically into the authorization. Yes, you could delegate that electronic role and have someone signed off but then the holder of that functional role would not be their functional role as Contract Administrator. The systems allow for trustees with a different hat so even though, as a trustee the delegation there, but as the contract administrator hat, you are in the delegation line you know of authority of approval. The other compliment to the cash disbursement delegation is or what is very commonly also put in is the requirement of two signatures. Back in the day you would get two wet signatures but, in this day and age, any transactions greater than a million dollars the Board Chair will sign off on that transaction. The intent is to also put in cash disbursement controls if there is a million dollars that the board chair signs off on that transaction. That will pick up any transactions on balancing, moving of cash from our commercial accounts and anything over a million dollars then we would insert an additional approval of hierarchy of the Board Chair for that kind of transaction. That is a very common business practice in an organization.

Trustee Akina Thank you, I appreciate the explanation.

Trustee Hulu Lindsey Thank you Sylvia.

Sylvia Hussey, CEO Okay, please provide your feedback otherwise at the next board meeting, we will prepare an action item for those three actions that we put there.

Executive Session

Chair Hulu Lindsey Moving on to item VI executive session. Can I get a motion to recuse ourselves pursuant to HRS Section 92-5?

- A. **Consultation with Board Counsel Robert Klein Esq. regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Action Item BOT#21-15: Accept the Report of the Permitted Interaction Group re: to Investigate the Initial Steps in the First Phase of Work for the Development of Kaka'ako Makai Pursuant to HRS§92-2.5(b)(1)(C) and pursuant HRS§92-5(4).**
- B. **Consultation with Board Counsel Robert Klein Esq. regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to The Office of Hawaiian Affairs v. Leslie H. Kondo, et al. lawsuit (Civ. No. 1CCV-20-0000259) and case status, pursuant to HRS § 92-5(a)(4).**

Trustee Ahu Isa Moves to recuse into Executive Session.

Trustee Waihe'e Seconds the motion.

The Board recuses into Executive Session at 10:35 a.m.

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

The Board returns to open session at 11:45 a.m.

Chair Hulu Lindsey I would like to announce that in Executive Session the Trustees took action to accept and implement the report of the Permitted Interaction Group to investigate the initial steps in the first phase of work for the development of Kaka‘ako Makai. That action was six (6) ‘ae/ yes, two (2) abstentions, and one (1) excused.

Announcements

Chair Hulu Lindsey The next BOT meeting will be on Thursday, November 18, 2021 at 10 am.

Adjournment

Chair Hulu Lindsey I will entertain a motion to adjourn.

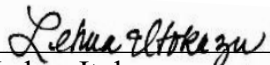
Trustee Ahu Isa Moves to adjourn the meeting.

Trustee Akaka Seconds the motion.

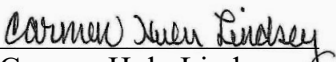
Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	X		X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		X	X			
KELI'I	AKINA			X			
LUANA	ALAPA						Excused
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL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

Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 11:48 a.m.

Respectfully submitted,


 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on January 13, 2022.


 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments:

1. Excused Memo – Trustee Alapa
2. Committee Report by the Resource Management Committee
3. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration
4. PowerPoint: Board of Trustees Board Governance Framework policy Framework-Nov.4, 2021



November 1, 2021

To: Chair Hulu Lindsey

From: Trustee Alapa

Re: Request for excused absence from BOT meetings

Trustee Alapa will be traveling out of state November 4-24 and will not be able to attend the virtual BOT meetings as she will be tending to personal and private business matters.

She will be absent from BOT meetings; Thursday, November 4, 2021 and Thursday, November 18, 2021.

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

October 26, 2021

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

Chair Lindsey,

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

Action 1

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

Action 2

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

Attachment(s):

A) RM ROLL CALL VOTE SHEET

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

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

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

C) RM ROLL CALL VOTE SHEET

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

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

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

Respectfully submitted:

John Waihee IV

Trustee John Waihe'e, IV, RM Chair

Trustee Luana Alapa, RM Vice Chair

Isa

Trustee Leina'ala Ahu Isa, Member

Dan Ahuna

Trustee Dan Ahuna, Member

Kaleihikina Akaka

Trustee Kaleihikina Akaka, Member

Keli'i Akina

Trustee Keli'i Akina, Member

Brendon Lee

Trustee Brendon Kalei'aina Lee, Member

Carmen Hulu Lindsey

Trustee Carmen Hulu Lindsey, Member

Keola Lindsey

Trustee Keola Lindsey, Member

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

ATTACHMENT A

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

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

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

ATTACHMENT C

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

AGENDA ITEM:

V. New Business

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

MOTION:

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

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

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




**OFFICE OF HAWAIIAN AFFAIRS
ACTION ITEM**


**Board of Trustees
November 4, 2021**

Action Item No.: BOT #21-16


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

Prepared by:  **Oct 29, 2021**


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

Reviewed by:  **Oct 29, 2021**

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

Reviewed by:  **Oct 29, 2021**

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

Reviewed by:  **Oct 29, 2021**

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

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

I. Proposed Action

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

II. Issue

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

III. Background

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

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

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

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

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

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

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

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

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

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

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees⁴ and federal contractors⁵ to be vaccinated. During his press briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.⁶

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

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

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

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

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

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

⁷ [2109152-ATG_Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

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

IV. Discussion

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

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our employees, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.⁸

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

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

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

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

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

V. Recommended Action

MOTION:

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

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

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

VI. Alternative Actions

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

B. Take no action.

VII. Funding. None needed at this time.

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

IX. Attachment:

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

ATTACHMENT A

COVID-19 VACCINATION AND TESTING POLICY

FOR THE OFFICE OF HAWAIIAN AFFAIRS

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

I. Purpose

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

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our staff, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.¹

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

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

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

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

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

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

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

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

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

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

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees⁵ and federal contractors⁶ to be vaccinated. During his press

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

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

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

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

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

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

II. Definitions

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

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

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

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

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

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

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

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

III. Policy and Program

A. Employees

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

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

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

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

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

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

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

B. Verification of Vaccination & Submission

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

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

C. Testing Requirement for Less Than Fully Vaccinated Employees

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

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

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

Employees may:

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

D. Visitors

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

For proof of vaccination status, a Visitor may:

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

For proof of testing status, a Visitor may:

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

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

E. Rejection of Proof of Vaccination or Testing Status

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

F. Privacy

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

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



OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

Date: October 31, 2021

To:

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

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

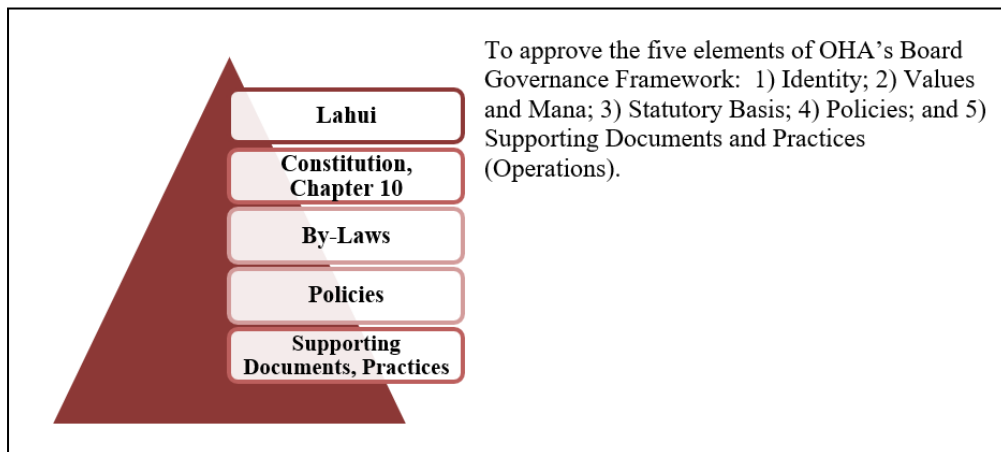
From: Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer 

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

Subject: Board Governance Framework, Policy Framework

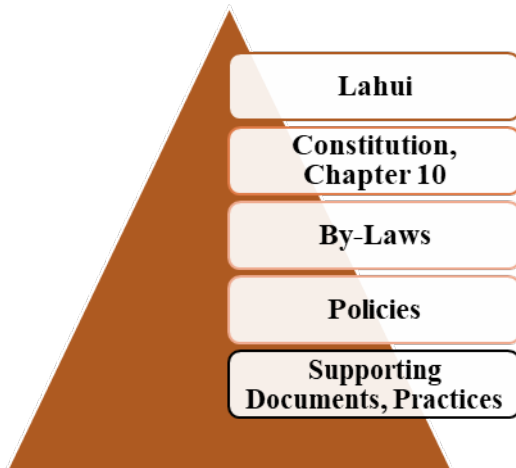
Attachments: (1) - February 7, 2021 - Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion re: Development of a T-Level Grant Policy; (2) – May 3, 2021 Memo; (3) May 6, 2021 Presentation Workshop PPT; and (4) November 4, 2021 Presentation Workshop PPT; (5) Emerging draft Policy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

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



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

- A. Policy Framework: the Why? Board Governance Framework.** In January 2019, the Board approved the formation of a Permitted Interaction Group (PIG) to: Investigate various elements of governance frameworks and models, including but not limited to cultural, indigenous, native, national and international contexts. The PIG was established with: 1) Trustee Brendon **Kalei‘āina Lee** as Project Sponsor and Chair; 2) Trustee Colette Machado as Business Process Owner and Vice Chair of the PIG; and 3) Trustees Robert Lindsey¹ and John Waihee² as members. The PIG was supported by Trustee Machado, Lee, Lindsey and Waihee’s Aides; and Administration, then Ka Pouhana, Kamana`opono Crabbe, then Ka Pou Nui, Sylvia Hussey and staff.

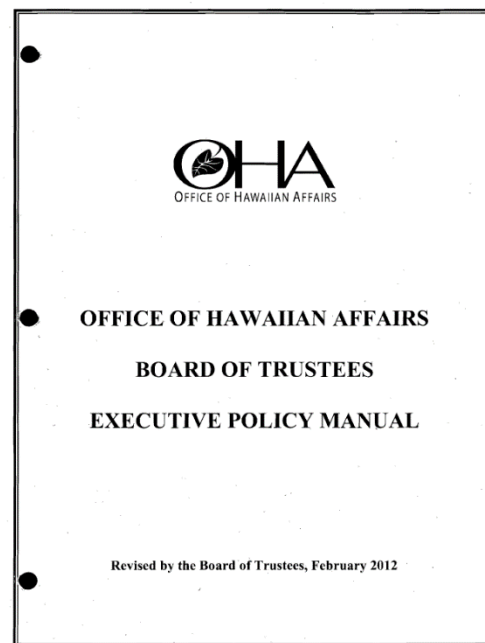


The PIG presented its final report and recommendations to the Board of Trustees (BOT) at its March 28, 2019 meeting; and on April 4, 2019, via Action Item BOT# 19-04, the BOT approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies;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

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

B. Executive Policy Manual

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



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

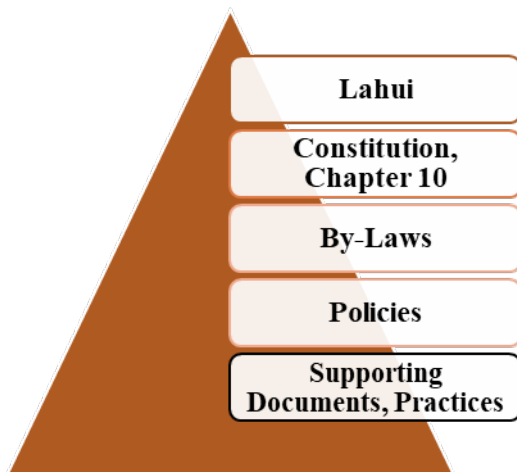
¹ Interim Chair of the Resource Management Committee at the time of the formation of the Permitted Interaction Group

² Chair of the Beneficiary, Advocacy and Empowerment Committee

C. Policy Framework Element Development via Permitted Interaction Groups

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

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



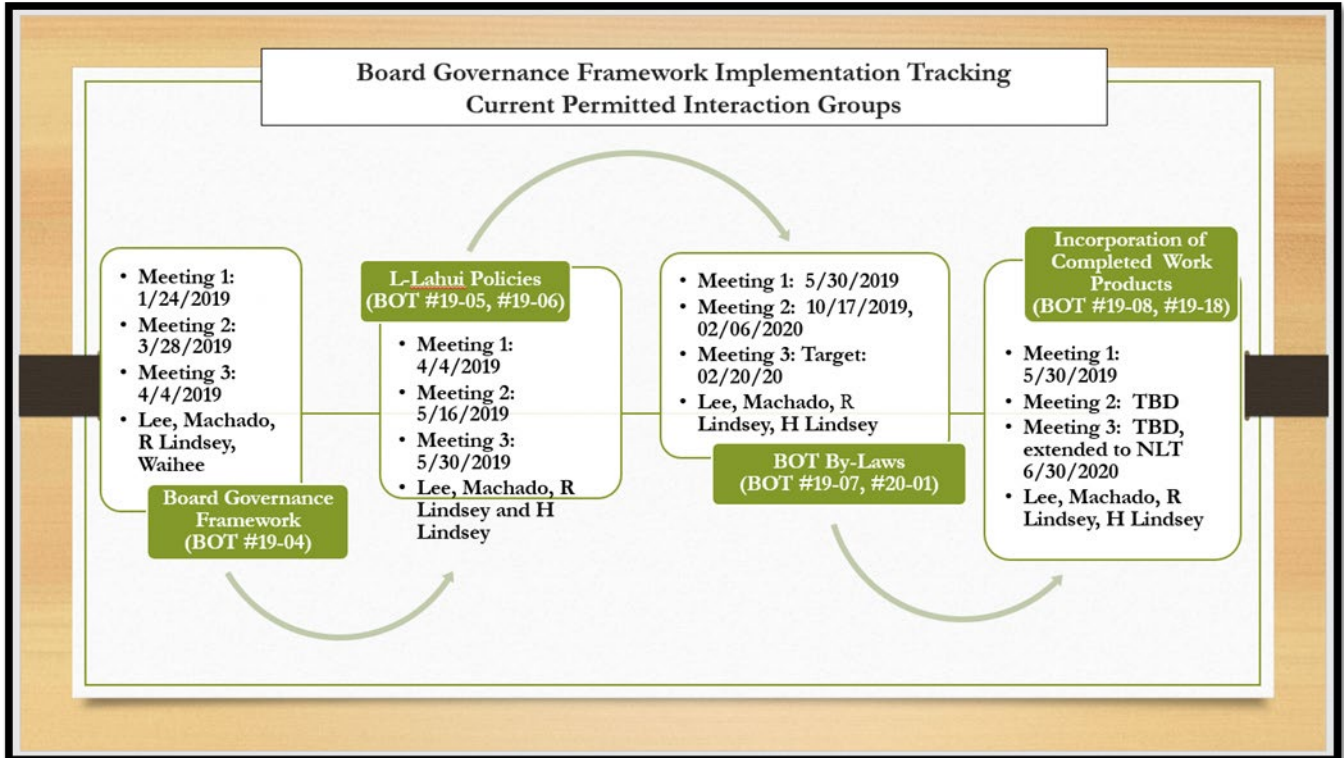
The purview of the PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the development of L-Lāhui policies for OHA's Board Governance Framework, (2) Establish consistent policy formulation, format, review and update parameters, mechanisms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

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

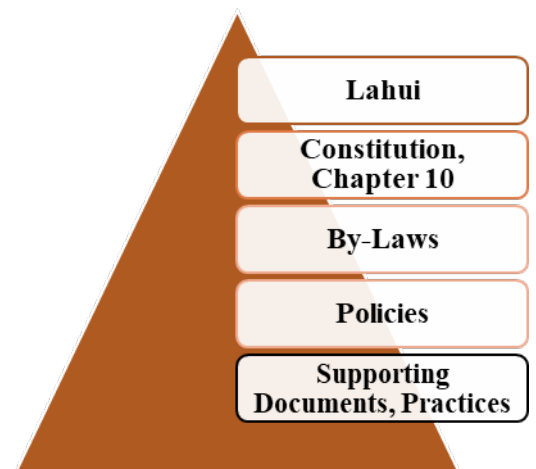
2. **Board By-Laws PIG.** Via Action Item #19-07, at the May 30, 2019 BOT meeting, the Board approved the formation of a new PIG to continue the implementation of the Board Governance Framework elements. The purview of the new PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the alignment and update of existing BOT By-Laws and related documents; (2) Establish consistent format, review and update parameters, mechanisms and processes; and (3) Integrate the developed BOT By-Laws and related documents into the Board Governance Framework.

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

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



4. **Trustee Level Policies FIG.** Via Action Item BOT #20-05: Approve the formation of a Permitted Interaction Group to investigate the development of T-Level Trustee policies for OHA's Board Governance Framework, September 10, 2020, T-Level Trustee policy work began. The purview of the FIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the alignment and update of existing T-Trustee level Investment, Debt, Spending, Kaka'ko Makai and development of Endowment specific policies and related documents; (2) Establish consistent format, review and update parameters, mechanisms and processes; (3) Review the implementation of the specified T-Trustee level policies; (4) Determine the scope of specified T-Trustee level policies, including delegation of policies to the C-CEO level; and (5) Integrate the specified T-Trustee level policies and related



documents into the Board Governance Framework.

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

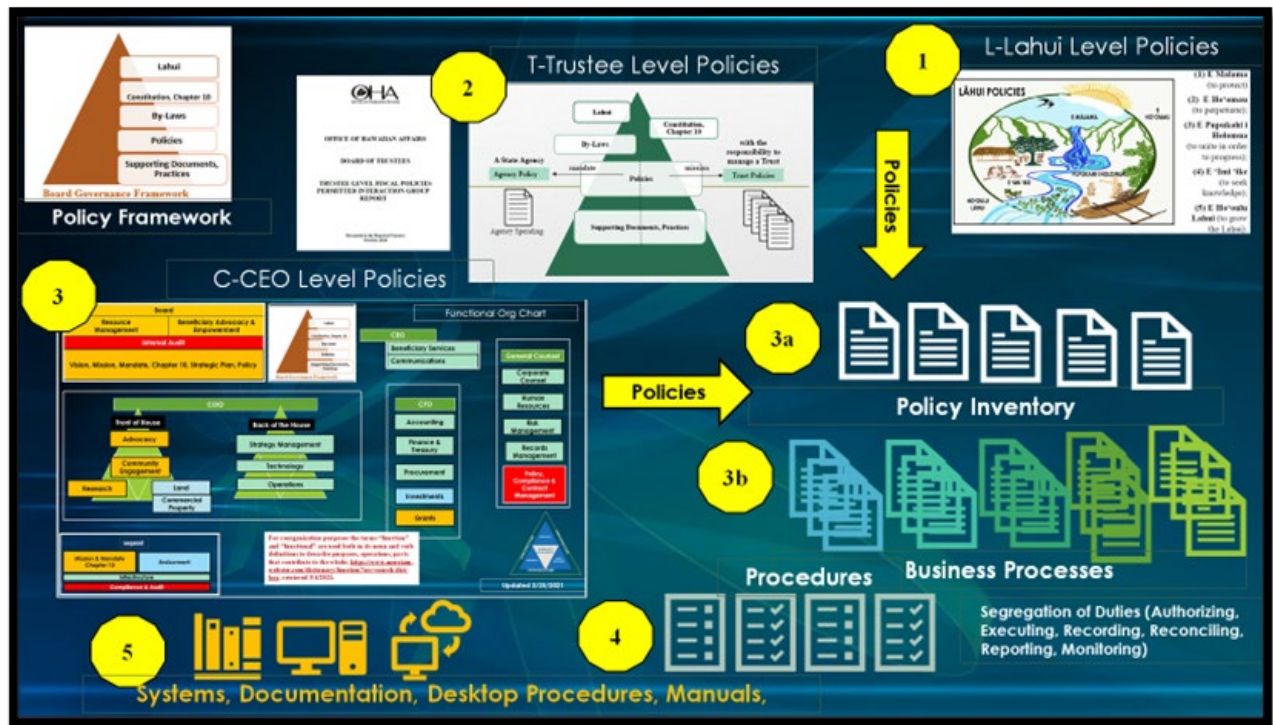
Permitted Interaction Group - Term/Duration. The term of the Permitted Interaction Group expired at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than November 4, 2020.

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

D. Development of Policy Framework

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

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1. Policy of Policies

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

2. Retention and Delegation of Authority – Trustees

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

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

E. Action Item Proposed Actions

Future action item recommendations are proposed to be:

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

F. Time Frame

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

G. References

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

H. Attachments

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

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

I. Conclusion and Next Steps

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



 OFFICE OF HAWAIIAN AFFAIRS

 Interoffice Memorandum

Date: February 7, 2021

To:

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

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

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

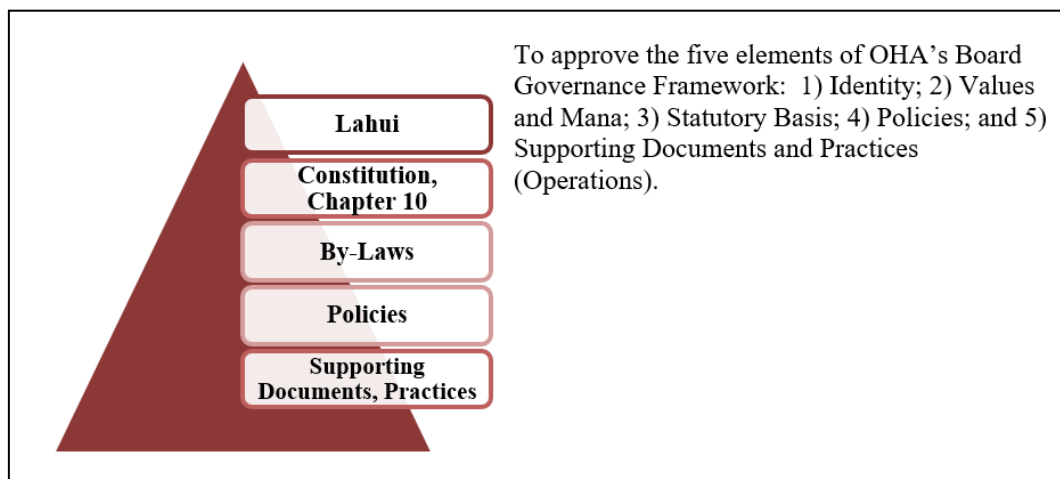
cc: Casey K. Brown, Ka Pou Nui, Chief Operating Officer
 Ramona G. Hinck, Ka Pou Kihi Kanaloa Wai, Chief Financial Officer
 Raina Gushiken, Ka Paepae Puka, Senior Legal Counsel
 Lisa M. Watkins-Victorino, Ph.D., Ka Pou Kihi Kane, Research Director
 Carla Hostetter, Ka Pou Kihi Onaehana, Systems Office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

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

Attachments: None

References: None

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



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

Strategic Outcome 9.5: Increased strategic granting

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

Please share your thoughts for discussion with your colleagues re:

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

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



OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

Date: May 3, 2021

To:

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

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

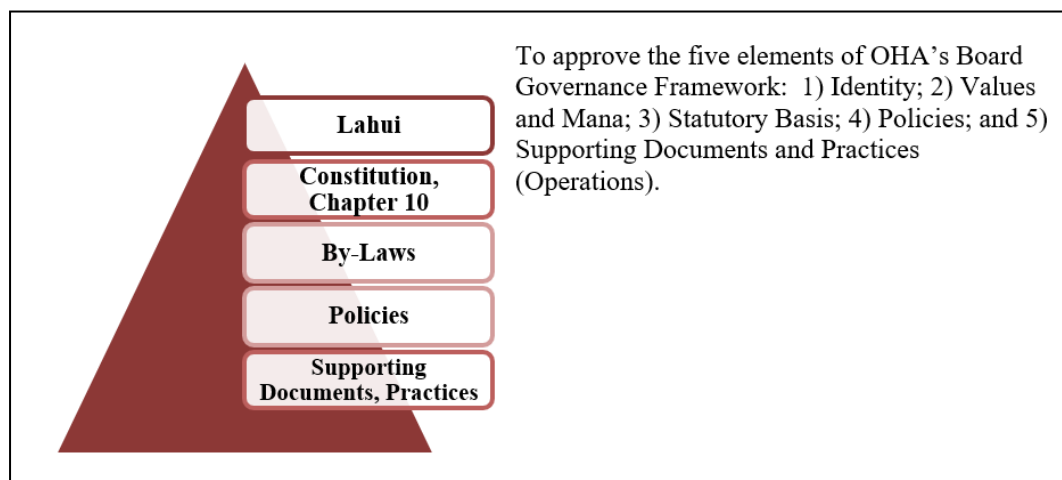
From: Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer

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

Subject: Board Governance Framework, Policy Framework

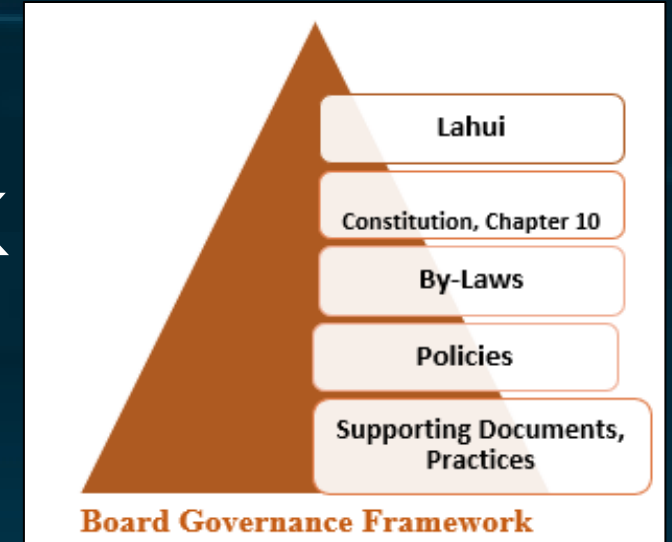
Attachment: Discussion Powerpoint; (B) - February 7, 2021 - Introduction of a Proposed Policy Framework for OHA and Facilitated Discussion re: Development of a T-Level Grant Policy

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



Board of Trustees Board Governance Framework Policy Framework

THURSDAY, MAY 6, 2021

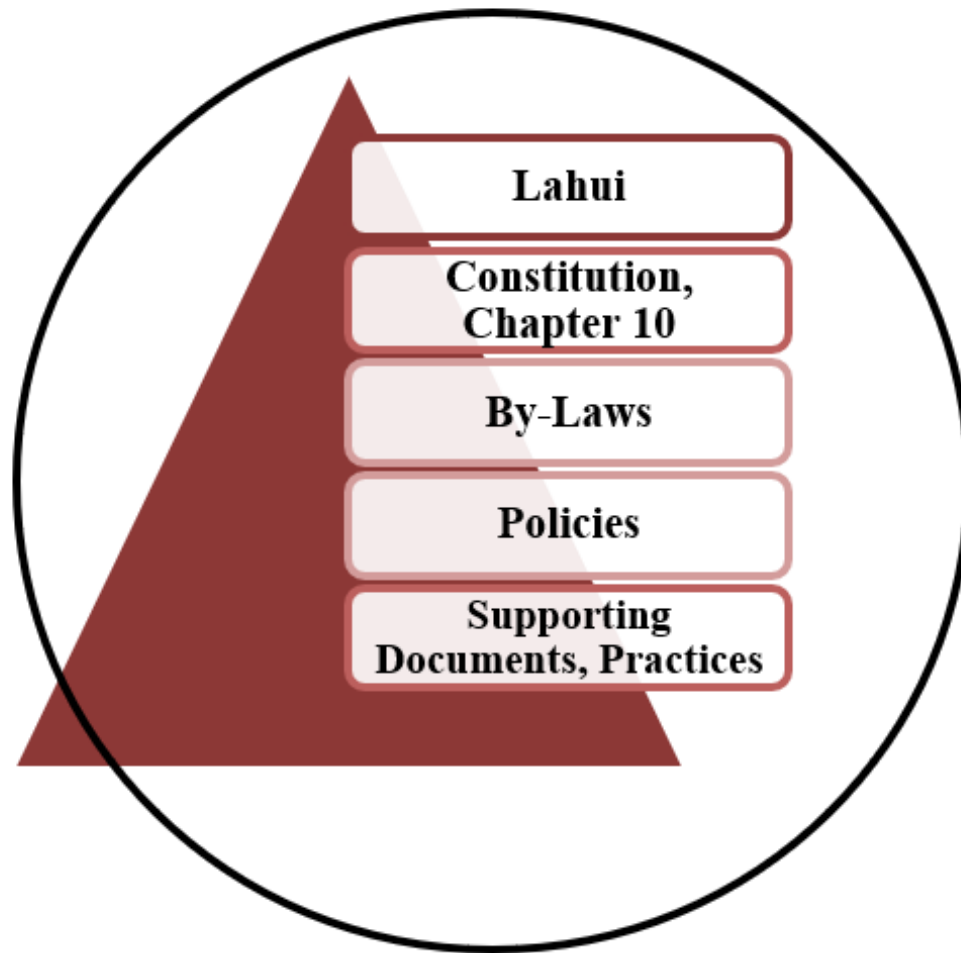


Working Definition of Governance

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

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

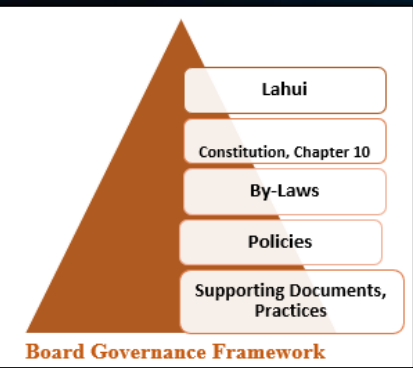
<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019



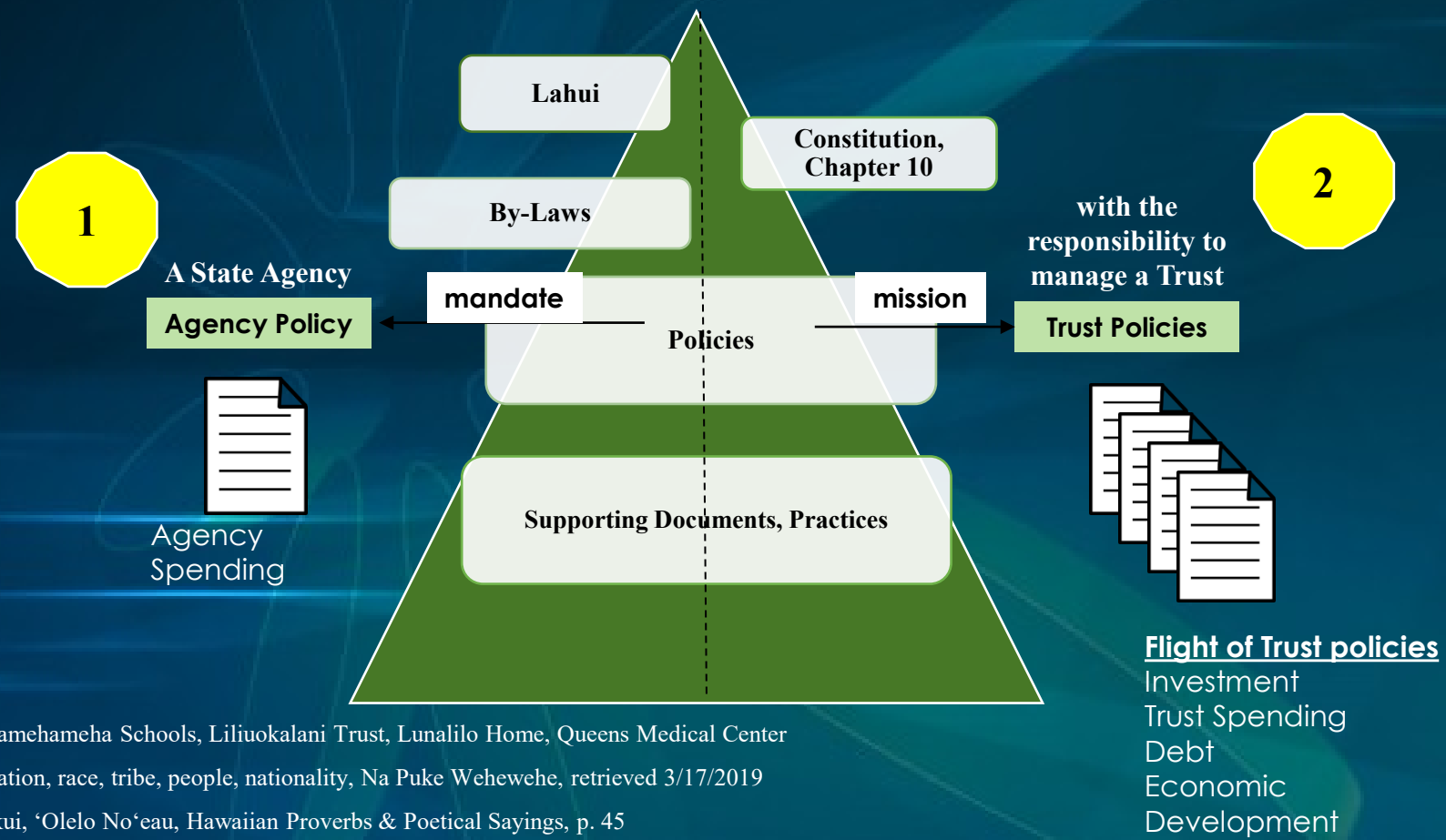
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Element 1: Identity. Ho'oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali'i Trusts⁵ with a lahui⁶ mindset in improving the well-being of our lahui. Such an identity is rooted in the 'ōlelo no'eau, E 'ōpū ali'i, have the heart of a chief, have the kindness, generosity, and even temper of a chief, 'ōlelo no'eau 369⁷. OHA's

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



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



[1] - Kamehameha Schools, Liliuokalani Trust, Lunalilo Home, Queens Medical Center
[2] - Nation, race, tribe, people, nationality, Na Puke Wehewehe, retrieved 3/17/2019
[3] Pukui, ‘Olelo No‘eau, Hawaiian Proverbs & Poetical Sayings, p. 45

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

Element 2: Values and Mana

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

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459⁸.



OHA CORE VALUES



'O ke kahua ma mua, ma hope ke Kūkulu.

E ho'ōikaika ana i nā Kānaka i mana ka lāhui.

In addition, the concept of mana⁹, often oversimplified as “power”, belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

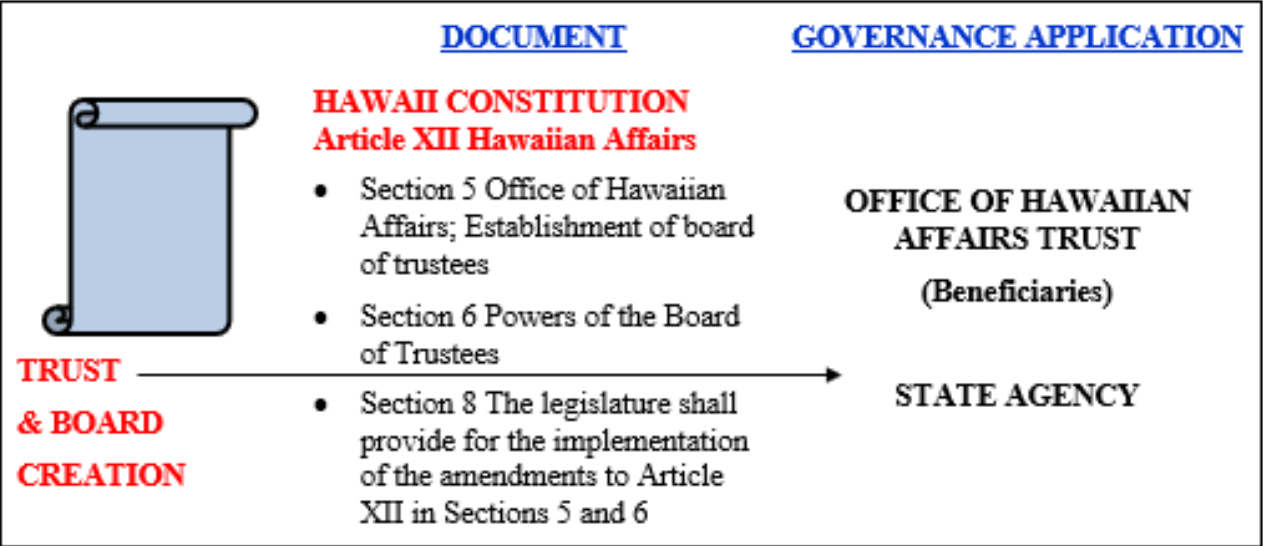
Mana as Capital. The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

Mana – OHA will:

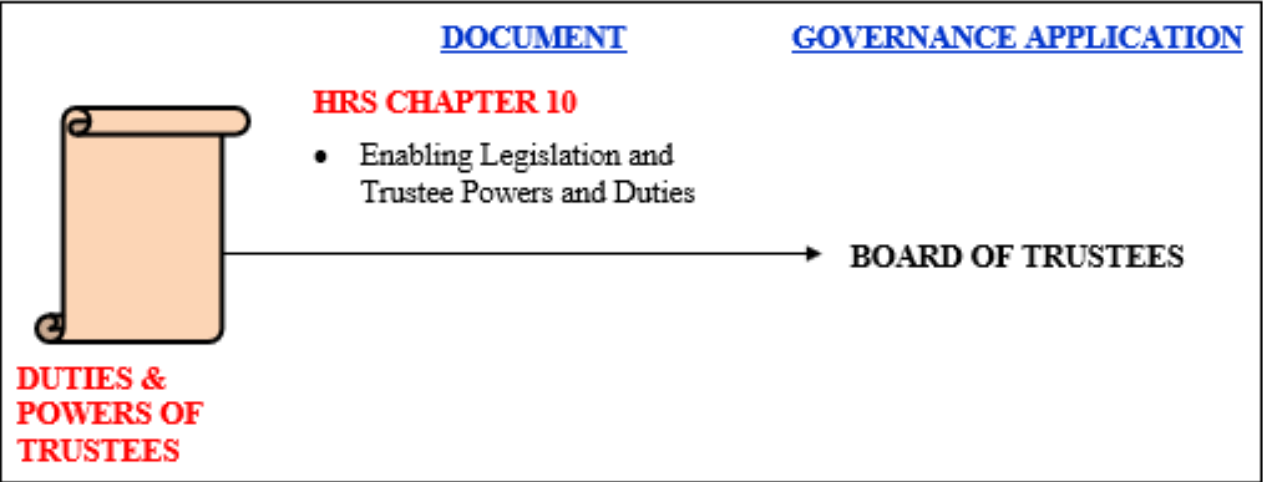


- Build upon the wisdom of our ancestors;
- Build upon the patriots who came before us; and
- Acquire and grow its mana as it strives to serve for the betterment of Hawaiians.

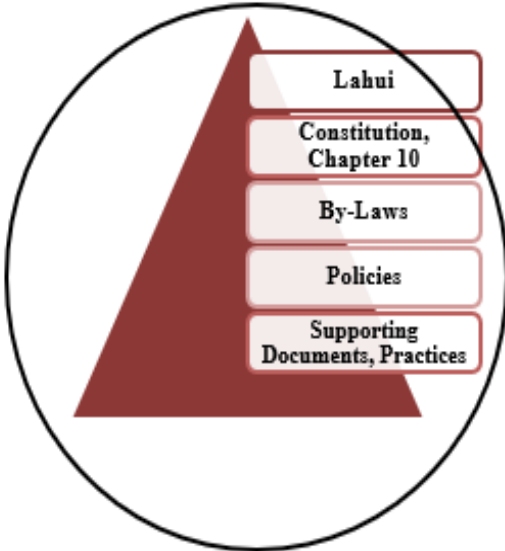
Element 3: Statutory Basis OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



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



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



Element 4: Policies¹⁰. The PIG recommends that OHA policies be organized into three tiers: L-Lahui¹¹, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

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

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



IV. Funding Source:

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

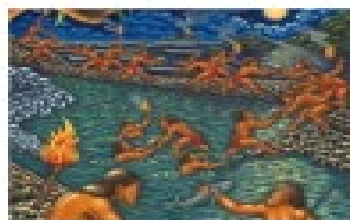
OHA CORE VALUES

KŪLIA



*Innovation
Excellence*

KĀKOU



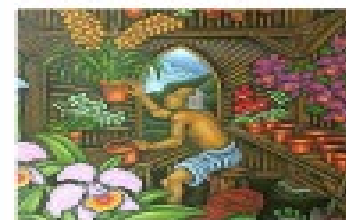
*Collaboration
Cooperation
Unity*

PONO



*Integrity
Truth*

HO'OMAU



Legacy

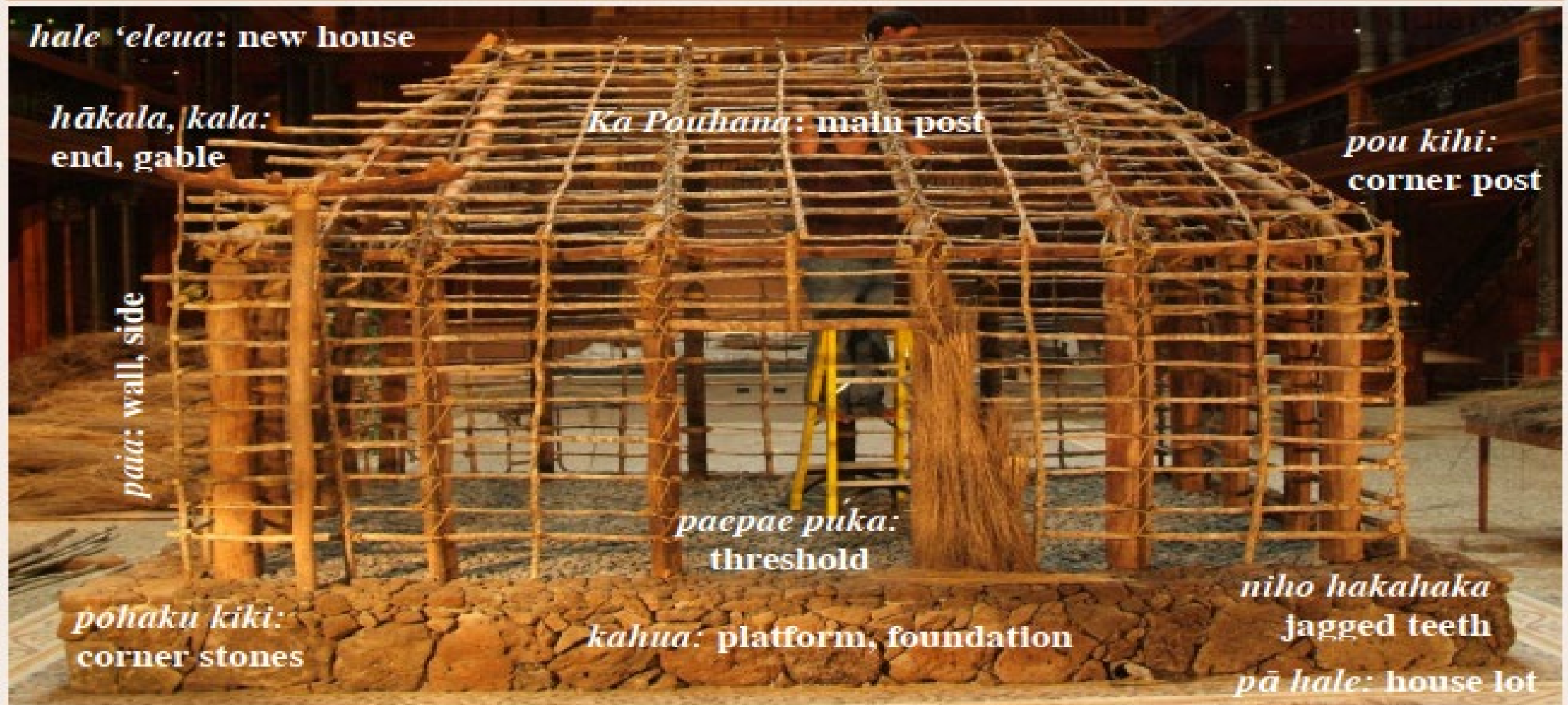
ALOHA



*Respect
Value*

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

OHA HALE MODEL



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

Lahui

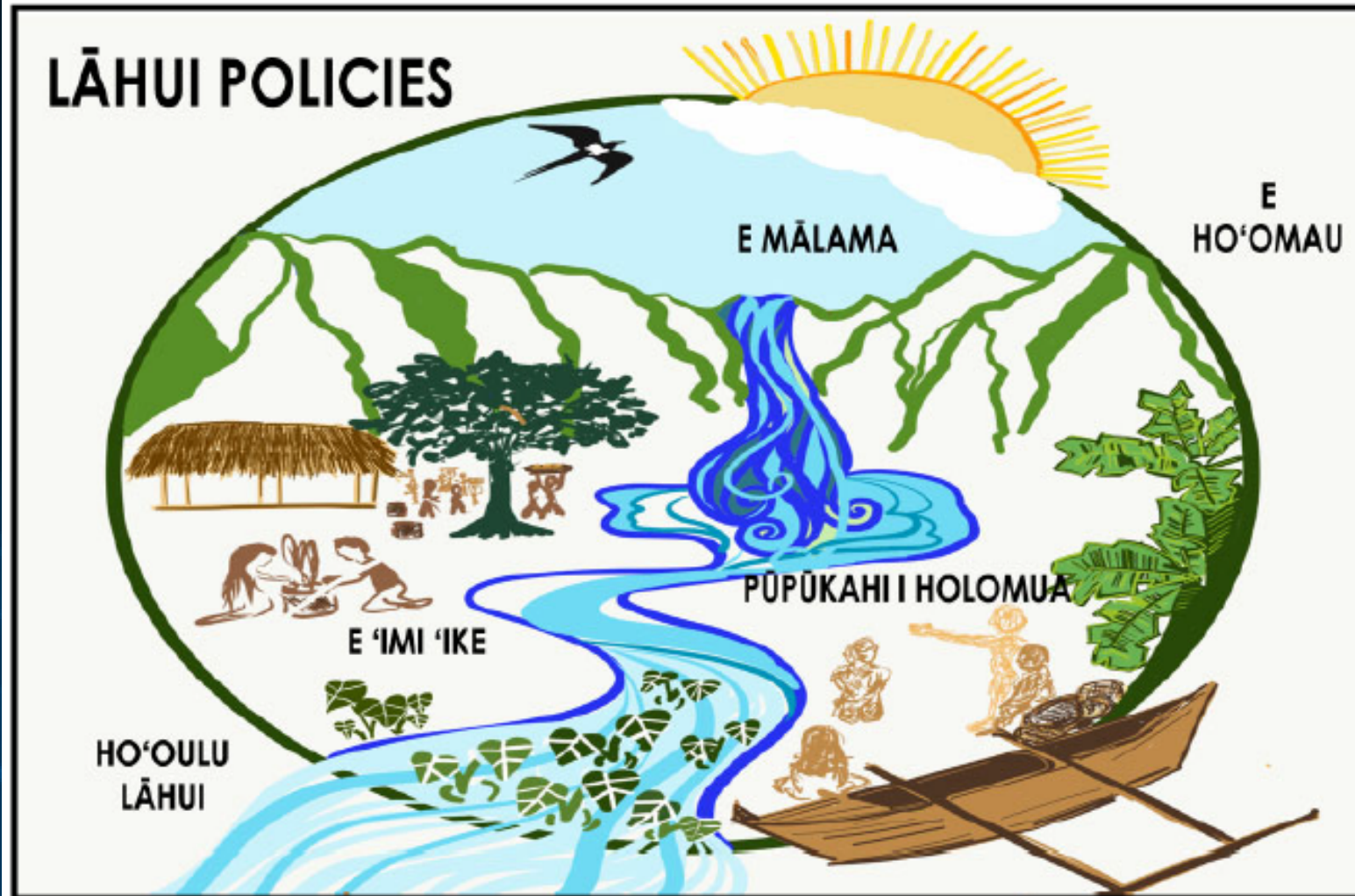
Constitution, Chapter 10

By-Laws

Policies

Supporting Documents,
Practices

Board Governance Framework



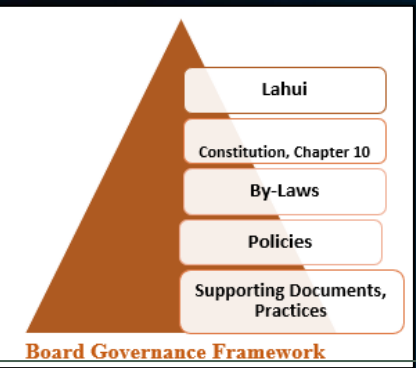
(1) E Malama
(to protect)

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

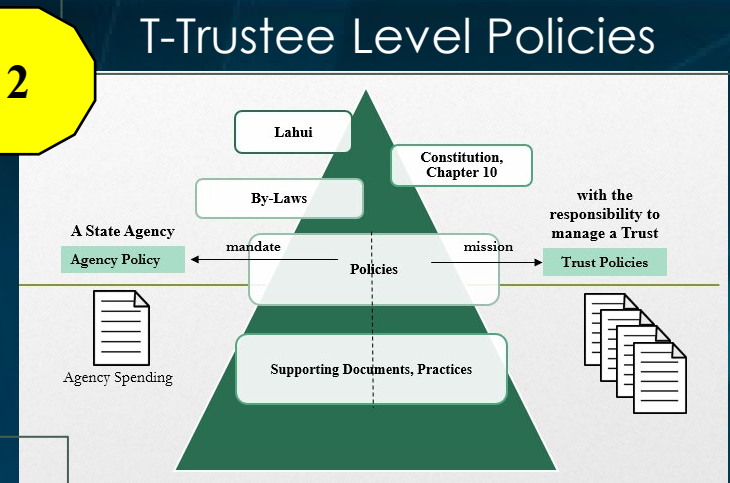
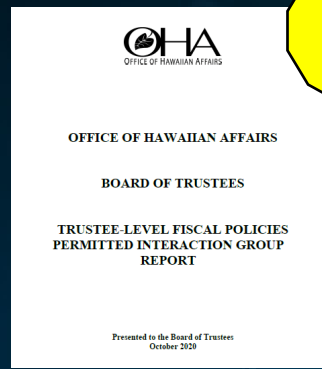
(3) E Pupukahi i Holomua
(to unite in order
to progress);

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

(5) E Ho'oulu Lahui (to grow
the Lahui).

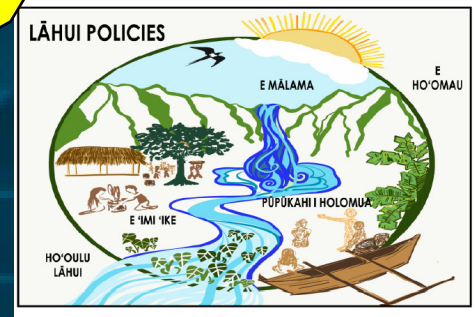


Policy Framework



1

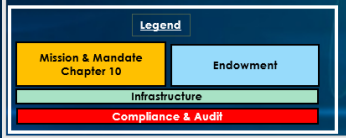
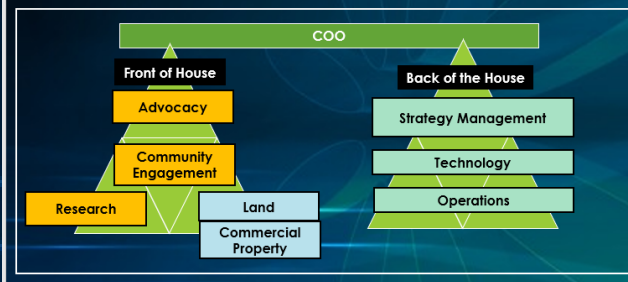
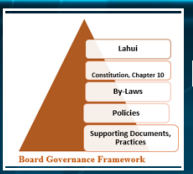
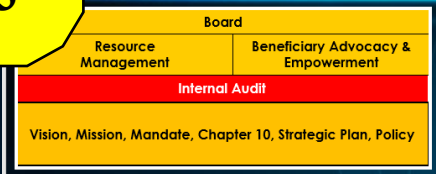
L-Lahui Level Policies



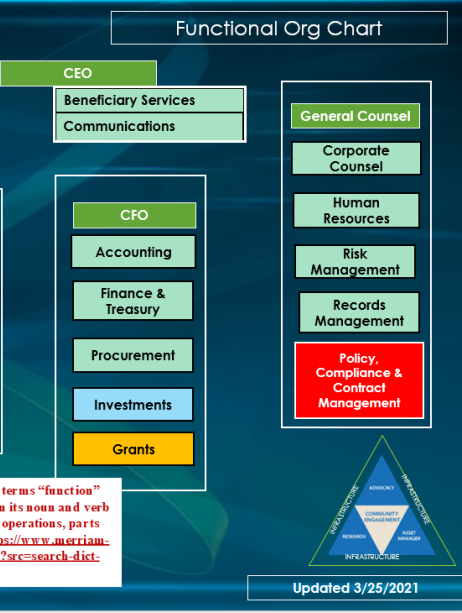
- (1) E Malama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lahui (to grow the Lahui).



C-CEO Level Policies



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



3a



Policy Inventory

3b



Procedures

Business Processes



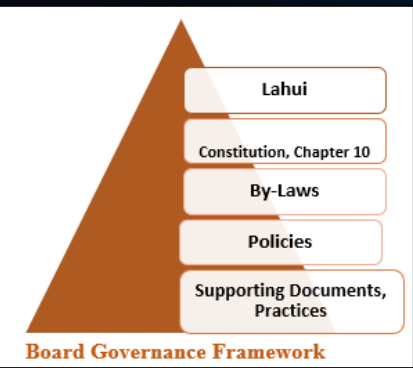
Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

5



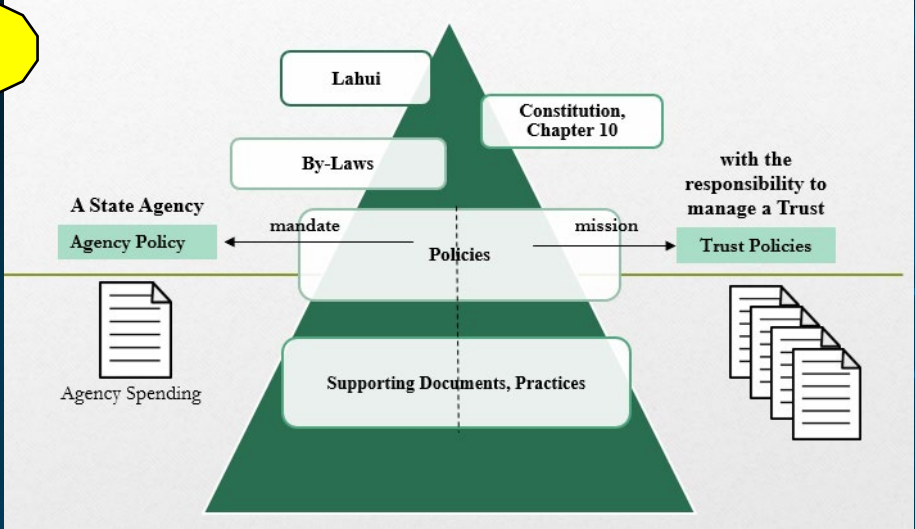
Manuals, Documentation, Systems

4

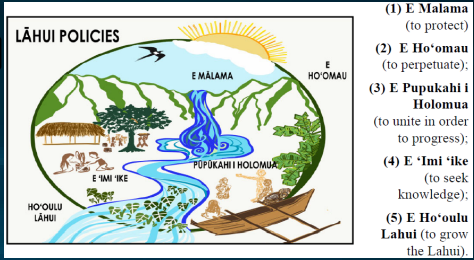


AS IS

2



1



Executive Policy Manual

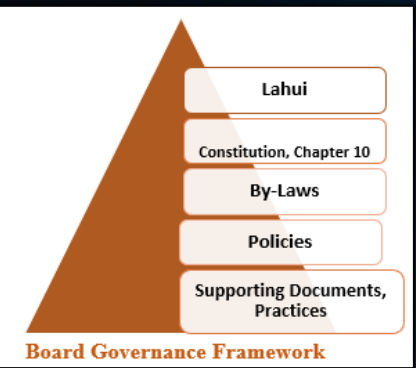
BOT Operations Policy



Series 1000 Board of Trustees

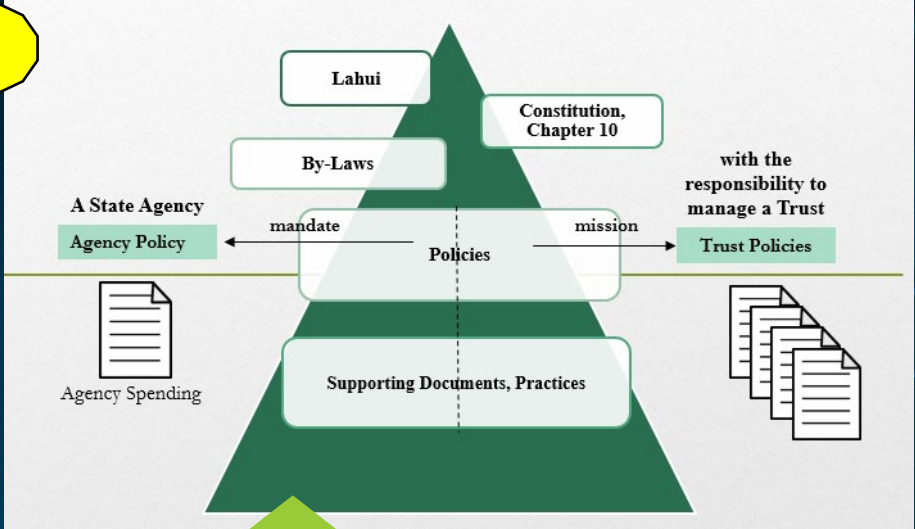


Series 2000 Beneficiary Support and Services

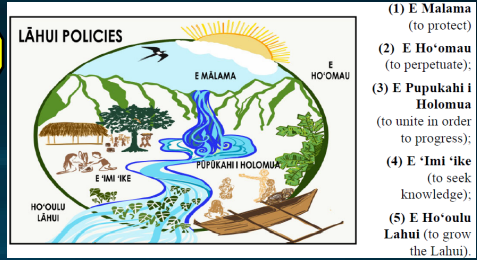


AS IS

2



1



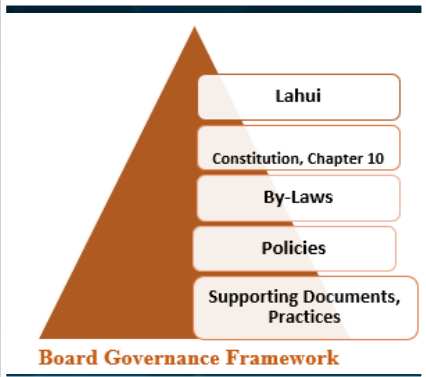
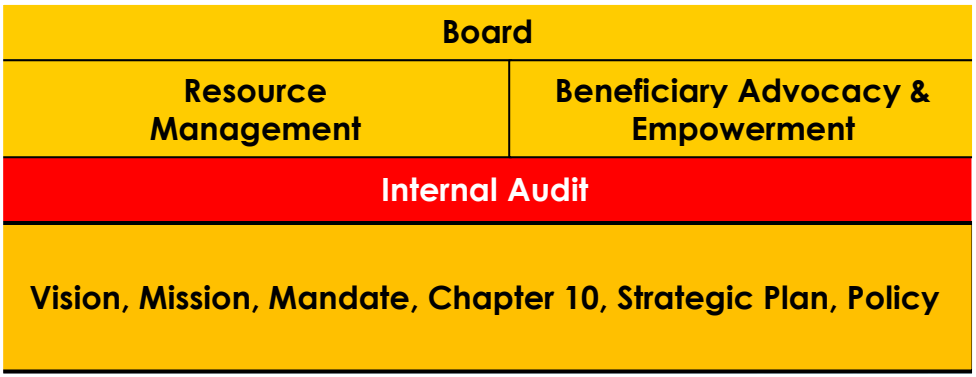
Executive Policy Manual

BOT Operations Policy



Series 3000 Administration

Series 4000 General Policies



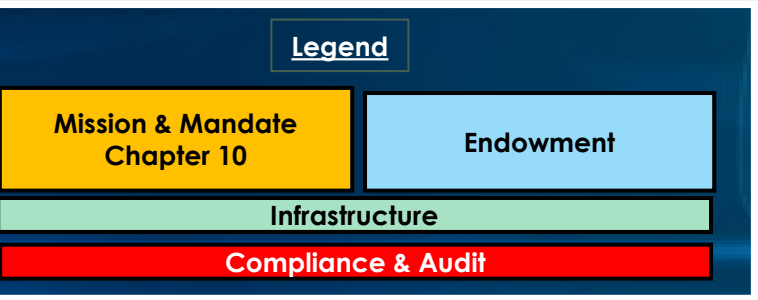
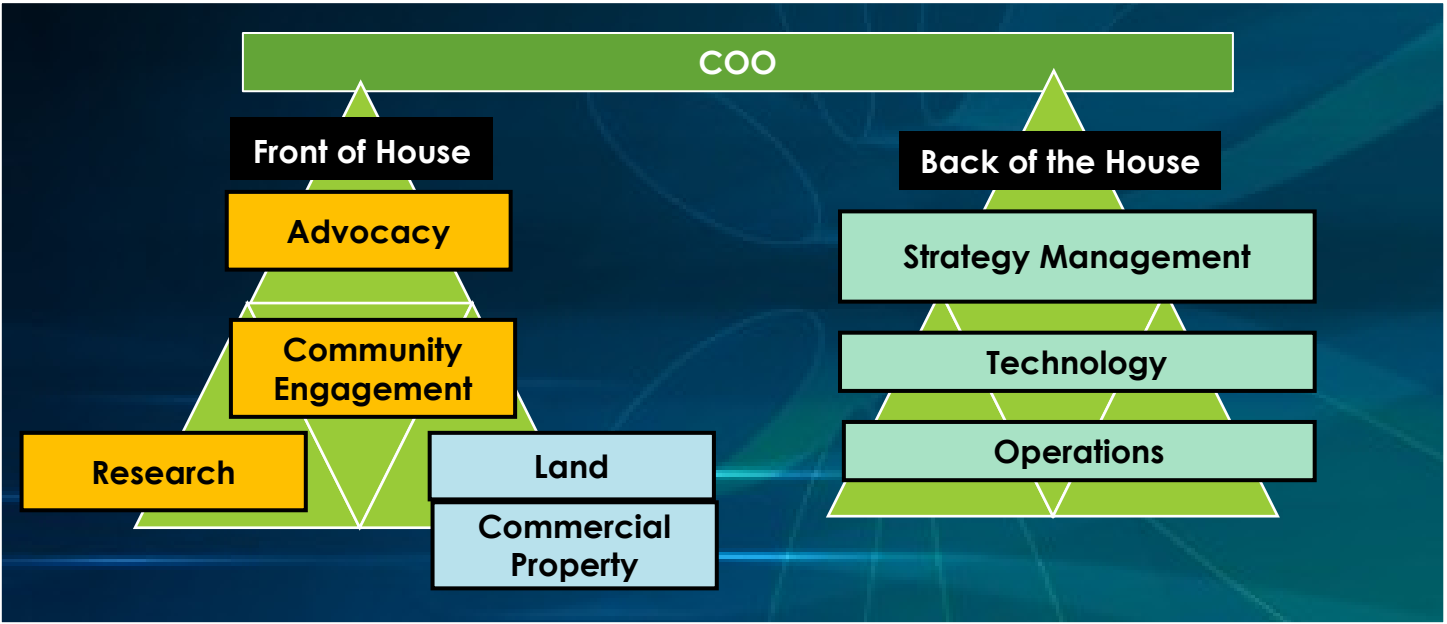
Functional Org Chart

CEO

Beneficiary Services
Communications

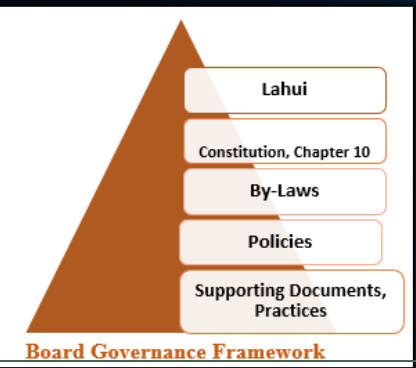
General Counsel
Corporate Counsel
Human Resources
Risk Management
Records Management
Policy, Compliance & Contract Management

CFO
Accounting
Finance & Treasury
Procurement
Investments
Grants

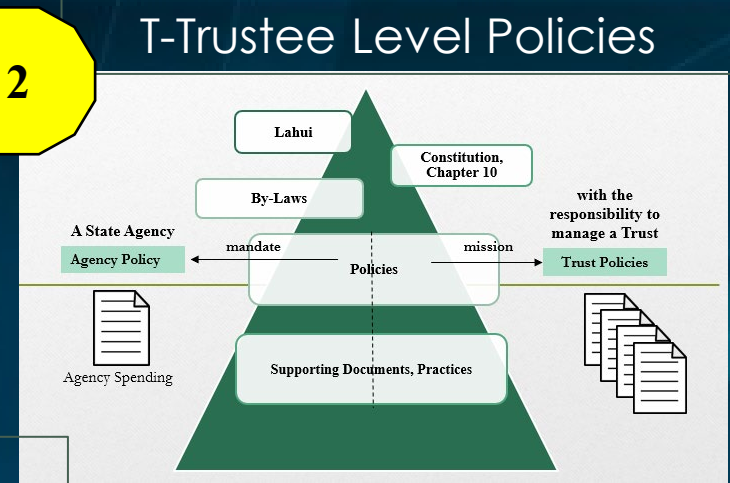
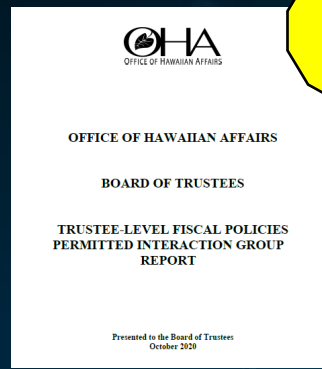


For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.



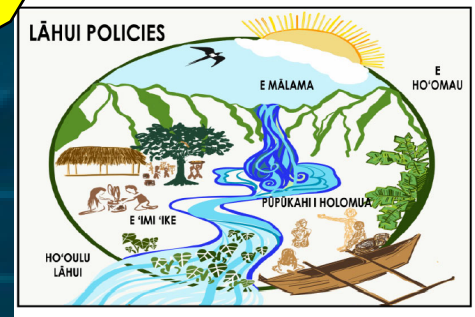


Policy Framework



1

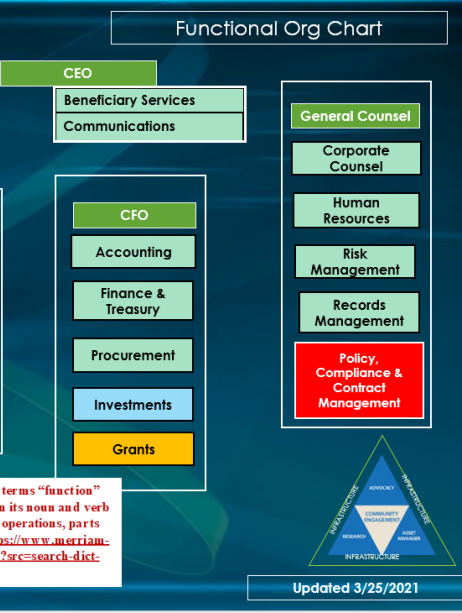
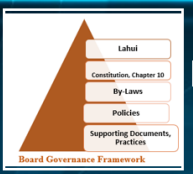
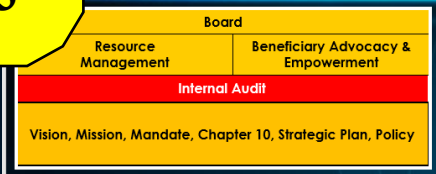
L-Lāhui Level Policies



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



C-CEO Level Policies



3a



Policy Inventory

3b



Procedures

Business Processes



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

4

5



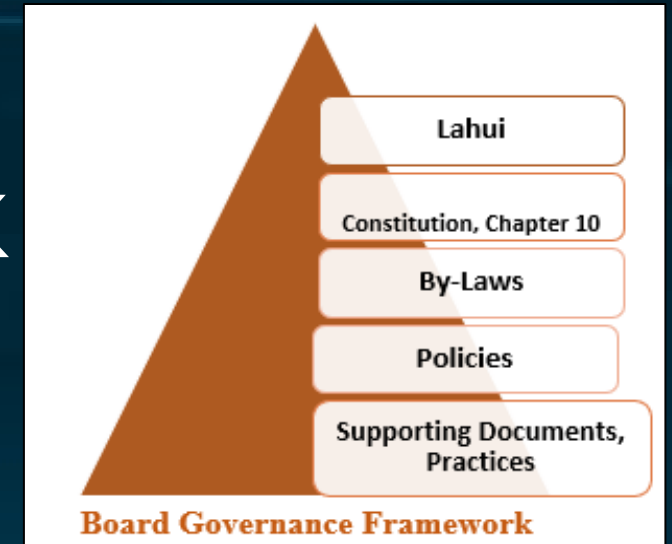
Manuals, Documentation, Systems

A stylized, abstract illustration of a flower or plant in shades of blue and teal, centered on a dark blue background. The petals are elongated and layered, creating a sense of depth and movement. The overall aesthetic is modern and artistic.

He Ninau Kau

Board of Trustees Board Governance Framework Policy Framework

THURSDAY, NOVEMBER 4, 2021

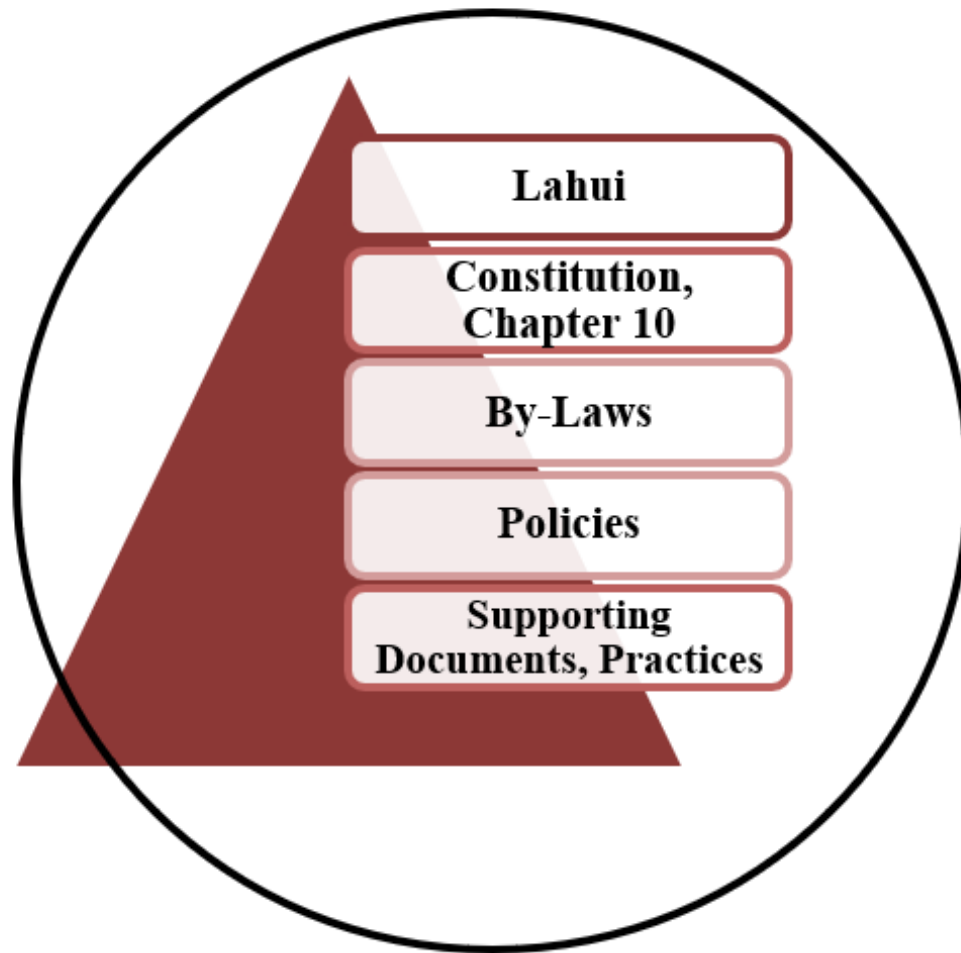


Working Definition of Governance

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

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

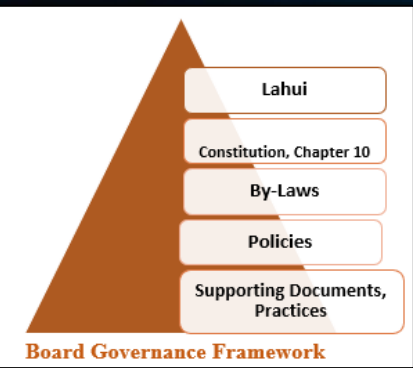
<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019



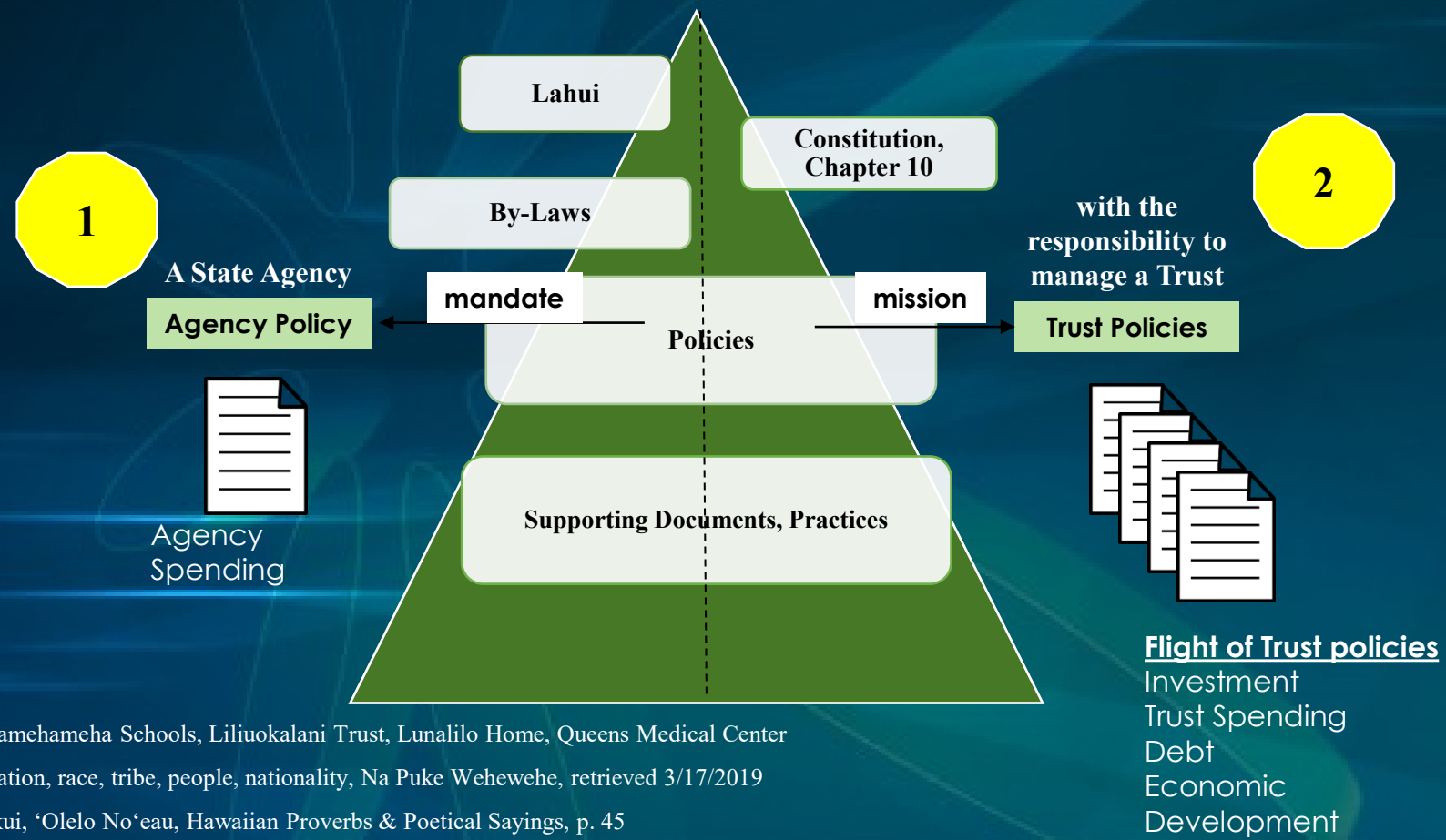
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Element 1: Identity. Ho'oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali'i Trusts⁵ with a lahui⁶ mindset in improving the well-being of our lahui. Such an identity is rooted in the 'ōlelo no'eau, E 'ōpū ali'i, have the heart of a chief, have the kindness, generosity, and even temper of a chief, 'ōlelo no'eau 369⁷. OHA's

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



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



[1] - Kamehameha Schools, Liliuokalani Trust, Lunalilo Home, Queens Medical Center

[2] - Nation, race, tribe, people, nationality, Na Puke Wehewehe, retrieved 3/17/2019

[3] Pukui, ‘Olelo No‘eau, Hawaiian Proverbs & Poetical Sayings, p. 45

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

Element 2: Values and Mana

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

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459⁸.



OHA CORE VALUES

KŪLIA	KĀKOU	PONO	HO'OMAU	ALOHA
Innovation Excellence	Collaboration Cooperation Unity	Integrity Truth	Legacy	Respect Value

'O ke kahua ma mua, ma hope ke Kūkulu.

E ho'ōikaika ana i nā Kānaka i mana ka lāhui.

In addition, the concept of mana⁹, often oversimplified as "power", belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

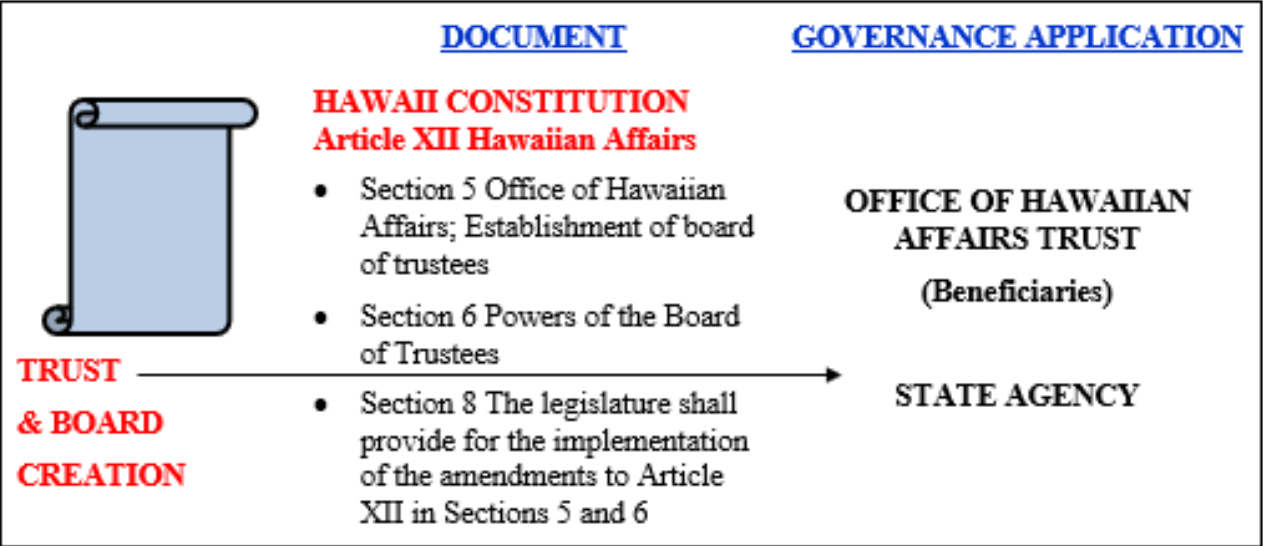
Mana as Capital. The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

Mana – OHA will:

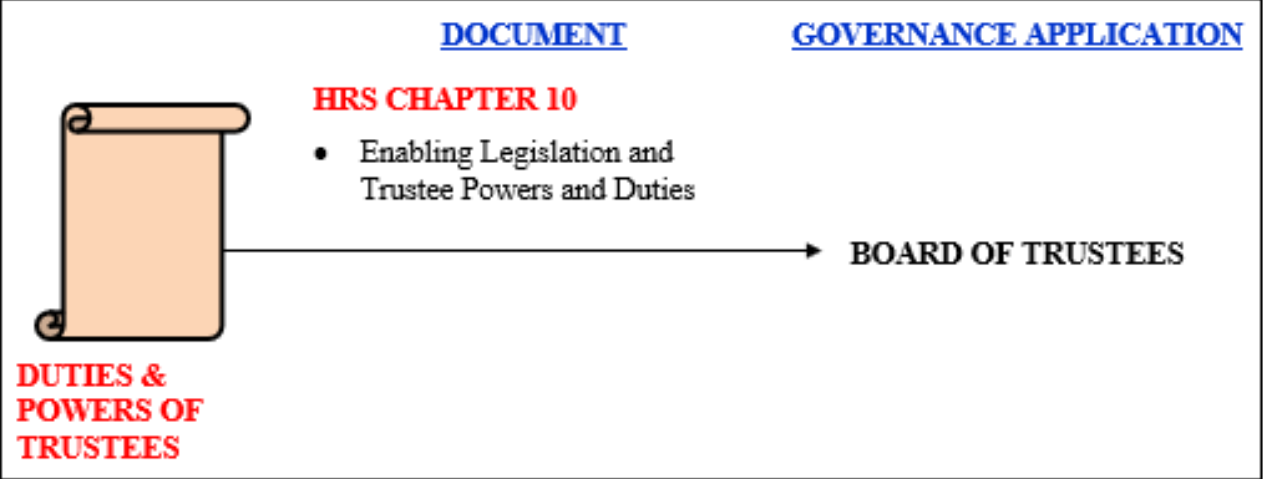


- Build upon the wisdom of our ancestors;
- Build upon the patriots who came before us; and
- Acquire and grow its mana as it strives to serve for the betterment of Hawaiians.

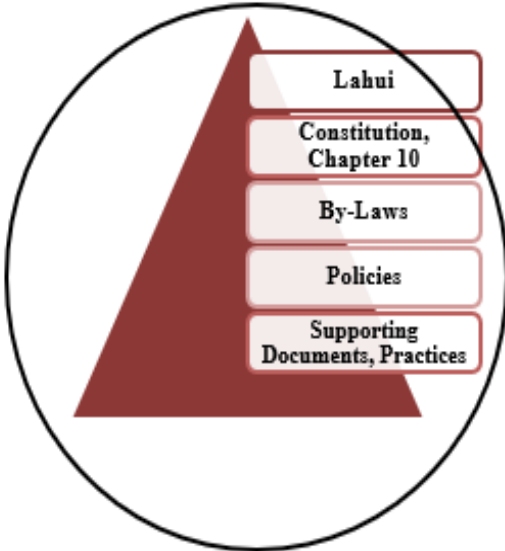
Element 3: Statutory Basis OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



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



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



Element 4: Policies¹⁰. The PIG recommends that OHA policies be organized into three tiers: L-Lahui¹¹, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

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

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



IV. Funding Source:

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

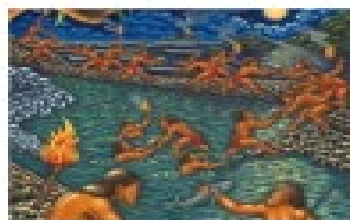
OHA CORE VALUES

KŪLIA



*Innovation
Excellence*

KĀKOU



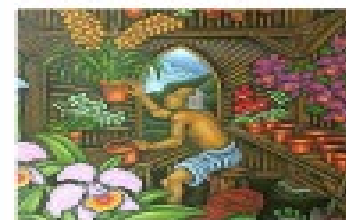
*Collaboration
Cooperation
Unity*

PONO



*Integrity
Truth*

HO'OMAU



Legacy

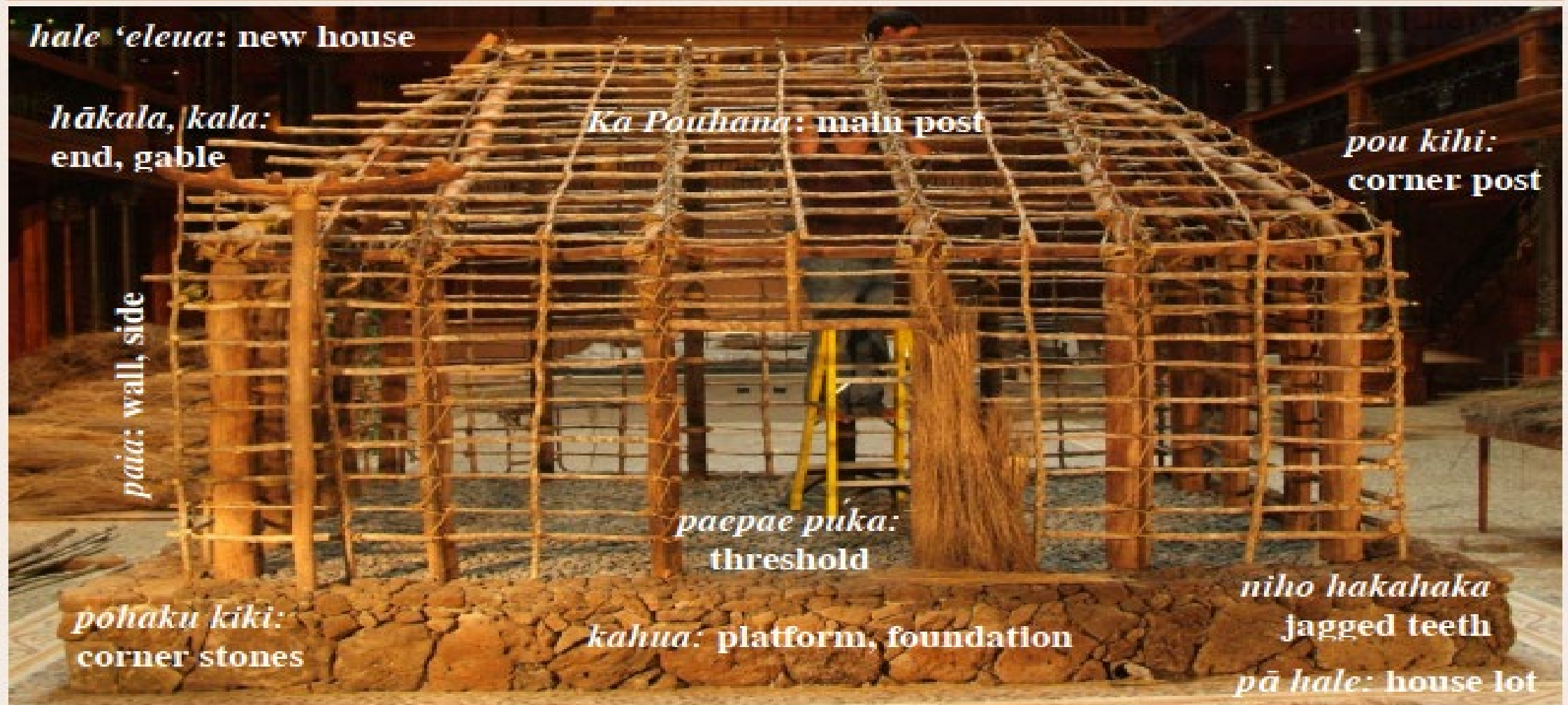
ALOHA



*Respect
Value*

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

OHA HALE MODEL



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

Lahui

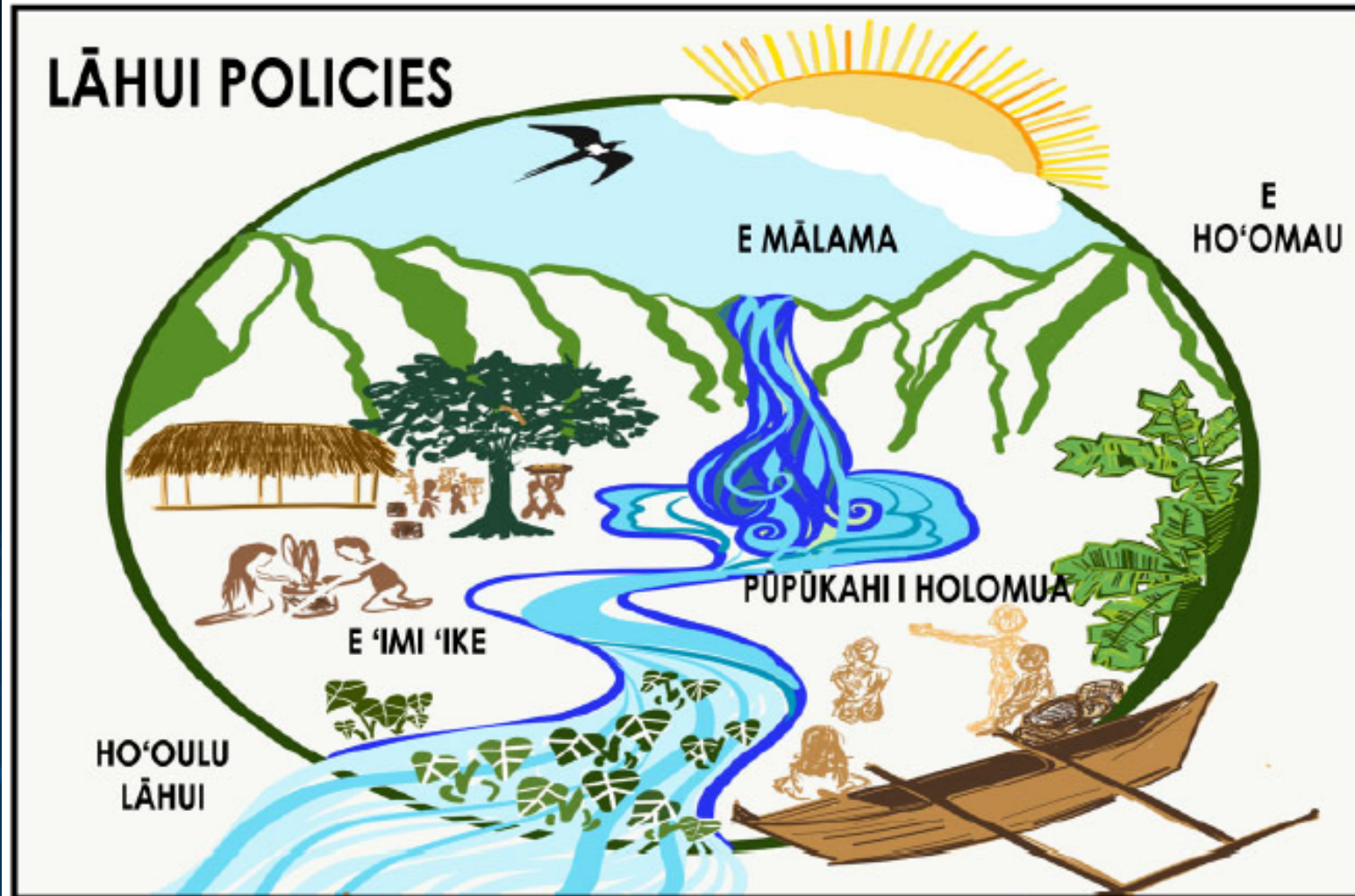
Constitution, Chapter 10

By-Laws

Policies

Supporting Documents,
Practices

Board Governance Framework



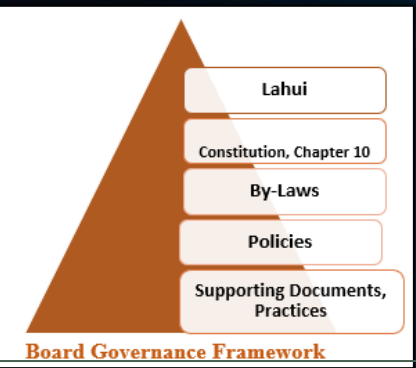
(1) E Malama
(to protect)

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

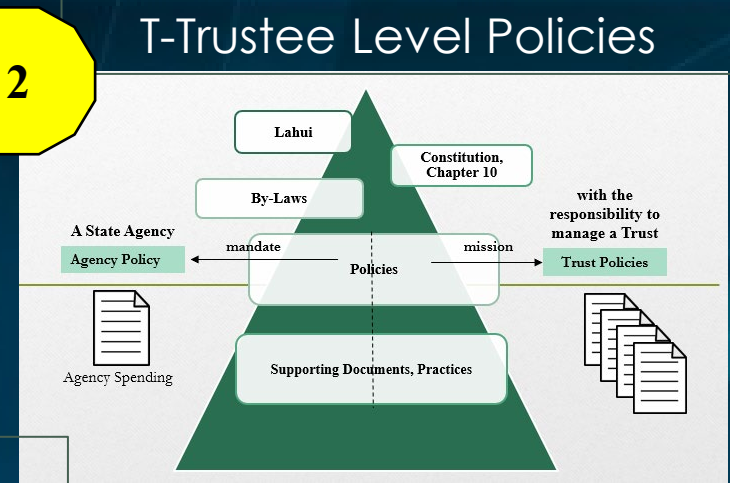
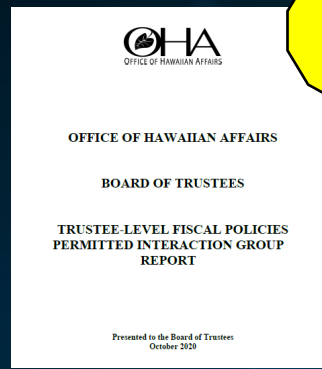
**(3) E Pupukahi i
Holomua**
(to unite in order
to progress);

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

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

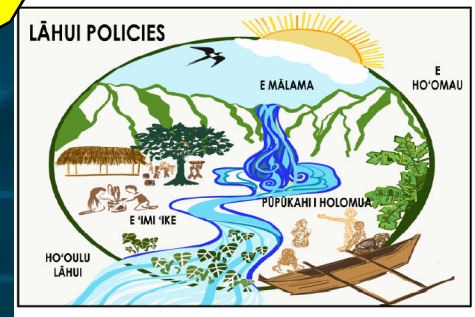


Policy Framework



1

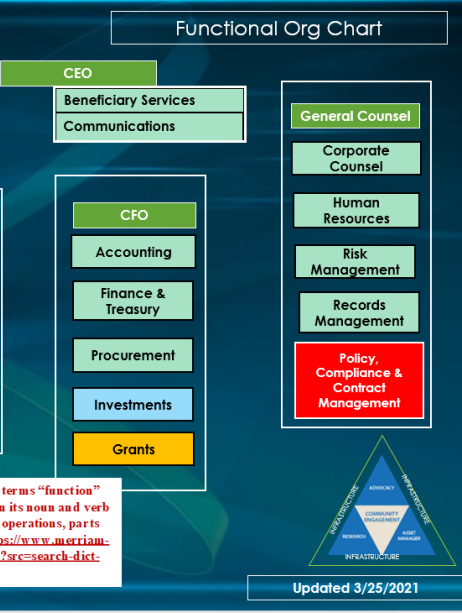
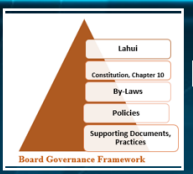
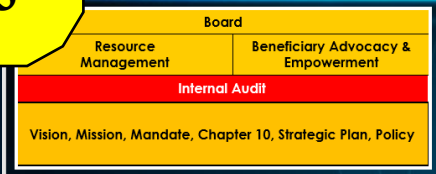
L-Lahui Level Policies



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



C-CEO Level Policies



3a



Policy Inventory

3b



Procedures

Business Processes



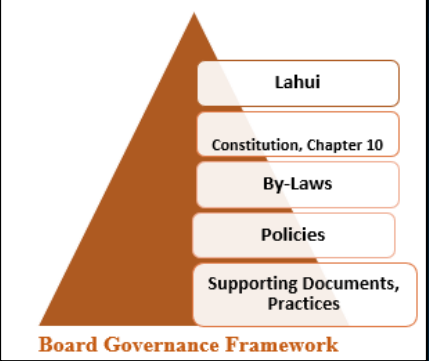
Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

4

5

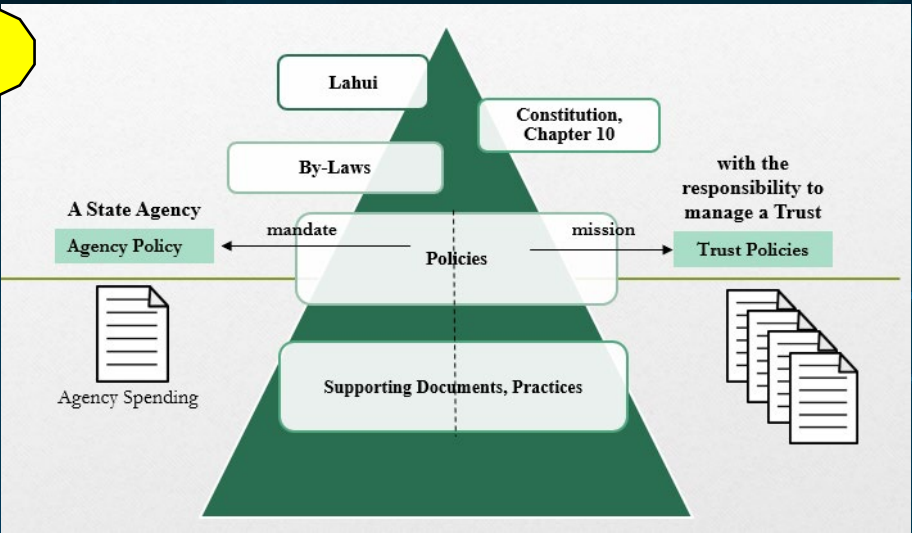


Manuals, Documentation, Systems

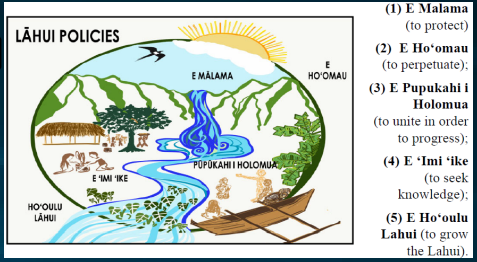


AS IS

2



1



Executive Policy Manual

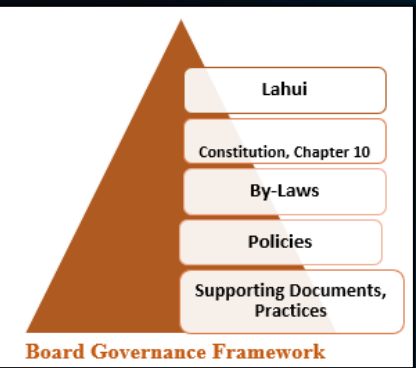
BOT Operations Policy



Series 1000 Board of Trustees

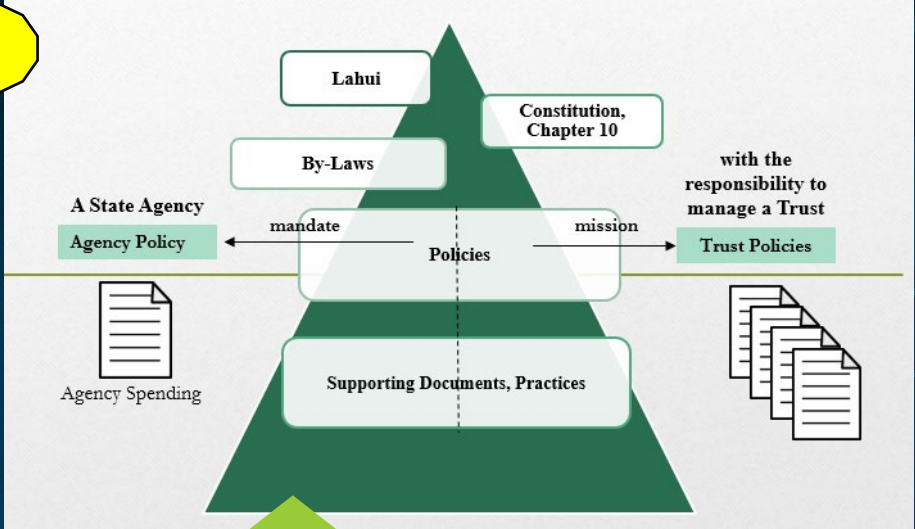


Series 2000 Beneficiary Support and Services

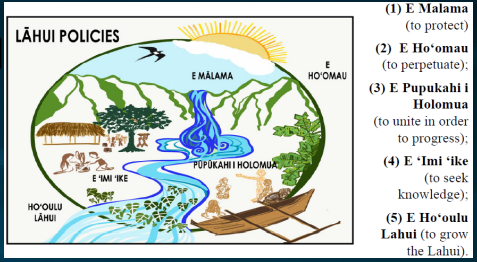


AS IS

2



1



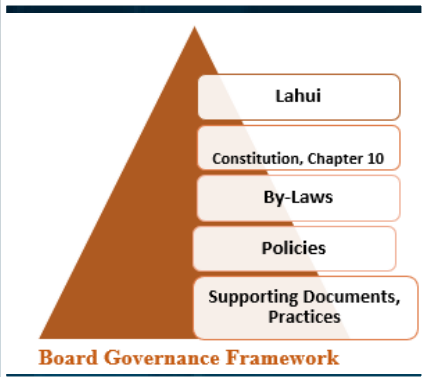
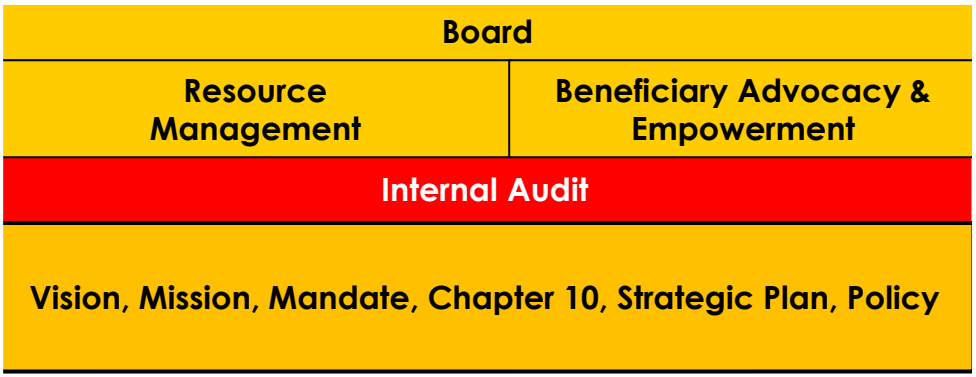
Executive Policy Manual

BOT Operations Policy



Series 3000 Administration

Series 4000 General Policies



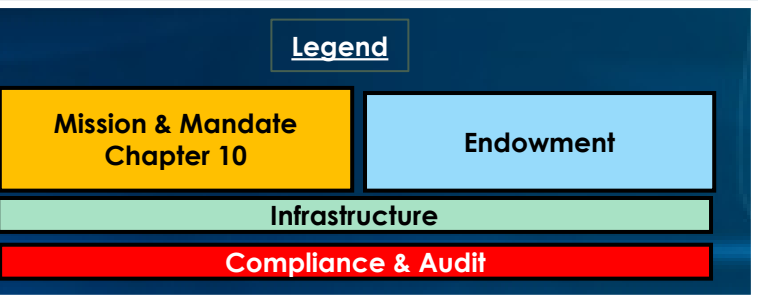
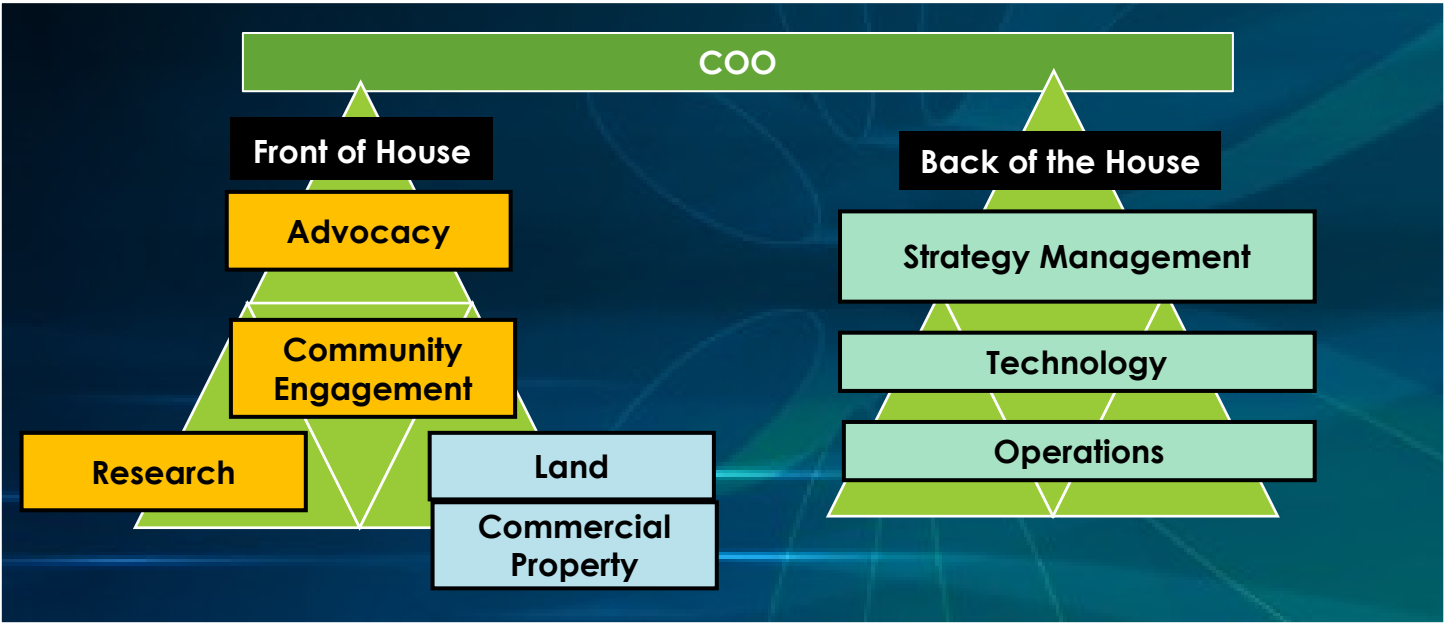
Functional Org Chart

CEO

Beneficiary Services
Communications

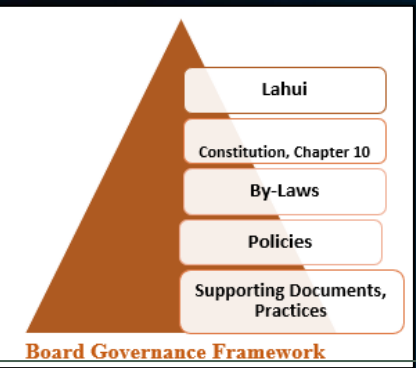
General Counsel
Corporate Counsel
Human Resources
Risk Management
Records Management
Policy, Compliance & Contract Management

CFO
Accounting
Finance & Treasury
Procurement
Investments
Grants

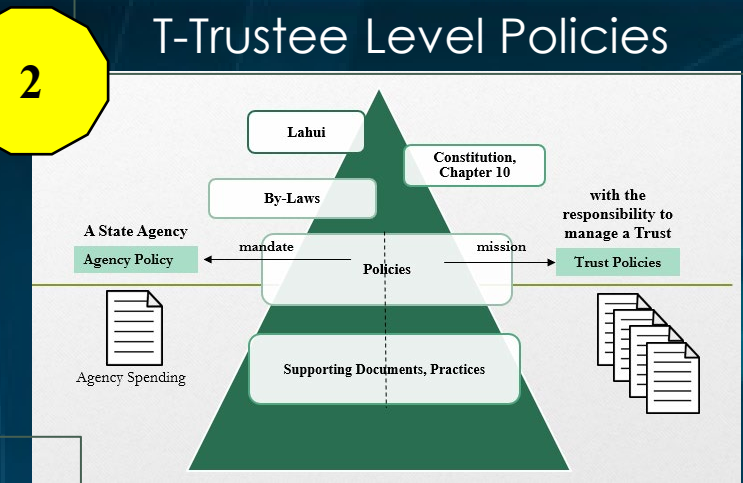
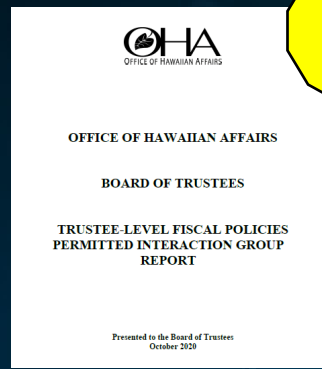


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Policy Framework



1

L-Lāhui Level Policies

LĀHUI POLICIES

E MĀLAMA
E HO'OMAU
E 'IMI 'IKE
HO'OU LU LĀHUI
PUPUKAHI I HOLOMUA

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



C-CEO Level Policies

3

Board Governance Framework

Functional Org Chart

Board

- Resource Management
- Beneficiary Advocacy & Empowerment
- Internal Audit
- Vision, Mission, Mandate, Chapter 10, Strategic Plan, Policy

CEO

- Beneficiary Services
- Communications
- CFO
- Accounting
- Finance & Treasury
- Procurement
- Investments
- Grants

COO

- Front of the House: Advocacy, Community Engagement, Research
- Back of the House: Strategy Management, Technology, Operations
- Land, Commercial Property

General Counsel

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

Legend

- Mission & Mandate Chapter 10
- Endowment
- Infrastructure
- Compliance & Audit

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

Updated 3/25/2021

3a

Policy Inventory

3b

Procedures Business Processes

5

Systems, Documentation, Desktop Procedures, Manuals,

4

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

Policy B-2021-001

Policy Framework Implementation (Policy of Policies)

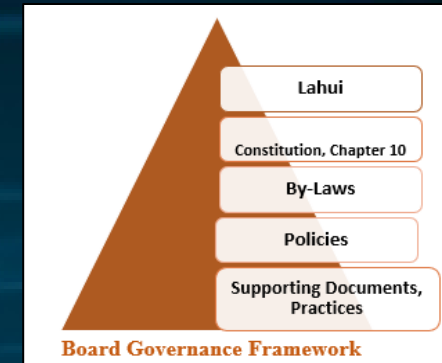
DRAFT

Policy B-2021-002

Retention and Delegation of Authority - Trustees

DRAFT

Action Item



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



He Ninou Kau



Policy Framework Implementation

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

Effective Date: Upon 2nd reading of the Policy by the Board of Trustees

Scope: Organization

Date Reviewed/Revised: 2nd reading date of the Policy by the Board of Trustees

Responsible Organizational Unit: Board of Trustees

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

Policy Administrator or Owner: Board Chair

I. POLICY AND GENERAL STATEMENT

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

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

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

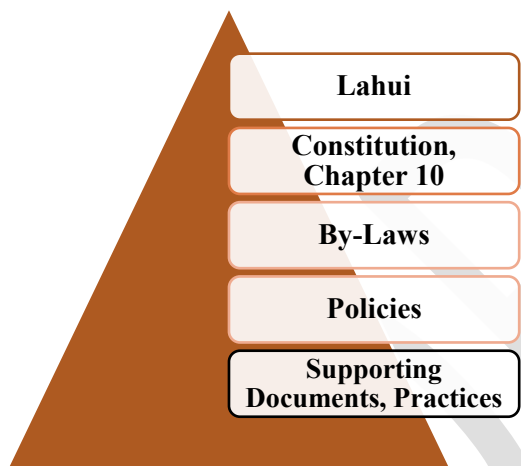
II. DEFINITIONS

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

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

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

III. MO‘OKŪ‘AUHAU – Board Governance Framework



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

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

IV. SCOPE AND DELEGATION OF AUTHORITY

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

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

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

IV. RELATED POLICIES

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

V. CONTACTS

The Policy Administrator or Owner is:

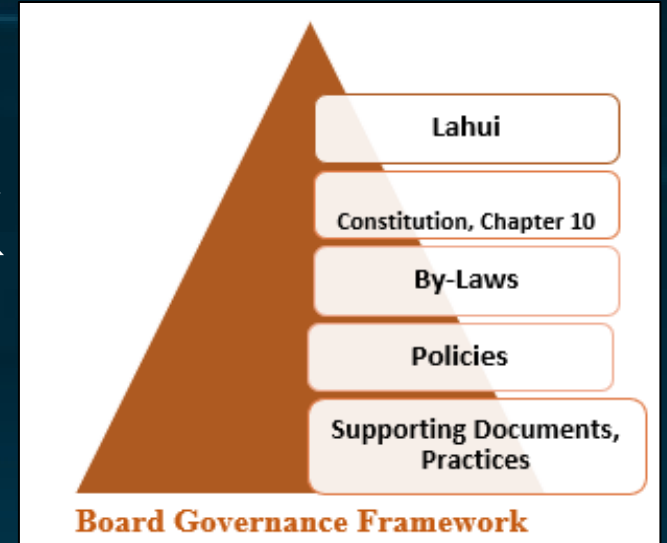
Organizational Unit	Position
Board of Trustees	Board Chair

VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK

² HRS §10-3; *see also* HRS §10-1.

Board of Trustees Board Governance Framework Policy Framework

POLICY B-2021-001 EXHIBIT





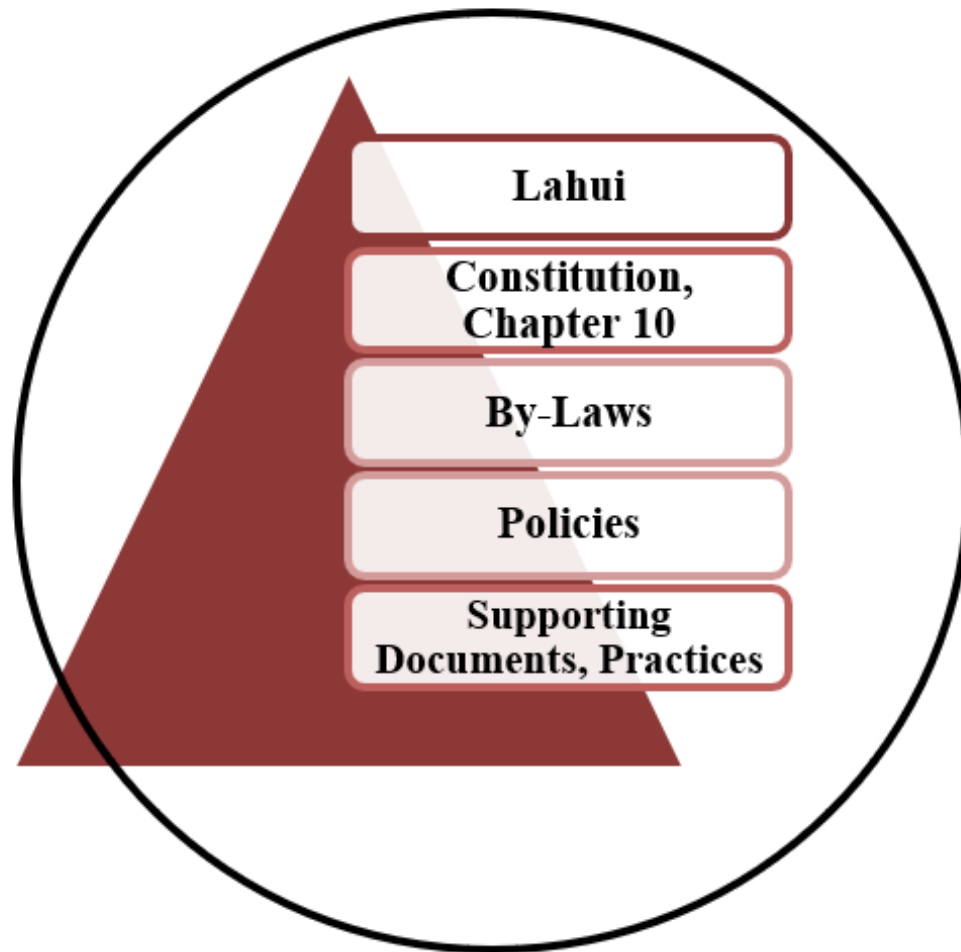
BOARD GOVERNANCE FRAMEWORK

Working Definition of Governance

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

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

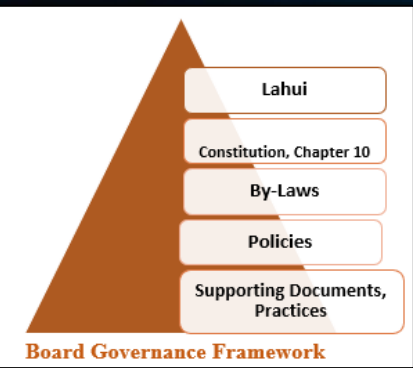
<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019



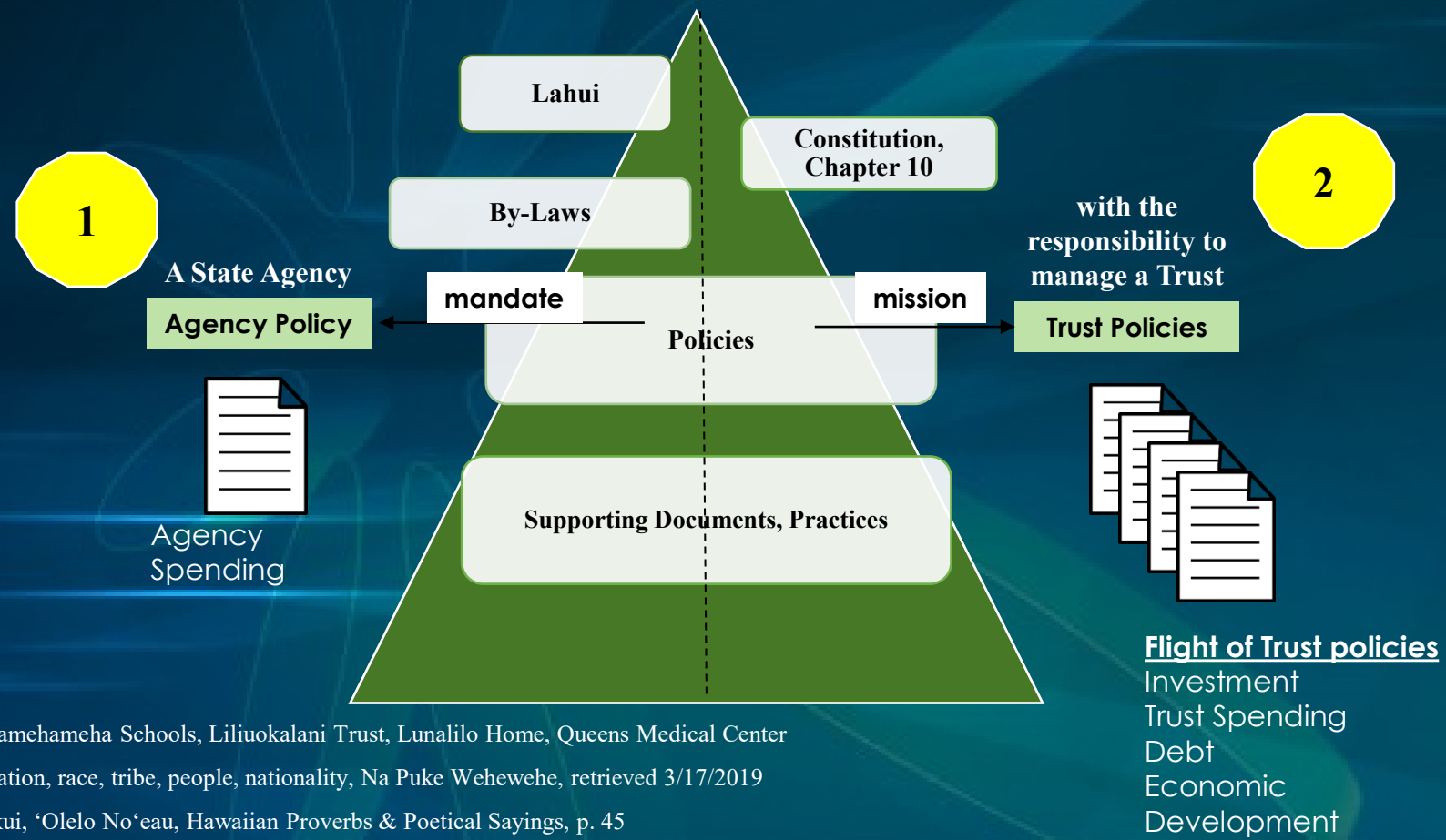
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

Element 1: Identity. Ho'oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali'i Trusts⁵ with a lahui⁶ mindset in improving the well-being of our lahui. Such an identity is rooted in the 'ōlelo no'eau, E 'ōpū ali'i, have the heart of a chief, have the kindness, generosity, and even temper of a chief, 'ōlelo no'eau 369⁷. OHA's

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



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



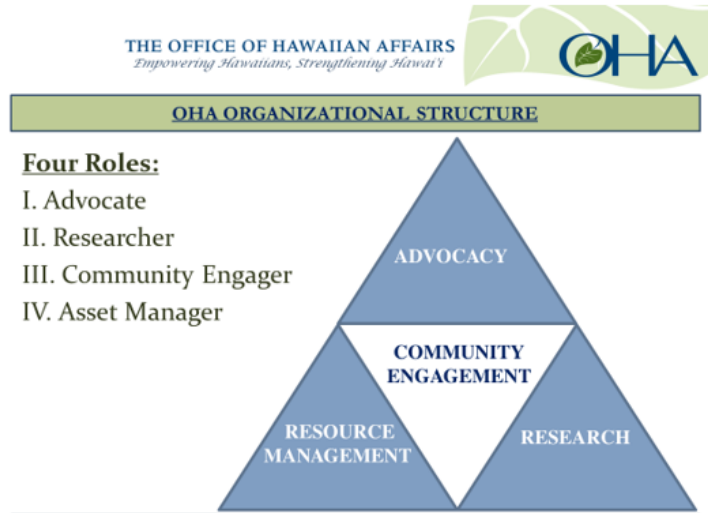
[1] - Kamehameha Schools, Liliuokalani Trust, Lunalilo Home, Queens Medical Center
[2] - Nation, race, tribe, people, nationality, Na Puke Wehewehe, retrieved 3/17/2019
[3] Pukui, ‘Olelo No‘eau, Hawaiian Proverbs & Poetical Sayings, p. 45

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

Element 2: Values and Mana

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

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459⁸.



OHA CORE VALUES

KŪLIA	KĀKOU	PONO	HO'OMAU	ALOHA
Innovation Excellence	Collaboration Cooperation Unity	Integrity Truth	Legacy	Respect Value

'O ke kahua ma mua, ma hope ke Kūkulu.

E ho'ōikaika ana i nā Kānaka i mana ka lāhui.

In addition, the concept of mana⁹, often oversimplified as “power”, belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

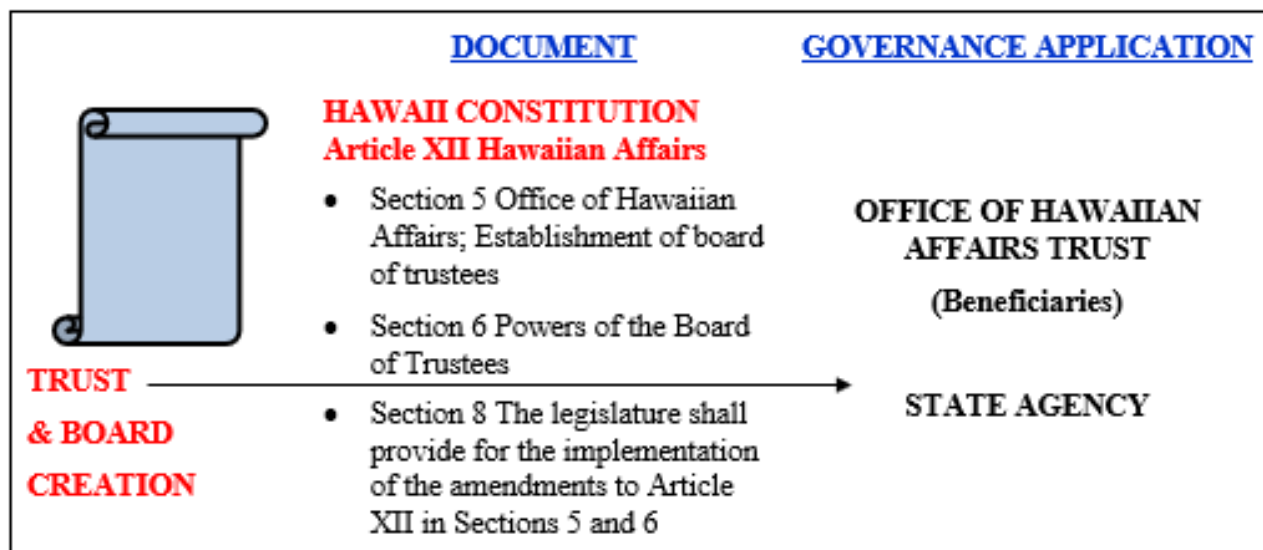
Mana as Capital. The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

Mana – OHA will:

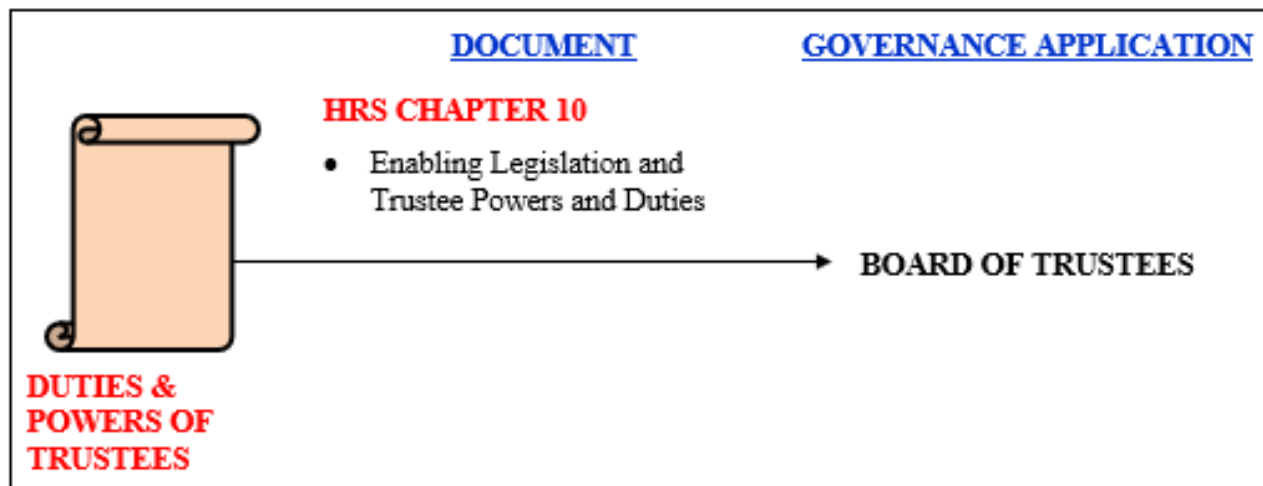


- Build upon the wisdom of our ancestors;
- Build upon the patriots who came before us; and
- Acquire and grow its mana as it strives to serve for the betterment of Hawaiians.

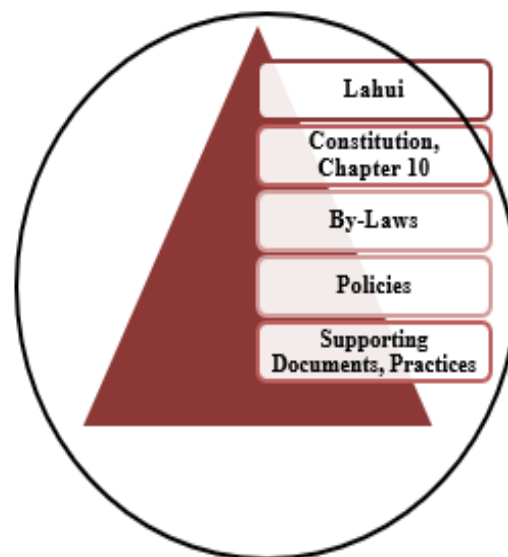
Element 3: Statutory Basis OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



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



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



Element 4: Policies¹⁰. The PIG recommends that OHA policies be organized into three tiers: L-Lahui¹¹, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

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

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



IV. Funding Source:

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

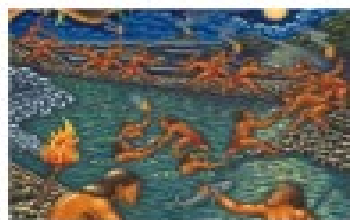
OHA CORE VALUES

KŪLIA



*Innovation
Excellence*

KĀKOU



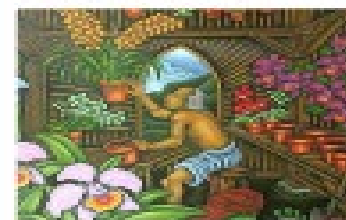
*Collaboration
Cooperation
Unity*

PONO



*Integrity
Truth*

HO'OMAU



Legacy

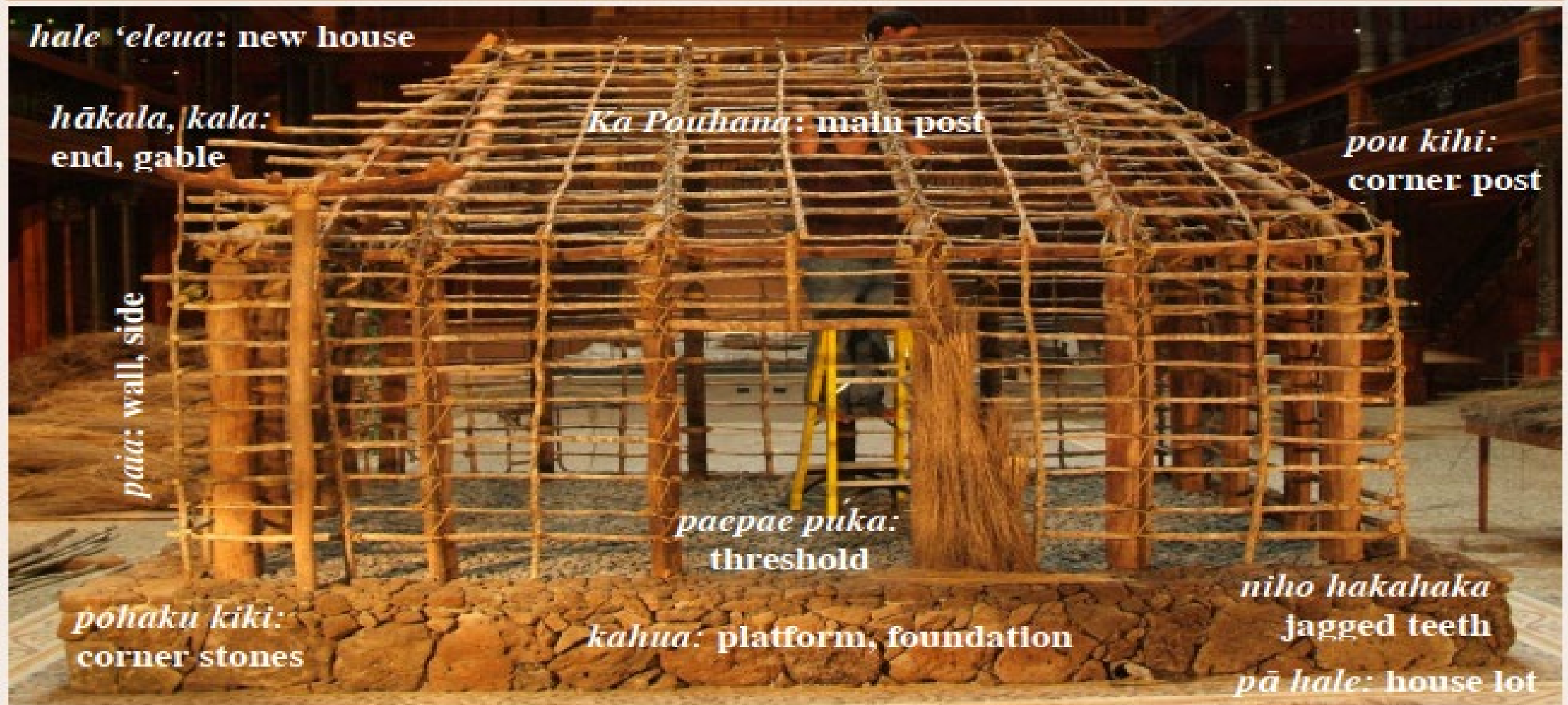
ALOHA



*Respect
Value*

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

OHA HALE MODEL



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

Lahui

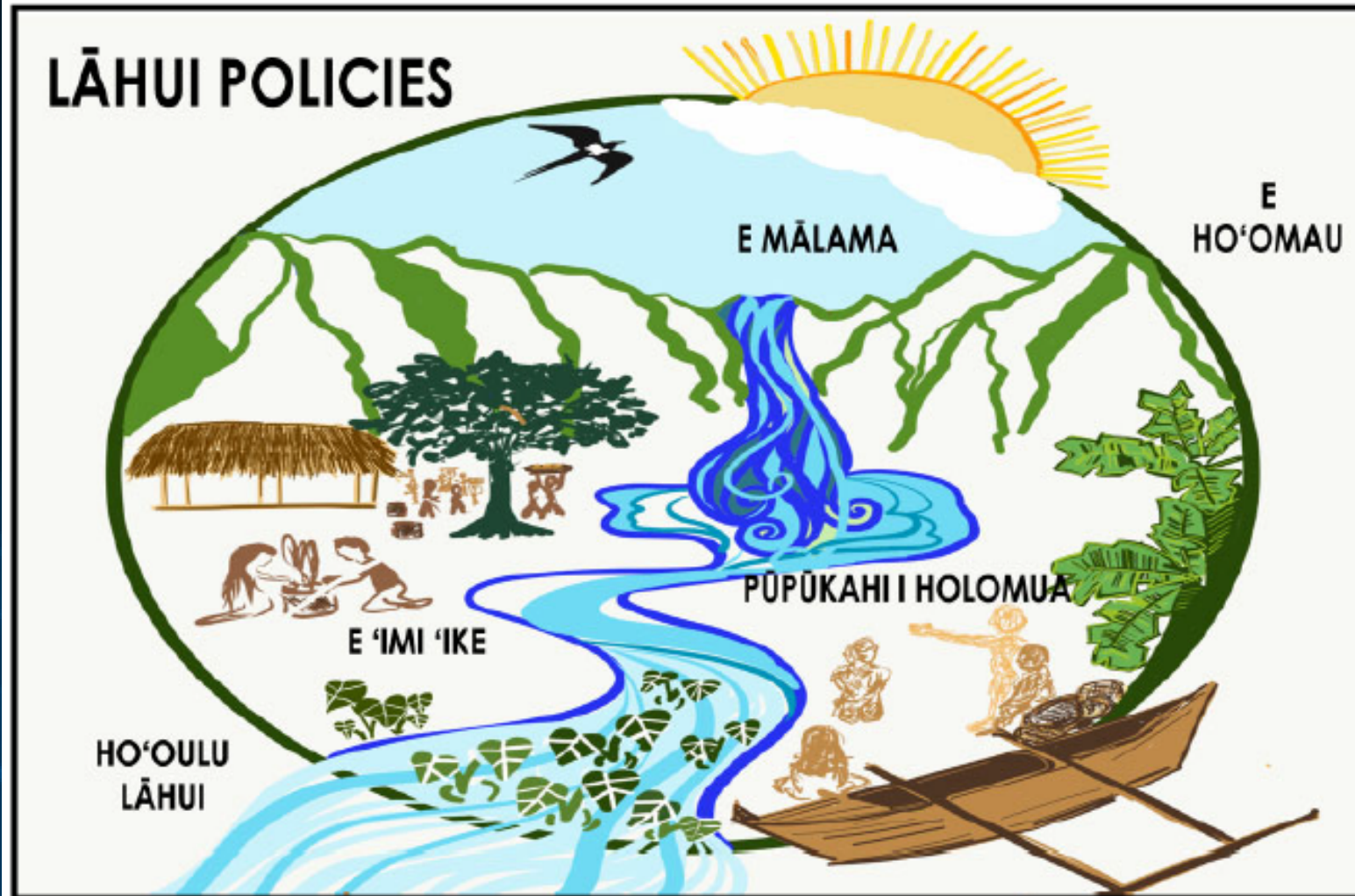
Constitution, Chapter 10

By-Laws

Policies

Supporting Documents,
Practices

Board Governance Framework



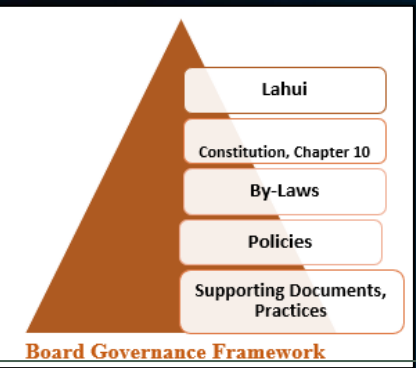
(1) E Malama
(to protect)

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

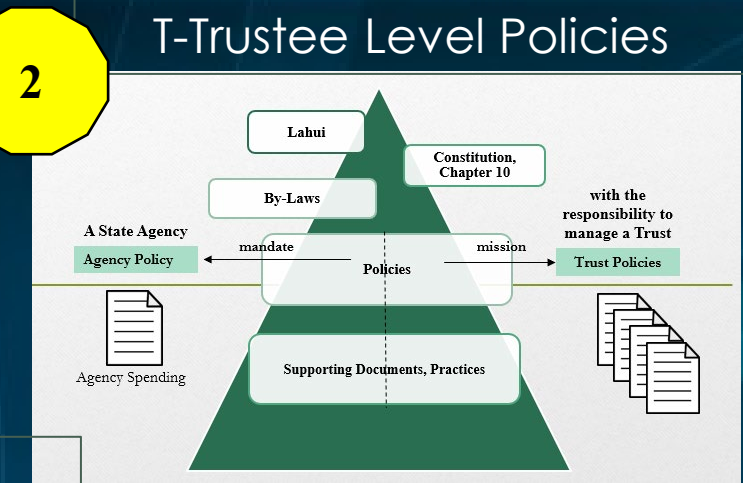
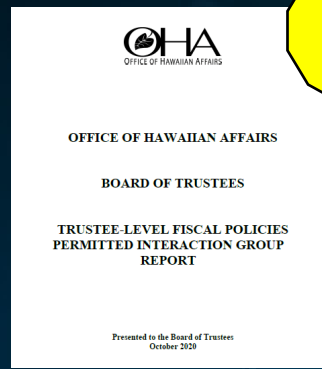
**(3) E Pupukahi i
Holomua**
(to unite in order
to progress);

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

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

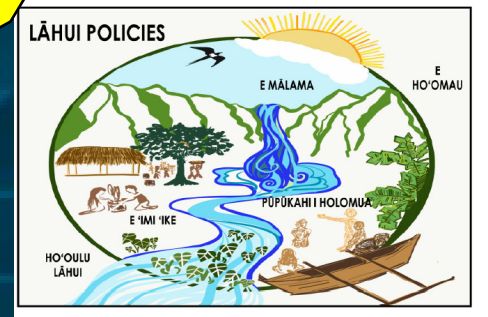


Policy Framework



1

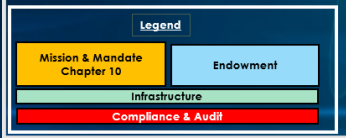
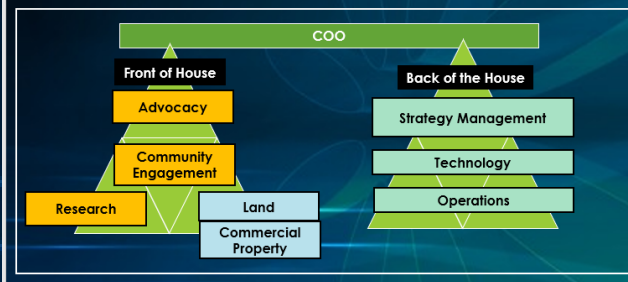
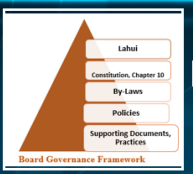
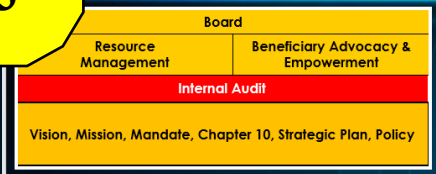
L-Lahui Level Policies



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



C-CEO Level Policies



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



3a



3b

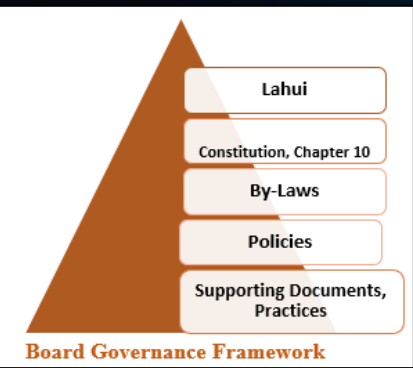


5



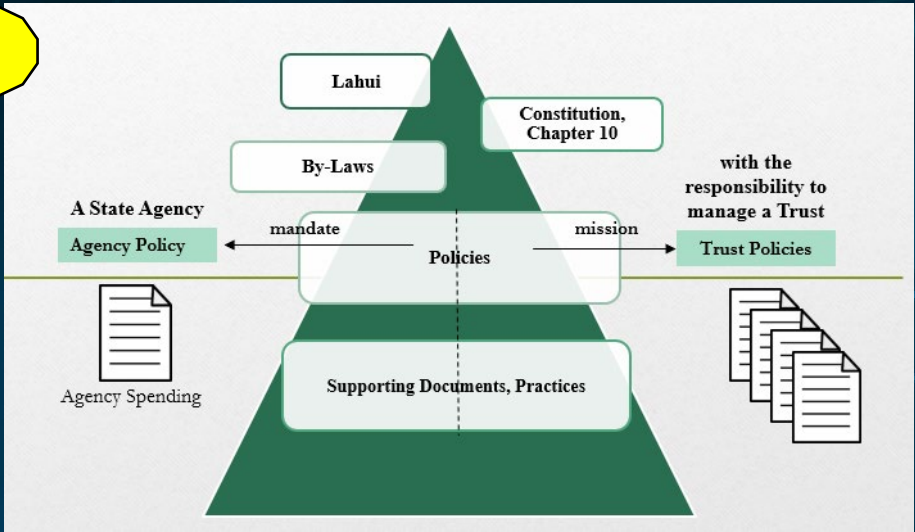
4



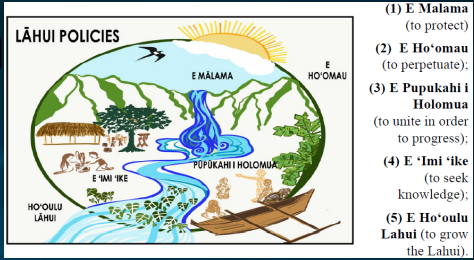


AS IS

2



1



Executive Policy Manual

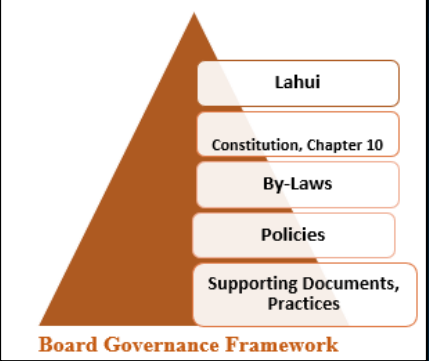
BOT Operations Policy



Series 1000 Board of Trustees

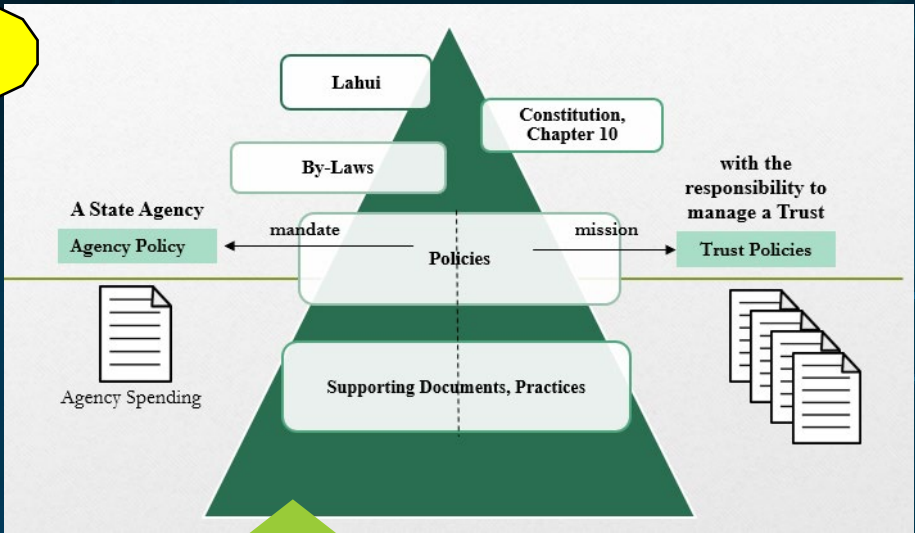


Series 2000 Beneficiary Support and Services

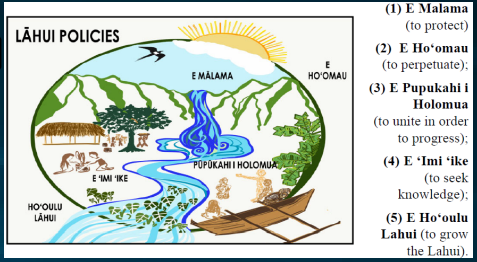


AS IS

2



1



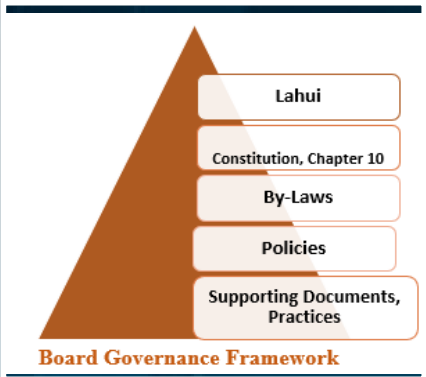
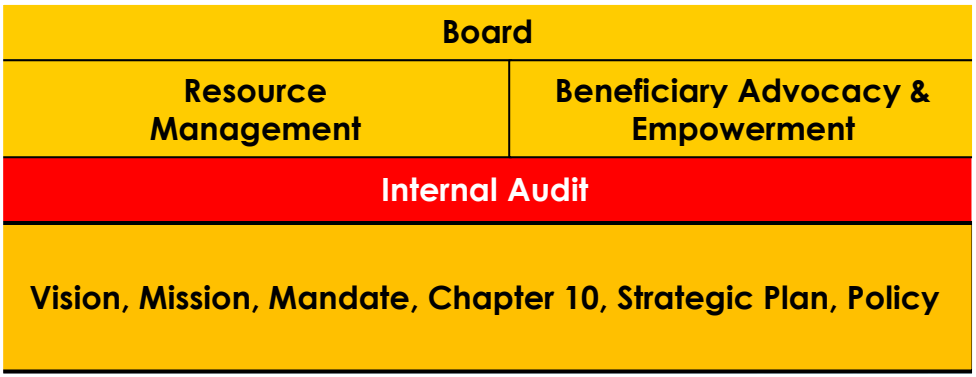
Executive Policy Manual

BOT Operations Policy



Series 3000 Administration

Series 4000 General Policies



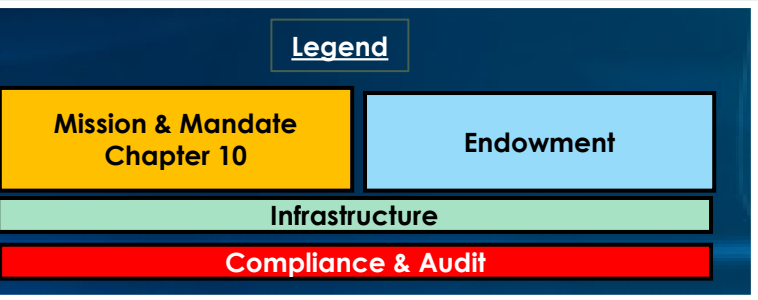
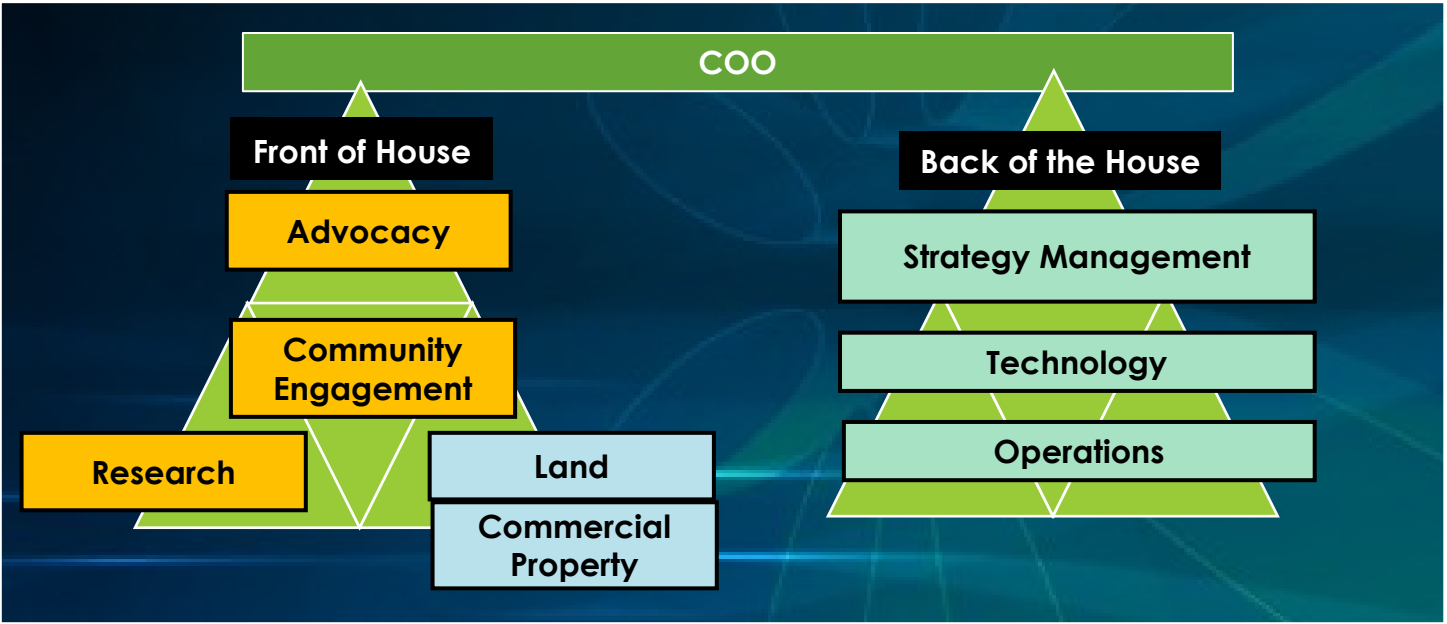
Functional Org Chart

CEO

Beneficiary Services
Communications

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

CFO
Accounting
Finance & Treasury
Procurement
Investments
Grants

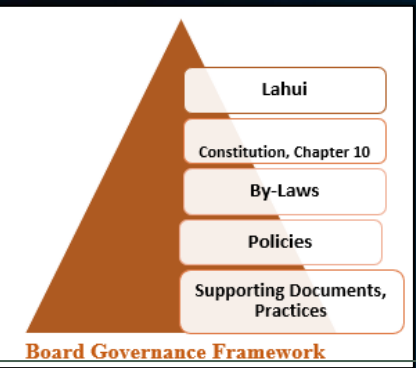


For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.

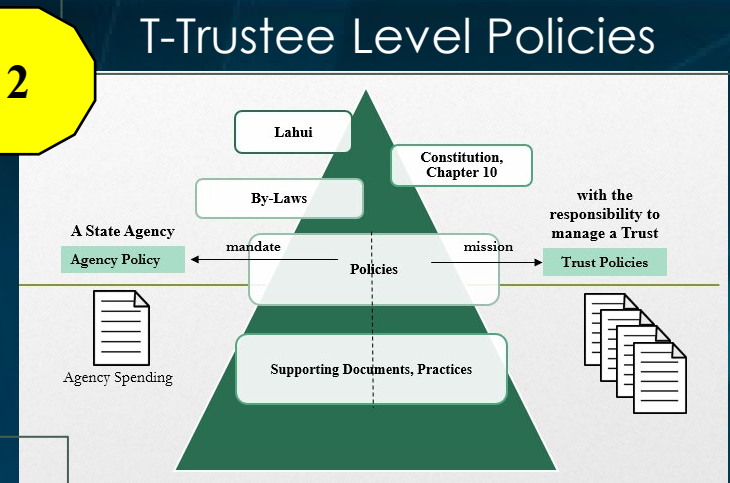
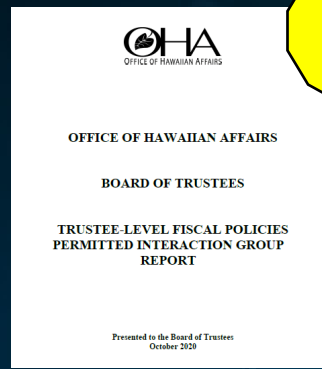


A stylized, abstract illustration of a flower or plant in shades of blue and teal, centered on a dark blue background. The petals are elongated and pointed, radiating from a central point.

POLICY FRAMEWORK

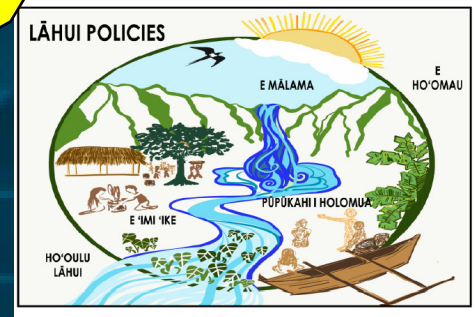


Policy Framework



1

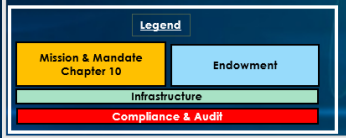
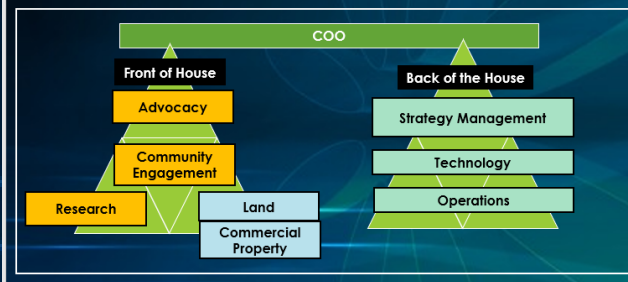
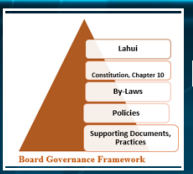
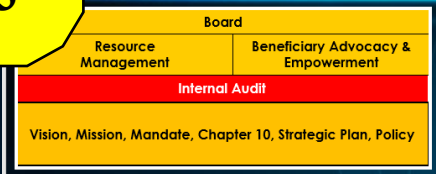
L-Lāhui Level Policies



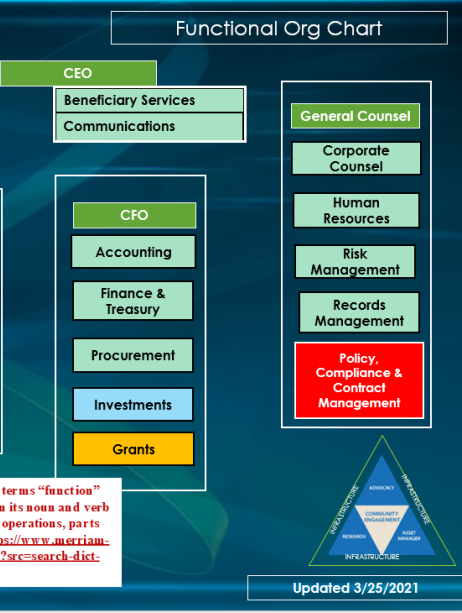
- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lāhui (to grow the Lāhui).



C-CEO Level Policies



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



3a



3b



5



4



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

PAU



Retention and Delegation of Authority Policy Trustees

Policy B-2021-002

Retention and Delegation of Authority Policy - Trustees

Effective Date: Upon 2nd reading of the Policy by the Board of Trustees

Subject: Trustee Level

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

Date Reviewed/Revised: TBD

Responsible Organizational Unit: Board

Next Scheduled Review Date: 2 years from the effective date

Policy Administrator: Board Chair

I. POLICY AND GENERAL STATEMENT

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

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

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

II. DEFINITIONS

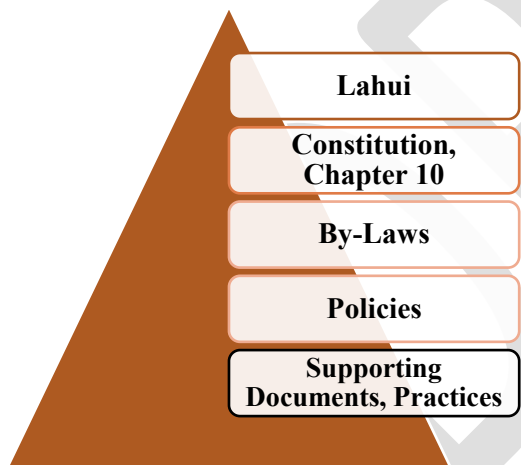
- A. Lāhui:** A term or descriptor that should not be conceived of as having multiple meanings, but rather as having a meaning that encompasses and includes concepts that require multiple words in English; and have different meanings such as “nation” and “race.” In using the word “lāhui,” we did not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

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

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

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

III. MO‘OKŪ‘AUHAU – Board Governance Framework



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

IV. SCOPE AND DELEGATION OF AUTHORITY

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

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

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

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

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

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

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

³ [HRS §10-6\(a\)\(1\)](#).

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

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

Role/Function		Retain or Delegate
	<p>the members of the board of trustees, except as provided under subsection (b). (b) In matters of tort, the office, its officers and employees and the members of the board shall be subject to suite only in the manner provided for suits against the State under chapter 662. (c) In matters of misapplicaiton of funds and resources in breach of fidcuicary duty, board members shall be subject to suite brought by any beneficiary of the public trust entrusted upon the office, either through the office of the attorney general or through private counsel. (d) In matters involving other forms of remedies, the office, its officers and employees, and the members of the board shall be subject to suit as provided by any other provision of law and by the common law.</p>	<p>except for non-Administrator employee, employment related suits.</p>
<p>J. Grants⁴; conditions and qualifications</p>	<p>[§10-17] (a) Applications for grants shall be made to the office and contain such information as the office shall require. At a minimum, the applicant shall show: (1) The name of the requesting organization or individual; (2) The purpose for the grant; (3) The service to be supported by the grant; (4) The target group to be benefited; (5) The cost of the grant; (6) That the grant shall be used for activities that are consistent with the purposes of this chapter; (b) Grants shall only be awarded if: (1) The applicant has applied for or received all applicable licenses and permits, when such is required to conduct the actiities or provide the services for which a grant is awarded; (2) The applicant agrees to comply with applicable federal, state, and county laws; (3) The grant shall not be used for purposes of entertainment or perquisites; (4) All activities and improvments undertaken with funds received shall comply with all applicable federal, state, and county statutes and ordinances, including applicable building codes and agency rules; and (5) The applicant will indemnify and</p>	<p>Retain, Chapter 10-17 Policy, subject to Board delegation of operational aspects to Administration to implement Chapter 10-17 grant processes.</p>

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

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

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

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

IV. RELATED POLICIES

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



V. CONTACTS

The Policy Administrator or Owner is:

Organizational Unit	Position
Board of Trustees	Board Chair

VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK

DRAFT



Retention and Delegation of Authority Policy Administrator

Policy C-2021-001

Retention and Delegation of Authority Policy - Administrator

Effective Date: Upon CEO memo, as updated.

Subject: Administrator, CEO Level

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

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

Responsible Organizational Unit:
Administrator, CEO

Next Scheduled Review Date: 2 years from the effective date

Policy Administrator or Owner:
Administrator, CEO

I. POLICY AND GENERAL STATEMENT

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

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

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

II. DEFINITIONS

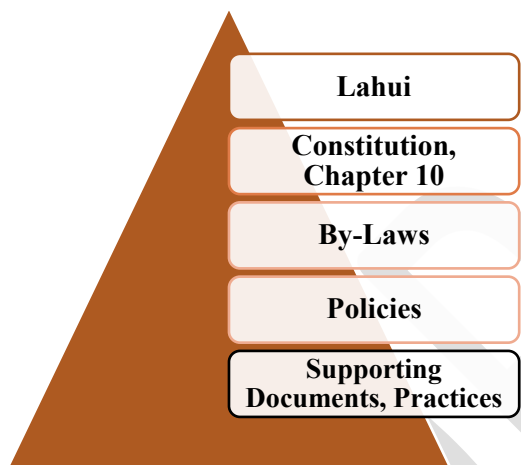
- A. Lāhui:** A term or descriptor that should not be conceived of as having multiple meanings, but rather as having a meaning that encompasses and includes concepts that require multiple words in English; and have different meanings such as “nation” and “race.” In using the word “lāhui,” we did not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

¹ [HRS §10-3](#); see also [HRS §10-1](#).

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

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

III. MO‘OKŪ‘AUHAU – Board Governance Framework



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

IV. SCOPE AND DELEGATION OF AUTHORITY

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

- C. **Delegation of Authority**

Pursuant to the existing OHA Board of Trustees Executive Policy Manual³, paragraph 1.3.1, as amended, the CEO delegates certain signatory authorities to designees, as identified below. Effective January 1, 2022, this revised authority delegation hierarchy supersedes versions dated December 12, 2012, May 19, 2015, October 21, 2015 and July 3, 2018. This current revised Operational Authority Delegation Hierarchy should be used to update all workflows (e.g., manual, electronic).

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

1. GRANTS, INCLUDING SPONSORSHIP APPROVALS

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

2. BUDGET & BUDGET REALIGNMENT APPROVALS

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

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

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

3. PURCHASE REQUISITIONS⁵

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

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

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

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

4. CONTRACT⁸, INCLUDING GRANT AGREEMENTS EXECUTIONS⁹

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

5. DISBURSEMENTS¹²

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

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

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

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

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

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

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

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

6. TRAVEL APPROVALS

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

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

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

7. VACATION REQUESTS

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

IV. RELATED POLICIES

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

V. CONTACTS

The Policy Administrator or Owner is:

Organizational Unit	Position
Administration	Chief Executive Officer

VI. EXHIBIT - BOARD GOVERNANCE FRAMEWORK and POLICY FRAMEWORK