

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)
COMMITTEE ON RESOURCE MANAGEMENT
MINUTES**

June 23, 2021 10:30 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Luana Alapa
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee Keola Lindsey

ADMINISTRATION STAFF:

Sylvia Hussey, CEO / Ka Pouhana / Administrator
Casey Brown, COO / Ka Pou Nui
Erin Nakama, IT
Everett Ohta, Corporation Counsel
Grace Chen, Financial Services
Kai Mana Peres-David, HR
Raina Gushiken, Corporation Counsel
Ramona Hinck, CFO
Tiger Li, IT

COUNSEL:

Anna Elento-Sneed, Esq.
Robert G. Klein, Esq.

GUESTS:

Daniel Kanahela
Germaine Meyers

BOT STAFF:

Crayn Akina
Melissa Wennihan

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Resource Management meeting for Wednesday, June 23, 2021, to order at **10:30 a.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:30 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE CHAIR	LUANA	ALAPA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEOLA	LINDSEY	PRESENT	

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

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

Germaine Meyers: Thank you Chair Waihe'e, Vice-Chair Alapa, Trustees and Lāhui. My name is Germaine Meyers, I am a beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli, Hawaiian Homestead Lessee.

I come before you to testify regarding the Biennium Budget and most especially regarding the doubling of the grants portion. It has never been done before at this rate where it has doubled from the previous biennium and that is right now where my concern lies. I've emailed you all testimony for later with regards to the Joint BAE-RM Committee regarding the COVID grants, but what I'm testifying to you now relates to grants in general as it's listed in the biennium budget, and where my concerns stem from in the increase of it. There's accountability that I'm now questioning.

I made the false assumption, and I guess, untrustworthy trust, or now I am realizing that it was trust that was betrayed in believing that by increasing the grants monies for the community, that it would be reaching to the communities. Last week, as I've seen happening with regards to last week's Board meeting, everything is happening fast, and everything is happening with such short deadlines regarding the biennium budget, etc. I didn't think that it was going to be an issue when I called the Grants Manager after reviewing the packet, with such a short period of time with my responsibilities as a head of my household, and my family, etc.

When I reviewed the packet, I saw what was being recommended for grants, and I was concerned about it, and I contacted the Grants Manager and she was very defensive. To the point where she told me the information that I thought would be transparent and easy to receive; she said that I had to go to UIPA. Hence, I'm still waiting for those documents from the Grants Manager through the UIPA process.

Now I'm questioning –

- *Why is it that it was so difficult?*
- *Or why was there a wall or defensiveness, in asking for transparency and the process how those decisions were made to make those recommendations?*
- *Was DHHL homestead lands where Native Hawaiians are concentrated, taken into consideration?*

So that's why I am concerned that unless the Trustees and Administration address the Grants Manager, I'm concerned in the doubling of the grants, and that it would address the needs of a hui and not the Lāhui.

I think I've been coming to OHA since 2017, with the same concern, that there is equality, that it is fairness, that it's transparency, and most importantly, accountability.

When I asked the Grants Manager for accountability for her decisions, and her recommendations, and how she came to those recommendations to you Trustees, she got defensive and didn't want to answer and said, you're going to have to go through the UIPA process, because I'm not going to give you that information.

I'm coming to you now, looking at the Biennium Budget. I was part of my Neighborhood Board in vetting; and I was excited to see that *Grants* - was going to have more monies.

Germaine Meyers: However, after getting that experience, two days later, with the Grants Manager, now I'm questioning that trust and questioning the Grants Manager. I'm questioning if having more money in the grants part of the budget; if it's going to go too political, now that we're coming to an election year next year.

As we have seen that some in our Hawaiian community had taken CARES ACT money and used it for bribery. I'm concerned now that if Federal monies can be taken from CARES ACT for bribery, that OHA trust monies can be taken, for assisting political alliances to get elected to OHA or other seats, in bribery, etc.

I don't have any evidence of that, but what I do have is our current experiences that we've had with our Hawaiian leaders, and the betrayal, and most especially I have my informed experience with the Grants Manager. So, I come to you with heavy heart, I'm still waiting for the records to be provided to me so that I can provide you with testimony at 1:30 p.m. today.

Now I'm looking at this and the rush to it is so that we don't lose almost \$500,000. Now, I rather the money don't even be taken out of our own Trust and be given for those recommendations as the Grants Manager is asking the Trustees to do before the clock runs out, because that's money that's just being tossed into the wind, if she's not going to give accountability for her decisions, and especially to a beneficiary.

I don't think that I asked her in a manner in which it was other than I only asked her in a manner in asking for answers for her decisions, and I don't think I was wrong to ask for answers in how she made her recommendations.

Thank you, Trustees. I see that my time is out and short time today for you as well; you have many meetings. So, I just thank you and Mahalo for you listening to me today. A hui hou.

Chair Waihe'e: Thank you Germaine.

Daniel Kanahale: Thank you. My name is Daniel Kanahale, I am testifying as an individual on the Biennium Budget. I am a resident of South Maui, I live in the moku of Honua'ula. Honua'ula encompasses Wailea Resort, the lands of Makena, 'Āhihi-Kīna'u and most of the 'Ulupalakua Ranch. It is a moku that has a high concentration of historic and cultural properties and resources. It is a moku that has land that is highly coveted for its real estate and development value.

Much of the lands of South Maui where I live are no longer Hawaiian places; Kihei for example, has been developed beyond recognition. There are very few historic properties preserved in North Central and South Kihei and that's because during the '60s and '70s and early '80s, when development occurred, there weren't very strong or if any Historic Preservation laws. I spent years working for historic preservation in my own moku because Honua'ula is among the last truly Hawaiian places in South Maui. It holds our cultural and natural history.

Daniel Kanahele: Over the years, I have worked with many individuals and organizations in this historic preservation work, and especially with OHA, with the compliance enforcement team. I've worked with Kai Markell, Jerome Yasuhara and more recently, Kamakana Ferreira and Lauren Morawski. OHA's Compliance Enforcement team has been intimately involved with beneficiaries on the ground in this moku for a decade.

They have advocated for Historic Preservation before County bodies like the Maui County Council, the Maui Planning Commission, the Maui County Cultural Resources Commission, and with developers.

They have been involved in consultation processes in the Makena Resort expansion, the Grand Wailea expansion, the Wailea Resort phase two expansion, and with regards to Wailea 670 or the Honua'ula development project.

I don't have words to adequately praise the work that individuals like Kamakana Ferreira and the Compliance archaeologist Lauren Morawski have done in this moku. They have been instrumental in preserving hundreds of historic sites and features. They are currently instrumental in helping to preserve hundreds of historic sites and features that are not currently documented or do not have significant assessments that would allow them to be preserved, based on contract archaeologists.

The value of having your own archaeologists at OHA cannot be underestimated. You don't have to go to SHPD for expertise, you don't have to go to contract archaeologist for expertise. You have your own archeologists; a well-trained, educated archaeologist that knows a lot about Hawaiian archaeology. That is the reason why Maui County now has their own archaeologists because of all those benefits.

My concern moving forward is that as a result, maybe of budgetary changes, the Enforcement team that includes Kamakana and Lauren, are going to be streamline out of existence.

My question is: *how is that going to help the beneficiaries like myself who are on the ground?*

We don't have this intimate, knowledgeable relationship with OHA team members. We have spoken to Chair Hulu Lindsey about this on many occasions in her office here on Maui.

What will replace; if this team is going to be streamlined out of existence? I don't know.

What will replace it?

What will happen to the archaeological position?

What will be the specific duties of the new unit in this process?

These are all concerns that I have as a beneficiary. We've had a lot of success with the help of the Enforcement team in the past, and we presently have a lot going on, on the ground. I'm just expressing my individual concerns and also the concerns of many others, like myself, thank you.

Chair Waihe'e: Thank you, Daniel.

III. APPROVAL OF MINUTES

A. May 25, 2021

Trustee Hulu Lindsey moves to approve the minutes of May 25, 2021.

Trustee Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion.

There is no discussion.

Chair Waihe'e calls for a ROLL CALL VOTE.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:47 a.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		2	X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

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

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES.**

IV. UNFINISHED BUSINESS

A. Workshop: Preliminary OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23) – post beneficiary sharing, prior to action item

Chair Waihe'e turns it over to Ka Pouhana Sylvia Hussey.

Pouhana Hussey: Thank you, Chair. Trustees, we thought Administration would just highlight. You've had the materials. You've had some of the community details that were sent out to the community. We've provided some additional information and really the Biennium Budget has two large components. It's the beneficiary and community investments, our grants section as well as the labor section.

So, in open session, we can talk about the beneficiary and community investments and any other parts of the budget that you'd like to ask questions about, and then would request that in the labor discussion - we go into Executive Session. But again, that's completely up to you Trustees in how you want the flow of the information. I will say that the largest investments start in your budget folders on A-34, 35 and 36, tables 7, 8, 9 and 10.

In the electronic folder, if you are following along for our beneficiaries or others, the electronic folder, those tables start on electronic page 95. As these are the largest line items and some of the thinking as to why each table looks the way it does, and then any questions from the Trustees.

I'll also incorporate some of the beneficiary comments as to increases and other comments that were provided as well, and then open it for questions. Unless Trustees would like to approach it a different way.

There are zero questions or comments.

Pouhana Hussey: *Chair, is it okay to just go ahead and proceed with the highlights?*

Chair Waihe'e: Yes, go ahead.

Pouhana Hussey: Okay. Trustees, starting on A-34, Table 7 is the large summary of the 15.2 million committed in Fiscal Years 22-23. Again, these are Administration's recommendations based on the strategic plan directions, based on general funds, provisos, dollars that were received, based on the recent Fiscal Year 21 grants that were issued, as a result, of realignment #2.

In Budget Realignment #2 back in June of 2020, the Board increased the granting by about 1.2 million and so those are the grants; the next meeting is the last of the granting, awarding for that group. So, these 22-23, we normally in the past have solicited that and the Board approved back in October of 2020, to go ahead and do solicitations. Because we've had the Fiscal Year 21, these, these buckets have not been solicited yet; so, they're here for your viewing.

Pouhana Hussey: On Table 7; that first line, Grants in Aid Program & Proviso, \$830,000. That's the social services, proviso dollars of 415,000 plus OHA's matching. This historically has been implemented by contract for Emergency Financial Assistance; in this biennium, and with the proposed reorganizations, Administration is proposing that OHA itself administer these funds.

That will require processing, training, and systems upgrade to do that; but that is the proposed implementation of those same dollars that we have previously contracted in the last four biennium durations.

The second line are the community grants, and Table 8 has further detail. The Level II Grants; Table 9 has the detail and then the Sponsorships; Table 10 has the detail of that. There is a new line there for disaster aid and that just represents a modest amount that the Trustees can quickly approve for any kind of disaster, whether it's flooding, lava, or heavy rains that our communities are in need of. Sometimes the disaster is not enough to qualify as a federal disaster as an example, but it's still devastating to our communities. Administration proposed a modest amount to quickly respond to disasters in the communities - subject always to Trustee approval.

Trustee Lee: Sorry, Sylvia, *where is that line on?*

Pouhana Hussey: It's on Table 7, the Grants in Aid - Disaster Aid \$132,000. So that's a new line item, OHA has supported our communities with large scale disaster on Kaua'i and in Puna - as examples. We've also observed heavy rains, landslides, other kinds of things that happen in our communities that sometimes again, doesn't rise to the federal definition of disaster and trigger of aid, but our communities still need help in that regard. So Administration, is putting forward again, a modest amount there to procure a delivery mechanism so that if and when that is called upon, we already have the delivery mechanism and can quickly get those dollars out to our communities. So that is the thinking behind that line item.

Pouhana Hussey: With that, we'll go to Table 8; that's the Community Grants. You'll see that these line items, with the 500,000 are similar to what community grants used to be. One of the differences is in the housing line; so, the housing line leverages the general funds appropriation of 500,000, for occupancy ready, programming. What Administration is proposing is that we match and twice; so, add a million dollars to that 500 and provide occupancy housing ready services and grants for our communities with the intention of preparing our communities to occupy housing.

Whether that's rental housing, full/single family purchase housing, whether that's housing as a result, of DHHL development, State Development, private development, the intent would be for programming to help families be ready. Whether that's credit repair, down payment, first/last month rent, any of those kinds of programming and available. We know that there are many folks in the community who do that kind of work, so this is an intentional matching plus. We really want to have our beneficiaries be housing ready; occupancy ready, again, whether that's rentals, single or otherwise.

Pouhana Hussey: Then the rest are pretty, similar types. You'll see the higher education, these are the ones that you authorized in June 2020. We just are soliciting and now these are increases. So, one of the increase areas that you will note is the 'Ohana impact grants; this year we did \$250,000. Administration recommends three times that amount, because of the integrated families and strengthening our families. So, all of the social services aspects that our families need: mental health, integrated behavioral health, domestic violence, all of those kinds of services or needs - to utilize an 'ohana grant for that.

Trustee Lee: *Can we go back to the housing really, quickly?* So, for FY 20 and 21, we awarded the 500,000. *That was our 500,000 or was that from general funds as well?*

Pouhana Hussey: No, that was all trust funds.

Trustee Lee: That was our funds. Okay, so then I get the million for the Biennium Budget, because 500 is what we were always allocating. Then we're adding another 500 that's coming from general funds, and then we're going to add another five on top of that. *Correct?*

Pouhana Hussey: Right.

Trustee Lee: *So, can you tell us where the 500 from general funds is being pulled from? So, where are we currently spending that now and where is the additional 500 being pulled from?*

Pouhana Hussey: So, the general funds; *you mean from the proviso money that they gave us?*

Trustee Lee: Right. So, we got proviso now, but we used it someplace else. So that's what I'm asking. Now that we're going to allocate it for the housing, *where are we pulling it from? Where is not going - to get that money now?*

Then the additional five matching that we're doing; *where is that coming from in our current budget? Where are we moving it from?*

Pouhana Hussey: So, if I understand; in the prior year that 500,000 was all trust funds, because we didn't get the proviso - any general funds for housing.

Trustee Lee: Okay, I got it. So, it's not being pulled from someplace else. Got it.

Pouhana Hussey: Correct.

Trustee Lee: So that additional five that we're matching, *where is that being pulled from?*

Pouhana Hussey: So, the additional five that is coming from the Trust Fund increasing; within that. So, as we increase the community investments, the other costs that are going - is coming primarily from salaries and wages in terms of Operations. So, the reduction in salaries and wages allows us; because the 15.1 million, in the past has been subsidizing other operations; and now we're saying all the 15.1 million would be dedicated to beneficiary granting.

Trustee Lee: Okay, so that's not being pulled from frozen positions. That's an assumption that we move forward with the RIF.

Pouhana Hussey: Correct. So, the reduction in salaries and balancing that and utilizing the 5% from the Native Hawaiian Trust Fund to run the operations because the Public Land Trust Revenues plus the general funds; the dollar amount is being directed to Beneficiary and Community investments.

Trustee Lee: So, just for this part of the table; that's the only one that is affected by the RIF. *None of the rest of them are?* I see the dollars match all the way across.

Pouhana Hussey: So, in June of 2020, when the Board approved the additional grants, that realignment came because of a savings in labor. COVID savings in May came from labor, Budget Realignment came from labor, in terms of allowing us to increase the amount of grants.

Trustee Lee: But the June savings in labor had to do with 1) people weren't coming in, that's not going to be the case after July 1, and 2) we had frozen positions. That doesn't seem to me like that's the same amount, that that's not a RIF.

Pouhana Hussey: Correct. I'm just pointing out that the classification of dollars; personnel dollars have been swept to increase savings because of unfilled positions. In this case, labor dollars because of the RIF will increase the amount that we can dedicate Public Land Trust dollars to Grants.

Trustee Lee: Right. I just wanted to clarify, that's not the same as a decision we made in June.

Pouhana Hussey: Correct, same bucket of dollars that's coming, but different reason, correct.

Trustee Akina: I'm personally very pleased that we're increasing our allotments to Community Grants in FY 22 and 23. I'm presuming, of course, we're doing that because the ways the monies have been spent in the categories here, ranging from culture, through housing and so forth, have been evaluated in prior years.

- *How do we know as Trustees - when we say, "yes, let's increase the funding here in these categories, that a good evaluation has been made of prior year's use of that money and that warranted to continue doing so?"*
- *Do we have metrics in each category?*
- *How do we do this?*

Pouhana Hussey: So, Trustee to your point; *evaluation occurs in two ways, right?*

1. The grant monitoring that you spent the dollars; you said you were going to spend it in this way and serve this. *Did you do that?* So that's one, on a Grant-by-Grant basis.
2. Then there's what in the industry we call a program evaluation.
Which is, overall - did the Kūlia grants accomplish what it was supposed to? Did the Emergency Financial Assistance grants, the Housing grants and Education grants accomplish the overall?

Pouhana Hussey:

That kind of program evaluation is what we need to do and have not done holistically, which is among the reasons the Systems Office and the Research have that evaluation component at the grant level - as well as the program level. So, at a minimum, we have all the granting information. *Did you spend it the way that you were supposed to?*

What we need to do is in the Culture grants, as an example:

- *Did these grants extend the practice?*
- *Did it deepen the practice?*
- *Did it expand the practitioners?*
- *Did it increase access to practices?*

So those kinds of evaluative elements are part of what we need to do for that.

So, at a minimum, we have the Fiscal accountability and Grant monitoring, but the overall program needs to be incorporated into our goal-forward-granting.

Trustee Akina: *Sylvia, how are we doing that? How are we developing the capacity to do program evaluation? Along with that, how will we as Trustees be able to tap into that - to affirm a decision?*

Pouhana Hussey: So, our Strategy Management office is being structured to be able to handle the evaluation along with the Research paia; so, the two complement each other. Then specifically, we would either do it in-house or contract out specific evaluations for these programs.

So, for example, the Emergency Financial Assistance grant that we have contracted out in the last four biennium periods, and four contractors. That evaluation alone is informative, because one year, one contractor, for whatever reason, left \$600,000 on the table, in terms of not getting dollars to our beneficiaries. So that kind of hindsight then informs on a go-forward-basis - *should we continue to administer that through a grant and take the 25% in overhead and contract it out? Or - do that ourselves, in this particular case, not all grants, but this particular case, and administer that ourselves?*

So that's the kind of evaluation on program, and then the implementation.

Then we also must implement.

Have we been reaching what we need; if we administered ourselves?

So that's going to also require an evaluation.

Trustee Akina: So, what I'm hearing you say is that we currently don't have access to an evaluation per se, for program areas in terms of whether we have/are achieving our goals in those areas. However, we are in the process of setting up a system by which we will in the future, be able to access that information when making budget decisions.

Pouhana Hussey: Right.

Trustee Akina: *How long will that be? Will the next round of budget decisions come with evaluations attached to program objectives?*

Pouhana Hussey: We need to set up our evaluation series, so we know we have the large evaluations to do. Then we have the programmatic evaluation.

So, all of the new grants issued in FY21, so Iwi Kupuna, Teacher Education, Homestead, those are set up to be able to be evaluated, and some of our other ones. I would say it's going to take effort, in this biennium - to get that rhythm.

Firstly - get that agenda going, get all the resources, line them up, and then actually do it. In the meantime, use the best information that we have, which is the financial information plus the feedback from the grantees, in terms of who are we reaching and - *are we reaching it effectively?*

Trustee Akina: So, with respect to the two different levels of evaluation, the first being grants evaluations themselves, and the second being overall program evaluation in terms of achieving our goals. On the first side, I'm hearing that we're well-equipped. What I've picked up as Maile and you have come before the Board is that we have a very disciplined process of administering and monitoring the Grants. So that when you bring that to us - organizations that are being renewed and so forth, it's implicit that you have already evaluated them positively.

That's what I'm understanding on that side and I feel confident in that. I do want to compliment you there because that is a tremendous advance for us.

The side that I'm not feeling quite so confident on yet is on whether our money going to various pots for programmatic goals is being effective. We're kind of in a position of acting on faith, good faith I believe, because I think we're moving in the right direction. *But you understand my faith-based approach?* I suppose that I think we're being asked to move forward in allocating extremely large amounts of money to different program areas.

Pouhana Hussey: Casey, *did you want to comment since that's going to be your kuleana?*

Ka Pou Nui Brown: Yes, Aloha. So, one thing I can say and I'm drawing on even my past experience - prior places. Measuring impact at population level, meaning whether-or-not a program is actually moving the needle in this particular area, say housing or farming is very, very difficult. There's no organization that has it fully figured out yet, but everyone's trying.

Another part of this that makes it difficult is the availability and the access to data. So, the team that does the evaluation, or the team that's measuring impact, has steps to be able to be even while equipped to do the measuring.

So OHA is looking at those steps. That's why we're so concerned about data right now. That's why we're trying to work with partners to get better access to data. Because it's so difficult to measure the impact and that's the stuff that we care about a lot.

Pou Nui Brown: Of all those levels of evaluation, it's *"are we moving the needle with the programs we're funding?"* You guys touched on it already, but it's going to take us a while. I can tell you that nobody has a super-good handle on how to truly measure impact well yet; it's a difficult task. So, we're going to be updating you folks as we get better at it, as we get more access to data and we're trying. I just wanted to mention that, trying.

Pouhana Hussey: So, building on that, Trustee Akina. On the OHA website, from the last Strategic Plan is the Lāhui Impact report that indicates in the past eight years at the lāhui level:

- *What were those outcomes?*
- *What were those large pieces?*

To reassure you - there's that in terms of assessing what impacts to the lāhui from the last Strat. Plan. That we need to set up that same structure, not only at the tactical level, but the strategy level to assess that.

We have our strategy goals, and then you come down to tactics and operations. That kind of evaluation also needs to be tiered and structured and cycled accordingly. So that's what Casey is also talking about and that's why the Strategy Management office also has the kuleana to steward the Waihona.

That's the electronic database; not only financial data. How many grants are we doing, but also what is going on in the community so that we could have Community Profiles on the lāhui at the community level.

How is this community doing? How is that community doing? Because each community has a different composition. Some communities have many homestead communities, others don't.

They have large educational institutions, others don't. So that kind of community evaluation is ultimately what we want to get to as well. So not just the strategy, but how is our lāhui doing in terms of abundance, and because if that's the end of the day - we want a resilient and abundant lāhui.

How are we going to know that - if we don't know what it looks like now to be able to measure?

So that's another group of data sets and organization that we need to get our hands around so that we can continue to report on a quarterly basis. That's the goal of administration; is to report on a quarterly basis to the Trustees as part of quarterly reporting, how our communities are doing in all of the aspects, education, health, housing, social services, all of that.

So, some of the reports that you've been given prior to the neighbor island meetings have been an attempt to try to move away from just kind of activity based and start to put a framework to report on how the lāhui is doing, as it relates to all of that.

We're not going to take any credit for any of that; but let's all put it together because those kinds of reports can help community members get other grants because of the data that's there. Then it allows us to track that data, not just us, but with Lili'uokalani Trust, Kamehameha Schools, Lunalilo Home, all of the others that can benefit from that kind of data and then manage that.

Pouhana Hussey: That also means we can manage a Native Hawaiian research agenda. *What are those research items that benefit us?* It doesn't have to be us; it can be other people, but we are aligned to an abundant lāhui. Apologies for how long that took; but this biennium is a lot of groundwork, so that we can continue to report in the next 15 years.

Trustee Akina: Thank you. I appreciate the direction we're going in, just eager to be able to make decisions on the basis of asking whether we're moving the dial in housing or in economic empowerment, and so forth. Thank you, I've taken enough of the time, thank you.

Pouhana Hussey: Trustees, *are there any other questions on Table 8?*

There are none.

Pouhana Hussey: Table 9 are the Level II Grants; you will see there.

The Department of Hawaiian Homelands commitment for 3 million dollars - there is about 10 years more. I think 2032 is about the last payment for that infrastructure debt service.

You will see Hawaiian-Focused Charter Schools, that has doubled and the reason it's doubled is Administration recognizes that Native Hawaiian-Focused Charter Schools, function in the communities and therefore, it's not just places for education. So, a lot of the social services, health, those kinds of needs of our community can be operationalized, through that in partnership with others. Like the Native Hawaiian Healthcare systems, Papa Ola Lōkahi and those systems there, whether they're education or not. We really want to increase that so that we can utilize the Hawaiian-Focused Charter Schools to affect the communities around them. Many of the schools are in Hawaiian homestead communities; others are in stand-alone.

What we want to be sure is that there's a mechanism for us to get dollars to our communities, in a system and in our education goals; striving to have a Native Hawaiian Education Systems through charters and Hawaiian medium. So that's all kaiapuni schools as well. So that's why that increase is doubled. It's because we're trying to systemically and holistically utilize the Charter School Network, to get to our communities. Whether that's food, transportation, domestic violence, access to networks, kupuna, many of our families and communities have a lot of family kuleana to take care of.

So again, we're just trying to use that mechanism to effect strengthening our community. Then the kūlia grants are there; that came out of the Ad-hoc committee's work. The Ad-hoc committee's work hasn't been done; Chair Hulu and Trustee Waihe'e are working toward that, and Admin. owes them a report for the work that has been done in the last two years, and then bring that to Trustees for recommendation and action. Kūlia is technically a pilot program; and so, we have our Systems Office ready to do an evaluation of that kūlia; *did it achieve the intended outcomes of the program?*

Trustee Keola Lindsey: The question I have is - it's my understanding that like our grant products have minimum and maximum rewards - in looking at Table 8, for culture; if the amount isn't going to increase in this biennium request -

Do we anticipate the number of organizations being awarded grants also not increasing?

Whereas - like in housing, if we're tripling the amount of grants being awarded -

Do we anticipate roughly, I know it's not like a perfect mathematical equation, but do we anticipate a requisite increase in the amount of grants to individual organizations being close to that triple?

I don't know if that question makes sense, but I'm interested in the number of organizations that will be receiving the increased prevalence.

Pouhana Hussey: Yeah. So, in just doing the dollars, we do the dollars and then when we're ready to solicit and we start to make, for example, the Iwi Kupuna one is a good example; modest dollars when we first launched it.

So, we thought, and this is a discussion with Grants, Systems Office, Casey, Mona, obviously Maile and team, and me. We need to think about what's the dollar amount that's meaningful for the work and then the number of contracts.

So, in Ahahui; \$10,000 - smaller amount, lower risk, you can award a lot more. If you're awarding a housing grant, and you have some - very long term.

The other change that we want to implement is if a grantee in the two-year awarding cycle is doing good work, and we think that they should continue, we want to think about how that might look in our budgeting. Because we know, awarding by biennium is not programmatically logical; most programs take at least three years to get going.

So, awarding at least in a three-year cycle for a brand-new program, would be better for that program to stand up and get going. National Indigenous awards at five years.

So, ANA, which is the premium indigenous group, they award at five years in their awarding; large Kellogg grants, a large philanthropy they'll award larger. So, we'd like to think about that as we think about the programming.

Back to your question, let's say, we do just launch another \$500,000, part of that would need to be - *what is our point?*

Is our point to continue, increase the practice, increase the number of practitioners, implement a culture-based education or culture-based health?

Culture is - you cannot just do check, okay, yeah, this is culture. Culture is just so embedded in our practices. That is another thought as to maybe we should take the dollars and integrate it into some other aspects.

Pouhana Hussey: On the other hand, there are those that are staunch practices of culture that we need to uphold, strengthen, and enable. All of that does impact - and then how many contracts that reasonably you need to award. So, it's a number of factors, when we make the recommendations for the solicitation that goes out.

Trustee Ahu Isa: I'm looking at Table 9, the Hawaiian-Focused Public Charter Schools where you went from 15 to 3 million - do you give it to, you said to the network, with the...

Is there an Association of Hawaiian Charter Schools?

Pouhana Hussey: Nā Lei Na'auao, the Alliance of Native Hawaiian Education, but they have other Charter Schools, that's part of their alliance as well, they're one entity there. If you're thinking about what used to be the Charter School Network, that there was an actual network with an Executive Director, that network doesn't exist anymore. So, one of the Charter School principals is kind of being a part of that group. Nā Lei Na'auao has been the advocate for Charter Schools, especially Hawaiian-Focused Charter Schools.

Trustee Ahu Isa: I'm just concerned about how that 6 million is disbursed.

Pouhana Hussey: Right now, the 1.5 a year is done primarily on a per pupil basis, because it allows the schools to decide how they want to use that - and they match it up with Kamehameha funds. Some of them get private grants or federal funds or others that they have sought on their own.

The additional 1.5; the intent is to use the schools as distribution sites for mental health, dental services, other kinds of needs that need to be in the community - child protection and that kind of social services, then the mechanism to distribute would likely be different.

Trustee Ahu Isa: Okay. I understand that part. So, when you mentioned that - I thought, that's not education - that is like the social services part of it, which the charter schools would have access to, because they're with the students. *So, we can use OHA money to take care of that?*

Pouhana Hussey: Right, so we just want to use the Charter School Network and their networks in the community to be able to distribute the money, but we would specify what those monies should be used for. Whether it's Papa Ola Lōkahi, or the Native Hawaiian Health Systems that are there on island - through them. But utilize the network, the charter schools, as the physical sites, because they're sitting in the middle of our communities.

Trustee Ahu Isa: I'd be interested to see the evaluations; how they're going to collect the data on this stuff. Mahalo.

Pouhana Hussey: Yeah.

Trustee Hulu Lindsey: In the past the charter school money was given to Kanu o Ka 'Āina to distribute. *Has that changed? Is that what you're saying?*

Pouhana Hussey: So, we did a solicitation for the contractor; and Kanu o Ka 'Āina was the successful contractor for that 1.5. We would need to determine if the 1.5 is in addition to that contract, or if it's completely different. Then we would need to solicit a different distributor of the dollars. But currently Kanu o Ka 'Āina is the contractor who administers the 16 charter schools and then OHA manages their own contract, so that they're not in a conflict position of managing their own contract.

Trustee Hulu Lindsey: I'm aware of that. *So, the 2 million and 3 million is that the same monies, and you'll go out for solicitation for the same kind of services, as Kanu is providing?*

Pouhana Hussey: So, the 2 million which is the 500,000, that the Board approved in Realignment #2 - that one was a contract, because that was meant to go to them for COVID for major repair, and maintenance. The additional 1.5 in the 3 million solicitation - depending on the design, we would need to go out for a granting process to be able to administer that through the networks.

Trustee Hulu Lindsey: I just want to impress upon Administration, that it's important that whoever we give that to, is sort of related to the charter school family, and not go to outsiders just because they want to distribute the money. We should stay within the charter school families because they know what they are doing, and they help each other. So, I just want to impress that upon you folks before you give us distribution for an entity that we can't agree with.

Pouhana Hussey: Understand.

Trustee Lee: So Sylvia, looking at Tables 8 and 9, the increases from the current biennium to the budget. If my math is right, I'm just doing it really fast - it comes out to about 1.3 per year, so it comes out to 2.6. I noticed that on Table 9 'Ohana and the Iwi Kupuna; they're eliminated from the budget, but there's an increase in Table 8.

Am I correct in assuming that that increase of one point?

Because what's been eliminated from Table 9 from FY21 is about 1.3 - it's a little under.

Basically, we took out that money and redistributed for the leverage opportunities and the charter schools.

Pouhana Hussey: Yeah, well - yes and no.

So, the 'Ohana and Community grants - initially the Board approved \$250,000 and they picked up another million because of the reallocation of the Emergency Financial Assistance funds.

So originally, the Board approved like \$250,000 and then the Board approved the recommendation to add the additional million, and then go ahead and solicit. So, the million is a higher number than what it was originally.

Trustee Lee: Right, but we had it in the budget to do that.

Pouhana Hussey: Correct.

Trustee Lee: So essentially, that's what's covering all of these inquiries. I'm trying to disseminate what's related to RIF and what's not related to that. So that's about right, this just about covers all of those increases from leverage opportunities, down to Hawaiian-Focused Charter Schools

Pouhana Hussey: Right, because in the realignment, the increase in grants was about 1.2, because of the non-RIF personnel.

Trustee Lee: Okay, thanks. I have more questions about this, but I'll reserve them for Executive Session.

Trustee Akina: I have a question on Table 9, with regard to the monies that we're paying to DHHL.

Isn't that a long-term liability of ours and obligation for the servicing of the infrastructure loan at DHHL?

I'm just wondering why it's listed as a grant. It takes up a big proportion of what we say, we give grants to, but it would seem to me that this doesn't typically fall into the category of application and evaluation and renewal, that grants do.

Pouhana Hussey: *So, that's not our debt, right?* If it were our debt, because of bonds that we issued, we would carry the debt on our balance sheet, but we don't carry the debt on that.

As a result, the payment of that is treated as a grant to DHHL, who on their end carries the debt and the debt service line items. We used to just send \$3 million over, every May. We changed that, we only send a quarter at a time to make sure that we can use our cash, instead of sending all 3 million over.

That's an opportunity for Trustees. They have given Administration a breakdown and an update of all the infrastructure projects that they have; there's a spreadsheet and everything. If the Board is interested in having that presentation by DHHL; I would encourage it because it's highly informative. It outlines the projects, what portion of it was paid for that, where they are in terms of building and construction and all of that, which is part of our responsibility - to monitor that spreadsheet, if you will.

So, again, totally up to the Trustees, but I think that would be a really, informative presentation by DHHL.

Trustee Akina: Sylvia, thank you. I think that would be informative and I for one, would be very interested in that. While I recognize what you're saying - that it's not our debt, per se, it's more of a contractual obligation we have that we are committed to. Appearing along with our grants and being counted in with our grants, may potentially inflate the total of grant money in the perception of the public, I'm just wondering about whether that's the right category.

Pouhana Hussey: In our budget construction slides - we look at all the components and one of the components that we look at, are our long-term commitments. So long-term commitments, like the DHHL commitment is a long-term commitment for granting. We also look at the general funds matching because that's also a commitment on our part, as well.

As to the classification, for our books, it matches grants. For reporting and maybe messaging, perhaps there's a greater clarity that you feel we should... when we do our annual reporting that we contextualize, a 3 million spend on grants and just don't lump it into everything.

Trustee Akina: Thank you.

Trustee Keola Lindsey: Sylvia - *what confirms that commitment of \$3 million to DHHL?*

In Table 8, there are the homestead community grants. *Right?*

So, I guess where I'm going is - *what locks that commitment in a grant to the government versus a commitment to the homestead communities?*

Pouhana Hussey: I'm going to ask Everett. There is a contract and Everett if I could ask you to turn on your camera and give some context to that commitment.

Assistant Senior Legal Counsel Everett Ohta: Good morning, Trustees. To address Trustee Lindsey's question - the contract is between OHA and DHHL. If you can come back to that, I can get reacclimated to answer that question. Sorry, I was not prepared to speak to that specific contractual obligation.

Pouhana Hussey: I apologize, Everett. When he comes back, he can also speak a little bit about the refinancing; that shortened the period. In 2017, the Department refinanced and shorten the life on the loan and shaved off about seven or eight years. But the dollar amount that we're paying, we're just going to get there a lot earlier. Everett can provide that additional insight when he returns with the info. Sorry, Everett.

Trustee Hulu Lindsey: I just want to share with Trustee Keola Lindsey, that a former Board of Trustees signed a contract with Hawaiian Homes to provide \$3 million a year for 30 years to help pay for their infrastructure. That was a contribution made by the Board then.

When I became a Trustee, I asked: *"How could you make that kind of commitment for the future Boards?"* But they did.

When Everett reports - he will report on us paying less than the 30 years now, because they've refinanced the loan, and it's less of an obligation to DHHL and our commitment.

Pouhana Hussey: They issued revenue bonds. So, in that spreadsheet that they have, they'll total everything up to the 85 million in revenue bonds. Then all the projects that are associated with that, that our debt service is now paying for. If Trustees and Chair are interested, I can go ahead and contact DHHL and invite them for a presentation to the Board.

Trustee Keola Lindsey: Just real quick, I think my question got answered. The vehicle for the commitment was the contract. I don't need any more info., but like Trustee Akina I'd be interested in the presentation from DHHL to get more specifics about what the money's being used for in the future.

Trustee Hulu Lindsey: Sylvia, maybe you can enlighten the Board in that the homestead money is not going to DHHL it's going to the homestead associations. *Right?*

Pouhana Hussey: Correct.

Trustee Hulu Lindsey: So, two different pockets.

Pouhana Hussey: And - that intent was that homestead associations, again - this is a research supposition that communities around homesteads are healthier and provide support for 'ohana, mo'omeheu and 'āina.

So, these grants are meant to have homestead associations. Have projects in there that benefit and support the homestead, but we also know benefits the larger community as well. So, it is a first foray into that. As you can imagine there are beneficiaries who think that it should be three times that amount, but we're in our first year of awarding - that the Trustees approved.

Counsel Ohta: If I could just kind of follow up on that requested information. So, the MOA with DHHL was executed in 2008. OHA committed to an annual bond payment of \$3 million for the debt service on those bonds that were pulled by DHHL.

In 2017, DHHL saw a refunding of those 2008 bonds that resulted in a reduction of the overall commitment of OHA by a little bit over seven years. So, the annual amount, in terms of servicing paid by DHHL, has remained stable at that \$3 million amount - but the overall period of bond payments has been reduced by approximately seven years – due to that 2017 refunding.

Chair Waihe'e: Thanks, Everett.

Trustee Lee: Sylvia - just to piggyback on what Trustee Keola Lindsey said and to extent what Trustee Hulu Lindsey said about the community associations - I know this isn't a decision for now, but I just want to make sure that I put this on the radar for Administration and for Grants - there are, as we are all aware, multiple community associations, and multiple associations claim jurisdiction on single homesteads. So, I just want to make sure, and I'll use Waimea as an example, that we don't give grant money to the Waimea Homestead Association and then another statewide association who claims jurisdiction over Waimea because they have one member from Waimea who belongs to their association. So, we're not giving the same pae 'āina money because we're giving it to two different associations who are claiming jurisdiction over one homestead.

Does that make sense?

Pouhana Hussey: It does. It does and I think if we go back to the awarding, these were modest first attempts. These are, definitely - individual homestead associations that applied.

Trustee Lee: That may not be the case going on. I'm sure the Grants department is aware of it, but I would be remiss if I didn't mention it. So, thank you, Chair.

Trustee Hulu Lindsey: In the COVID grants; a good example is we received seven groups that qualified for the COVID grants on O'ahu, but we only gave out four.

My question is - *why didn't we share the money for O'ahu, among the seven and even if they don't go all the year?*

Using that money, even if part way of the year helping different communities is fairer, I think, then helping just four out of seven. So, I just wondered if *Grants* would have an answer to that.

Pouhana Hussey: So, if it's okay to defer that question to this afternoon's meeting, but generally the process is the applications come in external reviewers' review, and then it gets scored.

Based on score, and then the dollar amounts get determined, and we've seen where the fourth score, gets partial because the budget isn't sufficient.

You'll also notice that the scores are really high, 95-90; so, part of the challenge with the grants process is that also you have to see what the minimum score is, because what if with all seven, you had a cluster up here and then the rest were like below 50%. So that's also part of the responsibility of the grant reviewers as you rank.

Is there a line where this is not a quality application for funding?

Unless the philosophy is going to be award everybody. The current philosophy and practice are that there is a ranking of the scores by the external reviewers and then there is a point at which that other unawarded may not have been a recommendation by the external reviewers. Yeah, but Maile can provide more detail this afternoon.

Trustee Hulu Lindsey: Okay, I understand that. I just know for a fact that seven entities were approved by the outside committees, but only four were given money. I'm just saying that it's better for seven to get some money than only four.

Because - how do you explain to the three that passed the muster that they didn't get any money?

That's just my question, it's coming to me from beneficiaries.

Pouhana Hussey: Okay. *If it's okay, can we hold that discussion and explanation for this afternoon?*

Trustee Hulu Lindsey: Yeah, it is okay.

Pouhana Hussey: Okay. Thank you.

Trustee Keola Lindsey: I just want to note that on that same topic - I think Hawai'i Island was six out of eight. I'll be interested to know more about the philosophy as well.

Pouhana Hussey: Sure.

Trustee Keola Lindsey: Thank you.

Pouhana Hussey: If no more questions on Table 9, then table 10 is the last; it's the sponsorship table. You'll notice that we, Administration, inserted back in the 200 and 6,000 of BOT and Kaiāulu Sponsorships. Those are the moratorium sponsorships from the 2018 moratorium by the Ad hoc committee. So, because that committee needs to finish its work, we just put in those dollars so that they could be resolved.

Whatever the Board decides and the recommendations from the Ad hoc committee, then you can decide what will happen. In the past, we have swept these dollars when they're not used, and swept it into COVID-19 or other grants to utilize this additional authorization. My understanding is this is going to get resolved this year.

So, the Board will determine where these dollars go. Whether they get revived again or get dispersed; that will be the Board's decision. The rest of them are what was classified as programmatic sponsorships, which were not on-hold and so you'll see some of the same programmatic sponsorships for events. They include the ones that the Board just approved in Budget Realignment #3, a couple of weeks ago.

The new ones are the Polynesian Voyaging Society line, and then this Rural Community-based sponsorship. Administration put in a placeholder for discussion for Trustees - that in communities smaller amounts - we put here under \$1,000, for sponsorship of 'Ōlelo Hawaii, first place or a small communities-sponsorship or health, or kupuna-kind of sponsorship of a kupuna event or something like that. So Administration, just put in some placeholder dollars, to say, "okay, we have six island communities; generally. These are for sponsorships less than \$1,000. Let's just start at \$10,000 per community and see how it goes."

This would all be required to have Board approval. Yet, the process could be that through the community engagement, we could aggregate these sponsorships, and then bring it forward. Put in on an agenda, make recommendations, have criteria, but bring it forward on a more rapid basis so that the Trustees can approve these sponsorships. So again, this was just placed by Administration as a thought starter having heard from several community members.

I don't know if neighbor island Trustees, have some mana'o about what you're seeing and experiencing, or what beneficiaries are sharing with you.

Trustee Keola Lindsey: I guess - *is there a definition of Rural community? Are we running-off of our own definition?*

Pouhana Hussey: So, what this would require is if the Trustees approved this line item, Administration would need to come back with the program details.

- *What's the process?*
- *What's the application?*
- *What's the criteria?*
- *What's the timing of this?*
- *How do we communicate that to the community so that it's fair, and it's not perceived as family and friends?*

So that it's broad, but there is a consistent process and that there's a process for approval.

It might be once a month you have a cut off. All the sponsorships that come in for that community, it has an interior process to make sure that it meets the criteria, and then bring it.

So that kind of program design, we would bring back to the Trustees in terms of what that might look like. So, approving the budget doesn't mean approving the launch of the program, it just means that we have some design work to bring back to the Trustees.

Trustee Keola Lindsey: I like the concept. I think it would provide - as long as we can provide the framework for how they'd be awarded - the processes and make sure it's being used appropriately and really helping some of the group's rural areas. I like where it's going. I appreciate the effort, thank you.

Pouhana Hussey: The rest of Table 10 is the Papahānaumokuākea Sponsorship lines as well as the Federal Indigenous Sponsorship that historically OHA has participated at the National level. So, these are the Federal organizations that we partner with at the National level. Those haven't changed and they're classified as programmatic as well. *Any other questions?*

There are none.

Pouhana Hussey: The only other point Trustees - I'd like to just maybe highlight and comment on is in the contracts. In the contracts budgets are additional budgets for the internal audit function, as well as the general funds work for the CLA; that additional 200,000 that came as a result of the budget bill. Those are the additional contract increases, and those contracts dollars are put in the Trustees cost centers, because those are contracts managed by the Trustee suite.

Obviously, Administration will help with all of the procurement and the processing, but as contract monitors, the Trustees would be the contract monitors for those.

Then overall, that's the majority - the core budgets, the non-core budgets are a little steady state. Commercial properties are a very steady state, no reflection of any kind of development until the Trustees actions and work is implemented.

Then of course, federal funding on the Native Hawaiian Revolving Loan Fund and the Hālawā-Luluku Interpretative Development is also a steady state. I think last year, there was an excitement because the program thought that there was going to be spending the bulk of the money because of timelines, and that did not really manifest itself.

Pouhana Hussey: So, what we have done is conservatively just take some modest expenditures, and in the event, there is a large expenditure because of an agreement with the federal highways, then we will come back for a budget realignment. Budget realignment for non-core is a little easier than, the core side of it. So, the non-core budgets are our steady state. That is my term of it's just kind of there and we adjust when those decisions are made.

Trustee Hulu Lindsey: *Where in the budget did you put the 200,000 that the legislature mandated us to upgrade the CLA audit?*

Pouhana Hussey: It should be in the contracts budget, starting on Table 11 and then Table 12. I'm going to ask Grace and Mona to confirm. That is here, in footnote one at Table 12, footnote one is where the Internal Audit and CLA contract dollars are budgeted. Page A-39 at the bottom of Table 12, footnote one.

Trustee Hulu Lindsey: Thank you.

Pouhana Hussey: The rest of the budget like we shared in the pre-beneficiary sharing are pretty, common. Our rent, our program type expenditures, the fiscal stabilization of 500,000 for COVID-19 responses, that still has about 321,000 in there. Most of the costs and expenses have been for laptops, while we're in telework, as well as the Boardroom work; for the sound, for the plexiglass and for ensuring that social distancing can occur.

So, in the event, that those dollars are not used for COVID-19 purposes, then we would come back to the Board to un-designate those dollars and take that out of the fiscal stabilization. But we wanted to see what additional costs would be needed for social distancing as we prepare to return. *Any other questions?*

There are none.

Pouhana Hussey: If no more questions on the core, non-labor sections; Trustees, Administration is ready to go into Executive Session for discussion - if that is the desire.

Chair Waihe'e: Thank you Pouhana.

V. NEW BUSINESS

None

VI. EXECUTIVE SESSION‡

- A. Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4)

Trustee Hulu Lindsey moves to resolve into Executive Session pursuant to *HRS§92-5(a)(4)*.

Trustee Akaka seconds the motion.

Chair Waihe’e asks if there is any discussion. There is none.

Chair Waihe’e calls for a **ROLL CALL VOTE**.

							11:56 a.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			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

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

Chair Waihe’e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES**.

The committee resolved into Executive Session at 11:56 a.m. to discuss:

VI. EXECUTIVE SESSION‡

- A. Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4)

The committee returned to Open Session at 1:05 p.m.

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the RM meeting.

Trustee Ahu Isa seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

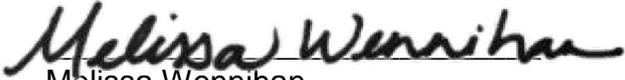
Chair Waihe'e calls for a **ROLL CALL VOTE**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:07 p.m. EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

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

Chair Waihe'e adjourns the RM meeting at 1:07p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Resource Management

As approved by the Committee on Resource Management (RM) on July 22, 2021.



Trustee John Waihe'e, IV
Chair
Committee on Resource Management

June 22, 2021

Re: June 23, 2021 RM Meeting – Agenda Item IV.A. OHA Biennium Budget

Aloha mai e nā Trustees,

Mahalo for this opportunity to testify in support of the proposed biennium budget and the A‘o Aku A‘o Mai Initiative in particular. As you may know, we are the Wai‘oli Valley Taro Hui, a hui of small family farmers in Wai‘oli, Kaua‘i that have been stewarding our natural and cultural resources for generations. With OHA’s support and significant help from Ka Huli Ao Center for Excellence in Native Hawaiian Law’s legal clinics, we are comforted that the future of kalo cultivation in Wai‘oli will be protected for future generations.

Our farms and lifeways were devastated by the 2018 floods that ravaged Kaua‘i’s North Shore. Disaster recovery efforts revealed that our Native Hawaiian irrigation system that has taken water from Wai‘oli Stream for centuries was on conservation land and would now be subject to a slew of permitting and other requirements, including HRS 171-58 regarding water leases. Since 2019, the Environmental and Native Hawaiian Law Clinics at the William S. Richardson School of Law have been working diligently to comply with all of the requirements of HRS 171-58. In fact, over the course of those 2 years, we have been told that 33 students and 4 attorneys have spent thousands of hours supporting our humble Hui. They have helped us create a state non-profit with 501(c)(3) tax exempt status, apply for and secure a right of entry and easement, as well as a revocable permit for our water use. In addition, the clinics have helped us to complete beneficiary consultation with the Department of Hawaiian Home Lands, submit a draft watershed plan, pass a concurrent resolution at the Hawai‘i State Legislature authorizing direct negotiation on a long-term water lease, finalize and publish a Chapter 343 draft environmental assessment, and secure an amended interim instream flow standard for Wai‘oli Stream with the Commission on Water Resource Management.

We are so grateful for all of the students’ hard work and aloha. Their work will have a lasting impact on Wai‘oli. It not only helps secure our practice in the present, but more importantly, for the future. Their collective mana is connected to Wai‘oli forever.

Finally, we are deeply grateful for OHA’s support of incredible initiatives and want you to know that so many of us benefit in Wai‘oli and throughout Kaua‘i. Programs like the A‘o Aku A‘o Mai Initiative have lasting impacts on communities and beneficiaries across Hawai‘i nei. These programs train our future attorneys, protect traditional and customary Native Hawaiian practices, build capacity in our community, and ensure: aia i Wai‘oli ke aloha ‘āina – that aloha ‘āina lives here at Wai‘oli and beyond.

Mahalo nui,

The Wai‘oli Valley Taro Hui
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Attachment 2

The William S. Richardson School of Law
Ka Huli Ao Center for Excellence in Native Hawaiian Law

D. Kapua'ala Sproat
Professor of Law
Director, Ka Huli Ao
Director, Native Hawaiian Rights Clinic

VIA ELECTRONIC TRANSMITTAL

June 22, 2021

Office of Hawaiian Affairs Board of Trustees
Committee on Resource Management
560 North Nimitz Highway
Honolulu, Hawai'i 96817
Email: BOTmeetings@oha.org

Re: Testimony in Support of Agenda Item IV(A), FY 22/FY 23 Biennium Budget

Aloha mai kākou!

For the last decade, it has been an honor to partner with OHA on the A'ō Aku A'ō Mai Initiative. This contract enables Ka Huli Ao to provide direct legal services to OHA beneficiaries with the greatest needs. We kōkua rural neighbor island communities through our Native Hawaiian Rights and Environmental Law Clinics, which are classes that offer upper division law students and one Post JD Fellow “experience” practicing law. This partnership leverages resources by imparting clinicians with vital training in Native Hawaiian and Environmental Law and serving our lāhui, while simultaneously providing free assistance to OHA beneficiaries.

The A'ō Aku A'ō Mai Initiative was started in 2011 at OHA's request. In a lawsuit to clear title to ancestral land on Moloka'i (*Bartell v. Heirs or Assigns of Manuela*), more than twenty beneficiaries were named as defendants and contacted OHA for legal representation. Over the course of four semesters, our law students and Post JD Fellow assisted 156 pro se defendants (individuals representing themselves in a court case without the assistance of an attorney) and their 'ohana in two different cases, published *E 'Onipa'a I Ke Kūlaiwi: A Legal Primer for Quiet Title and Partition Law in Hawai'i*, and facilitated thirteen workshops on the Quiet Title and Partition Process and the primer in particular. The Initiative also trained roughly 40 law students and one Post JD Legal Fellow in these highly specialized legal areas.

Given our strong partnership and success, the Initiative's focus has expanded to assist OHA beneficiaries in rural communities through free trainings, the distribution of legal primers, and direct services on a range of issues including but not limited to completing water use permit applications in Nā Wai 'Ehā, Maui, securing a marine reserve in Ka'ūpūlehu, North Kona, and the current project navigating the long-term water lease application process on behalf of the Wai'oli Valley Taro Hui on Kaua'i. These projects provide free legal services to OHA beneficiaries on the front lines of preserving Native Hawaiian culture and traditions, while training and inspiring law students and recent law graduates to continue this important work.

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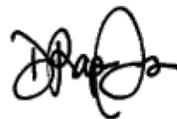
To provide insight into the Initiative's significant benefits, consider the work that our clinicians have been able to do for the Wai'oli Valley Taro Hui on Kaua'i. These third to fifth generation kalo farmers have been devastated by severe flooding since 2019. To add insult to injury, disaster recovery efforts determined that their mānowai, the intake for the lo'i kalo irrigation system that has borrowed water from Wai'oli Stream for centuries, was on conservation land and would now be subject to permitting and other requirements, including Hawai'i Revised Statutes chapter 171, the Department of Land and Natural Resources' complex water licensing provision. This semester, law students and fellows completed a 300+ page Draft Environmental Assessment, presented before the Water Commission and ultimately secured a numeric interim instream flow standard for Wai'oli Stream, advocated for the passage of a Concurrent Resolution authorizing direct negotiation of a long-term water lease (after 13 legislative hearings and more than 121 written testimonies), facilitated meetings with Governor Ige, Mayor Kawakami, and Congressman Kai Kahele to support the farmers, and more. During the Spring 2021 semester alone, eleven law students and two attorneys spent more than a thousand hours working on the Hui's behalf before administrative agencies, at the legislature, and beyond. And the work continues this summer as several of the clinicians were so inspired by the project that they are continuing to support the farmers through fellowships and pro bono efforts (volunteer legal work).

In addition to these direct benefits for OHA beneficiaries in Wai'oli, Kaua'i, clinicians have helped to build capacity and raise awareness about the impacts of permitting and other processes on Native Hawaiian practitioners and kalo farmers in particular, which has inspired several legislators to commit to introducing bills to address these issues during the next legislative session. Perhaps most importantly, this partnership is helping to ensure that the vital practice of kalo cultivation can survive the transition into the modern legal era and that Wai'oli farmers can continue supplying kalo pa'a and poi (especially via the Waipā Foundation) to feed our lāhui physically and spiritually.

This work is also transformative for our law students and recent graduates; as one clinician explained: "[h]elping the community on Kaua'i was one of my most memorable experiences at Richardson. Knowing our work really made an impact for the kalo farmers and the community at large will be something I will draw motivation from for the rest of my career." The A'o Aku A'o Mai Initiative is also improving the lives of your beneficiaries. One Wai'oli farmer noted, "[t]here aren't enough words or ways to say MAHALO to ALL the students for spending endless hours and weekends working on our stuff! Your collective mana is connected to Wai'oli forever!" Another shared, "you all really impacted our lives in a positive way and it makes the future look so much brighter for taro farming in Wai'oli Valley."

It has been an honor and a privilege to partner with OHA on the A'o Aku A'o Mai Initiative and we hope to continue these efforts once the FY 22/23 Biennium Budget is approved.

Me ka ha'aha'a



D. Kapua'ala Sproat