STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200

JOINT MEETING of the
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)
and the COMMITTEE ON RESOURCE MANAGEMENT (RM)
MINUTES

October 7, 2020 10:00 a.m.

ATTENDANCE:
BAE Chairperson John Waihe‘e, IV
BAE Vice-Chairperson Kaleihikina Akaka
RM Chairperson Dan Ahuna
RM Vice-Chairperson Robert Lindsey
Trustee Leina’ala Ahu Isa
Trustee Keli‘i Akina
Trustee Brendon Kalei‘aina Lee
Trustee Carmen Hulu Lindsey
Trustee Colette Machado

ADMINISTRATION STAFF:
Sylvia Hussey, Ed. D., Ka Pouhana / CEO
Sterling Wong, Interim COO, Interim CA, PRO
Everett Ohta, CC
Gloria Li, FS
Kevin Chak, IT
Marc Bantolina, IT
Raina Gushiken, CC
Wayne Tanaka, PP

GUESTS:
John Marco
Craig Chaikin

I. CALL TO ORDER

BAE Chair Waihe‘e calls the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management for Wednesday, October 7, 2020 to order at 10:00 a.m.

BAE Chair Waihe‘e notes for the record that PRESENT are:

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<th>AT CALL TO ORDER (10:00 a.m.)</th>
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At the Call to Order, NINE (9) Trustees are PRESENT, thereby constituting a quorum.
II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. JOINT MEETING of the Committee on Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management (RM) Meeting Minutes 1. December 18, 2019

RM Chair Ahuna moves to approve the JOINT BAE-RM meeting minutes of December 18, 2019.

BAE Vice-Chair Akaka seconds the motion.

BAE Chair Waihe’e asks if there is any discussion or corrections.

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

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

BAE Chair Waihe’e notes for the record that the MOTION CARRIES.

Note: This set of JOINT BAE-RM MEETING Minutes may need to be voted on again at the next JOINT BAE-RM MEETING where two separate roll call votes are taken by first the BAE committee, and secondly by the RM committee)

IV. UNFINISHED BUSINESS

None
V. NEW BUSINESS

A. Presentation: Office of Hawaiian Affairs, Native Hawaiian Trust Fund, Analysis of Investment Performance, June 30, 2020 and August 31, 2020, Segal Marco Advisors - John Marco, Senior Vice President and Craig Chaikin, CFA, Vice President

BAE Chair Waihe‘e: The first thing on the agenda is the Office of Hawaiian Affairs, Native Hawaiian Trust Fund, Analysis of Investment Performance for June 30th, 2020 and August 31st, 2020. We have Segal Marco Advisors, John Marco, Senior Vice President, and Craig Chaikin, CFA Vice President.

I will turn it over to our Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you Trustee Waihee. Trustees just for reference - before I ask John and Craig to go through the report, because the packet is so large - I want to give you some reference pages so that you can follow along. The June 30th 2020 report begins on page 22 of 242 pages in the electronic packet. Then when they get to the August 31st report that is on page 205. That might help you get through all the slides and we will ask them to help make sure to be clear in referencing the slides as they go through their presentation.

OK, so I will turn it over to our advisors from Segal Marco; John Marco and Craig Chaikin, so they could share with us the performance of the Native Hawaiian Trust Fund.

Segal Marco Senior VP John Marco: I would like to focus the attention on the most recent numbers. We have seen a lot of volatility in the markets throughout this year. Obviously, the sharp decline in March, the relatively swift bounce back due to the enormous stimulus package that came back in April and May, as well as the Federal Package and the Treasury supports that have been in place. Both have buoyed the markets overall. We have seen a lot of volatility and there are a lot of question marks that need to be answered.

The most recent numbers that we have are through August 31st, so I will zoom in and review some of these numbers with you. The most recent quarter we saw 8.37% return. Our year to date total return is just about flat at 0.07%. I will broadly talk about the overall investments; if you look at the Traditional Assets, your public markets underperformed the index at 2.69 versus 6.72. Most of that underperformance in the Traditional Markets is focused on Fixed Income or the Bond Marketplace.

Bonds have seen a lot of disruption in the most recent volatility since the arrival of the coronavirus in the U.S. Certain bonds have received significant support through Government Packages and Stimulus, while others have not. I will walk through some of the exposures in a moment.

Overall, the Equity Portfolio - the total Global Equities as you can see here year-to-date, at 4.9 percent is right in line and slightly ahead of the expectation at 4.75%. So, equities are in line with the overall expects to return.
Moving ahead to the Fixed Income. Overall, this is the other portion of our Traditional Fixed Income or Traditional Assets. It is Fixed Income as I mentioned, the total Portfolio in the Public Market is underperforming the Index, a large portion of it is right here with the global fixed income. This is your total bond portfolio rolled up into one versus the custom index.

Some of the biggest things that stand out here overall are going to be the new allocation that was put into place here with JP Morgan. They most recently added Corporate Bonds this year, attempting to take advantage of some of that bounce back that happened on April 1st. The real underperformance happens here when we get into the high yield portfolio at 0.91 behind the index at 3.1%. High yield in the JP Morgan account as well, negative when that index is positive, and so those are a few areas that really drove the underperformance within the fixed income markets.

Now overall, we have seen Active Managers struggle to keep up with some of these indexes, particularly because many of them are heavily weighted in things like Treasuries which had really blew the markets most recently.

Overall, we think JP Morgan's a good Bond Manager. Although they have had some ups and downs across the Portfolio. They are in line with what we have seen for Active Management relative to peers.

Real assets have taken a hit. One of the main places you are going to see this is in REIT (Real Estate Investment Trust) which is daily market value real estate. Overall, the global real assets are down 4.7%, I would not pay too close attention to this real asset benchmark. It is not an Investable Index as we say. It is not like you can buy the S&P 500 for example. As I mentioned before, big negatives that you see are in REIT overall Real Estate Investment Trust had been hit. We have seen a few things happen with real estate. Number one – the ‘office’ is being questioned in terms of its validity long-term, since many individuals and corporations have been able to go remote during this time.

On the other side, is residential. The moratorium on evictions and being able to get a non-paying renter out of the building is having a significant impact on pricing, particularly in REIT, and some of these shorter-term pricing investments that represent the real estate markets as a whole.

Hedge Funds as a whole, have not done well. PIMCO tactical opportunities fund, which can go both long and short unfortunately, posted a minus 2.28% return relative to the aggregate index, which isn't necessarily the most appropriate index. What we have seen across the hedge fund space is somewhere between negative two and positive 2% is kind of where most have come in, year-to-date. So, they are right in line as well.

The Hawai‘i Direct Investments year-to-date; down 4.43.

Lastly, we have the total Private Equity Investment - as you know you have Commonfund doing a lot in your private equity space. You have a lot of relatively minor and small positions spread out across many private equity investments. Overall, private equity showing negative 10% year-to-date. All those returns are on a lag, so they haven’t taken into account the most recent bounce back that we saw in the second quarter of this year. So, we would expect to see some recoveries as the reporting catches up to the valuations in the private market space. Again, a list of each of the private equity investments as some of these are as low as $72,000. I am not going to run through each one of them in the interest
of time, but overall, this is a broadly diversified private equity in private investment portfolio. With that, I will pause and am happy to answer any comments or questions that you may have regarding the portfolio.

**BAE Chair Waihe’e:** Ok, members - are there any questions regarding the portfolio?

*There are none.*

**BAE Chair Waihe’e:** John, you may continue.

**Segal Marco Senior VP John Marco:** I really have nothing beyond further discussion at this point. We provided you the overall performance update right now. We had a chance to meet with Sylvia in between the meetings, both Craig and I, to update on Ray’s departure, as well as the new CFO starting on the 16th. So, we are preparing, and getting our ducks in row to launch and work with her (CFO) going forward.

**BAE Chair Waihe’e:** Thank you John.

**Trustee Ahu Isa:** In this volatile market - can we get updates a little more frequently, instead of waiting from June 30, August 30 to September 30 would be the third quarter?

**Pouhana Hussey:** What they can do is give us what they called their flash report, which is what the August report was. The flash report has pretty much all the market stuff except the private equities. By practice, the private equity amounts come in a quarter lag, and so we will get another big report with all the private equity report out, but they can provide the flash report. As soon as they do, that will be provided to the trustees.

**Trustee Ahu Isa:** Because I notice the bond funds like JP Morgan, it ended up being less than what Vanguard is. Maybe the new CIO, the Chief Investment Officer, can look at some other questions that I have whenever we hire.

**Pouhana Hussey:** So, we do not have a Chief Investment Officer. We have a vacant Investment Manager position, but the new CFO coming in does have experience with investment, accounting and reporting. So, we’ll make sure that is on as well as the Permitted Interaction Group, regarding all the policies, which will also influence what that might be. So, we look forward to that work from the trustees.

**Trustee Ahu Isa:** Ok, Mahalo.

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

**BAE Chair Waihe’e** and the Joint BAE-RM Committee thanks John and Craig.

**Segal Marco Senior VP John Marco:** Mahalo Everyone. Thank you.
V. NEW BUSINESS

B. Workshop: 2021 Legislative Session: OHA Fiscal Biennium 2022-2023 Budget Bill – General Funds Appropriation Workshop† - Advocacy

C. Workshop: 2021 OHA Legislative Concepts Workshop† - Advocacy

BAE Chair Waihe‘e: I will once again turn it over to our Pouhana Sylvia Hussey.

Pouhana Hussey: Thank you. We have Public Policy Manager Wayne Tanaka on; and he will walk us through the presentation. We will start with Interim Chief Advocate Sterling Wong to provide some context for the presentation.

Interim Chief Advocate Wong: Aloha Trustees Sterling Wong, Interim Chief Advocate for the Administration. As you know, a few weeks ago Public Policy presented on the last legislative session and closed it out. We have spent the last few weeks prepping for the upcoming session and working internally and externally with stakeholders to build up a conceptual package. This, of course, is a year with our budget bill, so that is going to be a big carry this session. We do not have actual bill language here. However, we have concepts, so Wayne is going to present those to the joint committee. We will take your manaʻo, incorporate them into the package, and then in a few weeks we will bring actual bill language to the BAE and then to the Board for approval and then we will have our package. Mahalo Nui, I will turn it over to Wayne now.

Public Policy Manager Tanaka: Good Morning Trustees, it is great to see everyone again. The Conceptual Package starts on page 220 (of 242) of your electronic packet. Then the PowerPoint starts about four pages after that. As Sterling just described - this is our Conceptual Package presentation for the Committee’s consideration; there is no decision-making today. This is just to give you an idea of what we are thinking about for our OHA package; as well as for coordinated Advocacy - which are bills that are not formally part of our package, but we do support them and provide the kind of support that is commensurate with the advocacy we do around our own package.

I’ll just recap real quick, this is the timeline for development of our package. This past Summer - July through September, we did internal and external outreach. We had an overview, as you recall, on the 23rd, and today is the 7th, so that is where we are right now. After this, we will take your feedback and draft up actual Bill language to present to you folks for decision-making on the 21st and then with that have BOT approval of our final package before the General Election in November.

The next Legislative Session starts on January 20th, 2021 - which is the third Wednesday of the Calendar Year. So quick review of the development process thus far, we have received over 50 Legislative Proposals from both staff as well as numerous, external: Stakeholders, Experts and Community Leaders that we spoke with. We applied these criteria that I'll talk about in a minute to kind of filter through these proposals, combined some ideas, and eventually came up with the four package measures and two coordinated Advocacy measures that I'll be talking about today.
Public Policy Manager Tanaka: Again, a quick recap, these are the kinds of things we think about when developing our packages and deciding what to bring before the Board. First, we want to think about the number of bills in our package, to ensure that it’s manageable, especially since we mentioned that our budget requests will be going in this year, so we will have to invest a lot of our time and energy in getting that passed.

We also want to make sure that we get the biggest bang for our buck because they’re only likely to be a few measures in our package. So, we like things that have broader impacts as opposed to something that is specific to an island or to a particular community. We also want to make sure that legislation is something that will address the issue. Where it is clear that a statutory change is needed versus something like funding or compliance or policy implementation on the ground.

We also want to be mindful, especially this year of funding implications. So, if any proposal will impact our Budget or the State’s General Funds, we want to be very mindful that. Especially given the economic challenges of the pandemic. We also want to think about how much Community Support there will be for any measure, that can be a big game changer in terms of getting things passed relatively cleanly. We also want to make sure that whatever we put forward is something that is realistically achievable in terms of passage or it will help raise a conversation around the issue where there is a clear need for dialogue. Again, our Strategic Plan 2020 Plus Strategic Foundation directions are set, so we want to make sure that our package aligns with those things.

Public Policy Manager Tanaka: Of course, as I mentioned last time, we want to think about whether OHA as an agency is the appropriate body. Does it align with our mission? Are there other entities or agencies that could kind of pick up the torch on the issue?
Especially, you know, for example, the Governor's package usually has a better chance of success. If it is in the Governor's package - then of course you have his folks also working on the issue and so it can be advantageous and strategic. Sometimes it could also be ideas that are controversial or for whatever reason might be better championed by a Community group. In which case we can provide support, but we would just let them take the lead on those kinds of values.

The ‘general context’ of all our advocacy at the Legislature – it is always important to keep these kinds of things in mind. So, we want to be cognizant of the political landscape. We try to learn from lessons in the past, both successes and failures. I think it is always important to keep in mind what our priorities are at the Legislature.

Which is to make sure we maintain an Investor Political Capital strategically, especially when we may have to advocate on issues that might be controversial. We also want to maintain our credibility. That is the biggest thing we have in that building is the fact that when we come forward with ideas and recommendations it is always based on a substantial amount of research, data, and facts.

We also want to have an impact, so we do not necessarily want to put forward something that might sound good, but not really have, or at least set up the potential for change. A big thing that we always focus on is making sure to stop the bad bills, the bills that we oppose because they have significant negative impact on the mission or our beneficiaries’ interest. That’s where a lot of local capital has to be reserved for. I just wanted to give a quick reminder of the breadth of subject areas that we advocate on: anything that impacts OHA, anything that touches the Public Land Trust, the disposition of Ceded Lands, issues related to the perpetuation of Traditional and Customary Practices, Criminal Justice, Houselessness and Education. We advocate in all these areas because our beneficiary’s interest touch upon all of them, so we do want to be mindful of all of the collateral effects of advocating on one issue and other issues that we care about.

Public Policy Manager Tanaka: With that, I'll get into our Conceptual Package proposal. As you know, this is a Budget year, so one of our main proposals will be to get our General Fund Appropriations Bill passed. The proposal this year is to just go after what the Legislature considers a base budget, which is a little over $3,000,000 a year in General Fund Appropriations.
We also want to maintain our historic provisos; Legal Services, Education and Social Services as well as to maintain our Trust Fund match. Whenever we ask for general funds we always commit matching Trust Funds to reflect the partnership that this appropriation reflects in terms of working together to strategically leverage our collective resources to benefit Native Hawaiians and in many ways, the entire State.

**Trustee Lee:** Wayne I have a question about the general funds. *Does Act 37 cover our General Funds in perpetuity or is that specific only to 2020 General Funds?*

**Public Policy Manager Tanaka:** I think you’re talking about the audit proviso?

**Trustee Lee:** That's correct.

**Public Policy Manager Tanaka:** That was for the release of funds for the last fiscal year.

**Trustee Lee:** *That will not affect this moving forward, correct?*

**Public Policy Manager Tanaka:** That in itself would not. Hopefully, they do not try to insert something.

**Trustee Lee:** That answered my question thank you. Thank you, Wayne.

**Public Policy Manager Tanaka:** That’s part of the thinking - in keeping this kind of a clean bill. We did ask for an increase into our base budget in a previous biennium and that was largely due to the rapidly exploding fringe rate that we've been seeing in the last five or six years. However, I think, in light of the pandemic, and the uncertain economic ramifications going forward - we thought keeping a clean-based budget might be the best way to go.

We did want to emphasize that this is something we should probably bring up, even though we're asking for the same base amount of money. It is not like our costs - especially our personnel and fringe costs - are not increasing and have not been increasing over time. We were thinking last year that the fringe benefit might go up to 69%. Right now, it's at a little over 63% and we're using that figure to forecast for our 2021 budget. The State’s interim for next year went down a bit, but that’s because of the economic impact of COVID.
**Interim Chief Advocate Wong:** I just wanted to make sure the committee is aware, given the presentation on our Trust and how the presentation reflects the current global economic struggles. Knowing that the State is having economic challenges as well and the next legislative session is going to be focused a lot on trying to plug these holes in the budget. I’d like to remind the joint committee that what happened with the last recession in 2008 and 2009 manifested in 2010. A request from the Legislature to do an across the board, cut to our budget of 10% - that we accepted. I think that is something to be mindful of for us going into this legislative session. We can probably expect the same sort of request from the Legislature to cut our budget across the board, which is the reason why we’re presenting a baseline budget with consideration of the politics around all of these budgetary issues. Mahalo.

**Public Policy Manager Tanaka:** Thank you Sterling. Our next package concept - it is a resubmittal of our Capital Improvement Project request that we put forth last year. As you may recall this would call for the issuance of general obligation bonds to raise funds to help pay for the construction of water storage and distribution infrastructure on our Wahiawā lands. This infrastructure is necessary for the implementation of our conceptual plan and last year, it got quite far; it even manifested in some other vehicles.

Unfortunately, the COVID pandemic happened and the bill stopped as a result. We did get word from the WAM staff that they would recommend us resubmitting this CIP request. I did want to note that the COVID-19 pandemic killed this bill this year, but what the pandemic has also shown for a lot of folks and policymakers is that we really need to start investing in our islands; food self-sufficiency and agriculture to help us get to a more secure place.

I think the implementation of our plan to stand up diversified agriculture, local food production in Wahiawā, which has been historically used for industrial export model crops. Our plan can really help be a step towards this post COVID goal of greater production of agriculture, greater food self-sufficiency and food security. I included an anticipate timeline as an update. Mahalo to our Land Division Staff for giving us their latest figures.

We do plan to have a design contract executed by the end of November, get our permitting by August of 2022 and start procurement for construction by December of 2022.

**Pouhana Hussey:** I just wanted to supplement this particular slide that the Capital Improvement Budget as requested and as laid out is all incorporated in Budget Realignments and follow Policy related from Kaka‘ako Makai revenue in the Kaka‘ako Makai policy for legacy lands. So, the timeline here is also Budget and Policy compliant. Thank you.

**BAE Chair Waihe‘e:** Thank you.
Public Policy Manager Tanaka: Thank you. Moving on to our third concept - this proposal seeks to break or mitigate the cycle of houselessness; and the criminalization of people experiencing houselessness. We’re hoping to provide incentive and hope for those who may be houseless, and seeking to help better their conditions, but who may face barriers because of criminal records or outstanding fines and fees. There's a growing recognition and has been a lot of investment in programs to divert houseless folks away from the criminal justice system. I think people recognize that this is a real cycle.

It does not help address any underlying issues that contribute to our houselessness problem generally, or for individuals and it exacerbates the problem because it creates these barriers. We've seen things like LEAD and HONU which is that tent program that was being established late last year. Really with these programs - they're not going to divert everyone. Folks are going to get ticketed or arrested for these what we call 'quality-of-life-crimes'.

So this bill would provide an opportunity for folks with criminal records, specifically for statutes relating to obstructing sidewalks, state trespass laws, and also generally for any other statutes, ordinances, and rules that can be shown to relate to a person’s houselessness status for an opportunity to expunge those records, in both conviction and arrest records. In order to qualify a person would have to demonstrate that they were satisfied in all their probation requirements, all the requirements of judgment like when they were convicted or adjudicated except it would allow for outstanding fines and fees to be waived. The person would also have to make a commitment to seek financial or mental health counseling to the extent that financial or mental health challenges might have contributed to them becoming houseless or staying houseless.

I just want to be clear this does not prevent folks from being cited or arrested. So it won't take away what some people think are tools for addressing immediate issues, but really what it does is when someone is ready to start moving and taking steps towards stable housing it will give them a way to get rid of these barriers that could otherwise be difficult to overcome.
Public Policy Manager Tanaka: The last formal OHA Package measure is looking to address the Data Collection and Governance issues that we've been encountering during this pandemic that have highlighted a lot more longstanding issues with regards to trying to come up with good policy interventions for our beneficiaries without clear specific data to what their needs and situations are.

What's been happening for the last several months; some departments have been better than others, but we've been having a really, hard time, getting clear disaggregated data on Native Hawaiians specifically from Departments such as the Department of Labor and Industrial Relations in regards to unemployment impacts and the Department of Health in regards to COVID infection rates, and so forth. If we get anything, many times the data is aggregated with Pacific Islanders and we have pretty, strong indications that both Native Hawaiians and Pacific Islanders are being impacted significantly, but in sometimes pretty, distinct and unique ways.

When data is aggregated the way it is, it's really, hard to develop policies interventions that can specifically and effectively address these impacts for both communities. I just wanted to note that these immediate issues that we have been encountering over last few months are really, reflective of what has been a longstanding concern. There is inconsistent: data collection, data processing and data sharing across all State agencies. This can not only stymie efforts to create policies beyond just addressing COVID, but also prevent serving our beneficiaries in the most effective manner.

We would like to propose a concurrent resolution, which would do three things. First, it would urge COVID relevant departments; Department of Health, Department of Labor and Industrial Relations, Department of Human Services as well as the County Police Departments and Judiciary to share with us what disaggregated data they do have on Native Hawaiians and Pacific Islanders.

We would also ask that they work with the public so we can get an idea of what data sets may be available. We'd also like to urge these same entities to work with OHA and possibly with the NHPI COVID-19 Response, Recovery and Resilience Team. To come up with procedures and agreements for Data Governance; Collection, Processing, whose going to hold the data, and how it will be shared across agencies and with the public and then report back on these procedures and agreements to the 2022 Legislature.

Finally looking longer term; urge a convening of a 21st century Data Governance Task Force including the Office of Planning, the Office of Enterprise Technology Services, OHA and others that the task force identifies to create an assessment of what the data infrastructure challenges and needs are across the
agencies, and to report back to the 2023 Legislature. This is a way to validate and verify the concerns and the anecdotal reports that we’ve been receiving for a long time now about the outdated State of Data Collection throughout State Government and Data Governance.

Public Policy Manager Tanaka: Next are our Coordinated Advocacy measures. These are measures that will not be formally part of our package, but we would advocate for them. The first bill seeks to provide a more consistent voice for ‘Aha Pūnana Leo to ensure that the Early Learning Board can continue to recognize its importance of Hawaiian early learning for Child Development and the normalization of ‘Ōlelo Hawai‘i. The Early Learning Board is a State Board established to make recommendations and policies on Childhood Development and Education from Prenatal to Pre-Kindergarten.

‘Aha Pūnana Leo as many of you know, is the one entity that has essentially raised up Hawaiian medium early learning in the islands beginning in 1983 with the first school in Kekaha and now there are eleven schools throughout the islands. ‘Aha Pūnana Leo is a member of the Early Learning Board. The issue is that this representative seat is limited to two 2-year terms (4 consecutive years). When you serve on a Board or Commission, it takes a lot of time to build up the relationships and institutional presence and knowledge continually, and that is critical to being an effective advocate. So this bill would try to treat ‘Aha Pūnana Leo or their representative as the same as the Representative for Kamehameha Schools and the Hawai‘i Association of Independent Schools is treated under the law - which is as an invited member that are not subject to the term limits.

Finally, our other Coordinated Advocacy measure is looking at Pretrial Reform. As you may recall, last year there was an omnibus Criminal Justice measure that implemented most of the recommendations of the Pretrial Reform Task Force and the Prison Reform Task Force which included the establishment of the Hawai‘i Correctional Systems Oversight Commission which our representative is the current Chair of.

This omnibus bill did not however include one of the major recommendations of both task forces, which was to provide for a presumption favor of release for certain low level, non-violent pretrial detainees. I believe there was some issues about political push back and uncertainties about Public Safety Impacts of including this recommendation in the omnibus measure. What we have seen during this COVID outbreak is that our jails’ overcrowding situation is really, unmanageable.
The Commission has been trying to work on providing relief for our Correctional Systems generally, in our jails in particular because of the outbreak. What they have seen through this work is that we now have a clear experience and data showing that release of pretrial detainees from our jails did not actually result in any increase in crimes. They didn’t see a significant amount of reoffending; out of 335 people that were released during the pandemic only 39 were rearrested or cited again. Of those 39 folks, 9% of the rearrests or citations were for ‘quality-of-life’ crimes like sleeping in the park, or they were technical violations like, not calling their probation officer.

With that experience and knowledge, the Commission would now like to prioritize the implementation of this recommendation to provide relief for overcrowded jails and facilities. Also, to try to mitigate the impacts of pretrial incarceration, as we’ve discussed before. It can have significant consequences – folks could lose their jobs, house, custody of their kids - all before having been convicted of a crime. If we can safely facilitate release for non-violent, low-level accused individuals then we can mitigate those impacts as well. I wanted to note that it is a presumption and thus rebuttable. If someone is charged with a low-level offense that’s non-violent, it’s a presumption that they should be released pretrial but if the Prosecutors can show that the individual may be a flight-risk or release might pose a danger to the Community then the Prosecutor can offer that information and rebut the presumption.

Public Policy Manager Tanaka: That is it. Does anyone have any questions, comments, advice?

BAE Chair Waihe‘e asks if there is any questions or further discussion.

There is none.
BAE Chair Waihe‘e: Thank you Wayne.

VI. ANNOUNCEMENTS

None

VII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the JOINT BAE-RM meeting.

BAE Vice-Chair Akaka seconds the motion.

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

BAE Chair Waihe‘e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

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BAE Chair Waihe‘e adjourns the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management at 10:55 a.m.
Respectfully submitted,

Melissa Wennihan  
Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management (RM) on [next Joint BAE-RM meeting in 2021].

Trustee John Waihe‘e, IV  
Chair  
Committee on Beneficiary Advocacy and Empowerment

Trustee Dan Ahuna  
Chair  
Committee on Resource Management

ATTACHMENT(s):  
• NONE