

OHA's 2021 PACKAGE

HB204/SB389 (OHA-1)

Biennium Budget
Bill FY22-23

Continue the decades-long partnership between OHA and the state to support Native Hawaiians by:

- > Requesting OHA's "base" budget of \$3,037,879 in general funds per fiscal year
- > Maintaining historical provisos earmarking over half of the requested general funds to be invested in programs and services, along with matching OHA trust funds
- > **Note:** OHA leveraging has quadrupled the community impact of state general fund dollars in past years

HB203/SB390 (OHA-2)

OHA CIP Funds to
Support Diversified
Agriculture, Cultural
Protection in Wahiawā

Promote diversified agriculture and local food production on OHA lands in Wahiawā by:

- > Authorizing the issuance of G.O. bonds to provide \$3M for the construction of water storage and distribution infrastructure in Wahiawā
- > **Note:** ADC committed to provide OHA 1M gallons water/week; design/planning/permitting of water infrastructure currently underway

HB202/SB391 (OHA-3)

Clearing the Path Home
for People Experiencing
Houselessness

Remove barriers to employment, housing for houseless people by:

- > Allowing for the expungement of records for non-violent offenses related to an individual's houseless status (i.e. sidewalk obstruction, sleeping in a vehicle, etc.)
- > **Note:** Applicants for expungement must have completed any requirements of judgement other than the payment of fines and fees (which may be waived) and must commit to seeking financial or mental health counseling, if relevant to their houselessness

HCR3/SCR5 (OHA-4)

21st Century Data
Governance for
Fact-Based Policymaking

Support fact-based policymaking for COVID-19 and beyond by:

- > Requesting certain key government agencies to provide any current disaggregated Native Hawaiian and Pacific Islander data to OHA
- > Requesting the same agencies to develop data governance agreements with OHA, NHPI COVID-19 3R Team
- > Requesting a task force (OHA, Office of Planning, Office of Technology Enterprise Services) to develop an "as-is" assessment of data governance infrastructure across state agencies

For more information please visit:
www.oha.org/legislation

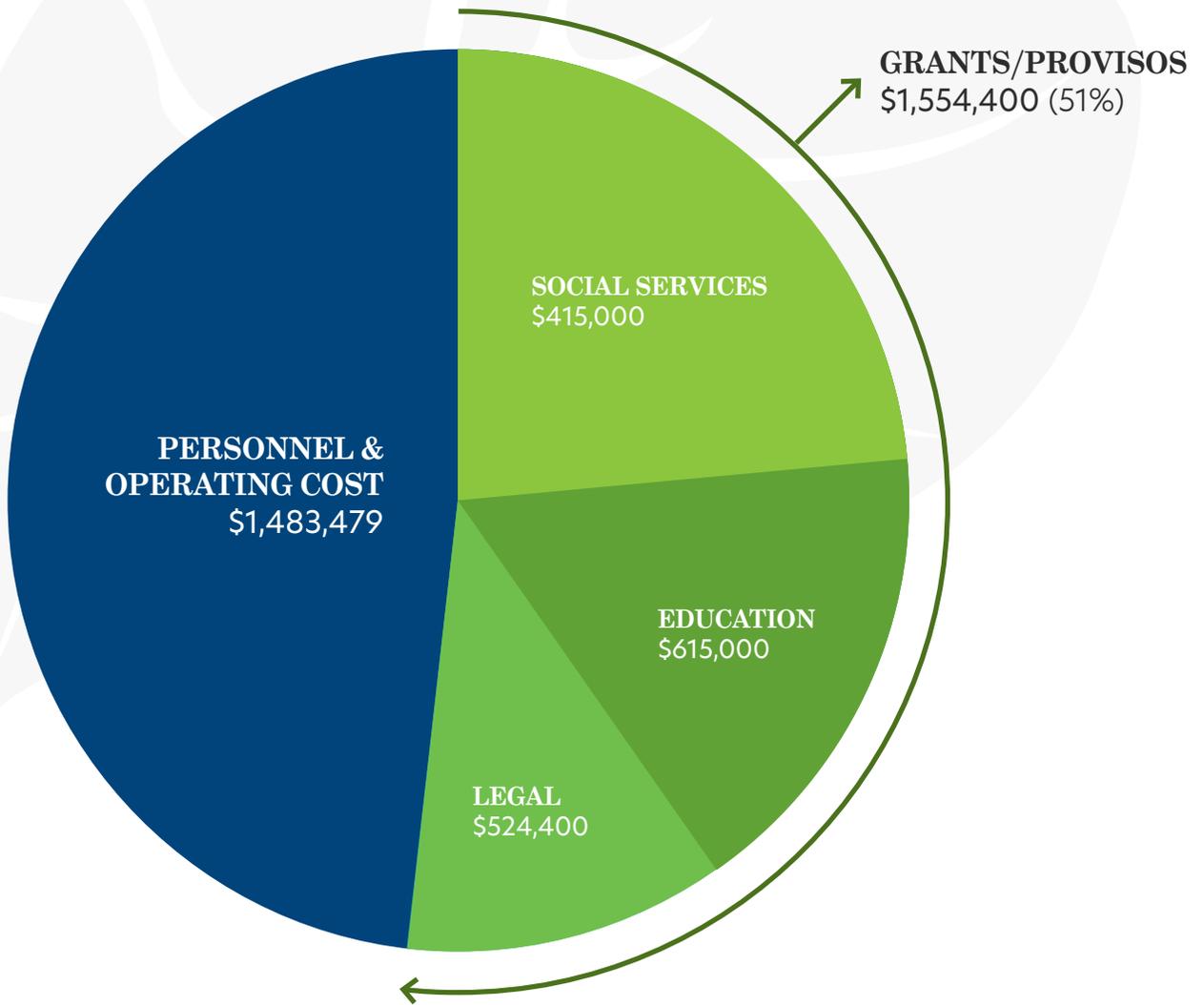


*Empowering Hawaiians,
Strengthening Hawai'i*

BREAKDOWN OF REQUESTED FY22 GENERAL FUNDS BY FUNCTION

TAKEAWAY

51% of \$3MM (\$3,037,879)
represents Proviso funding



KEY OHA TOPICS

Public Land Trust Revenue

- › OHA's top priority
- › Not included in OHA's Legislative Package
- › OHA supports community-led advocacy

New Agency Direction

- › New Chair's Priorities:
 - › Implementing OHA's new Strategic Plan
 - › Develop OHA's 30 acres of land in Kaka'ako Makai
 - › Native Hawaiian health challenges from COVID-19;
 - › Stewardship and protection of Native Hawaiian land, water and cultural resources.

OHA Diligently Responds to Frequent Audits and Reviews

- › Independent, external auditors have given unqualified, clean opinions on nine consecutive financial audits that the agency's financial statements present fairly the financial position of OHA.
 - › Also, in those same nine years, neither significant deficiencies nor material weaknesses were identified by the independent, external auditors.
- › OHA has partially/fully implemented 72/73 recommendations from last three state audits.

OHA elected to hire independent firm (CLA) to

 - › review five years of contracts and disbursements:
 - › Completed in Dec. 2019, CLA did not notify OHA of any potential indicators of improprieties or irregularities;
 - › CLA review of OHA did not identify fraud, waste or abuse;
 - › 98/110 recommendations from CLA Review have been partially/fully implemented.

OHA Has Not Yet Received FY21 General Funds

- › Act 37, 2019, conditioned release of \$3M in FY21 general funds upon submission of a report of the State Auditor's findings and recommendations by December 26, 2019.
- › OHA submitted all requested documents to the State Auditor (930 in total, consisting of thousands of pages), including executive session minutes with appropriate redactions to preserve OHA's privileged communications with its attorney(s).
- › In Dec. 2019, the State Auditor announced that he was suspending the audit indefinitely until OHA provided him with the attorney-client privileged communications.
- › The State Auditor's refusal to submit his report, in violation of Act 37's mandate, has prevented the release of OHA's FY21 general funds.
- › In Feb. 2020, OHA sued the State Auditor, challenging both the assertion that he is legally entitled to OHA's protected communications as well as his refusal to comply with Act 37's deadline.
- › Upon reviewing the unredacted executive session minutes, Judge Crabtree confirmed that the documents at issue were in fact protected by the attorney-client privilege.
- › In Sept. 2020, the court ruled the State Auditor does not have the power to compel production of OHA's privileged communications. Judge Crabtree expressed concern about "the potential chilling effect" on the legal advice public agencies would receive if the State Auditor could review confidential discussions with their attorneys.
- › Despite the court's ruling, the State Auditor has still not submitted his audit report as required by the Legislature in Act 37.

OHA LLCs UPDATE

- › OHA is re-organizing its LLCs
- › OHA is dissolving all but 2 of its associated LLCs - documents filed with the AG's office to dissolve Hi'ikualono, Ho'okele Pono and Ho'okipaipai as authorized by the Board
- › OHA will retain Hi'ilei Aloha LLC, of which OHA is the sole member. Hi'ilei Aloha will continue to be the sole member of Hi'ipaka LLC, dba Waimea Valley
- › As approved by the Board in May 2019, non-OHA executives are expected to serve as managers for the two remaining LLCs.

