

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

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

September 21, 2016 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Peter Apo
Trustee Rowena Akana
Trustee Haunani Apoliona
Trustee Robert Lindsey
Trustee Colette Machado

EXCUSED:

Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Carmen Hulu Lindsey

BOT STAFF:

A. U'ilani Tanigawa
Crayn Akina
Dayna Pa
Harold Nedd
Lady Elizabeth Garrett
Liana Pang
Melissa Wennihan
Reynold Freitas

ADMINISTRATION STAFF:

Lisa Victor, Pou Nui / COO
Anuheia Patoc, PUBL
Deja Ostrowski, PUBL
Derek Kauano, ADV-GOV
Hawley Iona, CFO
Jacob Aki, PUBL
Jocelyn Doane, PUBL
Kamaile Maldonado, PUBL
Monica Morris, ADV
Sterling Wong, PUBL
Wayne Tanaka, ADV

GUESTS:

Whitney Kuttner

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, September 21, 2016 to order at **10:00 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	PETER	APO	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	Arrived at 10:02 a.m.

At the Call to Order, **FIVE (5) Trustees** are **PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE Meeting are:

MEMBERS			COMMENT
TRUSTEE	LEI	AHU ISA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	DAN	AHUNA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	CARMEN HULU	LINDSEY	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. August 24, 2016

Trustee Robert Lindsey moves to approve the minutes of August 24, 2016.

Vice-Chair Apo seconds the motion.

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

Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.

						10:00 a.m.	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA						EXCUSED
DAN	AHUNA						EXCUSED
ROWENA	AKANA						Arrived at 10:02 a.m.
VICE-CHAIR PETER	APO		2	X			
HAUNANI	APOLIONA			X			
CARMEN HULU	LINDSEY						EXCUSED
ROBERT	LINDSEY	1		X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				5	0	0	4

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

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

III. COMMUNITY CONCERNS*

None

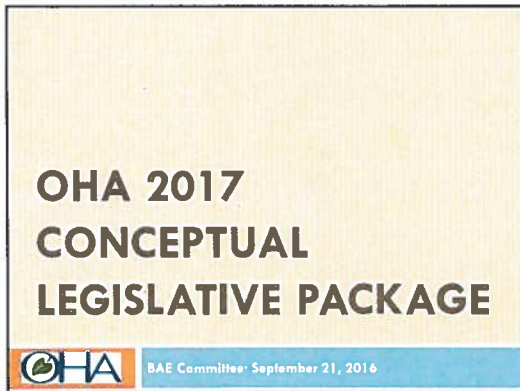
IV. NEW BUSINESS

A. 2017 Legislative Package Concepts Workshop

Chair Waihe'e turns it over to Ka Pou Nui Lisa Victor.

Ka Pou Nui Victor: Mahalo Chair. I'd like to call upon our Public Policy Manager Sterling Wong and Senior Public Policy Advocate Jocelyn Doane to present our conceptual legislative package.

Public Policy Manager Wong: Aloha. We are going to be presenting our *Conceptual Package* this morning. It's kind of frightening of how quickly time has flown during the off-season. We've been really busy and with this being an election year, we are presenting to you a little earlier than normal.



Public Policy Manager Wong: (begins PowerPoint) As listed on the schedule, we are right there on September 21st and after we have today's discussion and do more research, we'll come back on October 12th for *Final Language* approval on our 2017 OHA Legislative Package to this BAE committee. The main reason we try to get this done before the elections, is because we try not to take things out broadly into the Community until we get Board support; out of respect to this body. We want to make it clear with our stakeholders, that when we communicate with our stakeholders that it reflects the position of the Board. After the Board approves the final language, we will take our legislative package proposals out into the Community. It is through that discussion where what usually happens is that we change the language a little. Sometimes, we also get other ideas. So we may come back to the Board at a later date to amend the package.

PACKAGE DEVELOPMENT

- July–August
 - Internal outreach with OHA staff
 - External outreach with key stakeholders, experts and community leaders
- Compiled more than 70 legislative proposals during this outreach
- Oct. 12/Oct. 13 – BAE/BOT approval on Legislative Package language

Criteria

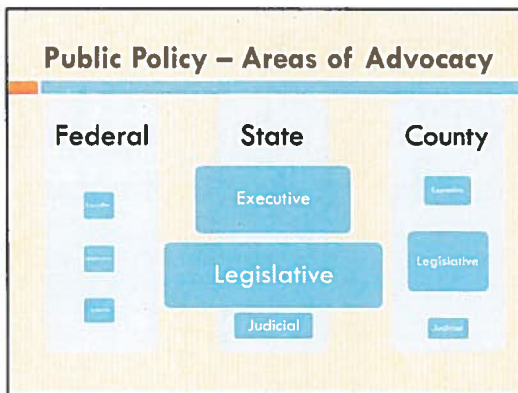
- Aim for small package (Budget Bill Year)
- Funding implications (OHA, state)
- How big of an issue?
 - Does it impact the broader Hawaiian community (broader public)
 - Is it statewide or county specific?

Criteria

- Feasibility
 - Likelihood of passing
 - Some measures not introduced to be enacted
 - Make statement (sugar sweetened beverage fee)
 - Start discussion (Iwi to KIRC, PLT revenue)
 - For publicity (first year for HLIP assessment)

Criteria

- Solvability
 - Has attempts been made to resolve administratively?
 - Can it be solved through legislation?
 - Do stakeholders agree on solution?
- Is OHA the appropriate lead
 - Does it address our Strategic Plan?
 - Would it address a Hawaiian-specific problem? Would Hawaiians be disproportionately affected by problem/solution?
 - State lead – better chance, esp if impacts broader public
 - Community lead – Too controversial, too radical



Political Strategy

- Political landscape
- Agency priorities
 - Reserve political capital
 - PLT
 - Budget
 - Defending against bad bills

Senior Public Policy Advocate Doane: We wanted to provide you with a little context before we show you how small our package is for the upcoming legislative session, due to our strategy.

During session, we get approval from the Trustees on every single measure, but with the administrative hearings and with the County Council hearings, we often times do not have sufficient time from what we get and from what a measure looks like, to quickly bring it to the Board for approval. So we thought this was a good opportunity to share about the other areas of Advocacy that our team works on, which is significant because it's tied directly into how we advocate at the legislature.

The size of the boxes on the PowerPoint slide (above left) represents the amount of time that we spend in each of these arenas. We do Public Policy work on the Federal, State, and County levels and even though we do have a D.C. office, we also do a substantial amount of work particularly in the area of *Education* and on some of the *DHHL* issues.

As you can see, most of the work that we do is on the State level. As a result of the skills on our team, we've gotten really good at engaging in decision making at the Administrative level. We are also getting better at engaging on the County level; particularly with the County Councils.

Honolulu's housing crisis is going to particularly affect our beneficiaries. The County is saying that O'ahu is going to need more than 24,000 housing units to address pent-up demand and over 18,000 of those units or three-quarters of those units are for those earning 80% of the AMI (Area Median Income). So the County is trying to come up with a plan to get those homes built. For the last five years only about 2,000 homes have been built per year and they were mostly market-rate homes. They've been looking at how to attach affordable housing requirements to building permits. Currently, the only two ways that Affordable Housing requirements are triggered in Honolulu County is through a zone change and through new permits related to T.O.D. (Transit Oriented Development).

A couple of months ago we got a request from the County to comment on approval of a luxury hotel and condo near the Hawai'i Convention Center. Deja worked with our compliance department and part of our *comment* was to ask how they're coming up with the Affordable Housing requirements, as well as other questions. They responded with a proposal to require the developer to contribute 2.4 million dollars in affordable housing, which seems like a significant amount of money, but gives them a lot more leeway. So we have suggested to the County Council to give a clearer analysis of the affordable housing contribution given the flexibility that the project is being given. There should be more community benefits. As a result of our *comments* as well as others who have weighed-in with their comments, they are looking further into the project.

Public Policy Manager Wong: The reason we bring this to your attention is how it affects what our legislative package ultimately looks like. One thing that we are proud of is how we can effectuate change, especially at the County Council level. I want to give credit to Jocelyn and Deja for their work on this. Initially the developer promised 1 million dollars for affordable housing, but based on our advocacy and pushing for a policy, as well as our better calculation, the developer increased the affordable housing contribution to 2.4 million dollars.

We've talked about the political landscape the past couple of years. We've talked about the loss of some of our strong Hawaiian leaders, all while we still have some strong Hawaiian leaders who do have much less.

Trustee Apoliona: *Is it a given that we only have Hawaiian leaders who can help us or are we also considering that we have strong non-Hawaiian leaders who can also be helpful?*

Public Policy Manager Wong: Both, absolutely. One of the biggest issues in regards to the political landscape is "fatigue". Some legislators are tired of dealing with Hawaiian issues, e.g., Mauna Kea, NHLC, DHHL, OHA, Leasehold conversion, etc. So this is another reason for our small OHA package.

NEW PROPOSALS

- **Biennium Budget FY18/FY19**
- **Per Fiscal Year**
 - \$3.52 million
 - \$530,570 more
 - Grants Program & Direct Beneficiary Services (\$2.3 million)
 - Operation & Expenses (\$1.21 million)

New Proposals

Charter School Lunch & Bus Transportation

- Goal: Clarity on application of law requiring equal funding for charter school students
- Law requires equal non-facility "per-pupil" funding for all regular education costs, inc comprehensive school support services
- Assertions that schools do not receive equal funding for school lunch & bus transportation
- Legislation: 1) Annual Itemized accounting of per-pupil allocation 2) Inclusion of school lunch & bus as "school support services"

Public Policy Manager Wong: Moving into our Legislative Package – **Biennium Budget bill**; about a month ago the Board did approve the actual Budget bill and to recap we are requesting 3.5 million dollars per fiscal year. The provisos stay the same and the most important point is the \$530,570 increase to help offset the fringe costs for the specific positions that we get *general funds* for.

Charter School Lunch & Bus Transportation; when Taffi and crew came about a month ago, one of the biggest things they talked about was how their school lunch money was cut off and that they don't get money for both lunch and transportation. So we're looking at legislation to make sure charter schools get that money. It'll take a lot of research to figure out why they stopped and what the legal authorities are. This is solely a funding bill, and is one of the things we generally try to avoid. However, this OHA Board has contributed 18 million dollars over the last 15 years towards Charter Schools and we feel like we're committed to continually fund it. So it's easy for us to argue that we have and continue to do our part to fund Charter Schools, so the legislature should not just ask OHA to fund these additional areas as well.

New Proposals

Konohiki Fishing Rights Resolution

- Goal: Provide information on the parallels between traditional konohiki fisheries & CBSFAs
- Historical fisheries management & its remarkable successes
- Repeal of konohiki fisheries & its impact on traditional & customary lifestyles and resources
- CBSFA as restoration of community-based, culturally consistent, resource management structure that benefits all of Hawaii

Senior Public Policy Advocate Doane: **Konohiki Fishing Rights Resolution;** this is only a resolution. So the idea behind this is that as the Community continues to move forward on trying to integrate place-based and community-driven management of fisheries in their areas, we're seeing some push back by decision makers and other Community members. So really the goal of this resolution is to provide information on what we're seeing now where there are moves from the community to have stronger roles in the fishery management with what had existed in the past. Historical Konohiki management laid the foundation. This resolution would do that and talk about its remarkable successes in making our 'Āina Momona where our people had lots of food. Also, this resolution would talk about the repeal of the Konohiki fisheries system and its impact on our beneficiaries and the health of our resources.

Coordinated Advocacy

- Traditional Kauhale
- Enforcement of vacation rental regulations
- Right of First Refusal Remnant Disposition
- Judicial Discretion in Felony Sentencing
- Lo'i Kalo Permitting Resolution

Public Policy Manager Wong: That was the package. We also want to talk about bills that we think are important, but for a host of reasons didn't make it into our package; yet we want to coordinate our advocacy with others.

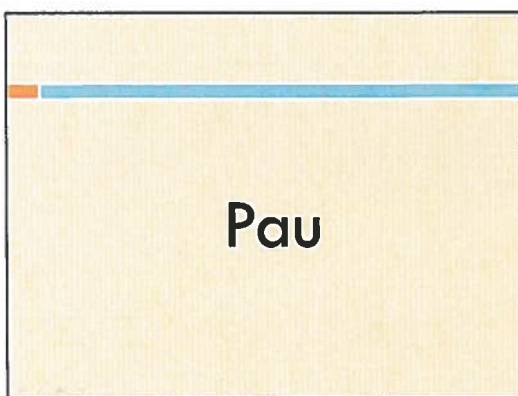
Traditional Kauhale; this is an issue that came up last year. Maile Shimabukuro talked a lot about this bill and over the last 15 years Senator English and others have advocated for changes at the State and County levels in terms of what's required for indigenous architecture. So as a result of those changes, we've seen a lot more hale pili and stuff like that around. Over the last year and a half we've been hearing advocates saying there are limitations in the county ordinances and in the revised statutes at the State level that are too limiting, particularly for Agricultural (Ag) Lands. We have some organizations that want to do employee farming on Ag property and there are some limitations that they want us to look at. It's complicated and we're planning a meeting with Francis Sinenci from Maui and others who have spearheaded this movement. So we'll be talking with them to better understand what the issues are. Once we figure out what the issues are and if there can be a legislative solution, we will most likely team with Senator Shimabukuro, who has asked us in the off-season to work specifically on this project.

Senior Public Policy Advocate Doane: The Enforcement of Vacation Rental Regulations; this was one issue that we spoke a lot about this past session. The measure that we had a lot of concerns about got vetoed by the Governor, but we're assuming Air BNB's lobbyists will be back to try to bring that measure back again. What we're really trying to ensure is that the Counties are empowered to enforce the laws they already have on the books and the measure would've made it difficult for the counties to do that.

The Right of First Refusal Remnant Disposition; I wanted this to go back into the package this year, but I think we have some challenges with some of the Committee Chairs that this would need to go through. So the conclusion is that it might work better if someone else includes it in their package.

Judicial Discretion in Felony Sentencing; essentially in the '70s, the States across the country and the Federal Government started passing mandatory sentencing statutes for multiple felonies. So there are mandatory minimums depending on the type of felony that are exacted upon those that have been found guilty of multiple felonies. Really what it does is it takes away discretion from the judges. As we know, we have a disproportionate amount of Hawaiians in prisons. There's a progressive movement across the United States to start getting rid of some of these mandatory sentencing structures. It's really difficult to frame this, but it's not about *not* punishing criminals for their crimes. This is about placing the discretion back into the hands of a human being who can take into consideration all of the factors and determine what the sentencing should be.

Public Policy Manager Wong: All of these are priorities that are results due to our relationships with our partner organizations. While we can't put them in our package for multiple reasons, we definitely want to make them our priority as well to help kākō'o our partner organizations. Thank you.



Chair Waihe'e: Thank you Sterling, Jocelyn, and Public Policy.

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Vice-Chair Apo moves to adjourn the BAE meeting.

Trustee Apoliona seconds the motion.

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

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

						11:43 a.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA						EXCUSED
DAN AHUNA						EXCUSED
ROWENA AKANA			X			
VICE-CHAIR PETER APO	1		X			
HAUNANI APOLIONA		2	X			
CARMEN HULU LINDSEY						EXCUSED
ROBERT LINDSEY			X			
COLETTE MACHADO			X			
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			6	0	0	3

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

Chair Waihe'e adjourns the BAE meeting at 11:43 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on October 12, 2016.



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

ATTACHMENT(s):

- Notice of Excused Absence (3)
- Community Sign-in Sheet dated September 21, 2016 (1 page)