

# **HAWAIIAN HOMES COMMISSION**

Minutes of November 18, 2019

Kula Community Center, Kula, Maui

Pursuant to proper call, the 717th Regular Meeting of the Hawaiian Homes Commission was held at the Kula Community Center, Main Hall, 3690 East Lower Kula Road, Kula, Maui, Hawai'i, beginning at 9:30 a.m.

## **PRESENT**

William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner  
Zachary Z. Helm, Moloka'i Commissioner  
Pauline N. Namu`o, O'ahu Commissioner  
Dennis L. Neves, Kauai Commissioner  
Patricia A. Teruya, O'ahu Commissioner

## **EXCUSED**

David B. Ka'apu, West Hawai'i Commissioner  
Vacant, O'ahu Commissioner  
Vacant, East Hawai'i Commissioner

## **COUNSEL**

Ryan Kanaka`ole, Deputy Attorney General

## **STAFF**

Tyler Gomez, Deputy to the Chairman  
Jobie Masagatani, Executive Assistant  
Paula Aila, Finance and Development Specialist  
Kahana Albinio, Acting Land Management Division Administrator  
Juan Garcia, Homestead District Supervisor  
Andrew Choy, Acting Planning Office Manager  
Stewart Matsunaga, Acting Land Development Division Administrator  
Leah Burrows-Nuuanu Secretary to the Commission  
Mona Kapaku, Homestead District Operations  
Chariss Almeida, Maui Office  
Cedric Duarte, ICRO Information Officer  
Michael Lowe, Information Specialist  
Jane Pascual, Information Specialist  
Jamilia Epping, Information Specialist  
Julie Cahola, Planner  
Joann Aiwohi, Homestead Housing Specialist  
Moana Freitas, Case Management Specialist  
Geraldine Gante, Contact Center Specialist  
David Hoke, Enforcement Officer  
Kip Akana, Enforcement Officer  
Akoni Shannon, Enforcement Officer  
Paul Ah Yat, Enforcement Officer  
Michelle Brown, Office of the Chairman  
Oriana Leao, Office of the Chairman

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

Chair Aila called the meeting to order at 9:39 a.m. Six (6) members were present at roll call. The O'ahu and East Hawai'i seats were vacant.

### **APPROVAL OF AGENDA**

Chairman Aila noted the amendments to the agenda as followed:

- Minutes for August 2019 and September 2019 will be deferred to Tuesday
- Item C-1 was deferred to O`ahu HHC December meeting

#### MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the agenda as amended. Motion carried unanimously.

### **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

#### **ITEM A-1 Diamond Garcia Re: Item F-3**

D. Garcia asked if the Commission intends to return the property back to DHHL to take people off the waitlist, or have Catholic Charities keep the property for 3 more years. He expressed frustration about the decision being made on Maui rather than O`ahu.

Chairman Aila stated that Item F-3 is a request for an extension because the current agreement expires on November 24, 2019. The action requested today is on the two month extension, which is when the Commission will be on O`ahu.

#### **ITEM A-2 Germaine Meyers Re: Item F-3 and Community Announcement**

G. Meyers testified on Ulu Ke Kukui and felt that the Commission should not extend the lease until the Commission makes matters right. Sunshine Law affords her the opportunity to provide her view agenda items, but to do so she needs a complete understanding of the items. She reminded the Commission that the law requires that minutes be posted 40-days after the meeting. There are a number of minutes missing from 2015 – 2019. The Commission is violating Sunshine Law.

She said there were discrepancies with the recommended motion and action made in October 2018. There is a timeline where the Department was supposed to have gone through the process to approve rules and held a beneficiary survey consultation about a contract.

Regarding the current project, a single proposal was received from a developer that doesn't have funding. If the Commission were going to accept a developer with no funding it should have been outlined in the RFP and perhaps other organizations would have applied. The RFP says they needed to have funding.

Chairman Aila stated that the discussion is scheduled for executive session, so Commissioners can be briefed by counsel before taking up F-3.

#### **ITEM A-3 Blossom Feiteira Re: Items F-1, F-2, F-3 and G-1**

B. Feiteira stated their Association worked with the Commission and the Department to establish rules for rental housing for beneficiaries. It was an opportunity for beneficiaries to gain access to the benefits of Trust lands without losing their place on the waitlist, and for the opportunity to transition into homeownership. She agreed that the Commission should consult with the beneficiaries before any plans or decisions are made about the project in that region.

It is important for the Commission to understand when beneficiaries came up with the proposed ideas of a non-traditional award, it was because the beneficiaries felt they needed to have a hand in the decision making process on how Hawaiian lands are developed and be able to accelerate the process and get beneficiaries off the waitlist and on to the lands.

In the case of the Accelerated Awards program, the Legislature and the State failed in their obligation to fund the Department sufficiently to meet the criteriums for the accelerated awards..

The undivided interest is the same. Kahikinui is a matter of autonomy and authority that the Commission recognized 25-years ago when they adopted the management plan.

**ITEM A-4 Janet Redo Re: Keanae Hawaiian Homes, Keanae Peninsula**

J. Redo testified that she is from Keanae and a lessee for an undivided lot. They hope when the lots in Kula become available it is not turnkey because they don't have that kind of money.

J. Redo stated her husband was awarded Kahikinui years ago and was not able to build their house because the road was bad. They turned the property over to their son who could live that kind of lifestyle, but he died two years ago. J. Redo stated she got a phone call from the Department that her son will lose the lot because he did not build a house yet and Hawaiian Homes is taking back the lots that people have not yet built their homes. Chairman Aila said that the 45-days is to contact the Department. He asked J. Redo to share her plans with the Maui District office. Juan Garcia of HSD said he will take her information.

**ITEM A-5 Napua Hueu Re: Item J-5**

N. Hueu testified seven of her family members are on the waitlist. The Department is putting unrealistic pressure on a part-time resident/leaseholder by communicating that their leases and lots can be revoked if they are not living on the lot in a full-time capacity. It goes against the original purpose of the Kahikinui Kuleana Homestead program and the Hawaiian Homes Commission Act, and against the original DCCRs that stated leaseholders could either utilize lots for "full-time residency or weekend retreats". The threat of leaseholders not living there full-time and risk losing their lease is reckless and unconstitutional.

**ITEM A-6 Nobu Higa Re: Lease, Kula**

N. Higa testified that he is a rancher and he needs land for his cattle. The lands formerly leased to the Sakugawas should be given to the kupuna. Many kupuna have no land yet and they are older than him.

**ITEMS FOR DECISION MAKING**

**CONSENT AGENDA**

**HOMESTEAD SERVICES DIVISION**

**RECOMMENDED MOTION/ACTION**

Homestead District Supervisor Juan Garcia presented the following:  
Motion to approve the Consent Agenda as listed in the submittal.

**DISCUSSION**

Chair Aila asked Commissioners if there were any Items from the Consent Agenda that they wanted to move to the Regular Agenda.

- ITEM D-2** Approval of Consent to Mortgage (see exhibit)
- ITEM D-3** Approval of Refinance of Loans (see exhibit)
- ITEM D-4** Approval of Streamline Finance of Loans (see exhibit)
- ITEM D-5** Approval of Homestead Lease Application/Cancellations (see exhibit)
- ITEM D-6** Reinstatement of Deferred Application – **NORMA G. K. NAWAA-TANELE**

- ITEM D-7** Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- ITEM D-8** Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-9** Approval of Amendment of Leasehold Interest (see exhibit)
- ITEM D-10** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-11** Commission Designation of Successor – **CAROLINE K. K. PONCE**, Residential Lease No. 11436, Lot No. 17143, Kaupēa, O`ahu
- ITEM D-12** Commission Designation of Successor – **HENRY K. KEOHUUH**, Residential Lease No. 7961, Lot No. 93, Nanakuli, O`ahu
- ITEM D-13** Commission Designation of Successor – **JAMES K. GIFFARD, JR.**, Residential Lease No. 8587, Lot No. 8, Nanakuli, O`ahu

#### MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the Consent Agenda. Motion carried unanimously.

#### MOTION

Moved by Commissioner Namu`o, seconded by Commissioner Awo to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

### **EXECUTIVE SESSION IN**

**11:01 a.m.**

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Provision of Telecommunication/broadband services on Hawaiian home lands.

### **EXECUTIVE SESSION OUT**

**2:10 p.m.**

### **ITEMS FOR INFORMATION/DISCUSSION**

#### **GENERAL AGENDA**

#### **REQUESTS TO ADDRESS THE COMMISSION**

##### **ITEM J-1      Lei Keliiliki – Allowance of Second Dwelling in Waiohuli**

L. Keliiliki lives in Waiohuli and was the successor of her uncles's lot. In 2017, she wanted to build a second dwelling on her big lot, but she was told that Hawaiian Homes won't permit it. She stated there are plenty of homes with multiple dwellings in Waiohuli, Pueo and Lawai. She wants to build a second dwelling home for her mom and the grandchildren to be close to her.

Chairman Aila stated the Department is in the process of finalizing the rules which would allow for a second dwelling on homestead lots. Chairman asked L. Keliiliki to leave her contact information with Deputy Gomes and the Department will get back to her.

##### **ITEM J-2      Maluhia O'Donnell – Aha Punana Leo O Waimea (deferred)**

**ITEM J-3      Suzy Marciel – Keokea Dumping**

S. Marciel is a lessee of the Keokea Farm Lots Association. She stated the Department of Water Supply installed their meter but it was installed on the wrong lot and it is on the bottom. She will be working with the Department to get it relocated to the proper place.

Regarding the dumping at Keokea, she thanked the Commission and staff for seeing first hand the illegal dumping. Besides it being an eye sore, there are huge safety concerns of the culverts and sewer lines are filled with abandoned vehicles, furniture, appliances and more bags of trash. Gates were installed for deterrence but the locks were cut. The community will do what it can to deter the dumping but it needs help from the Department's O'ahu and Maui offices along with help from the County of Maui.

Chairman Aila stated the vehicles in the drainage are a health and safety issues blocking the drainage will be prioritized.

**ITEM J-4      Kekoa Enomoto – Pa`upena Community Development Corporation**

President of Pa`upena CDC Norman Abihai did an updated presentation of the 127-acres that Pa`upena CDC has been working on. They are working on a conservation plan with Jason Heu which states there are no buildings or golf courses, just grazing. He stated they want to put in a 300 x 300 square feet testing area for planting. Pa`upena can help solve the opala problem by bringing in a machine to pull the cars out, put them on the road and have the County pick up the abandoned cars. The problem is they'll go back to dumping because there are no signs or fencing.

K. Enomoto introduced Pa`upena CDC's Treasurer, Keanuinui Kana'e. K. Enomoto is the newly elected President of the Maui/Lanai Moku Puni Council which encompasses 14 homestead entities. She was also elected the Secretary of the Sovereign Council of the Hawaiian Homestead Associations (SCHHA). She spoke on behalf of Pa`upena CDC stating as of October 10<sup>th</sup>, Pa`upena CDC received their due diligence right of entry (ROE) to 127-acres in Waiohuli/Keokea.

**ITEM J-5      Blossom Feiteira – Association of Hawaiians for Homestead Lands**

B. Feiteira expressed appreciation for potential awards with the number of projects going on. Honokowai ag lots, Lei Ali'i, Pu`unani Subdivision, Pulehunui ag lots, the commercial center, Kahikinui and the Undivided interest lots Phases 2 & 3. Maui beneficiaries are looking at 600-800 awards over the next 3-5 years.

B. Feiteira stated that she would like to ensure that the beneficiaries on the waitlist are prepared to accept a lot which would require training and workshops in financial management and budgeting. She stated that Maui County does not have a contract with a service provider to do the pre-purchase homebuyer education. She encouraged the Commission to have a conversation with Ms. Aila and to be quick with the RFP to get the request done.

The Hana community is asking for attention from the Department for a funding source for 600-acres.

**ITEM J-6      Princeslehuani Kumaewakainakaleomomona – Wait List (deferred)**

## **ITEMS FOR DECISION MAKING**

### **REGULAR AGENDA**

#### **LAND MANAGEMENT DIVISION**

- ITEM F-1     Approval to Issue Right of Entry Permit to Connect Point Church, Kaei Hana I, Industrial Subdivision, Waiakea, S. Hilo, Island of Hawai`i, TMK No. (3)2-2-060:040**

#### **RECOMMENDED MOTION/ACTION**

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission (HHC) approve LMD's original Agenda Item No. F-4, Exhibit A, which was deferred by the HHC at its regularly scheduled monthly meeting held on October 21-22, 2019.

#### **MOTION**

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

#### **DISCUSSION**

K. Albinio stated that the submittal is the same and that the deferral was to give the Church time to discuss things with its Board.

Commissioner Teruya stated that something was signed on October 31<sup>st</sup>, and asked if the motion is a formality. K. Albinio stated the Right of Entry is not signed yet, that is just a preliminary terms and conditions.

Pastor Dion Maeda thanked the Commission for giving them a chance to look over the terms and conditions. The Church is looking toward the long-term disposition. He stated that the Church did close to half a million dollars worth of work on the building and there is more that needs to be done. The Church did not want to invest more into the building until they got a long-term solution.

#### **ACTION**

Motion carried unanimously.

- ITEM F-2     Approval for Payment Plan on Deficient Rent, General Lease No. 176, Pacific Macadamia Nut Corporation, Kaei Hana I, Industrial Subdivision, Waiakea, S. Hilo, TMK No. (3)2-2-060:011**

#### **RECOMMENDED MOTION/ACTION**

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission grant its authority to approve the payment plan on deficient rent affecting General Lease No. 176, held by Pacific Macadamia Nut Corporation, a Hawai'i corporation identified by TMK: (3) 2.2.060:011, as delineated in gray-shade on tax map attached hereto as Exhibit "A" and "A-1", subject, but not limited to the terms and conditions listed.

#### **MOTION**

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

### DISCUSSION

K. Albinio stated that the annual lease rent was established at \$59,400 for the final 20-year period from 2/1/2016 to 1/31/2036. The lessee was making payments at the previous lower rate which led to back rent deficiency through June 30, 2017. On July 1, 2017 the lessee started paying the correct rent amount, but the delinquent amount remained outstanding. The lessee accepted the payment plan presented by the Land Management Division.

Commissioner Teruya asked what the affiliation is with Asian American Pacific and Hilo Steel Works, because it's listed under Tengan with the same address and same fund. She asked Kahana to check on it.

### ACTION

Motion carried unanimously.

### **ITEM F-3 Approval to Lease Extension, General Lease No. 283, Hawai'i Public Housing Authority - Ulu Ke Kukui Transitional Housing Program, Waianae, Oahu, TMK No. (1)8-7-010:030 (por.)**

### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve a 2-month lease extension as described in the General Lease No. 283 to the Hawai'i Public Housing Authority (HPHA), to allow the Department time to complete evaluation of the offer received in response to the request for proposals for redevelopment and management of the property, subject to the following conditions listed.

### MOTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

### DISCUSSION

K. Albinio stated General Lease No. 283 was issued to HPHA for a transitional affordable housing project in Waianae covering 6-acres of an 89-acre parcel. The current lease expires on November 24, 2019. In August 2019, DHHL issued a request for proposal for the development and management of Ulu Ke Kukui Multi-family Housing Project, receiving a single proposal prior to the September 20, 2019 deadline. Portions of the proposal require clarification from the offeror before staff can make a recommendation. The proposed extension of the General Lease would give DHHL the time needed to complete the RFP process.

Commissioner Teruya stated that she will not be supporting Item F-3.

## ACTION

Moved by Commissioner Awo to approve the motion as stated in the submittal.						
Seconded by Commissioner Neves						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Kaapu						X
Commissioner Helm			X			
Commissioner Namu'o			X			
Commissioner Neves		X	X			
Commissioner Teruya				X		
Chair Aila			X			
TOTAL VOTE COUNT			5	1		1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed: five (5) Yes, one (1) No, one (1) Excused. O'ahu & East Hawai'i Vacant						

## OFFICE OF THE CHAIRMAN

### ITEM C-2 Approval of Lease Awards (see exhibit)

#### RECOMMENDED MOTION/ACTION

Finance and Development Specialist Paula Aila presented the following:

Motion that the Hawaiian Homes Commission approve the lease awards on the various islands; Lanai, Kawaihae in Kamuela, Hawai'i; Ka'uluokaha'i, Kaupe'a, Kewalo and Kanehili on O'ahu; with a total of 32 leases.

#### MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal. Motion carried unanimously.

## ITEMS FOR INFORMATION/DISCUSSION

## WORKSHOPS

### ITEM C-1 For Information Only - Completion of Department of Housing and Urban Development Environmental Review Record, Keaukaha Residential Lots Rehabilitation and Infill New Construction, Keaukaha, Hawai'i Island, TMK Nos. (3)2-1-20, -21, -22-, -23, and -24, various parcels.

(Deferred to December meeting on O'ahu)

## PLANNING OFFICE

### ITEM G-1 For information only. Non-Traditional Homestead Award Evaluation Report

#### RECOMMENDED MOTION/ACTION

Acting Manager Planning Office Andrew Choy presented the following for information only:



## DISCUSSION

A. Choy stated the Department received comments from the beneficiaries during the public testimony at the August 18, 2019, community meeting in Hana. Some beneficiaries wanted the land without having to wait for infrastructure development and improvements. The testifiers stated it would give them quicker access to the land and allow them to leave something for the future generations in their families. The sentiment is similar to previous efforts to provide non-traditional homestead leases in an expedited manner.

In 2016 and 2017, the Department initiated a programmatic evaluation of past non-traditional homestead awards and contracted SMS Research to conduct the evaluation. Non-traditional homestead awards are related to three types of awards; accelerated leases, kuleana leases and undivided interest leases. The objective of the evaluation was to determine if the program accomplished what it was meant to do, why or why not, what was the impact of the program, what are the consequences, should these non-traditional lease awards be considered in the future and what adjustments should be made to these types of leases. Maui is the only island that has all three types of non-traditional homestead awards.

The accelerated lease program was a recommendation that was included in the 1983 Federal State Task Force. The program was to provide beneficiaries with raw land with metes and bounds to their specific tract. It did not provide infrastructure improvements. In its recommendation for acceleration the Task Force estimated that it would cost about \$250 million to complete basic site infrastructure. The Department estimated that basic site infrastructure would be completed within a 10-year time. It would take \$25 million per year for the infrastructure; this was 1980 dollar amounts. The Department communicated to the beneficiaries that it would take 10-years to complete in order for them to settle on the lots.

The Federal Task Force's recommendation was to:

- Provide undeveloped raw land with no improvements to beneficiaries but follow up with infrastructure improvements over time. The rationale was at least the beneficiaries would have a lease in hand to land that they could pass down to their family.

Between 1984 and 1987, 2,600 accelerated leases were awarded and most of them were residential. The use of the land by the lessees was delayed until funding could be secured for infrastructure. Unfortunately, the funding recommended by the Federal State Task Force was never allocated by the State to the Department to complete 100% of the accelerated lots. As a result, in 2015 about 89% of the accelerated award leases were able to have infrastructure provided.

Feedback from the focus group meetings with beneficiaries was:

- The Department communicated 10-years but that was an unrealistic expectation
- The Department did not follow up with further communication that the timeline would be pushed out because of the lack of funding
- Beneficiaries should have a bigger role in designing their communities

A. Choy stated two of the recommendations from the focus group meetings for the accelerated leases:

- DHHL should consider these types of awards again, but be clear on what the timing is and be realistic about the timing for infrastructure improvement
- Be better at communicating on a consistent basis with lessees

For the kuleana lease awards, Maui is currently the only island that has these types of awards. The Department is looking at two locations on Kaua'i and one location on the island of Moloka'i. Kuleana lease awards.

Kuleana lease awards were beneficiary initiated. They advocated for raw land to be awarded to them so they could be self-sufficient and self-sustainable. Over the course of 6-years the Department worked with these beneficiaries in Kahikinui and in 1998, 76 Kuleana homestead leases were awarded in Kahikinui. By 2016 there were only 12 families that had moved in onto their lots or had built a dwelling on their lot.

Feedback from existing lessees who reside at Kahikinui full-time are:

- DHHL needs to provide more information about what the lease is and what the requirements are at the inception
- The road that DHHL provided was inadequate and a higher quality road is needed.
- It has been difficult to get insurance for their homes because of the lack of a tax map key from the County
- The lack of access makes it harder to control fire
- With 12-families in Kahikinui, the kuleana required in their lease is hard to fulfill because of the lack of manpower

Strengths of the kuleana program:

- It was beneficiary initiated and designed
- Beneficiaries had lots of input into the process of the lease
- The lessees did not have to wait as long compared to traditional homestead leases
- They could start small and build on their property over time
- Residents are continued to be passionate about the independence the award affords them

Some of the recommendations are:

- Create special loan packages to complete a home or smaller homes for Kahikinui
- Fund and educate lessees on kuleana program and enforce guidelines
- Fund and educate lessees on alternative energy water systems and waste disposals
- For future kuleana lessees, make sure they are fully aware of what the challenges are when taking raw undeveloped land. Assist them with an orientation before they commit to a 99-year homestead lease.

The undivided lease interest awards was for lessees to be able to leave something to their successors should they not be able to receive a full infrastructure lot by the time they pass. It was also a way to keep the lessees interested and engaged if they had an entitlement in their hand.

Chairman Aila asked the UI list was a voluntary option, so many people chose not to. Acting Land Development Division Administrator Stewart Matsunaga stated the Commission approved a relocation action that allows UIs the first right of refusal for other Maui Island Projects.

Commissioner Helm asked P. Aila, when awards are done is there a number amount of people you contact from that list. If there are 33-lots, do you only contact 33-people. P. Aila stated it depends on the number of lots being offered. For Kapolei's 65 lots, 3,000 were sent letters with 500-600 responders. From the 500-600 responders, over 200 took the next step to pre-qualify. Using that gauge for Kauluokahai, they mailed 1,000 letters from the island-wide list and the UI list. Out of 1,000 mailouts, only 35 responded.

## LAND DEVELOPMENT DIVISION

### ITEM E-1 For information only. Maui Project Updates

#### RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga provided an update.

#### DISCUSSION

S. Matsunaga stated that LDD sits in between Planning and Awards, so guidance is provided from the Regional Plans, Island Plans, and based on the budget the development begins.

S. Matsunaga stated the bulk of the capital improvement project budget has been received for Maui. The monies lapse if not encumbered by June 30, 2020, so it is crucial to get the Maui projects out to bid and to contract.

S. Matsunaga stated the Department received \$26 million from the current year biennium. The \$20 million is a lump sum for lot development and \$5 million for lump sum in repair and maintenance of infrastructure. Out of the \$20 million \$12.5 million is set aside for the Keokea Waiohuli Phase II. Out of the \$5 million for repair and maintenance of infrastructure, \$1 million is being set aside for the Nanakuli traffic and safety improvements.

The farm lots awarded back in 1985 during the acceleration project was redesigned because of archaeological and drainage concerns. The lots were reselected in 2012. DHHL started construction of the undivided interest area and there were 320 undivided interest lots awarded. With the help of the Contact and Awards Division, the first offering was Keokea Waiohuli Phase IA which consisted of 45 lots for vacant lot awards.

LDD has funding approved by the Commission last year for the Kahikinui roadways. This is going out to bid by the early part of next year. The soils and geo-technical reports were received so LDD can design the road properly. The area has variable soil and rocks and the drainage is going all over so the planning has to be done properly so the road does not wash out and buckle because of the soils. There is \$600,000 for construction and LDD hopes to get the bid out early next year or sooner.

In Pulehunui the lens area will be focused on commercial development and Pulehunui South will be focused on agricultural homesteading with different agricultural services tied into the homesteading component.

The Governor accepted the FEIS and now DHHL has \$17.5 million to construct a private waster water treatment facility as a start to the regional infrastructure. LDD is in the draft stages of the plans and specs and would like to bid in early 2020 to encumber the \$17.5 million.

Commissioner Teruya asked what bidding process is used. S. Matsunaga stated it is an Invitation for Bid (IFB), which follows Chapter 103d, and it is a low bid type of process. The IFB specifies, the plans, specifications, what the special conditions are, line item requirements. The bids are listed on the State Procurement Office's HANDS website, which is the official website. It is also listed on DHHL's procurement website where you can see what is on bid statewide. You can see the smaller projects done through HI-Pro, the Hawai'i Electronic Procurement System.

**RECESS**

**5:39 p.m.**

## **HAWAIIAN HOMES COMMISSION**

Minutes of November 19, 2019  
Kula Community Center, Kula, Maui

Pursuant to proper call, the 717th Regular Meeting of the Hawaiian Homes Commission was held at the Kula Community Center, Main Hall, 3690 East Lower Kula Road, Kula, Maui, Hawai'i, beginning at 9:00 a.m.

### **PRESENT**

William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner  
Zachary Z. Helm, Moloka'i Commissioner  
Pauline N. Namu'o, O'ahu Commissioner  
Dennis L. Neves, Kauai Commissioner  
Patricia A. Teruya, O'ahu Commissioner

### **EXCUSED**

David B. Ka'apu, West Hawai'i Commissioner  
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### **COUNSEL**

Ryan Kanaka'ole, Deputy Attorney General

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Akoni Shannon, Enforcement Officer  
Paul Ah Yat, Enforcement Officer  
Michelle Brown, Office of the Chairman  
Oriana Leao, Office of the Chairman

## **ORDER OF BUSINESS**

### **CALL TO ORDER**

Chair Aila called the meeting to order at 9:08 a.m.

Six (6) members were present at roll call. Commissioner Kaapu was excused. The O`ahu and East Hawai`i seats were vacant.

## **APPROVAL OF AGENDA**

### **MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the agenda. Motion carried unanimously.

## **APPROVAL OF MINUTES**

Approval of Minutes for August 2019 and September 2019.

Commissioner Teruya offered corrections to both sets of minutes and asked that the Department follow up on her questions.

Chairman Aila asked for any other corrections. Chairman Aila asked for a motion to approve the August 2019 and September 2019 Minutes as Amended.

### **MOTION/ACTION**

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the Minutes of August 2019 and September 2019 as amended. Motion carried unanimously.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

### **ITEM A-1      Germaine Meyers**

G. Meyers announced that she will be filming all of the Hawaiian Homes Commission meetings. The name of the production is Gavel to Gavel, Community productions. If anyone would like a copy of the video, it can be downloaded from [olelo.net](http://olelo.net). The email is [gavel2gavelcp@gmail.com](mailto:gavel2gavelcp@gmail.com). When the social media links are established, a person can make comments of what was observed. The objective is transparency to see what other leaders, like the Commissioners, are handling the lands and monies.

Chairman Aila asked G. Meyers that she be sensitive as there are family issues that arise. Be sensitive to the differences that are expressed. G. Meyers stated that she would not be doing any narrative except if there is anything that Chairman Aila may wanted edited, she stated to send her an email. G. Meyers stated it is a public forum and people should be mindful of what is said; freedom of speech is freedom of speech.

## **ITEMS FOR DECISION MAKING**

### **REGULAR AGENDA**

### **ITEM C-3      Approval of 2020 Hawaiian Homes Commission Meeting Schedule**

#### **RECOMMENDED MOTION/ACTION**

Deputy Tyler Gomes presented the following:

Motion that the Hawaiian Homes Commission approve the 2020 Hawaiian Homes Commission meeting schedule. He stated for the January and June 2020 meetings in Kapolei there will be no community meetings. The community meeting for Kapolei will be in February 2020. In

September and November, there will be an additional dates for Sunday community meeting to be held in Ka`u and Lana`i City.

Commissioner Awo stated on January 21<sup>st</sup> and 22<sup>nd</sup>, he asked to change that to January 27<sup>th</sup> and 28<sup>th</sup>, 2020.

Chairman Aila asked for a motion to consider the Amendments for the Hawaiian Homes Commissioner Meeting Schedule for 2020, to change the dates from January 21<sup>st</sup> and 22<sup>nd</sup>, 2020 to January 27<sup>th</sup> and 28<sup>th</sup> 2020.

AMENDED MOTION #1

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as amended.

DISCUSSION

Commissioner Teruya asked for a friendly amendment to add the language “subject to change.”

AMENDED MOTION #2

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the amended motion with the additional language regarding subject to change.

ACTION

Motion carried unanimously.

**ITEM C-4      Authorization to Establish Limited Financing Program to Cover Unanticipated Costs Associated with the Provision of Telecommunication and Broadband Services for Lots Offered Between October 8, 2016, and December 31, 2019.**

RECOMMENDED MOTION/ACTION

Finance and Development Specialist Paula Aila and Executive Assistant Jobie Masagatani presented the following:

Motion that the Hawaiian Homes Commission authorize to establish a limited financing program to cover unanticipated costs associated with the provision of telecommunication and broadband services for lots offered between October 8, 2016, and December 31, 2019.

Executive Assistant Jobie Masagatani clarified that the recommended motion is as stated in the submittal: The Authorization to the Chairman to establish a Limited Financing Program not to exceed \$1 million to assist lessees in specific sub-divisions offered between October 8, 2016 to December 31, 2019 to cover the unanticipated costs to connect telecommunication services to their homes.

Commissioner Teruya asked DAG Kanaka`ole if the motion being taken, should also be on the agenda.

J. Masagatani stated that she thinks Commissioner Teruya’s question is whether or not the language of the mini agenda is sufficiently stated to allow the Commission to take action. Commissioner Teruya stated it allows the public to know what kind of motion that the Commission is entertaining.

DAG Kanaka`ole stated Sunshine Law requires enough information for the public to know what the Commission is deciding upon.

J. Masagatani added that the question about the amounts presented to the Commission in executive session. The Commission may have considered something entirely different, depending upon the conversation in executive session yesterday. Not knowing specifically where the Commission was going to end up, they believe enough detail was provided on the agenda.

Chairman Aila asked for a motion to consider the recommendation.

**MOTION/ACTION**

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal. Motion carried unanimously.

**ITEMS FOR INFORMATION/DISCUSSION**

**REGULAR AGENDA**

**HOMESTEAD SERVICES DIVISION**

**ITEM D-1 HSD Status Reports**

- A – Homestead Lease and Application Totals and Monthly Activity Reports
- B – Delinquency Report

**DISCUSSION**

Acting Administrator, Homestead Services Division Dean Oshiro stated Item D-1 is the monthly status reports. There were no changes or discussion for the status report.

**MOTION/ACTION**

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the monthly status report. Motion carried unanimously.

**MOTION**

Moved by Commissioner Neves, seconded by Commissioner Helm to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

**EXECUTIVE SESSION IN**

**12:02 p.m.**

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Potential Acquisition of Oahu Property using \$6.9 million appropriation
2. Extension of Homestead Leases Reaching End of Initial Term

**EXECUTIVE SESSION OUT**

**2:14 p.m.**

## **ANNOUNCEMENTS AND ADJOURNMENT**

### **NEXT MEETING**

The next meeting is December 17 & 18, 2019, in Kapolei, O`ahu, Hawai`i. The community meeting will be at Waianae High School.

### **MOTION/ACTION**

Moved by Commissioner Helm, seconded by Commissioner Neves, to adjourn the meeting.  
Motion carried unanimously

### **ADJOURNMENT**

**2:15 p.m.**

Respectfully submitted:

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William J. Aila Jr., Chairman  
Hawaiian Homes Commission

Prepared by:

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Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

**APPROVED BY:**

The Hawaiian Homes Commission at its regular monthly meeting on:

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William J. Aila Jr., Chairman