

HAWAIIAN HOMES COMMISSION

Minutes of June 20, 2016

Hale Pono`i, Kapolei, O`ahu, Hawai`i

Pursuant to proper call, the 676th Regular Meeting of the Hawaiian Homes Commission was held at Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, Hawai`i, beginning at 9:30 a.m.

PRESENT Jobie M. K. Masagatani, Chair
Doreen N. Canto, Maui Commissioner
Cathleen P. Chin, Kauai Commissioner
Wallace A. Ishibashi, East Hawai`i Commissioner
David B. Ka`apu, West Hawai`i Commissioner
Michael P. Kahikina, O`ahu Commissioner
William K. Richardson, O`ahu Commissioner
Wren Wescoatt, O`ahu Commissioner

EXCUSED Gene Ross K. Davis, Moloka`i Commissioner

COUNSEL Craig Y. Iha, Deputy Attorney General

STAFF William J. Aila Jr., Deputy to the Chairman
Niniau Simmons, NAHASDA Manager
Paula Aila, Hale Manager
Hokulei Lindsey, Administrative Rules Officer
Leah Burrows-Nuuanu, Secretary to the Commission
Francis Apoliona, Compliance Officer
Norman Sakamoto, Acting Land Development Administrator
P. Kahana Albinio, Acting Land Management Division Administrator
Kaleo Manuel, Acting Planning Division Administrator
Dean Oshiro, Acting Homestead Services Administrator
Ku`uwehi Hiraishi, Info. Specialist,
Susie Richey, Office of the Chair
Andrew Choy, Planner
Stewart Matsunaga, Master Plan Community Dev Mgr.

ORDER OF BUSINESS

CALL TO ORDER

Chair Masagatani called the meeting to order at 9:40 a.m. Eight (8) members were present at roll call. Commissioner Davis was excused.

APPROVAL OF AGENDA

Chair Masagatani asked to amend the June 20, 2016, Agenda to add a discussion in the executive session with counsel regarding a settlement between DHHL and Denise Kaaa, lessee in the Kalawahine Streamside construction defects mediation; and

To amend the June 21, 2016, Agenda to add a for action item that will be taken up first thing in the morning gratifying the settlement between DHHL and Denise Kaaa in the Kalawahine Streamside construction defects mediation.

MOTION/ACTION TO AMEND THE AGENDA

Moved by Commissioner Ishibashi, seconded by Commissioner Kahikina, to approve the agenda as amended. Motion carried unanimously.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Richardson, to approve the agenda.
Motion carried unanimously.

APPROVAL OF MINUTES

Chair Masagatani stated the minutes were deferred.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

ITEM A-1 Homelani Schaedel Re: Items E-2, E-3, and F-1

H. Schaedel testified against Item E-2 in its current form. With regards to Item E-3, H. Schaedel testified to table the item for further review and discussion and to defer the submittal. With regards to Item F-1, she testified against the item in its present form.

ITEM A-2 Melvin Kaleikini and LeeAnn Kaleikini Re: Item D-3

M. Kaleikini testified they were just advised of their status with Ho`olimalima regarding the previous lessee getting to contract one of the rental homes. He stated they were told they weren't suppose to be on the list to purchase the home.

Chair Masagatani stated the Mr. & Mrs. Kaleikini's testimony will be taken when the item is presented.

ITEM A-3 Darryl Yagodich Re: Item D-7

D. Yagodich requested an exchange of his undivided interest lease in Waiohuli, Maui, for a Waiehu Kou III vacant lot lease. There is no money involved, just an exchange with him and the other lessee. The other lessee is not ready to build and interested in the undivided interest lease.

ITEM A-4 Victoria "Cissy" Yuen Re: Item E-2

V. Yuen testified the proposal will directly impact her and 69 other residence of Ho`olimalima. She asked the Commission to consider an exemption for the 70 residents who reside at Ho`olimalima. The request is to table the proposal in its current state.

Chair Masagatani stated she is deferring the matter until the Department has an opportunity to reach out to the residents of Ho`olimalima and discuss the matter more in-depth.

ITEM A-5 Keoni Fox Re: Item G-2

K. Fox stated he is a Board member of the Ala Kahakai Trail Association but testifying on his own behalf and for his family, the Keanu Ohana of Ka`u. He stated they strongly support the completion of the resource management plan.

ITEM A-6 Michelle Kauhane Re: Items E-2, H-1, and F-3

M. Kauhane testified Items E-2 and E-3 are unfair retention of equity being held from beneficiaries, and there's an unclear purchase price and process.

Regarding Item H-1, she asked that the Commission defer. Regarding Item F-3 revocable permit program, she pointed out the only difference is it is now called the right of entry permit.

ITEM A-7 Robin Danner Re: Items E-2, F-1, F-3 and H-1

R. Danner thanked the Commission for deferring the Item E-2. For the record, she urged the Commission to have consultation with housing experts.

Regarding Item F-1, she urged the Commission to defer it. With regards to Item F-3, she urged the Commission to defer it and fix it. She stated for the record, on behalf of Blossom Feiteira and Kekoa Enomoto, they strongly oppose the ROEs because of the 5,000 acres that continues to be a right of entry for 20-years to a non-beneficiary farmer, Sakagawa.

Regarding Item H-1, it should be deferred to July.

ITEM A-8 Paula Kaupu Re: Item E-2

P. Kaupu testified she wrote a letter to individuals in organizations that help support the native Hawaiian communities. The project was sold to the tenants as a rent to own project; rent payments are used to pay down the balance of the mortgages and reduce the purchase price collectively amongst all 70 families of Ho`olimalima.

ITEM A-9 Bo Kahui Re: Item E-2 and H-1

B. Kahui testified the Villages of La`i `Opua Board appreciated the Chair deferring the action. He recommended that the Commission and the Chair consider going out for beneficiary consultation.

Regarding Item H-1, he stated they did not receive a copy. When the Commission reviews the budget, he would like the Commission to take into consideration a grants director for the Planning Division.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following:
To approve the Consent Agenda as listed in the submittal.

DISCUSSION

Chair Masagatani asked Commissioners if there were any Items from the Consent Agenda that they wanted to move to the Regular Agenda. Commissioner Chin asked that Item D-5 be moved to the Regular Agenda.

Commissioner Chin asked about Item D-3. How many of the 12 on the delinquencies are direct loans? Dean Oshiro stated all of them.

- ITEM D-2** Approval of Consent to Mortgage (see exhibit)
- ITEM D-3** Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- ITEM D-4** Approval of Homestead Application Transfers/Cancellations (see exhibit)
- ITEM D-6** Ratification of Designations of Successors to Leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- ITEM D-7** Approval of Assignment of Leasehold Interest (see exhibit)
- ITEM D-8** Approval of Amendment of Leasehold Interest (see exhibit)

- ITEM D-9** Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- ITEM D-10** Ratification of Designated Successor to Leasehold Interest – **GEORGE J. SANBORN, JR.**, Lease No. 3991, Lot No. 24, Waimanalo, O`ahu & Lease No. 8033, Lot No. 58, Puukapu, Hawai`i
- ITEM D-11** Commission Designation of Successor – **GARBETTI K. RODRIGUES**, Lease No. 11274, Lot No. 8, Kumuhau, Waimanalo, O`ahu
- ITEM D-12** Commission Designation of Successor – **HARRY AKIMA**, Lease No. 4168, Lot No. 30, Paukukalo, Maui

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina, to approve all the items in the Consent Agenda except for Item D-5. There was no discussion. Motion carried unanimously.

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-2 Approval of Recommendation for Proposed Amendment to §10-3-26, Title 10, Hawai`i Revised Statutes**

RECOMMENDED MOTION/ACTION

Administrative Rules Officer Hokulei Lindsey presented the following:

That the Hawaiian Homes Commission approve the recommendation for the Proposed Amendment to §10-3-26, Title 10, Hawai`i Administrative Rules, and to proceed with rule-making under Chapter 91 of the Hawai`i Revised Statutes.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Chin, to approve the motion as stated in the submittal.

DISCUSSION

The current proposal would exempt non-conforming dwellings provided that portion or portions of that non-conforming dwelling were certified by a subject matter appropriate State of Hawai`i license professional. If the lessee gets the structural non-conformance and the engineer stamps it, the lessee can submit those plans to the Department, and the Department would exempt the non-conforming portion of that structure.

ACTION

Motion carried unanimously.

- ITEM C-1 Resolution No. 286 Celebrating the 95th Anniversary of the Hawaiian Homes Commission Act of being Signed into Law (deferred to Tuesday)**

HOMESTEAD SERVICES DIVISION

- ITEM D-5** Request to Set Aside HHC Cancellation of Lease Application – **SYLVIA L. BECKHAM**, deceased

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following:

That the Hawaiian Homes Commission approve the request to set aside its HHC Cancellation of Lease Application for Sylvia L. Beckham.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal.

DISCUSSION

Applications Officer Kanai Kapeliela stated the case was pending successorship. Letter sent out in 2008, no word from prospective successor till the middle of 2015. Application canceled by clerical error, and to succeed with successorship; it needs the HHC to set aside the cancellation. The successor has a pastoral and wants his Mom's place on the waitlist.

Chair Masagatani stated because the successor is an existing lessee, the Commission has to give priority to those on the waitlist.

ACTION

Motion carried unanimously.

ITEM D-13 Approval to Withdraw a Portion of Lot from Lessees, **HERCULES FREITAS**, Lease No. 8977, Lot No. 4, Kurtistown, Hawai'i, and **YVETTE S. PEREZ**, Lease No. 9970, Lot No. 6, Kurtistown, Hawai'i

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following: Recommends that the Hawaiian Homes Commission approve that the Department be allowed to withdraw a portion of a lot from two lessees, Hercules Freitas and Yvette Perez in Kurtistown, Hawai'i.

MOTION

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

DISCUSSION

The portions would be returned to the Department's inventory, which would free both lessees to use the Department's portion as a driveway technically.

Chair Masagatani thought it best to go into executive session.

MOTION

Moved by Commissioner Ka'apu, seconded by Commissioner Canto 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 11:40 AM

EXECUTIVE SESSION OUT 1:10 PM

ACTION

Item D-13 deferred to Tuesday.

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval of Lease Award – Donna Friend

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Norman Sakamoto presented the following:
That the Hawaiian Homes Commission approve the resident lot lease to Donna Friend for 99-years subject to the purchase of the existing improvements on the lot by way of loan or cash.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal. No discussion. Motion carried unanimously.

ITEM E-2 Approval for Use of Affordability Retention Period and Retention Amount for Rent with Option to Purchase Projects

(Deferred to next month)

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

LAND DEVELOPMENT DIVISION

ITEM E-4 For information only. Mark Development Update on Kapolei Ho`olimalima

RECOMMENDED MOTION/ACTION

None. For information only. Craig Watase did a presentational update on the Kapolei Ho`olimalima rent with an option to purchase a program that has been almost 20-years in the making.

DISCUSSION

There were many people with incomes too low, and he was challenged by “Mama Drake” to come up with a way to make things happen. He found a portion in the Internal Revenue Code that said although it is a rental program, there was an option to purchase and convert to homeownership. With that, at which time Chair Masagatani who was Deputy Masagatani then helped them get federal home loan bank money. People were able to rent the homes and out of the rent, money was put to the side to help save for the down payments. The homes were converted into leasehold purchases.

Then the thought was to use the tax credit program on Hawaiian Home Lands and rent it only to native Hawaiians. With legal research, a case was made, and the US Attorney wrote an opinion letter that stated it was okay to do it. Tax credits were a private investment and not a federal subsidy. 70 single family homes were built as part of Village 6 in Kapolei with the plan that 15 years after renting it to people making 50 – 60% of the median income after 15 years, the people would have an option to purchase the homes. The Internal Revenue Code prescribes that the homes be sold at remaining debt and sales expenses. C. Watase stated that is the move forward.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND DEVELOPMENT DIVISION

ITEM E-3 Approval to allow previous lessees the opportunity to contract for the purchase of a Kapolei Ho`olimalima home, subject to their financial qualification

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Recommends that pursuant to HAR §10-3-23, that the Hawaiian Homes Commission to declare an exception to the limitations of “previous lessees” receiving the Kapolei Ho`olimalima offering due to no fault of the subject applicants and to allow applicants who “previous lessees” the opportunity to contract for the purpose of the Kapolei Ho`olimalima home subject to their financial qualification.

MOTION

Moved by Commissioner Richardson, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal.

DISCUSSION

The Kaleikinis and the Anuenues were appreciative

ACTION

Motion carried unanimously.

LAND MANAGEMENT DIVISION

ITEM F-1 Issuance of Non-Exclusive License as Easement for Driveway and Utility (Water/Sewer) Connections to the Gentry Companies, Kapolei, Island of O`ahu, TMK Nos. 91)09-1-151:055 (por.) and :056 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Recommended that the Hawaiian Homes Commission approve the issuance of non-exclusive licenses as an easement for driveway and utility connections to the Gentry Companies in Kapolei.

MOTION

Moved by Commissioner Kahikina, seconded by Commissioner Canto, to approve the motion as stated in the submittal.

DISCUSSION

1. Is the license perpetual?
2. Was there any informational briefing done in the community of Kanehili.
K. Albinio stated there was none.

ACTION

Chair Masagatani deferred Item F-1

ITEM F-2 Issuance of Right-of-Entry Permit, Starcomm Wireless, Inc., Shafter Flats, Island of O`ahu, TMK No. (1) 1-1-064:018 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Recommended that the Hawaiian Homes Commission approve the issuance of a right of entry permit to an existing user, Starcom Wireless in Mapunapuna, Shafter Flats.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Ishibashi, to approve the motion as stated in the submittal.

ACTION

Roll call vote: Six (6) Ayes. Two (2) No. Motion passes.

ITEM F-3 Annual Renewal of Right-of-Entry Permits, Statewide (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Recommended that the Hawaiian Homes Commission approve the following actions:

- a. Extend all right of entry permits as listed on exhibit A that are in compliance and issued by July 1, 2016, on a month-to-month basis for up to 12 months but no longer than June 30, 2017
- b. To authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

MOTION

Moved by Commissioner Ka`apu, seconded by Commissioner Canto, to approve the motion as stated in the submittal.

DISCUSSION

Commissioner Chin recused herself for ROE, 455. She abstained from voting on that particular ROE. She suggested to split the ROEs and take the ROEs up on the perspective islands. She stated she would defer voting until it hits her island.

Chair Masagatani suggested to approve the Item until on the island where the ROE is located, so there is continuity for now.

Chair Masagatani stated amendment to Item F-3 (a) to extend all right of entry permits listed on exhibit A that are in compliance and issued by July 1, 2016, on a month-to-month basis until the next scheduled HHC meeting on the island where the ROE is located.

AMENDED MOTION

Moved by Commissioner Chin, seconded by Commissioner Canto, to approve the amended motion as stated. No discussion. Motion carried unanimously.

Chair Masagatani stated the Commission is taking action on the main motion as amended, and acting on all items except for ROE 455.

MAIN MOTION AS AMENDED

Motion carried unanimously. Seven (7) Ayes, One (1) Opposed

MAIN MOTION AS AMENDED NOTING RECUSAL OF COMMISSIONER CHIN, ROE 455

Motion carried unanimously.

PLANNING OFFICE

ITEM G-1 Acceptance of Water Policy Plan Implementation Program Report for FY 2016 and Approval of Water Policy Plan Implementation Program for FY 2017

RECOMMENDED MOTION/ACTION

Acting Planning Division Administrator Kaleo Manuel presented the following:
Recommended that the Hawaiian Homes Commission accept the Water Policy Plan Implementation Program Report for FY 2016 and approve the Water Policy Plan Implementation Program and budget for FY 2017 in conjunction with the approval of the Planning Office FY 2017 Budget.

MOTION

Moved by Commissioner Chin, seconded by Commissioner Canto, to approve the motion as stated in the submittal.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-3 Wilma Calio – Nanakuli Lessee

W. Calio stated her home is 13 years old and falling apart. Prior to a 1-year warranty by the contractor, her home had cracks in the walls and foundational structural problems.

ITEM J-8 Eric Knight – Lease Transfer Request

E. Knight stated his request is for a transfer. He was denied due to his blood quantum. He has been a beneficiary in Kaupea for 9 years and when he put in a request for transfer of lease, he was verbally told he was denied due to his blood quantum being in question. He wants to sell the house and transfer the leases and is asking the Commission for an exception.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Kaapu 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 5:35 P.M.

EXECUTIVE SESSION OUT 5:50 P.M.

WORKSHOPS

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Workshop on Fiscal Year 2017 Operating Budget, Administrative and Operating Costs (relative to H-1, H-2)

RECOMMENDED MOTION/ACTION

For information only. Administrative Services Officer Rodney Lau presented the workshop. R. Lau stated the workshop is for the FY 2017 Administrative and Operating Budget as it relates to Purpose 4, Article 12, Section 1, of the State Constitution and Federal Funds Administrative and Operating Funds.

Refer to submittal and handout.

RECESS

6:46 P.M.

DRAFT

HAWAIIAN HOMES COMMISSION

Minutes of June 21, 2016

Hale Pono`i, Kapolei, O`ahu, Hawai`i

Pursuant to proper call, the 676th Regular Meeting of the Hawaiian Homes Commission was held at Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, Hawai`i, beginning at 9:30 a.m.

PRESENT

Jobie M. K. Masagatani, Chair
Doreen N. Canto, Maui Commissioner
Cathleen P. Chin, Kauai Commissioner
Wallace A. Ishibashi, East Hawai`i Commissioner
David B. Ka`apu, West Hawai`i Commissioner
Michael P. Kahikina, O`ahu Commissioner on his way
William K. Richardson, O`ahu Commissioner on his way
Wren Wescoatt, O`ahu Commissioner

EXCUSED

Gene Ross K. Davis, Moloka`i Commissioner

COUNSEL

Craig Y. Iha, Deputy Attorney General

STAFF

William J. Aila Jr., Deputy to the Chairman
Niniau Simmons, NAHASDA Manager
Paula Aila, Hale Manager
Hokulei Lindsey, Administrative Rules Officer
Leah Burrows-Nuuanu, Secretary to the Commission
Francis Apoliona, Compliance Officer
Norman Sakamoto, Development Officer,
P. Kahana Albinio, Acting Land Management Division Administrator
Kaleo Manuel, Acting Planning Division Administrator
Dean Oshiro, Acting Homestead Services Administrator
Ku`uwehi Hiraishi, Info. Specialist,
Susie Richey, Office of the Chair
Andrew Choy, Planner
Stewart Matsunaga, LMD Manager

ORDER OF BUSINESS

CALL TO ORDER

Chair Aila called the meeting to order at 9:15 a.m.

Six (6) members were present at roll call.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Wescoatt 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

9:30 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. Update on Nelson Case – Richard Nelson, III et al., v HHC, Civil No. 07-1-1663
2. Ratification of the Settlement Offer to Denise Kaaa (written on the agenda)

EXECUTIVE SESSION OUT

11:00 A.M.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM Ratification of the Settlement Offer to Denise Kaaa

RECOMMENDED MOTION/ACTION

Deputy Attorney General Craig Iha requested that the Commission ratify a settlement agreement in settlement terms that were reached between Denise Kaaa and DHHL with respect to claims of construction defect at her Kalawahine Streamside home.

MOTION/ACTION

Moved by Commissioner Wescoatt, seconded by Commissioner Canto, to approve the motion as stated in the submittal. No discussion. Motion carried unanimously.

OFFICE OF THE CHAIRMAN

ITEM C-1 Resolution No. 286 Celebrating the 95th Anniversary of the Hawaiian Homes Commission Act of 1920 being Signed into Law

RECOMMENDED MOTION/ACTION

NAHASDA Manager Niniau Simmons presented the following:
That the Hawaiian Homes Commission approve the resolution No. 286 celebrating the 95th Anniversary of the Hawaiian Homes Commission Act of 1920.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Chin, to approve the motion as stated in the submittal. No discussion. Motion carried unanimously.

ITEM D-13 Approval to Withdraw a Portion of Lot from Lessees, **HERCULES FREITAS, Lease No. 8977, Lot No. 4, Kurtistown, Hawai'i, and **YVETTE S. PEREZ**, Lease No. 9970, Lot No. 6, Kurtistown, Hawai'i**

RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Dean Oshiro presented the following:
Recommended that the Hawaiian Homes Commission approve that the Department be allowed to withdraw a portion of a lot from two lessees, Hercules Freitas and Yvette Perez in Kurtistown, Hawai'i.

MOTION/ACTION

Moved by Commissioner Canto, seconded by Commissioner Awo, to approve the motion as stated in the submittal. No discussion. Motion carried unanimously.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

ADMINISTRATIVE SERVICES OFFICE

ITEM H-2 Approval of Fiscal Year 2017 Operating Budget for the Administrative and Operating Costs of the Department of Hawaiian Home Lands

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:
Recommended that the Hawaiian Homes Commission approve the Fiscal Year 2017 Operating Budget for the Administrative and Operating Costs of the Department of Hawaiian Home Lands; and

Authorize the Chairman to shift funding of expenditures between cost elements and funds as warranted but not to exceed the total budget.

MOTION

Moved by Commissioner Canto, seconded by Commissioner Kahikini, to approve the motion as stated in the submittal.

DISCUSSION

Chair Masagatani stated this is only for the budget that covers Purpose 4. The Chair asked to approve Item H-2 with the expectation that there will be amendments proposed to it as part of the remaining portion of the budget.

Chair Masagatani stated there is a suggested amendment to add the language to prove the Fiscal Year 2017 to add the language Interim.

AMENDED MOTION TO ADD LANGUAGE "INTERIM"

Moved by Commissioner Canto, seconded by Commissioner Ishibashi, to approve the amended motion which would read:

"The Commission Approve the Fiscal Year 2017 Interim Operating Budget for the Administrative and Operating Costs of the Department of Hawaiian Home Lands"

ACTION

Motion carried unanimously.

DISCUSSION

Commissioner Chin suggested the Commission consider putting in place a policy or procedure in which there is a trigger point for shifting funds of expenditures between cost elements and funds. She did not want it to exceed the total budget and suggested putting a dollar trigger on the amount.

Chair Masagatani stated the following:

Authorize the Chairman to shift funding of expenditures no greater than \$500,000 between cost elements and funds as warranted but not to exceed the total budget and to eliminate the \$464,493 from the GIA line item which was an error.

AMENDED MOTION TO PART 2

Moved by Commissioner Chin, seconded by Commissioner Canto, to approve the motion as amended.

MAIN MOTION AS AMENDED

That the Commission approve the Fiscal Year 2017 Interim Operating Budget for the Administrative and Operating Costs for the Department of Hawaiian Home Lands; and

Authorize the Chairman to shift funding of expenditures no greater than \$500,000 between cost elements and funds as warranted but not to exceed the total budget; and the elimination of the amount in the NAHASDA for the GIA.

ACTION

Roll call vote: Seven (7) Ayes and One (1) No - Commissioner Kahikina No

ITEM H-3 Transfer of Hawaiian Home Receipts Money at the End of the Fourth Quarter, FY 2016

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:
Recommended that the Hawaiian Homes Commission approve the transfer of the entire receipts deposited in the Hawaiian Homes Receipts Fund as of June 30, 2016, to the Hawaiian Homes General Loan Fund.

MOTION

Moved by Commissioner Richardson, seconded by Commissioner Kahikina, to approve the motion as stated in the submittal.

DISCUSSION

Commissioner Chin asked if there is no Commission approval where does the money gets moved to. R. Lau stated 9% to the Operating fund and 91% to the Hawaiian Homes General Loan Fund.

ACTION

Motion carried unanimously.

ITEMS FOR INFORMATION/DISCUSSION

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-12 Michelle Kauhane – CNHA

M. Kauhane shared a report launched nationally that CNHA worked on, which highlights DHHL’s community partners and beneficiary organizations. She stated it is a National Anti Displacement Strategies Report.

ITEM J-7 Robin Danner – Chairman, SCHHA – National Policy Work

R. Danner stated the Homestead Housing Authority had been launched. She spoke about the DC trip that they took doing 17 meetings in 5 days. The SCHHA would be launching their Ombudsman Project.

ITEM J-5 Homelani Schaedel – Malu`ohai Homestead Association

H. Schaedel spoke about MHA’s safety and maintenance report regarding the priority to remove 3 trees and 18 panels of the sidewalk.

ITEM J-10 Annie Aea Jodie Akau and Iwalani McBrayer – Perimeter CMU Wall Project

Annie Aea of Kaupea, J. Akau of Kanehili, and I. McBrayer of Kanehili homesteads did a presentation and chronological table of the process they went through to get their wall.

WORKSHOPS

PLANNING OFFICE

ITEM G-2 For information only. Public Review Draft South Point Management Plan May 2016

RECOMMENDED MOTION/ACTION

Acting Planning Division Administrator Kaleo Manuel presented the public review draft for the South Point Management Plan for May 2016, Ka`u.

Planner Andrew Choy gave the 2nd Update to the Commission on the South Point Management Plan. The focus is on 1,000 acres, 700 acres are in the National Historic District boundary. In the last report of February 2016, there was a lack of DHHL presence which has given rise to a wild west type of management regime where private individuals with different interests have staked claim to certain areas. The main issue is the unauthorized and illegal use of motor vehicles in the region which has caused degradation to the natural landscape.

All the items below were deferred.

ITEM J-11 Jeff Gilbreath – Executive Director, Hawaiian Community Assets (deferred)

WORKSHOPS

HOMESTEAD SERVICES DIVISION

- ITEM D-14** For information only. Update of Approved Interim Policy on the Sale of Homestead Leases to Vacant or Undeveloped Lots or Undivided Interest

PLANNING OFFICE

- ITEM G-3** For information only. Presentation on DHHL Land Inventory and Land Use Designations, Statewide

OFFICE OF THE CHAIRMAN

- ITEM C-4** For information only. Environmental Assessment for HUD assisted projects under 24 CFR Part 58, Discovery Harbour Infill Lots, various parcels within tax map plats (3) 9-4-016; (3) 9-4-017; (3) 9-4-018; (3) 9-4-019; (3) 9-4-021; (3) 9-4-022; (3) 9-4-023 and (3) 9-4-024

- ITEM C-5** For information only. Environmental Assessment for HUD-assisted projects under 24 CFR Part 58, Ho`olehua Infill Lots, various parcels within tax map plats (2) 5-2-017 and 5-2-030

- ITEM C-6** For information only. Presentation on DHHL's Waiting List Demographic Information

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-1** HSD Status Reports

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

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next meeting will be held on July 18 & 19, 2016 in Kapolei, O`ahu, Hawai`i. Community Meeting in Papakolea, Oahu

MOTION/ACTION

Moved by Commissioner Kahikina, seconded by Commissioner Canto, to adjourn the meeting. Motion carried unanimously.

ADJOURNMENT

3:27 P.M.

Respectfully submitted:

Jobie M. K. Masagatani, Chair
Hawaiian Homes Commission

Prepared by:

Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

APPROVED BY:
The Hawaiian Homes Commission at its regular monthly meeting on:

Jobie M. K. Masagatani, Chair

DRAFT