

This meeting is a remote meeting under Section 92-3.7, Hawaii Revised Statutes, and includes an in-person meeting location open to the public and a virtual meeting option that allows the public to participate remotely, including viewing the meeting virtually and providing remote oral testimony. Some board members will be participating virtually from nonpublic locations.



**STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
BOARD MEETING**

BOARD MEMBERS

Edmund Aczon Harold Edwards Jan Iwase Bettina Mehnert

Alan Oshima, Chairperson

NOTICE OF MEETING

Tuesday, March 5, 2024

9:00 a.m.

Public Meeting Location

2759 South King Street, Room C5
Honolulu, Hawaii 96826

Virtual Meeting Information

Click on this link to join the Zoom webinar:

<https://zoom.us/j/95849031105?pwd=VkdVV0Nma0lHajBod3BTQzJIZ21FQT09>

Webinar ID: 958 4903 1105

Meeting passcode: 049653

Join by phone:

One tap mobile : +13462487799,,94268787580#,,,,*049653# US (Houston)

+16694449171,,94268787580#,,,,*049653# US

AGENDA

- I. Call to Order**
- II. Roll Call and Determination of a Quorum**
- III. Approval of Meeting Minutes of February 6, 2024**
- IV. Public Testimony**
- V. Workgroup and Subcommittee Reports**
 - A. Subcommittee on Learning Spaces
 - B. Subcommittee on Workforce Housing
 - C. Subcommittee on Operations
- VI. Report of the Executive Director**
 - A. Update on Expanding Inspiring Learning Spaces
 - B. Update on Spearheading Housing Solutions
 - C. Update on Laying an Operational Foundation
- VII. Public Testimony**
- VIII. Action Items**
 - A. Board Action on Operations Subcommittee recommendation concerning amendments to the bylaws to require board approval on projects
 - B. Board Action on Learning Spaces Subcommittee recommendation concerning the lapsing of funds allocated to a feasibility study and East Kapolei High School plans and design
 - C. Board Action on Learning Spaces Subcommittee recommendation concerning initial plan to identify a site for a Central Maui middle school
- IX. Adjournment**

Meeting material is available online at <https://www.hisfa.org/>.

The Board accepts written testimony on any agenda item and strongly encourages it as the primary means of submitting testimony. Written testimony received 49 hours before

the meeting will be posted publicly and distributed to Board members before the meeting. Individuals may submit written testimony in advance of the meeting via email to sfboard@hisfa.org, or by mail addressed to: School Facilities Authority, 75 Aupuni Street, Basement, Hilo, Hawaii 96720.

Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to sfboard@hisfa.org. Individuals may provide oral testimony in-person at the meeting.

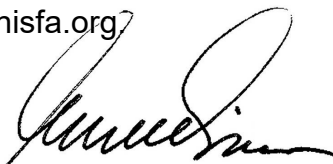
In accordance with Hawaii's Sunshine Law (Hawaii Revised Statutes, Chapter 92), all testimony, whether written or oral, should be related to an item that is on the agenda.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Cindy Watarida at (808) 430-5531, or by email at cindy.watarida@hisfa.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

The Board will be meeting remotely using interactive conference technology. If the video conferencing link cannot be maintained either with all Board members participating in the meeting, or with the public, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication with all participating members. If communication by the video conferencing link with all participating Board members is restored in those 30 minutes, the meeting will be reconvened. If communication by the video conferencing link cannot be restored in those 30 minutes, the meeting may be reconvened using the audio-only communication at the above-listed telephone number only, if within 15 minutes of establishing audio-only communication, copies of nonconfidential visual aids brought to the meeting by Board members or as part of a scheduled presentation are made available to the public via <https://www.hisfa.org/>. If the meeting is not reconvened as provided above, the Board may continue the meeting by notifying the public of the date, time, and place of the meeting at <https://www.hisfa.org/>. Otherwise, the meeting will be automatically terminated.

For further information, email sfboard@hisfa.org



Alan Oshima, School Facilities Authority Board Chairperson

SCHOOL FACILITIES AUTHORITY BOARD

MEETING MINUTES

Date: February 6, 2024

Time: 9:00 a.m.

Teleconference via Zoom

2759 South King Street, Room C5

Honolulu, Hawaii 96826

**This meeting was a remote meeting under Section 92-3.7, Hawaii Revised Statutes. The meeting recording is available on our website at*

<https://www.hisfa.org/board-meetings/>

Members Present:

Alan Oshima, Chairperson

Edmund Aczon

Harold Edwards

Jan Iwase

Bettina Mehnert

Staff Present:

Alison Kunishige, Acting Executive Director

Cindy Watarida, Business Manager

Kenyon Tam, Policy and Program Officer

Douglas Cullison, Project Manager

Wilmurf de Vera, Project Manager

Jiaping Fouse, Project Manager

Guest Present:

Riki Fujitani, Interim Executive Director candidate

AGENDA

I. Call to Order

Chairperson Alan Oshima called the meeting to order at 9:00 a.m.

II. Roll Call and Determination of a Quorum

Chairperson Oshima and Members Edmund Aczon, Harold Edwards, Jan Iwase, and Bettina Mehnert were present at roll call. Quorum was established.

III. Public Testimony

There was no public testimony.

IV. Receipt of Executive Director's Resignation

Chairperson Oshima stated he received and acknowledged Chad Farias (SFA's first Executive Director (ED) and former member of the Board) resignation effective January 29, 2024. Chairperson Oshima accepted Farias's resignation.

Chairperson Oshima shared his appreciation for Farias's service in starting up SFA's operations. Board Member Mehnert agreed SFA is still in its start-up phase and appreciated Farias's passion and dedication to the SFA. Board Member Edwards also shared his appreciation for Farias and extended well wishes to Farias and his future endeavors.

V. Action Items

A. Board Action on Operations Subcommittee recommendation regarding appointment of interim executive director and ratification of appointment of acting executive director

1. Board Member Mehnert provided the Operations Subcommittee's recommendation to appoint Riki Fujitani as the interim ED. She thanked Acting ED Kunishige for stepping in while the Board looked for an interim ED.
2. Chairperson Oshima noted that the Board's three subcommittees met with Riki Fujitani.

Motion: Move to (1) approve the appointment of Riki Fujitani as interim executive director of SFA at the same salary as the previous executive director with an effective date determined by Chairperson Oshima; and (2) ratify Chairperson Oshima's appointment of Alison Kunishige as acting executive director, effective January 30, 2024 and ending on Riki Fujitani's effective date (Mehnert/Iwase). 5 Ayes (Oshima, Aczon, Edwards, Iwase, Mehnert), 0 Nos, 0 Abstentions. Motion carries.

3. Chairperson Oshima invited Fujitani to make a statement. Fujitani commented on the huge amount of promise associated with SFA.

VI. Approval of Meeting Minutes of January 9, 2024

Motion: Move to approve the January 9, 2024 meeting minutes (Aczon/Mehnert). 5 Ayes (Oshima, Aczon, Edwards, Iwase, Mehnert), 0

Nos, 0 Abstentions. Motion carries; minutes are approved.

VII. Workgroup and Subcommittee Reports

A. Subcommittee on Learning Spaces

1. Learning Spaces Subcommittee Chair Iwase reported the following:
 - a) The subcommittee received an introductory email from SFA staff on subcommittee roles and responsibilities.
 - b) The subcommittee is requesting a listing of projects SFA is currently working on; specifically ore-kindergarten classrooms that are scheduled to open this August 2024 and permit status.
 - c) The subcommittee participated in an interview for the SFA interim ED position.
 - d) The subcommittee advised SFA staff on legislative testimony for House Bill 2384. SFA submitted testimony in favor of the legislation; the hearing will take place later today.

B. Subcommittee on Workforce Housing

1. Workforce Housing Subcommittee Chair Edwards reported the following:
 - a) The subcommittee received an informational email on January 11, 2024 from SFA staff on subcommittee roles and responsibilities.
 - b) The subcommittee attempts to meet weekly with the SFA consultant who is currently assisting the SFA with its education workforce housing Requests for Proposals (“RFPs”).
 - (1) SFA issued Addendum No. 1 to the Mililani High School Workforce Housing RFP, which extends the deadline to submit questions to the end of February because many potential developers asked to submit questions after visiting the site.

The deadline to submit proposals remains the same, by 4:00 p.m., May 17, 2024.

(2) Chairperson Oshima asked for confirmation that the Mililani Housing RFP is posted and that the Mililani site was one of the areas designated by the Legislature. Subcommittee Chair Edwards confirmed. Subcommittee Chair Edwards also commented on the robust interest in the RFP.

(3) Chairperson Oshima asked whether the Mililani High School principal is willing to work with the SFA and RFP participants. Subcommittee Chair Edwards confirmed.

- c) The subcommittee advised SFA staff on legislative testimony for House Bill 1631. SFA submitted testimony in support of the legislation.
- d) The subcommittee participated in an interview for the SFA interim ED position.

C. Subcommittee on Operations

1. Subcommittee Chair Mehnert reported the following:

- a) The subcommittee received an introductory email on January 11, 2024 from SFA staff on subcommittee roles, responsibilities, and expectations.
- b) The subcommittee participated in the interview for the interim ED position and developed a recommendation on the appointment of an interim ED.
- c) The subcommittee advised SFA Staff on legislative testimony for House Bill 2527. The bill was discussed at length and the subcommittee provided testimony with comments to the House Committee on Education.

VIII. Public Testimony

There was no public testimony.

IX. Discussion Items

A. Presentation on 2024 Legislative Session and Measure Tracking Process

1. Acting ED Kunishige presented on the legislation SFA is tracking for the 2024 legislative session. She noted that the legislation tracking list (which is attached to Acting ED Kunishige's memorandum as Exhibit A) was divided into four categories aligned with the SFA's strategic areas of focus: Pre-kindergarten Facilities, Educator Workforce Housing, Operations, and School Impact Fees. Acting ED Kunishige described the four-step process SFA is using: (1) identification and categorization by SFA staff; (2) determination of action and position by the ED, with advice from subcommittees; (3) monitoring and communication, and (4) testifying, hearings, and meetings. She stated that if SFA submits testimony on a bill, SFA staff attends the hearing.

- B.** Chairperson Oshima asked for a follow-up on a question raised at the last board meeting regarding clarification on the maximum number of Board members that can attend events in compliance with Sunshine law. Acting ED Kunishige reported the SFA received guidance from SFA's Deputy Attorney General and that she will be disseminating this information to the Board.

X. Adjournment

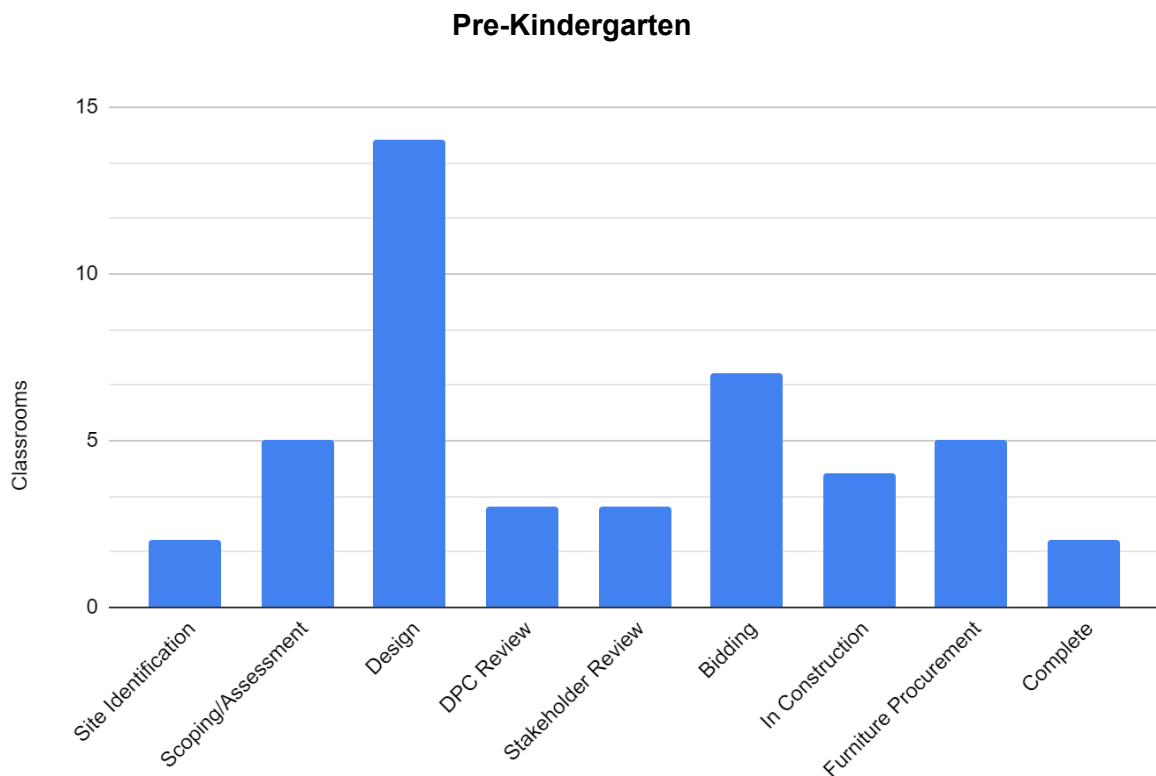
Motion to adjourn the meeting (Mehnert/Iwase). 5 Ayes (Oshima, Aczon, Edwards, Iwase, Mehnert), 0 Nos, 0 Abstentions. Motion carries; meeting adjourned at 9:25 a.m.



Report of the School Facilities Authority Executive Director

March 5, 2024

Expanding Inspiring Learning Spaces



DOE. With 44 EOEL classrooms identified, the work is now focused on pushing all of the projects to completion before the next school year. The table above shows the status of each of the identified classrooms. Over the next two weeks there will be a concerted push to get the projects through the Scoping, Design, DPC Review and Stakeholder Review stages and into the Bidding stage so that construction can occur during the summer break. Most of the projects have moved out of identification and assessment into the design or bidding stages, which is appropriate given that the start of summer break is around three months away.

SFA has resolved the permit issue referenced in the January ED Update by choosing to exempt projects that meet specific criteria. Projects that require permits that do not meet this criteria will be moved to another year. This work goes toward achieving [Goal 3a](#), creating pre-kindergarten classrooms.

New Schools

West Maui new temporary school. SFA is monitoring the school situation in West Maui, which is currently being handled by DOE and various federal agencies. SFA has and continues to offer DOE support and stands ready to assist in any way requested. As of February 21, 2024, the temporary King Kamehameha III campus at Pulelehua is scheduled to open to students on April 1, 2024. The campus has 30 classrooms, five administrative buildings, and several restrooms. [Ho'oha'aheo Newsletter, February 21, 2024](#)

Spearheading Housing Solutions

City and County of Honolulu. On January 18, 2024, SFA held a pre-proposal conference for its Mililani High School Teacher Workforce Housing Project ([RFP-SFA-23-01](#)) that was well attended by approximately 50 individuals. On February 2, 2024, SFA posted [Addendum No. 1](#), which included the slides from the pre-proposal conference. SFA asked that questions be submitted by February 2, 2024 so that responses could be provided by February 16, 2024. The deadline to submit proposals is May 17, 2024. This work goes toward achieving [Goal 3c](#), creating education workforce housing.

Laying an Operational Foundation

Office Space: Oahu. I terminated negotiations with the space at 600 Kapiolani Boulevard and have temporarily housed some SFA staff at 3633 Waiialae Avenue in the Offices of Facilities and Operations space. I am in discussions to find a more permanent space on a school campus.

Personnel. SFA staff created the purchasing specialist and planner positions and is currently working on creating a secretary position. After that SFA staff will work on creating land agent and information technology specialist position descriptions.

Administrative Rules. The SFA Board approved the draft rules of practice and procedure for public hearing at its January 2024 meeting. Governor Josh Green approved the draft rules to go to public hearing, and SFA staff is working on drafting and publishing a hearing notice. (see below).

- ~~January 9, 2024: Board approves draft rules for public hearing~~
- January 25: Governor approves public hearing request
- April 5: SFA publishes notice of public hearing
- May 7: Public hearing on draft rules

- June 4: Board adopts proposed rules
- June 12: Deputy attorney general approves adopted proposed rule as to form
- July 12: Governor approves and signs rules
- July 22: Rules of practice and procedure become effective

This work goes toward achieving [Goal 3d](#), creating SFA's legal framework.

Kaimuki Planning Study. I placed the preliminary, proof-of-concept planning study of the Kaimuki area with University of Hawaii Community Design Center (UHCDC) students and instructors on hold. While the concept was good, SFA needs to focus its resources on projects that are already funded, and there is no funding allocated to the development of a project using this data.

2024 Legislative Session. SFA has submitted testimony and attended hearings. This is a listing of the hearings attended:

- January 18, 2024: House Education Committee
- January 31, 2024: House Housing Committee
- February 1, 2024: House Education-Higher Education and Technology Committees
- February 6, 2024: House Education and Water and Land Committees
- February 9, 2024: House Housing Committee
- February 23, 2024: House Finance Committee
- February 26, 2024: House Finance Committee

This is the status of the key bills that SFA is tracking:

- Several bills related to SFA's prekindergarten work are poised to cross over to their non-originating chambers, including [HB2384 HD1](#) (converts a portion of pre-kindergarten expansion funds from general funds to general obligation bonds) and [HB1903 HD1](#) and [SB3087 SD1](#) (expands access of early learning programs to other state properties and public lands besides public school campuses).
- While SFA is tracking several bills related to housing, we have testified on only [HB1631 HD1](#) (requires SFA and DOE to prioritize projects for the construction of educator workforce housing), which is poised to cross over to the Senate.
- Only one bill related to school impact fees is poised to cross over. [HB2091 HD1](#) originally would have repealed school impact fees, but in its current version, it keeps the fees but adds exemptions for the development of certain housing developments with income restrictions and additional or accessory dwelling units.
- [SB3328 SD1](#), which would repeal the SFA, is poised to cross over to the House. SFA has intentionally refrained from submitting testimony on this bill.

JOSH GREEN, M.D.
GOVERNOR

RIKI FUJITANI
INTERIM EXECUTIVE DIRECTOR



STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
75 AUPUNI STREET, STE. BASEMENT
HILO, HAWAII 96720

March 5, 2024

MEMORANDUM

TO: Alan Oshima
Chairperson, School Facilities Authority Board

FROM: Bettina Mehnert
Chair, Subcommittee on Operations

SUBJECT: Board Action on Operations Subcommittee recommendation concerning amendments to the bylaws to require board approval on projects

I. BACKGROUND

Pursuant to Hawaii Revised Statutes (HRS) §302A-1703(c)(3), the School Facilities Authority (SFA) may make and alter bylaws for its organization and internal management. Because the School Facilities Authority Board heads and oversees the SFA, pursuant to HRS §302A-1704(a), the board first adopted bylaws to apply to itself and high-level management of the SFA on January 9, 2024.

II. FINDINGS

The Subcommittee on Operations finds that the roles and responsibilities of the board and the SFA's executive director with respect to projects assigned to the SFA require more clarification. Section 5.4 of the bylaws provides, in part, "The Executive Director shall have the power to sign all contracts, deeds, leases, and other instruments required to be executed by the Authority **upon approval by the**

Board of the project, activity, or action in connection with which such documents are required” (emphasis added). Essentially, this provision means that the board gives higher level approval of projects, activities, or actions, not approval of the contracts, deeds, leases, or other documents that need to be signed. However, it is not clear what board approval of a project looks like nor is it clear how much discretion the executive director has to manage and execute projects.

The subcommittee also finds that the board should have approval authority over the lapsing of appropriations from the governor, legislature, or Board of Education for projects assigned to the SFA like the approval authority the board has over the initiation of such projects.

III. RECOMMENDATION

Therefore, based on the forgoing, the subcommittee recommends that the board adopt the proposed amendments to the bylaws attached as Attachment A. The key amendments would establish a new article in the bylaws with the following sections:

- Section 8.1. Project Approval and General Parameters. The Executive Director shall proceed with a project only after receiving approval from the Board on the general parameters of the project, such as the type of project, location, size, and cost. The Executive Director may seek approval from the Board to change the general parameters as the project progresses.
- Section 8.2. Executive Director Discretion. The Executive Director has the discretion to manage and execute a project through any available means and change the project’s plans, designs, or other details, provided that the project stays within the general parameters set by the Board.
- Section 8.3. Lapsing Project Appropriations. The Executive Director shall not lapse appropriations from the governor, legislature, or Board of Education for projects without approval from the Board.
- Section 8.4. “Project” definition. For purposes of these bylaws, “project” means the same as is defined in HRS Section 302A-1701.

These new provisions would clarify that the board has high-level authority to prioritize and direct the projects on which the SFA proceeds while ensuring the executive director maintains the flexibility to deliver the projects approved by the board.

Proposed motion: “Move to adopt the proposed amendments to the Bylaws of the School Facilities Authority Board, attached as Attachment A to

Subcommittee on Operations Chair Bettina Mehnert's memorandum dated March 5, 2024."

Attachment A

**Bylaws of the School Facilities Authority Board with proposed redlined
amendments**

BYLAWS OF THE
SCHOOL FACILITIES AUTHORITY BOARD

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ARTICLE I
NAME

Section 1.1. Name. The official name of the authority shall be “School Facilities Authority.”

Section 1.2. Authority. The School Facilities Authority (the “Authority”) shall be a body corporate and a public instrumentality of the State of Hawaii with the powers, duties, and responsibilities prescribed by Hawaii Revised Statutes (“HRS”) Chapter 302A, Part VI, Subpart C, and other applicable law.

Section 1.3. Seal. The seal of the Authority shall be as follows:



ARTICLE II
MEMBERS OF THE AUTHORITY BOARD

Section 2.1. Appointment. The Authority's board (the "Board") shall consist of members as may be appointed pursuant to HRS Section 302A-1704 and who shall serve in accordance with provisions of law.

Section 2.2. Terms of Office. The members of the Authority Board shall serve for such terms as provided by law.

Section 2.3. Compensation. No member of the Board shall receive any compensation other than reimbursement for necessary expenses, including travel and lodging expenses, incurred in performing the duties provided by law or these bylaws.

ARTICLE III
BOARD OFFICERS

Section 3.1. Officers. The officers of the Board shall be the Chairperson and Vice-Chairperson.

Section 3.2. Selection. The Board shall select the Chairperson and Vice-Chairperson from among its members by a majority vote. The Board shall annually select its officers during the first regular or special meeting held after July 1 of each year, and the officers selected shall take office immediately following their selection. Should the office of the Chairperson or Vice-Chairperson become vacant, the Board shall fill the vacancy at its next regular or special meeting.

Section 3.3. Terms of Office. The terms of office of the Chairperson and Vice-Chairperson shall be for one calendar year from the date of their selection or until their successors are duly selected, or in the case of an officer selected to fill a vacancy, for the unexpired term of the officer thus succeeded.

ARTICLE IV
DUTIES OF BOARD OFFICERS AND MEMBERS

Section 4.1. Chairperson. The Chairperson shall preside at all meetings of the Board. The Chairperson shall submit information and recommendations concerning the policies and other

affairs of the Authority to the Board as the Chairperson deems necessary for such meetings. The Chairperson shall sign all actions, decisions, and orders of the Board requiring authentication.

The Chairperson shall manage all matters of the Board consistent with these bylaws and other policies of the Board and perform such other duties as are incident to the office or are required by the Board or by law. The Chairperson may delegate assignments and duties to other members of the Board.

Section 4.2. Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence, incapacity, or unavailability of the Chairperson, and when so acting, the Vice-Chairperson shall have all the powers of and be subject to all the restrictions upon the Chairperson. In case of resignation or incapacity of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Board shall select a new Chairperson.

The Vice-Chairperson shall assist the Chairperson as the Chairperson deems necessary and shall have such powers and perform such other duties as from time to time may be prescribed by the Chairperson or the Board.

Section 4.3. Board Members. Each member of the Board shall put forth a good faith effort to fulfill the duties and responsibilities of the Board as provided by law and as delegated by the Board or the Chairperson. Each member of the Board shall comply with the provisions of these bylaws.

No member of the Board shall act or make representations on behalf of the Board unless authorized by law, these bylaws, or action of the Board. This section shall not be construed to prevent a member of the Board from having discussions, attending events or meetings, or receiving or gathering information related to the business of the Authority in the member's individual capacity.

ARTICLE V EXECUTIVE DIRECTOR

Section 5.1. Position Established. The Board shall appoint the Executive Director of the Authority (the "Executive Director") in accordance with HRS Section 302A-1702.

Section 5.2. Duties and Responsibilities. The Executive Director shall serve as the chief executive officer and chief procurement officer of the Authority, shall be directly responsible to the Board, and shall have control of and responsibility for the implementation of policies and

directives and the administration of Authority's personnel. At each meeting of the Board, the Executive Director shall furnish its members with such information and make such recommendations as shall be necessary to effect the purposes of the Authority and for the proper administration of its affairs. The Executive Director shall authorize and certify payrolls, requisitions, invoices, and other documents essential to the proper administration of the Authority.

Section 5.3. Delegation of Duties. As allowable by law, the Executive Director may delegate duties, and any powers and authority necessary to execute such duties, to other employees of the Authority provided that final responsibility for all duties assigned to the Executive Director by law, these bylaws, or action of the Board lie solely with the Executive Director.

Section 5.4. Authority to Execute Documents. The Executive Director shall have the power to sign all contracts, deeds, leases, and other instruments required to be executed by the Authority upon approval by the Board of the project, activity, or action in connection with which such documents are required. Routine papers and forms to be executed by the Authority in the course of execution of any Authority projects or Authority operations may be signed by the Executive Director, or any employee of the Authority designated by the Executive Director, without prior or further authorization of the Board.

Section 5.5. Authority to Use Seal. The Executive Director shall have the power to use the seal of the Authority established in Section 1.3 to authenticate documents produced by the Authority, such as letters, memoranda, or other official documents from the Authority, or to certify documents agreed upon by the Authority, such as contracts, deeds, or other instruments contemplated in Section 5.4.

Section 5.6. Term of Office. The term of the office of the Executive Director shall be at the pleasure of the Board.

ARTICLE VI MEETINGS

Section 6.1. Regular Meetings. The Board shall hold regular meetings on the first Tuesday of each month unless such a date is on a state holiday in which event the Board shall hold the regular meeting on the day immediately following such holiday. The Chairperson may change any regular meeting date, time, or location, subject to HRS Section 92-7, or may cancel any regular meeting for good cause. Prior to January 1 of each year, the Chairperson shall

provide to the Board, at a regular or special meeting, an annual calendar of regular meeting dates for the upcoming calendar year.

Section 6.2. Special Meetings. The Chairperson may call a special meeting of the Board at any time, subject to HRS Section 92-7. The agenda for a special meeting shall not be subject to Section 6.5 of these bylaws.

Section 6.3. Executive Meetings. The Board may hold an executive meeting closed to the public only as provided by HRS Sections 92-4 and 92-5 and during the course of a regular or special meeting.

Section 6.4. Meeting Agendas. The agendas for regular and special meetings shall be set by the Chairperson in consultation with the Executive Director.

Section 6.5. Order of Business. The following shall be the order of business at the regular meetings of the Board:

- (a) Roll Call and Determination of a Quorum
- (b) Approval of Meeting Minutes
- (c) Workgroup and Subcommittee Reports
- (d) Report of the Executive Director
- (e) Action Items
- (f) Discussion Items
- (g) Adjournment

The Chairperson shall determine the appropriate place for public testimony and executive meetings in the order of business.

Section 6.6. Quorum and Voting. Pursuant to HRS Section 302A-1704, a majority of the voting members serving on the Board shall constitute a quorum to conduct business, and the concurrence of the majority of the voting members serving on the Board shall be necessary to make any action of the Board valid.

Section 6.7. Parliamentary Procedure. The rules contained in *Robert's Rules of Order*, newly revised, shall govern meetings where they are not in conflict with law or these bylaws.

ARTICLE VII
WORKGROUPS AND SUBCOMMITTEES

Section 7.1. Workgroups. The Board may, as circumstances warrant, form a workgroup for a discrete and specific purpose of interest to the Authority. The Board shall approve the charge of any workgroup. The charge of a workgroup shall specify its specific functions, including whether it is to make a recommendation to the Board, and a definite time period for its existence, which may be extended as necessary by the Board.

Section 7.2. Subcommittees. The Board may, as circumstances warrant, form a subcommittee to obtain information, make recommendations to the Board, advise the Executive Director, and perform any other functions assigned by the Board in an area of the Board's responsibility. The Board shall form a subcommittee through an amendment of these bylaws, subject to Article X of these bylaws, and shall specify the subcommittee's scope and mission in these bylaws.

The subcommittees of the Board shall be:

- (a) Subcommittee on Learning Spaces, whose scope is Authority projects related to the planning, design, construction, or renovation of learning spaces and whose mission is to assist the Board and Authority in achieving their goals under their "Expanding Inspiring Learning Spaces" strategic area of focus;
- (b) Subcommittee on Workforce Housing, whose scope is Authority projects related to the planning, design, construction, or renovation of educator workforce housing and whose mission is to assist the Board and Authority in achieving their goals under their "Spearheading Housing Solutions" strategic area of focus; and
- (c) Subcommittee on Operations, whose scope is the organization and operations of the Board and Authority and whose mission is to assist the Board and Authority in achieving their goals under their "Laying an Operational Foundation" strategic area of focus.

A subcommittee shall exist until repealed by the Board from these bylaws.

Section 7.3. Membership. The Board shall appoint all members of a workgroup or subcommittee, including a chairperson who shall facilitate the work of the workgroup or subcommittee. The Board shall appoint less than a quorum of Board members to each workgroup or subcommittee, pursuant to HRS Section 302A-1704. The Board may appoint individuals who are not Board members to any workgroup or subcommittee. The Board may remove members from a workgroup or subcommittee or appoint new or additional members from time to time as it deems necessary.

Section 7.4. Permitted Interaction. As permitted interactions under HRS 92-2.5, discussions of a workgroup or subcommittee are not meetings for purposes of HRS Chapter 92, Part I, and are not required to be open to the public or publicly noticed in accordance with that part.

Section 7.5. Reports. Each workgroup and subcommittee shall provide an oral or written report at each regular meeting of the Board summarizing the workgroup or subcommittee's discussions and activities since its last report.

Section 7.6. Recommendations. A workgroup or subcommittee may make a recommendation to the Board provided that a majority of the members serving on the workgroup or subcommittee concur with the recommendation.

ARTICLE VIII SCHOOL FACILITIES AUTHORITY PROJECTS

Section 8.1. Project Approval and General Parameters. The Executive Director shall proceed with a project only after receiving approval from the Board on the general parameters of the project, such as the type of project, location, size, and cost. The Executive Director may seek approval from the Board to change the general parameters as the project progresses.

Section 8.2. Executive Director Discretion. The Executive Director has the discretion to manage and execute a project through any available means and change the project's plans, designs, or other details, provided that the project stays within the general parameters set by the Board.

Section 8.3. Lapsing Project Appropriations. The Executive Director shall not lapse appropriations from the governor, legislature, or Board of Education for projects without approval from the Board.

Section 8.4. "Project" definition. For purposes of these bylaws, "project" means the same as is defined in HRS Section 302A-1701.

ARTICLE ~~VIII~~
LEGAL COUNSEL

Section ~~89~~.1. Advice. A Board officer, the Executive Director, or an employee of the Authority authorized by the Executive Director may seek informal, verbal or written advice from the Authority's assigned deputy attorney general as the officer, Executive Director, or authorized employee deem necessary. The Chairperson or the Executive Director may seek formal written advice or opinion from the Attorney General.

Section ~~89~~.2. Written Opinion. Whenever a formal legal opinion is issued by the Attorney General or a deputy attorney general to the Board or Authority, the Executive Director shall distribute such opinion and request to all members of the Board. Formal legal opinions issued by the Attorney General or a deputy attorney general are subject to attorney-client privilege and shall not be distributed to persons who are not members of the Board or employees of the Authority.

Section ~~89~~.3. Legal Proceedings. The Chairperson or another Board member designated by the Chairperson may, on behalf of the Board, work with the appropriate deputy attorneys general on responses to discovery requests and depositions for lawsuits in which the Board is a party and may sign, approve, and issue responses on behalf of the Board to such discovery requests and depositions. The Executive Director or an employee of the Authority designated by the Executive Director shall, on behalf of the Authority, work with the appropriate deputy attorneys general on responses to discovery requests and depositions for lawsuits in which the Authority is a party and may sign, approve, and issue responses on behalf of the Authority to such discovery requests and depositions. Any settlement offers or agreements to which the Board or Authority is a party must be approved by the Board.

ARTICLE ~~IX~~
CODE OF CONDUCT

Section ~~910~~.1. Standard of Conduct. Members of the Board shall comply with the provisions of these bylaws and are subject to the standards of conduct and financial interest disclosure requirements of HRS Chapter 84 (the "State Ethics Code") and must act in accordance with the State Ethics Code.

Section ~~910~~.2. Fiduciary Responsibility. Members of the Board serve a public interest role and thus are expected to conduct all affairs of the Board and Authority in a manner consistent with this concept. Members of the Board are expected to place the responsibilities and welfare of the Authority above personal interests, the interests of family members, or others who

may be personally involved in affairs affecting the Authority. All decisions of the Board shall focus on a desire to promote the best interests of the Authority and the public good.

Section ~~9~~10.3. Determination of Conflicts of Interest. Members of the Board shall direct questions concerning possible conflicts of interest covered by the State Ethics Code to the State Ethics Commission for disposition. Any member receiving advice from the State Ethics Commission on a possible conflict of interest may inform the Executive Director of the advice received if appropriate. The Executive Director shall refer questions of potential conflict not covered by the State Ethics Code to the Board's deputy attorney general for legal advice.

Section ~~9~~10.4. Restraint on Participation. A member of the Board who has declared a conflict of interest shall recuse themselves and refrain from participating in the consideration of the related matter. The member shall not vote on the matter before the Board and shall not be present during the Board's deliberation and at the time of vote.

ARTICLE XI AMENDMENTS

Section ~~1~~10.1. Notice Regarding Proposed Amendments. These bylaws may be amended at any regular or special meeting provided that previous written notice was given to all members of the Board, including the specific language for the proposed amendment, and the matter was properly placed on the Board's agenda.

Section ~~1~~10.2. Approval of Amendments. Any amendment to these bylaws requires a majority vote of all members to which the Board is entitled.

[adopted 01/09/2024; amended 03/05/2024]

JOSH GREEN, M.D.
GOVERNOR



RIKI FUJITANI
INTERIM EXECUTIVE DIRECTOR

STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
75 AUPUNI STREET, STE. BASEMENT
HILO, HAWAII 96720

March 5, 2024

MEMORANDUM

TO: Alan Oshima
Chairperson, School Facilities Authority Board

FROM: Jan Iwase
Chair, Subcommittee on Learning Spaces

SUBJECT: Board Action on Learning Spaces Subcommittee recommendation concerning the lapsing of funds allocated to a feasibility study and East Kapolei High School plans and design

I. BACKGROUND

Act 248, Session Laws of Hawaii (SLH) 2022, appropriated \$100,000 in general obligation bond funds to the School Facilities Authority (SFA) for “plans and design for a feasibility study to build a new high school in East Kapolei, Oahu, including consideration of leveraging potential federal funding from [U.S. Department of Agriculture] rural development and other sources.” Act 248 also appropriated \$355,000,000 in federal funds to the SFA for “plans and design for master planning for a new high school in East Kapolei; including all campus and community related improvements, renovation, renewal, refurbishment, and new construction; ground and site improvements; equipment and appurtenances.” These capital improvement program (CIP) appropriations will lapse unless the SFA encumbers the funds by June 30, 2024.

The Department of Education (DOE) has also received CIP appropriations related to a new high school in East Kapolei. Act 134, SLH 2013, appropriated \$5,000,000 in general obligation bond funds to the DOE for “design, construction, and equipment for new high school; ground and site improvements; equipment and appurtenances” for “East Kapolei High School.” Act 88, SLH 2021, appropriated \$500,000 in general obligation bond funds to the DOE for “plans for a new East Kapolei high school; ground and site improvements; equipment and appurtenances.”

II. FINDINGS AND RECOMMENDATIONS

The Subcommittee on Learning Spaces finds that the \$355,000,000 in federal funds did not materialize because the federal funds that were anticipated for use for this project were dependent on the East Kapolei geographic area being classified as a rural area, which did not happen based on the most recent census numbers. The appropriated funds essentially do not exist, which leaves the SFA with only \$100,000 in bond funds for planning and design purposes.

The subcommittee also finds that it is not clear whether the legislature intended the DOE or SFA to be responsible for the plan, design, and construction of a new high school in East Kapolei. The legislature has appropriated CIP projects with similar purposes to both agencies. Further, the DOE has begun the planning process for a new high school in East Kapolei, and SFA’s involvement now could be a duplicative effort.

III. RECOMMENDATION

The subcommittee recommends that the board approve the lapsing of the two CIP appropriations related to a new high school in East Kapolei.

Proposed motion: “Move to approve the lapsing of:

- 1. \$100,000 in general obligation bond funds appropriated by Act 248, SLH 2022, for ‘plans and design for a feasibility study to build a new high school in East Kapolei, Oahu, including consideration of leveraging potential federal funding from USDA rural development and other sources’; and**
- 2. \$355,000,000 in federal funds appropriated by Act 248, SLH 2022, for ‘plans and design for master planning for a new high school in East Kapolei; including all campus and community related improvements, renovation, renewal, refurbishment, and new construction; ground and site improvements; equipment and appurtenances.’”**



STATE OF HAWAII
SCHOOL FACILITIES AUTHORITY
75 AUPUNI STREET, STE. BASEMENT
HILO, HAWAII 96720

March 5, 2024

MEMORANDUM

TO: Alan Oshima
Chairperson, School Facilities Authority Board

FROM: Jan Iwase
Chair, Subcommittee on Learning Spaces

SUBJECT: Board Action on Learning Spaces Subcommittee recommendation
concerning initial plan to identify a site for a Central Maui middle school

I. BACKGROUND

Act 248, Session Laws of Hawaii 2022, appropriated \$20,000,000 in general obligation bond funds to the School Facilities Authority (SFA) for “plans and designs for master planning for a new elementary and middle school in Central Maui; including all campus and community related improvements, renovation, renewal, refurbishment, and new construction; ground and site improvements; equipment and appurtenances.” This capital improvement program appropriation will lapse unless the SFA encumbers the funds by June 30, 2024.

II. FINDINGS AND RECOMMENDATIONS

The Subcommittee on Learning Spaces finds that the SFA must take immediate action on plans for a Central Maui school to ensure funds are not lapsed.

The subcommittee also finds that, based on available data, a middle school is necessary in the area; however, elementary school capacity is anticipated to be

sufficient. A recent analysis by MKThink, attached as Attachment A, projects Central Maui to have significant available elementary school capacity in the next three years while expecting intermediate/middle and high schools to face enrollment expansion pressure beyond current capacity. The analysis recommends building a new middle school and using underutilized elementary schools to expand middle school capacity.

III. RECOMMENDATION

The subcommittee recommends that the board approve the use of the \$20,000,000 in general obligation bond funds for a planning project with the following general parameters:

1. The project is for the initial planning for the construction of a new Central Maui middle school, including identifying a site for the school; and
2. The project is for the planning for expansion of middle school capacity at existing Central Maui schools.

Proposed motion: “Move to approve the use of \$20,000,000 in general obligation bond funds appropriated by Act 248, Session Laws of Hawaii 2022, for the initial planning for the construction of a new Central Maui middle school, including identifying a site for the school, and the planning for expansion of middle school capacity at existing Central Maui schools.”

Attachment A

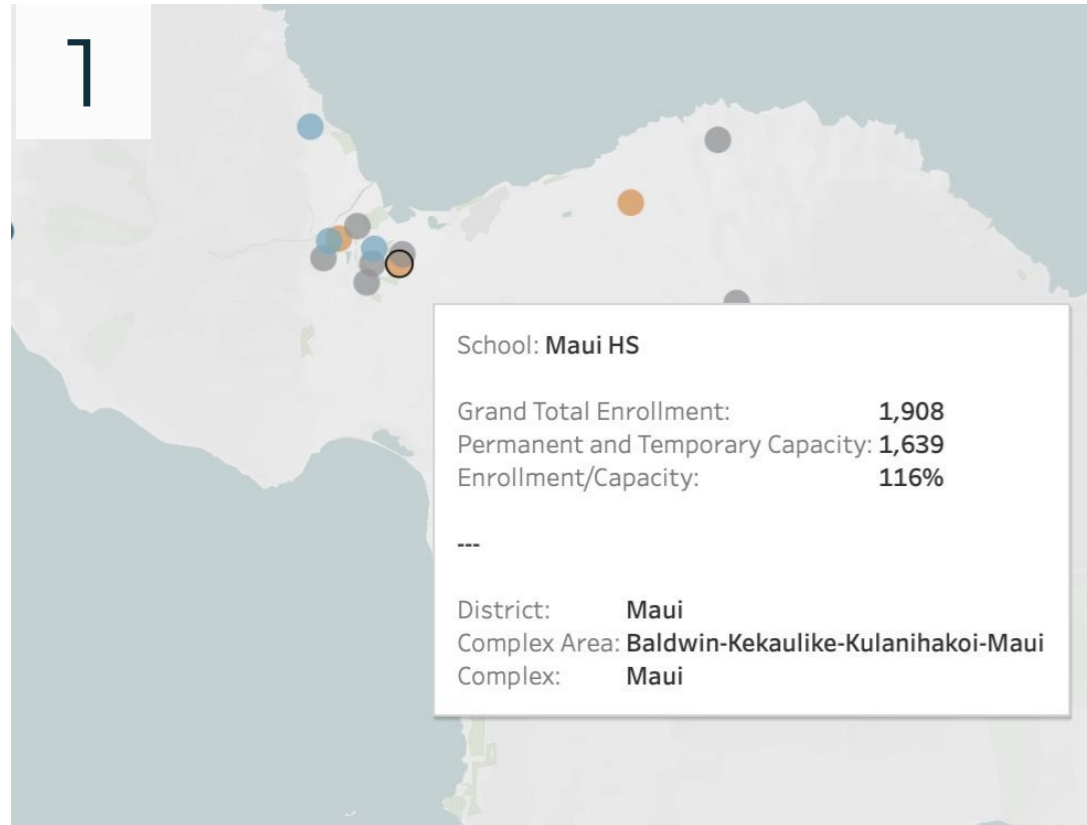
MKThink Central Maui Analysis: School Facility Development Recommendations

Central Maui School Facility Development Recommendations

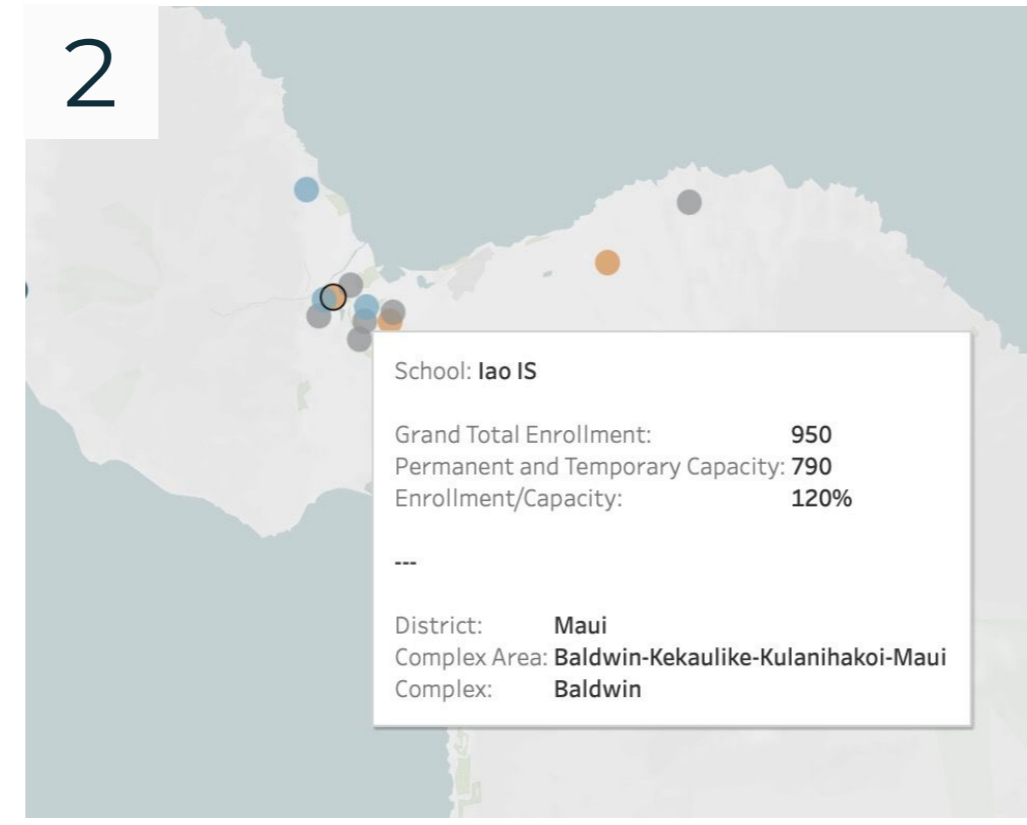
February 23, 2024

Central Maui needs additional middle and high school capacity

New construction

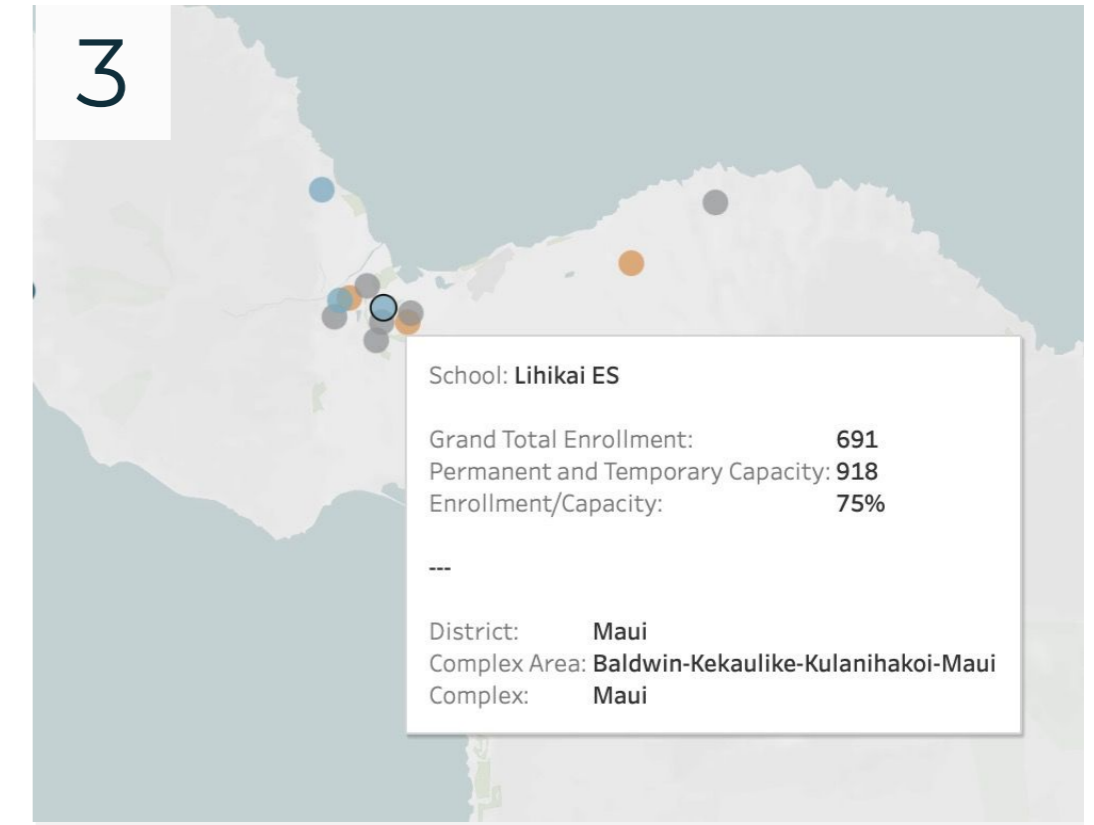


Expand capacity of Maui High School
Target approximately 18 classrooms expansion



Build new middle school
Target 12 classroom initially with future expansion potential

Utilization improvement



Grade level expansion
Accommodate Central Maui's intermediate school seats shortage needs in Central Maui's currently underutilized elementary school capacity.

Central Maui Middle and High Schools are the only categories forecast to have a classroom deficit

Projected for 2028, based on an average Students / Class ratio of 18.

Key Take-Aways

- Central Maui intermediate and high schools are expected to experience pressures for expansion / growth in 2028 across all scenarios.
- West Maui is expected to have excess capacity in 2028 based on all scenarios.
- South Maui high schools and Central Maui elementary schools are significantly overcapacity in all three scenarios.

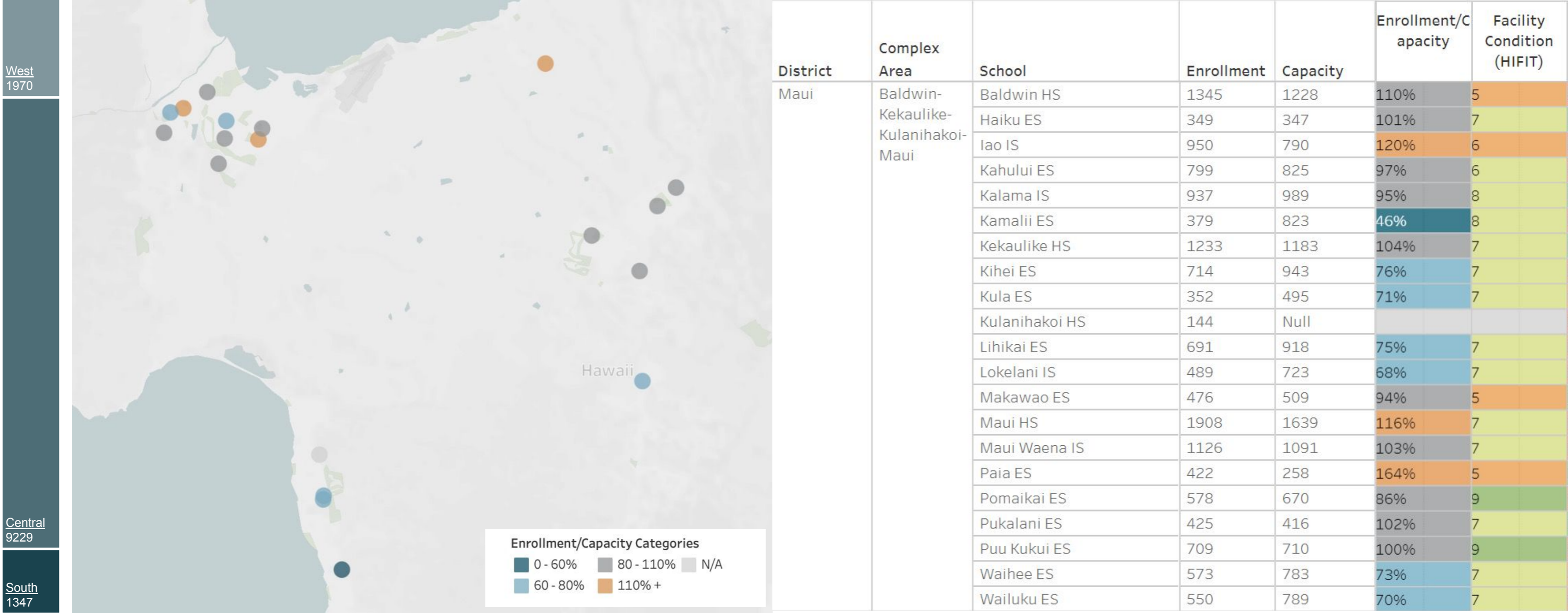
Region	Grade Level	Capacity	SCENARIO 1 HIDOE Projections			SCENARIO 2 Rapid Recovery - Max. Investment			SCENARIO 3 Gradual Recovery		
			2028 Enrollment	Available Seats	Available Classrooms	2028 Enrollment	Available Seats	Available Classrooms	2028 Enrollment	Available Seats	Available Classrooms
West Maui	Elementary	961	662	299	17	770	191	11	716	245	14
	Intermediate	675	379	296	16	433	242	13	406	269	15
	Highschool	969	822	147	8	894	75	4	858	111	6
Central Maui	Elementary	4695	3669	1026	57	3976	719	40	3822	873	48
	Intermediate	1881	1960	-79	-4	2114	-233	-13	2037	-156	-9
	Highschool	2867	3099	-232	-13	3304	-437	-24	3201	-334	-19
South Maui	Elementary	943	680	263	15	823	120	7	752	191	11
	Intermediate	723	472	251	14	543	180	10	508	215	12
	Highschool	1600	122	1478	82	217	1383	77	169	1431	79



Enrollment vs Capacity Detail by school

Includes permanent and portables capacity

Currently
Enrolled
Students



West
1970

Central
9229

South
1347

Enrollment/Capacity Categories
 0 - 60% 80 - 110% N/A
 60 - 80% 110% +

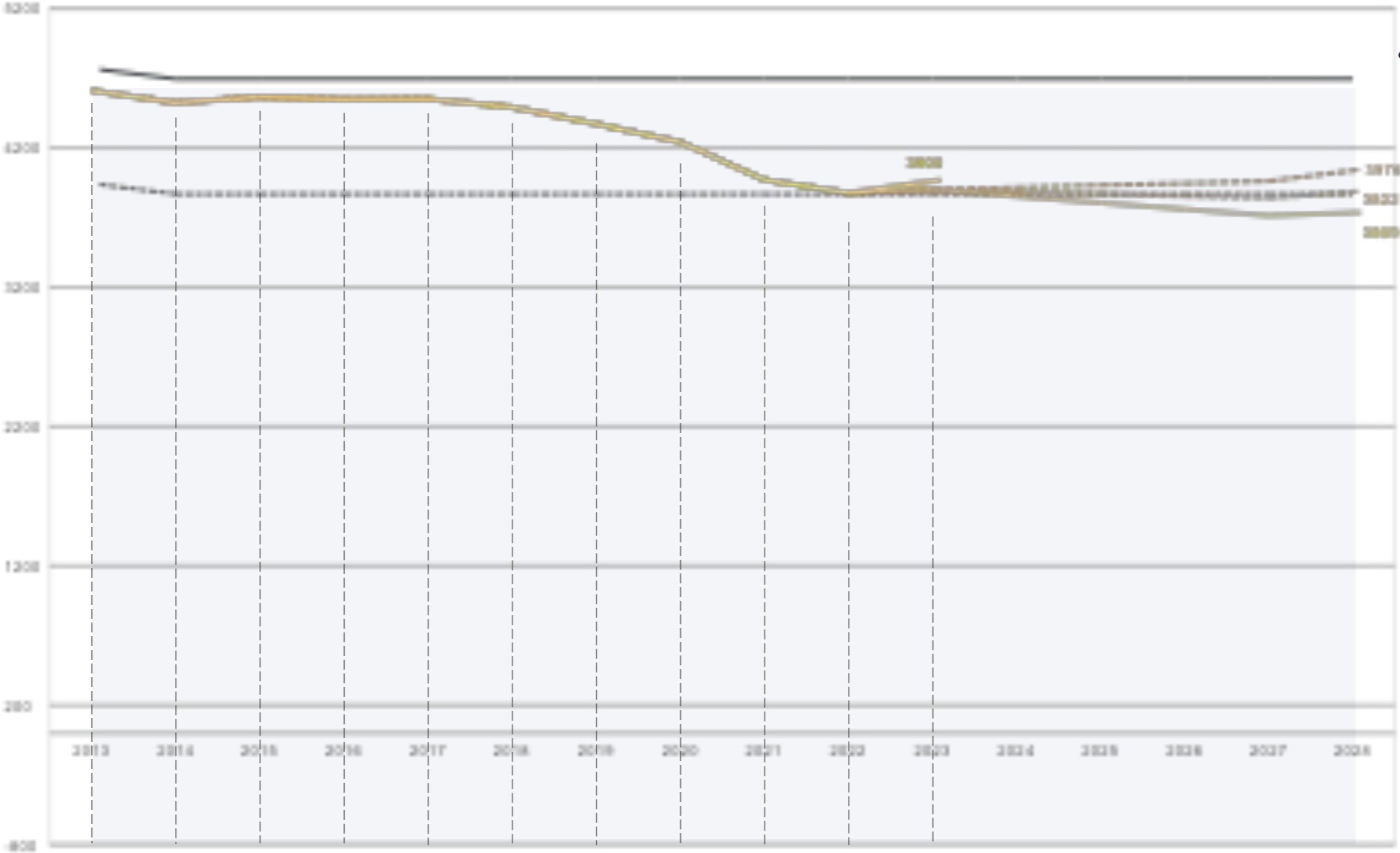
Central Maui

Five-Year Scenarios

Central Maui | Elementary School Grades

Key Take-Aways

Near-Term Capacity vs. Enrollment Forecast



- Five-year [2028] Enrollment Forecasts Based on the Rapid Recovery Scenario in Elementary School Level Remain Below Current Capacity.
- Permanent and Temporary Elementary School Capacity (4,695) exceeds projected enrollment by:
 - 719 Seats in the Rapid Recovery Scenario
 - 873 Seats in the Gradual Recovery Scenario.
 - 1026 Seats in the HIDEO Projections Scenario.

Enrollment and Forecast

- Capacity (Permanent + Temporary)
- Capacity (Permanent Only)
- HIDEO Projections
- Rapid Recovery Scenario
- Gradual Recovery Scenario
- Historical Enrollment

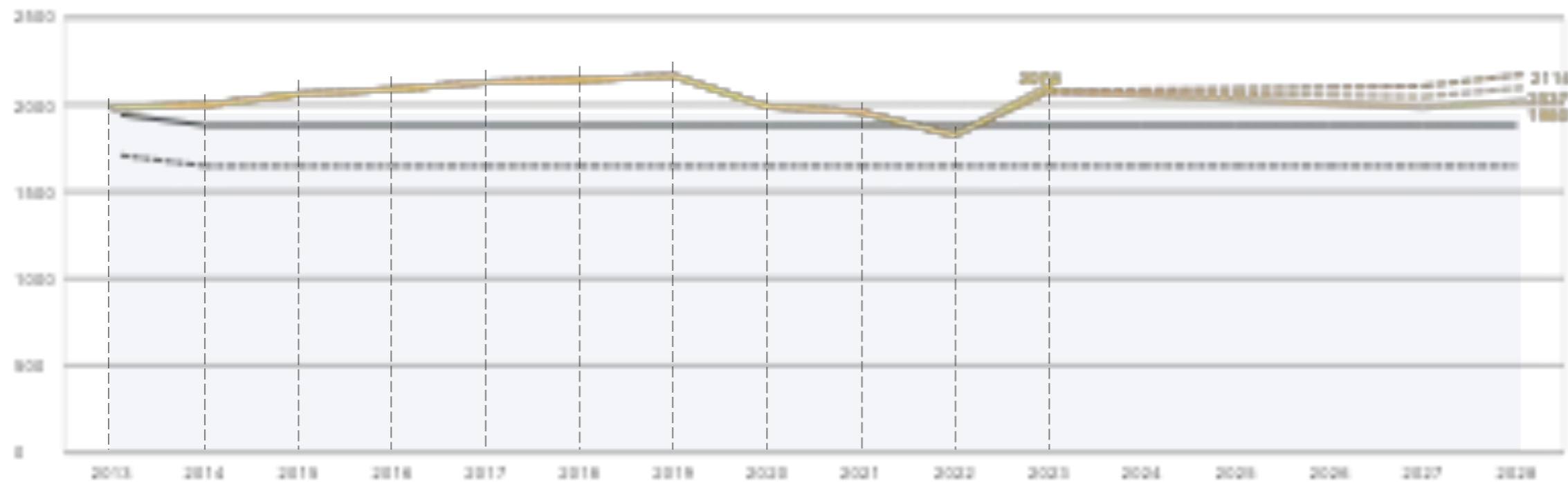
HIDEO Projections are based on a 1.11% year-over-year student population decline between 2023-2028. To be confirmed with HIDEO Accountability Office.

Central Maui | Intermediate School Grades

Key Take-Aways

Near-Term Capacity vs. Enrollment Forecast

- Five-year [2028] Enrollment Forecasts across all scenarios at the Intermediate School Level Fall Short of Current Capacity.
- Permanent and Temporary Intermediate School Capacity (1,881) Falls Short by:
 - 233 Seats in the Rapid Recovery Scenario,
 - 156 Seats in the Gradual Recovery Scenario,
 - 79 seats in the HIDOE Projections Scenario.



Enrollment and Forecast

- Capacity [Permanent + Temporary]
- Capacity [Permanent Only]
- HIDOE Projections
- Rapid Recovery Scenario
- Gradual Recovery Scenario
- Historical Enrollment

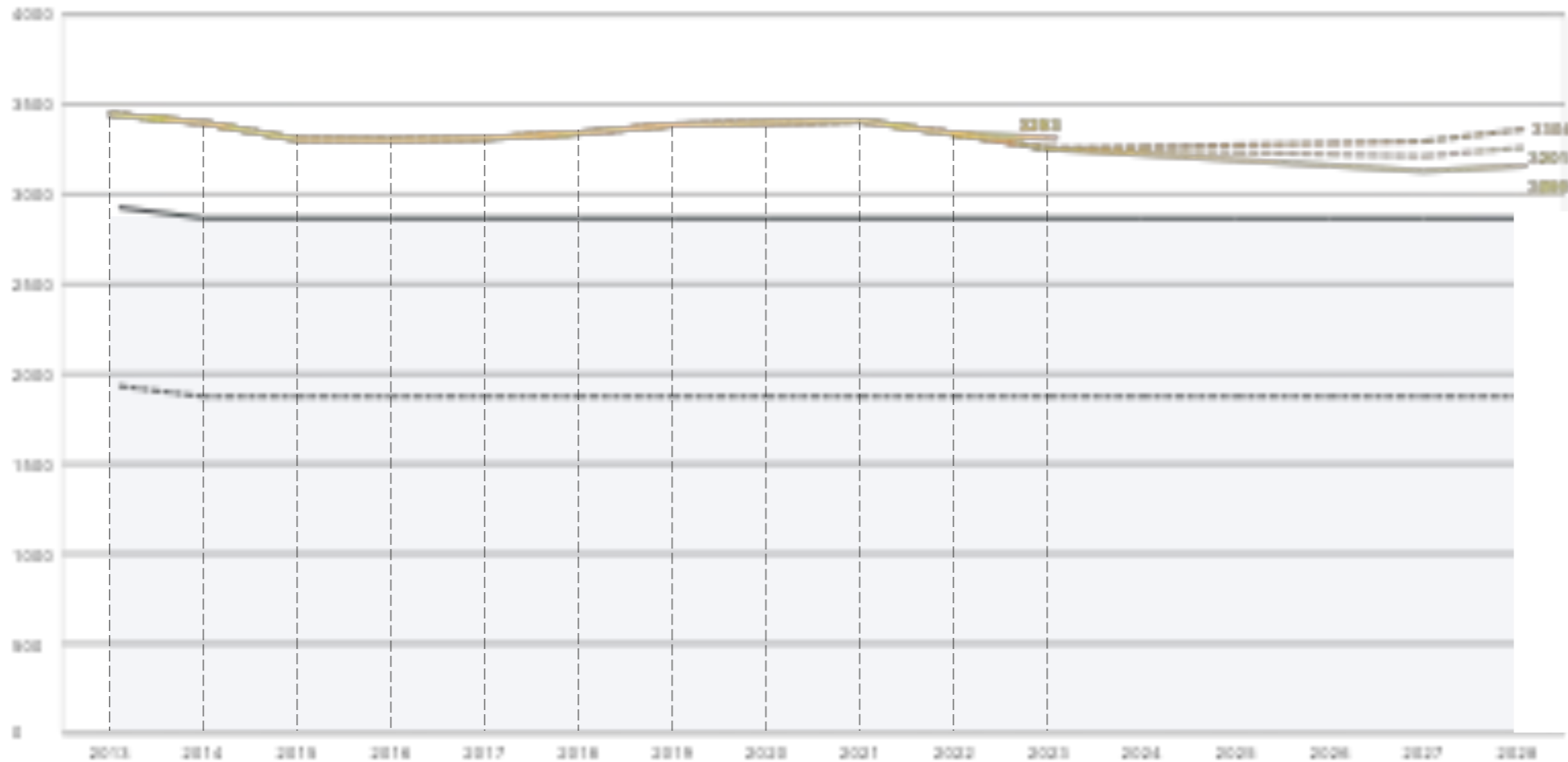
HIDOE Projections are based on a 1.11% year-over-year student population decline between 2023-2028. To be confirmed with HIDOE Accountability Office.

Central Maui | High School Grades

Key Take-Aways

Near-Term Capacity vs. Enrollment Forecast

- Five-year [2028] Enrollment Forecasts across scenarios at the High School Level Fall Short of Current Capacity.
- Permanent and Temporary High School Capacity (2,867) Falls Short by:
 - 437 Seats in the Rapid Recovery Scenario,
 - 334 Seats in the Gradual Recovery Scenario
 - 232 Seats in the HIDOE Projections Scenario



Enrollment and Forecast

- Capacity [Permanent + Temporary]
- Capacity [Permanent Only]
- HIDOE Projections
- Rapid Recovery Scenario
- Gradual Recovery Scenario
- Historical Enrollment

HIDOE Projections are based on a 1.11% year-over-year student population decline between 2023-2028. To be confirmed with HIDOE Accountability Office.

Classroom / Seat Availability in Central Maui

Projected for 2028, based on a Students / Class ratio of 18.

Key Take-Aways

- Central Maui intermediate and high schools are expected to experience pressures for expansion / growth in 2028 across all scenarios.
- Central Maui elementary schools are significantly overcapacity in all three scenarios.

Region	Grade Level	Capacity	SCENARIO 1 HIDOE Projections			SCENARIO 2 Rapid Recovery - Max. Investment			SCENARIO 3 Gradual Recovery		
			2028 Enrollment	Available Seats	Available Classrooms	2028 Enrollment	Available Seats	Available Classrooms	2028 Enrollment	Available Seats	Available Classrooms
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	Intermediate	1881	1960	-79	-4	2114	-233	-13	2037	-156	-9
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