NOTICE OF BOARD OF REGENTS MEETING
Board business not completed on this day will be taken up on another day and time announced at the conclusion of the meeting.

Date: Thursday, October 18, 2018
Time: 9:30 a.m.
Place: University of Hawaiʻi at Mānoa
        Information Technology Building
        2520 Correa Road
        1st Floor Conference Room 105A/B
        Honolulu, Hawaiʻi 96822

AGENDA

I. Call Meeting to Order

II. Public Comment Period: All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Written testimony may be submitted via US mail, email at bor@hawaii.edu, or facsimile at 956-5156. Individuals submitting written testimony are not automatically signed up for oral testimony. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Oral testimony is limited to three (3) minutes. All written testimony submitted are public documents. Therefore, any testimony that is submitted verbally or in writing, electronically or in person, for use in the public meeting process is public information and will be posted on the board’s website.

III. Report of the President

IV. Committee Reports
   A. Report from the Committee on Independent Audit
   B. Report from the Committee on Intercollegiate Athletics
   C. Report from the Committee on Planning and Facilities
   D. Report from the Committee on Research and Innovation
   E. Affiliate Reports

V. Items for Discussion and/or Approval
   A. For Action Consent Agenda
      1. Approval of the minutes of the September 20, 2018 Meeting
      2. Approval to Indemnify Geiseinger Clinic for a Data Use Agreement with the University of Hawaiʻi
   B. For Action
      1. Approval of University of Hawaiʻi at Hilo Adult Student Housing Lease Amendment
      2. Approval of University of Hawaiʻi at Mānoa Parking Rates

Accommodation required by law for Persons with Disabilities requires at least (5) five days prior notice to the board office at 956-8213 or bor@hawaii.edu.
3. Approval of Administration’s recommendation, based on testimony received during the public hearings process, to draft revisions to specific provisions in the proposed chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands”, and to return to the Board of Regents for approval of the new draft prior to a second round of public hearings.

C. For Information and/or Discussion
   1. Update on University of Hawai‘i at Mānoa Campus Framework for the Future

VI. Executive Session (closed to the public):
   A. Personnel: (To consider the hire, evaluation, dismissal, or discipline of an officer or employee, where consideration of matters affecting privacy will be involved, pursuant to Section 92-5(a)(2), Hawai‘i Revised Statutes (HRS))
      1. Discussion of Personnel Actions (A-1 for approval)
   B. Legal Matters: (To consult with the board’s attorneys on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), HRS)
      1. Quarterly Status Report on Litigation

VII. Items for Discussion and/or Approval
   A. Items for Approval (continued)
      1. Personnel Actions (A-1 for approval)

VIII. Announcements
   A. Next Meeting: November 15, 2018, at Honolulu Community College

IX. Adjournment

ATTACHMENTS
Attachment A1 – Personnel actions posted for action
Attachment A2 – Personnel actions posted for information only

Accommodation required by law for Persons with Disabilities requires at least (5) five days prior notice to the board office at 956-8213 or bor@hawaii.edu.
### Executive/Managerial

<table>
<thead>
<tr>
<th>Campus</th>
<th>Last Name</th>
<th>First Name</th>
<th>Title</th>
<th>Nature of Action</th>
<th>Monthly</th>
<th>Effective Date</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>System</td>
<td>Lassner</td>
<td>David</td>
<td>President</td>
<td>Salary Adjustment</td>
<td>$32,917</td>
<td>November 1, 2018</td>
<td>SM5</td>
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<tr>
<td>System</td>
<td>Oishi</td>
<td>Kendra</td>
<td>Executive Administrator &amp; Secretary of the Board of Regents</td>
<td>Salary Adjustment</td>
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<td>July 1, 2018</td>
<td>SM2</td>
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<tr>
<td>System</td>
<td>Shizumura</td>
<td>Glenn</td>
<td>Director of Internal Audit</td>
<td>Salary Adjustment</td>
<td>$13,514</td>
<td>November 1, 2018</td>
<td>SM2</td>
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</table>
Attachment A-2: Pursuant to §89C-4, Hawai‘i Revised Statutes, the following proposed compensation actions for excluded Executive/Managerial are disclosed for purposes of public comment.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Last Name</th>
<th>First Name &amp; Middle Initial</th>
<th>Proposed Title</th>
<th>Unit</th>
<th>Nature of Action</th>
<th>Monthly Salary</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>UH Mānoa</td>
<td>Baldemor</td>
<td>Vincent</td>
<td>Associate Athletic Director (External Affairs)</td>
<td>intercollegiate Athletics</td>
<td>Appointment</td>
<td>$11,667</td>
<td>October 22, 2018</td>
</tr>
<tr>
<td>Honolulu Community College</td>
<td>Nishida</td>
<td>Susan</td>
<td>Assistant to Senior Executive</td>
<td>Office of the Chancellor</td>
<td>Appointment</td>
<td>$9,584</td>
<td>October 19, 2018</td>
</tr>
</tbody>
</table>
Item III.
Report of the President

NO MATERIALS

ORAL REPORT
Item III.

Report of the President – Interim UH Mānoa Chancellor & Faculty Senate Chair Reports

MATERIALS
UH Mānoa Update

Board of Regents Meeting
October 18, 2018
UH Mānoa is the cornerstone of Hawaiʻi’s system of higher education. It is an internationally recognized and globally competitive research university that complements its educational activities with a fundamental mission of innovation, knowledge generation and discovery that improves human life and wellbeing. UH Mānoa focuses on programs of excellence that emphasize Hawaiʻi’s many strengths and advantages of location, population and geography. As a Carnegie “R1” research university, UHM inspires, nurtures and educates tomorrow's leaders while addressing the most challenging problems of our time.

- Integrated Academic and Facilities Plan
University of Hawai‘i at Mānoa

A Land-grant, Sea-grant, Space-grant and Sun-grant University

One of only 115 universities classified as Highest Research Activity, commonly referred to as “Research 1” or “R1” universities. UH Mānoa is one of only 81 public R1 universities in this elite group.

Ranked by NSF as 77th among 900 universities and 49th among 393 public universities in extramural research expenditures ($305 million).

Ranked by NSF as 61st overall and 37th among public universities in level of Federal research expenditures.

Among world’s top universities for publications (2017 Performance Ranking of Scientific Papers for World Universities; NTU Ranking): 71st in U.S., 204th in the world, 28th in Geosciences.
<table>
<thead>
<tr>
<th>Measure</th>
<th>UH Mānoa</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Total degrees and certificates awarded</td>
<td></td>
</tr>
<tr>
<td>(2) Degrees and certificates awarded to Native Hawaiians</td>
<td></td>
</tr>
<tr>
<td>(3) Degrees and certificates awarded in STEM fields</td>
<td></td>
</tr>
<tr>
<td>(4) Degrees and certificates awarded to Pell Recipients</td>
<td></td>
</tr>
<tr>
<td>(5) 150% graduation rates for 4YR and success rates (150% graduation + transfer out) for the community colleges</td>
<td></td>
</tr>
<tr>
<td>(6) Transfer out of UH 2-year institutions into UH 4-year institutions and transfer into UH 4-year institutions from UH 2-year institutions.</td>
<td></td>
</tr>
</tbody>
</table>

- **Green circle** Met or Exceeded Goal
- **Yellow triangle** Met or Exceeded Baseline
- **Red hexagon** Did Not Meet Baseline
University of Hawai‘i at Mānoa

Enrollment Highlights

- The largest first-year class in campus history
- Overall enrollment increased (slightly) for the first time in 7 years
- First-year retention rate reached an all-time high of 79.1%
- From 2010 to 2018, UH Mānoa’s four-year graduation rate has more than doubled, from 17.5% to 35.2% (the highest ever)
- Since 2010, the four-year graduation rate for:
  - Native Hawaiian students has increased from 10.3% to 32.3%
  - Filipino students has increased from 13.8% to 37.7%

(More details to come in Enrollment Management presentation next month)
Recruitment Plans

- UH Mānoa’s relationship with EAB will allow us to reach larger volumes of prospective students with: list name buys (192% increase); identifying the right fit student and making contact at the right time; and applying continuous strategic analysis. We will be able to saturate our primary and secondary markets beginning as early as the sophomore year and ensure continuity across grade levels.
- Focus on graduate student recruitment and enrollment (with colleges)
- Accelerate targeted recruitment to include transfer students, local students, Native Hawaiian students, and veterans to not only increase enrollment but better serve our local community
- Fully implement our integrated CRM (Customer Relationship Management software) so we can strategically communicate and engage students throughout their university life cycle - from prospects to alumni
- EAB will also help us develop a financial aid optimization plan that will utilize a data analytic model to help us apply financial aid strategies that grow and shape our enrollment.
- Review and recommend new market-aware tuition rates
RetentionPolicy Plans

- **Expand Hānai Mentor Program**
  - Now in second year of a pilot for almost 500 students with faculty, staff and alumni volunteers as mentors. We have changed the program slightly to include some coordinated events and more regular messaging.

- **Increase Proactive Communication about Registration**
  - Reach out to students via text message to encourage them to register and ask if they are having problems we can resolve.

- **Strategic Scholarship Allocations**
  - Leavers survey indicates financial challenges are #1 cause.

- **Early Alert System**
  - Now in the design and pilot phase of a fully integrated early alert system in STAR for students in academic jeopardy.

- **Selected for first cohort of national program (NACADA) program to improve academic advising**

- **Transforming Sinclair Library into the Student Success Center, with advising and tutoring spaces as well as student collaboration spaces**
Campus & College/School Enrollment Numbers
University of Hawaiʻi at Mānoa

SSH & Enrollment AY13-2018 (Fall & Spring)

AY 12-13 AY 13-14 AY 14-15 AY 15-16 AY 16-17 AY 17-18

SSH Enrollment

380,000 390,000 400,000 410,000 420,000 430,000 440,000 450,000 460,000 470,000

31,000 32,000 33,000 34,000 35,000 36,000 37,000 38,000 39,000 40,000 41,000

9

9
SSH Fall & Spring Term AY2013-2018
Degrees & Certificates Awarded AY2012-2018

- 4,737 degrees in 2012-13
- 4,949 degrees in 2013-14
- 4,923 degrees in 2014-15
- 5,104 degrees in 2015-16
- 4,712 degrees in 2016-17
- 4,726 degrees in 2017-18
Degrees & Certificates Awarded AY2013-2018
Research

- Research awards up by more than $7 million (2.4%) from FY17 to FY18
- RTRF (based on FY18 research expenditures) up by $2 million (to $29 million) in FY19
- Note: first quarter FY19 research awards up by 14% over FY18
- Connecting research and student learning: the new Undergraduate Research Office is now staffed
  - Assisted in the coordination of student research projects last summer, culminating in the first UHM Summer Undergraduate Research Experience (SURE) Symposium
Some Recent Research Highlights

- The Hawai‘i Ocean Time-series (HOT) program received another $9 million from the National Science Foundation, marking 30 years of support.
- Building on initial UHM seed support, the C-MAIKI faculty team was awarded $1 million from the W.M. Keck Foundation to establish a one-of-its-kind microbiology field observatory in the Waimea ahupua‘a.
- CTAHR was awarded another $2.1 million from the USDA to support the Children’s Healthy Living Program for Remote Underserved Minority Populations in the Pacific Region (following on $25m initial grant).
- JABSOM was awarded $11.2 million from NIH to create a Center of Biomedical Research Excellence in Diabetes.
- Language Flagship Technology Innovation Center just renewed by DoD, building on the strongest language flagship program in the country.
Financial Stabilization of the Campus
Our Commitment to Unique Missions
The Institute for Sustainability and Resilience (ISR) at the University of Hawai‘i at Mānoa aims to help Hawai‘i meet our local and global obligations to environmental sustainability, with an emphasis on promoting well-being from the lens of community resilience. ISR will provide a campus-wide focus for instructional, research and outreach programs relating to sustainability and resilience in Hawai‘i, as lessons from our islands can help provide global solutions.

ISR will partner with communities across Hawai‘i to address challenges to sustainability and resilience, as well as foster multidisciplinary curricular programs that empower students to meet the critical challenges of bridging local to global, problems to solutions.

For more information, contact: Director of ISR Makena Coffman, makena.coffman@hawaii.edu, (808) 956-2890, Saunders Hall 113.
UHM Solar PV update (10/15/18)

• ~2MW Solar PV PPA awarded to Greenpath Technologies

• Groundbreaking imminent (permits pending)

• Target completion date for canopy on Phase II Parking Structure: End of FY19
Progress Toward Becoming a Native Hawaiian Place of Learning (NHPoL)

- Recruited and hired first Native Hawaiian Affairs Specialist for UHM
- Kuali‘i Council Retreat
- Pīkoʻokoʻo: Inaugural conference on UHM’s progress towards a NHPoL
- Inaugural “NHPoL Profile” underway
  ✓ Compiling baseline data for the 4 focus areas of the NH reports (NH student success, NH faculty/staff development, NH environment, NH community engagement)
- Engagement in new faculty and student orientations
- NHPoL strategy integrated as part of campus strategic plan
- Aloha ‘Āina selected as the core theme for WASC accreditation process
- Assessment of Title III Projects to be shared
“The only constant is change”
Virtual Institutes

We are creating new campus-wide “virtual” institutes in areas of Excellence and Relevance.

Institutes will provide organizational coherence, external advisory input, strategic communication, and interdisciplinary support for curriculum and research across the entire campus. Faculty continue to reside in existing academic units.

In FY18 we created:

• The Institute for Sustainability and Resilience
• Hawaiʻi Data Sciences Institute (a System-wide initiative)
• C-Maiki (Center for Microbiome Analysis through Island Knowledge and Investigation)

All three of these have, in their first year of existence, already produced several proposals for external funding, as well as proposals for new certificate programs.
Strategic Faculty Recruitments
(Select Examples Only)

Campus advancement in areas of Excellence and Relevance requires strategic hiring of faculty. Focused faculty hires in the last year have included:

- **Sustainability and Resilience**: 18 faculty, including 10 in SOEST, 4 in Social Sciences, 3 in Engineering, and 1 in CTAHR

- **Health Care and Medicine**: 14 faculty, including 5 in cancer center, 3 in Natural Sciences, 3 in Social Sciences, 1 in CTAHR, 1 in Engineering, and 1 in JABSOM

- **Data Sciences**: 7 faculty, including 2 in Computer Science, 2 in Biology, 2 in Math, and 1 in Botany

- **Materials Science and Engineering**: 6 faculty, including 4 in Engineering and 2 in SOEST

Bringing in experienced external consultants to help with collaborative establishment of campus priorities.
Organizational Changes
Under Consideration

- School and college level merger proposals being developed
  - Merger of Travel Industry Management and Shidler
    - To bring together strengths that support Hawai‘i’s primary industry
  - Merger of the Colleges of Arts & Humanities and Languages, Linguistics & Literature with the School of Pacific and Asian Studies
    - To provide critical mass in areas with potential for enrollment growth, and to bolster the liberal arts at Mānoa by grounding all of our programs in the context of our Asia-Pacific home

- Proposed restructuring of Mānoa Chancellor and Vice Chancellor offices
  - To focus on campus objectives: enrollment management, integration of research & education, student success, Asia-Pacific focus, leadership stability
Mānoa Campus: Framework For the Future

Process

The Mānoa Campus: Framework for the Future Plan is organized into three main components:

1. Manoa Campus: Framework for the Future Plan - A set of guidelines for the campus that will serve to create a sustainable, physical plan in support of the university’s strategies and top priorities
2. Long Range Development Plan (LRDP) - Nearer term, tactical projects that are consistent with the Master Plan and will reflect the highest and best use of funds in service of the university's goals and objectives
3. Plan Review Use (PRU) - Plan for review and approval process
UH–Mānoa and the Community

HAWAII NEWS
Kilauea eruption will fuel volcano research for years to come
By Christie Wilson | June 10, 2018. Updated June 10, 2018 9:09am

TOP NEWS
University of Hawaii professor examines maternal mortality rates
Star-Advertiser staff | April 30, 2018. Updated April 30, 2018 1:47pm

TOP NEWS
University of Hawaii medical school helps address physician shortage

TOP NEWS
Hawaii residents brace themselves as Lane strengthens into a Category 5 hurricane
By Star-Advertiser staff | August 21, 2018. Updated September 12, 2018 4:24pm

TOP NEWS
UH-Manoa places in top 2% of world’s universities in latest academic ranking

TOP NEWS
UH researchers help map human impacts on Hawaii reefs
By Nina Wu | March 2, 2018. Updated March 2, 2018 11:55am
UH–Mānoa Enrollment

Hawaiʻi Graduation Initiative

15 TO FINISH
15 TO FINISH
MEASURING OUR SUCCESS
GUIDED PATHWAYS SYSTEM
STUDENT SUCCESS COUNCIL

Graph showing enrollment trends from 2013 to 2021.
Presented to the Mānoa Faculty Senate by the Committee on Administration and Budget (CAB) for a full vote on Wednesday, February 21, 2018, a resolution supporting the recombination of the System President and Mānoa Chancellor positions. Approved by the Mānoa Faculty Senate on February 21, 2018 with 32 votes in support of approval; 7 against approval; and 3 abstentions.

**RESOLUTION SUPPORTING THE RECOMBINATION OF THE SYSTEM PRESIDENT AND MĀNOA CHANCELLOR POSITIONS**

**WHEREAS**, the stability of the Administrative structure of the University of Hawai‘i at Mānoa is vital to enable it to fulfill its flagship role as a leading center of scholarship where excellence in research, teaching and public service are brought together to provide a world-class education for Hawaii’s future leaders; and

**THEREFORE, BE IT RESOLVED,** that the University of Hawai‘i at Mānoa’s Faculty Senate views with interest the basic concept of combining the two positions subject to a review of a detailed proposal of the planned reorganization of the Mānoa Administrative structure.
Minutes: Approved.

Testimony: None.

Agenda Items:

A. For Review & Acceptance:

1. Acceptance of the Office of Internal Audit Report on the University of Hawai‘i Review of Student Accounts Receivable and Management Response

Internal Auditor Glenn Shizumura noted that the gross student accounts receivable balance has increased to greater than $35 million as of June 30, 2017. The management response agreed with most of the Internal Auditor’s recommendations, but expressed concerns regarding recommendations that would impact student financial aid disbursements and access to grades.

The committee discussed whether any analysis had been done regarding who opts to sign/not sign the consent form, the percentage of revenue these receivables represent, the collection agency fee, the impact on debt covenants, and the backlog of unresolved errors due to position turnover.

Action: The committee accepted the report and management response.


Internal Auditor Shizumura noted that this project was started based on feedback from students regarding the lack of transparency regarding the fees. The management response agreed with the Internal Auditor’s findings and recommendations. Administration is developing a policy and will be training fiscal administrators and others regarding the fee process.

Action: The committee accepted the report and management response.

B. For Information & Discussion

1. Whistleblower Report

The committee reviewed the latest whistleblower report. Internal Auditor Shizumura noted modifications to the whistleblower report format including a summary by unit, grouping cases by the length of time they have been open, and providing additional information in the description field. The committee requested that the report be sorted by classification.

2. Enterprise Risk Management Report

VP Straney provided an update on enrollment management activities, which was identified as a risk area for the university. He noted that a full presentation on enrollment management practices and plans will be provided during the November Committee on Academic and Student Affairs meeting. The presentation will include how well the units did with their plans for generating this fall’s class, and their plans for the next three years including specific enrollment targets. An update on early college efforts will also be provided.
Minutes: Approved.

Testimony: One written testimony regarding student athletic fees.

Agenda Items:

A. Coaches Corner – Eran Ganot, University of Hawai‘i at Mānoa Men’s Basketball Coach

A talk story session was held with UHM Men’s Basketball Coach Eran Ganot. Coach Ganot discussed where the program was when he started, where the program is at now, and where the program is headed. He emphasized the team’s success on and off the field and in the classroom, and their community service, and philanthropic efforts.

B. For Review and Approval:

1. Committee Goals and Objectives

This item was deferred to the next meeting.

C. For Information and Discussion:

1. Regents Policy 7.208, Intercollegiate Athletics

2. New Association of Governing Boards of Universities and Colleges (AGB) Proposal

The committee was asked to review RP 7.208, which has not been reviewed for about 30 years. The committee also reviewed the AGB draft statement on board responsibilities for Intercollegiate Athletics. The committee discussed segmenting the AGB priorities and working on those in conjunction with RP 7.208, which can be taken up at future committee meetings.

3. Student Athletic Fees

UHM AD Dave Matlin presented a student athletic fee comparison to Mountain West peer institutions, which included revenues collected from student athletic fees and the percentage of the total budget. UHH AD Pat Guillen noted that UHH may be the only school without a student athletic fee. The committee discussed the benefits student get from paying the athletic fee, how the athletic fees are utilized, and the necessary timeframe involved if the board decides to pursue adjustments to the student athletic fee.

The committee requested that when administration brings forth the proposed new tuition schedule that it is provided in the context of student fees and affordability as a whole.
Minutes: Deferred.

Public Comment: Written testimony was received from 23 individuals and nine individuals provided oral testimony regarding the proposed UHM parking rates.

Agenda Items:

A. Review and Approval

1. Recommend Board Approval of UH Mānoa (UHM) Parking Rates

VP Gouveia provided the committee an overview of the proposed UHM monthly parking rates and intended use of the revenues, historical background, comparable monthly parking rates, and alternative transportation initiatives for commuter services.

Robust discussions occurred regarding parking for research and graduate assistants, moped and motorcycle rates, and sources of funding for parking improvements.

The committee requested administration provide further information on workforce and student population, the rationale for the proposed rate structure, additional financial information, and a more comprehensive transportation commuter plan for the UHM campus.

Action: The committee deferred action until more information is obtained and deferred to the board chair to determine whether the matter should be referred to the committee or the full board.

2. Recommend Board Approval of the University of Hawai‘i at Hilo Adult Student Housing (ASH) Lease Amendment

VP Gouveia provided an overview of the proposed UHH Adult Student Housing (ASH) 5-year lease extension that included information on the various housing available at UHH, and background information ASH.

The committee discussed the need for a plan regarding the apartments and whether administration had considered proposals from other providers.

Action: The committee recommended board approval of the UHH ASH lease amendment with two no votes.

B. For Information and Discussion

1. Honolulu Community College Transit-Oriented Development

This item was deferred due to time constraints.
Minutes: Approved.

Testimony: None.

Agenda Items:

A. For Information and Discussion

1. Research & Innovation Year in Review and FY19 Outlook
   VP Syrmos provided an overview of FY18 performance metrics and projections for FY19. Extramural awards for the FY18 fourth quarter finished 12.9% ahead of the FY17 fourth quarter, but the overall FY18 results were approximately 0.2% less than FY17. The university's investments in new strategic hiring initiatives have started to pay off and results are expected to accelerate in the upcoming years.

   Concern was expressed about the lack of progress in meeting established targets.

2. Applied Research Laboratory Status Report
   Dr. Ben Jones, Applied Research Laboratory (ARL) Associate Director, provided an update on the ARL that included historical background, core competencies, and revenue and expenditure information. Dr. Jones also shared information on various projects, student training and internships, community outreach, and targets for the next five years.

   Discussions were held regarding the need to strategize building the UH ARL, working more closely with PACOM, and the UH ARL’s performance and targets.

3. Strategic Directions – Extramural Awards Targets vs. Actuals
   VP Syrmos provided an overview of extramural awards targets versus actuals for FY15 to FY18. The current 5% growth rate per year is based on historical trends. He noted that discussions are being held with campuses on where the targets should be. The committee discussed and asked administration to consider whether targets need to be adjusted, whether we are measuring the right things in light of our mission and goals, and the need to engage in a holistic conversation about resource development throughout the system.

4. Research Faculty – Current Hiring and Comparative Data
   This item was deferred due to time constraints.

5. Update on Mānoa Innovation Center
   VP Syrmos provided an overview on the Mānoa Innovation Center that included background information on the property, current tenants, layout and square footage, and estimated annual income. Administration is working on reviewing plans for the building and the revenue stream.
A. For Review and Approval

1. Approval of Committee Goals and Objectives

The committee reviewed the goals and objectives to increase research funding, support faculty in growth of the research base, and transform facilities and programs to promote innovation and collaboration.

Action: The committee approved the goals and objectives.
Item IV.E.
Affiliate Reports

NO MATERIALS

ORAL REPORTS
MEMORANDUM

TO: Lee Putnam
   Chairperson, Board of Regents

VIA: David Lassner
     President

VIA: Kalbert K. Young
     Vice President for Budget and Finance/Chief Financial Officer

VIA: Carrie K.S. Okinaga
     Vice President for Legal Affairs and University General Counsel

FROM: Vassilis L. Syrmos
      Vice President for Research and Innovation

SUBJECT: Approval to Indemnify Geisinger Clinic (GC) for a Data Use Agreement (DUA) with the University of Hawai’i

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the University of Hawai’i (“University”) Board of Regents (“Board”) approve an indemnification provision in favor of Geisinger Clinic (“GC”) as set forth in provisions from the Data Use Agreement (“DUA”) between the University and GC. This request is made pursuant to Hawaii Revised Statutes §304A-110 and §304A-111, which are appended to this memorandum.

RECOMMENDED EFFECTIVE DATE:

The recommended effective date is upon the Board’s approval.

ADDITIONAL COST:

There are no additional costs associated with this request.

PURPOSE:

The purpose of this request is to obtain Board authorization to allow the University to indemnify GC, as required by the DUA. For this particular research project, GC acts as both a research...
sponsor and a collaborating institution. Hawai‘i law, HRS §304A-110, requires approval from the Board, in writing, before the University may indemnify a research sponsor that requires an indemnification as a condition for releasing the data to the University. Hawai‘i law, HRS §304A-111, requires approval from the Board before the University may indemnify a collaborating institution that provides materials for research or training purposes to the University.

BACKGROUND:

Project entitled “Biomarker Discovery through Comprehensive Molecular Characterization of Cancers”

The Project seeks to identify clinically useful molecular biomarkers to develop diagnostic, therapeutic and prognostic biomarker profiles of the cancers or benign diseases studied. Dr. Charles Rosser (hereinafter “PI”), of the University of Hawai‘i Cancer Center (“UHCC”) will conduct analysis of non-invasively obtained voided urine samples (materials) from patients with bladder cancer, which will be provided by GC and shipped to UHCC, and have internet access to de-identified patient data related to diagnosis, treatments, outcomes, and deaths that are linked to the samples (“Limited Data Set”) but stored in computer facilities on-site at the Fred Hutchinson Cancer Research Center (“FHCRC”). The PI will utilize a non-surgical methodology, multiplex ELISA, applied to the voided urine samples to determine whether it is effective in the detection of bladder cancer.

Indemnity Protection for Negligence or Wilful Misconduct of UHCC Related to Use and Storage of Materials and Limited Data Set

The final negotiated DUA contains General Terms and Conditions regarding use, confidentiality, and safeguarding by UHCC of the Materials and Limited Data Set provided by GC. Contained within the DUA is a section pertaining to “Indemnification” of GC for losses or claims resulting from negligence or misconduct by UHCC officers, employees and agents. The University was not successful in negotiating a deletion of the indemnification provision. The section reads as follows (Geisinger = “Covered Entity” and University = “Data Recipient”):

Section 5.3 Indemnification. To the extent permitted by §§ 304A-110 and 111, Hawaii Revised Statutes, Data Recipient shall indemnify, defend, and hold harmless Covered Entity from claims asserted against Covered Entity arising from the negligence or willful misconduct of Data Recipient’s officers, employees, and agents when using, storing, or disposing the materials, including the Limited Data Set, that Data Recipient receives from Covered Entity.

The page of the Data Use Agreement containing Section 5.3 is appended to this memorandum.

Risk Analysis

The PI at the UHCC will: 1) analyze materials collected by GC (with the consent of the patient and pursuant to an Institutional Review Board protocol) and shipped to the UHCC, and 2) have internet access to a limited data set associated with the material stored at FHCC.
The University’s major risk is failure to protect the medical privacy of the individuals who supplied the materials or who may be identified by information in the limited data set.

The materials provided by GC will be marked with an assigned study ID number rather than personal information. Risk of a breach of confidentiality with respect to the materials is negligible.

Patient data is deemed fully de-identified if the clinical event dates are reported in year units. The data being utilized is deemed “limited” rather than fully de-identified due to the clinical event dates being reported by month or days. A breach of confidentiality with respect to the limited data set is low due to the security measures and data access protocols utilized by FHCC.

The University’s primary exposure to claims resulting from confidentiality breaches can be managed and mitigated by careful compliance at UHCC. GC’s derivative exposure to claims resulting from UH-caused confidentiality breaches, which the indemnification request covers, is similarly manageable and low.

The materials will be used for internal research only by UHCC. UHCC will not further distribute, transfer, or release the material to any person or entity other than laboratory personnel under the PI’s direct supervision.

The materials will be stored at the UHCC laboratory facilities in accordance with all appropriate safety protocols.

Internal review and approvals by the University President, the University General Counsel, and the University Chief Financial Officer for the requested Indemnification have been completed prior to submission of this request to the Board.

**ACTION RECOMMENDED:**

It is recommended that the University of Hawai‘i (“University”) Board of Regents (“Board”) approve an indemnification provision in favor of Geisinger Clinic (“GC”) as set forth in provisions from the Data Use Agreement (“DUA”) between University and GC.

Attachment
1. HRS §304A-110
2. HRS §304A-111
3. DUA, Page 4

c: Executive Administrator and Secretary to the Board of Regents
[§304A-110] Indemnification. (a) Notwithstanding any other law to the contrary, the board of regents may agree in writing to an indemnity provision by which the university agrees to indemnify, defend, and hold harmless any person, corporation, or entity that sponsors research at the university when all of the following conditions are satisfied:

1. The person, corporation, or entity requires an indemnity in writing as a condition for providing a grant, benefit, service, or interest in or right to use property;

2. The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and

3. The chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.

(b) Nothing in this section shall be construed to expand the scope of liability of the university beyond that set forth in chapters 661 and 662.

(c) Nothing in this section shall be construed to waive the immunity of the university from suit in federal courts guaranteed by the Eleventh Amendment to the United States Constitution. An indemnity provision not in strict compliance with this section shall not give rise to a claim against the university under this chapter or chapter 661 or otherwise waive the university's sovereign immunity. [L 2006, c 75, pt of §2]
[§304A-111] Indemnification of collaborating institutions. (a) The board of regents may indemnify collaborating institutions from claims arising against them for the gross negligence or willful misconduct of the university's officers, employees, and agents in the course of their employment, in connection with the university's use, storage, or disposal of materials owned or licensed by a collaborating institution that are purchased by the university from or transferred to the university by the collaborating institution for research or training purposes.

(b) The university shall use the materials transfer agreements recommended and approved by the Association of University Technology Managers to confer the indemnification authorized by this section.

(c) Indemnification claims authorized by this section shall be payable solely from the moneys and property of the university and shall not constitute a general obligation of the State or be secured directly or indirectly by the full faith and credit of the State or the general credit of the State or by any revenues or taxes of the State. The board of regents may obtain loss insurance to cover the liability of the university that may arise under this section; provided that loss insurance for the university shall be at the university's expense. [L 2006, c 75, pt of §2]
Section 5.2 **Audit.** Within ten (10) business days of a written request by Covered Entity and during normal business hours, Data Recipient shall allow Covered Entity access to Data Recipient's facilities, systems, books and records containing the Data; and policies and procedures relating to the use or disclosure of the Data for the purpose of determining Data Recipient's compliance with this Agreement. Any failure of Covered Entity to inspect or to detect or notify Data Recipient of any unsatisfactory practices does not constitute acceptance of the practice by Covered Entity or a waiver of any remedy or right Covered Entity may have under this Agreement or applicable law.

Section 5.3 **Indemnification.** To the extent permitted by §§ 304A-110 and 111, Hawaii Revised Statutes, Data Recipient shall indemnify, defend, and hold harmless Covered Entity from claims asserted against Covered Entity arising from the negligence or willful misconduct of Data Recipient's officers, employees, and agents when using, storing, or disposing the materials, including the Limited Data Set, that Data Recipient receives from Covered Entity.

Section 5.4 **Publicity.** Neither party will use the name of the other party in any publicity, advertising, or news release without the prior written approval of the authorized representative of the other party.

Section 5.5 **Assignment.** No Party will assign or transfer any rights or obligations under this Agreement without the prior written consent of the other. This Agreement shall be binding upon and inure to the benefit of each Party and its permitted assigns and successors.

Section 5.6 **Amendment.** The Data Recipient and the Covered Entity agree to amend this Agreement to the extent necessary to allow either party to comply with the Laws and Regulations. Exhibit B may be revised without amending this Agreement so long as the Data Dictionary continues to be a Limited Data Set, as defined by HIPAA.

**IN WITNESS WHEREOF,** the parties have caused this Agreement to be executed by their duly authorized representatives as of the last date written below.

<table>
<thead>
<tr>
<th>Geisinger Clinic</th>
<th>University of Hawaii</th>
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<tr>
<td>By:</td>
<td>By:</td>
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<tr>
<td>Name: Shannon Wood</td>
<td>Name: Garret T. Yoshimi</td>
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<tr>
<td>Title: Authorized Signer</td>
<td>Title: Vice President for IT and CIO</td>
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<td>Date:</td>
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**Geisinger PI**

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<tr>
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<tbody>
<tr>
<td>Name: Dr. Heirric Williams</td>
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<tr>
<td>Title: Professor</td>
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<td>Date:</td>
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**Data Recipient PI**

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<tr>
<th>By:</th>
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<tr>
<td>Name: Dr. Charles Rosser</td>
</tr>
<tr>
<td>Title:</td>
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<td>Date:</td>
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**UH HIPAA Approvals:**

<table>
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<th>By:</th>
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<tbody>
<tr>
<td>Name: David Lassner</td>
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<tr>
<td>Title: Interim Chancellor, Manoa</td>
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<tr>
<td>Name: James T. Ash</td>
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<tr>
<td>Title: HIPAA Compliance Officer</td>
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<td>Date:</td>
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MEMORANDUM

TO:       Lee Putnam
         Chair, Board of Regents, University of Hawai‘i

VIA:      David Lassner
         President, University of Hawai‘i

VIA:      Jan Gouveia
         Vice President for Administration, University of Hawai‘i

FROM:     Marcia Sakai
         Interim Chancellor, University of Hawai‘i at Hilo

SUBJECT:  AUTHORIZATION FOR THE UNIVERSITY OF HAWAI‘I AT HILO TO ENTER INTO A FIVE (5) YEAR LEASE TERM EXTENSION WITH THE ADULT STUDENT HOUSING HAWAI‘I, INC. FOR THE HALE KAWILI APARTMENTS

SPECIFIC ACTION REQUESTED:

In accordance with Regents Policy (RP) 10.201, Interests in Real Property, the University of Hawai‘i at Hilo (UH Hilo) is requesting approval to enter into a fifth amendment to the ground lease (Fifth Amendment) between the University of Hawai‘i, as lessor, and Adult Student Housing Hawai‘i, Inc. (ASH Hawai‘i), as lessee, (ASH Lease) for the property underlying the student housing complex known as the Hale Kawili Apartments (HK Apartments). This amendment would extend the ASH Lease term for five (5) years, effective July 1, 2019 through June 30, 2024, and would require ASH Hawai‘i to complete certain repairs and improvements during the extended lease term.

Also requested is authorization for the Vice President for Administration (VPA), in consultation with the UH Hilo Interim Chancellor, to negotiate, finalize and execute the Fifth Amendment, consistent with the terms described herein, and to finalize and execute such other documents, as necessary or appropriate, in connection with the Fifth Amendment.
RECOMMENDED EFFECTIVE DATE:

It is requested that the authority granted herein be effective upon Board of Regents’ (Board) approval. This will provide sufficient time for the University and ASH Hawai‘i to negotiate, finalize and execute the Fifth Amendment to the ASH Lease prior to the current expiration date of June 30, 2019.

ADDITIONAL COST:

The Fifth Amendment to the ASH Lease is not anticipated to result in any additional costs to the University. Rather, it will relieve the University of responsibility and costs associated with required repairs to the HK Apartments during the extended lease term.

BACKGROUND:

In March 1972, the University entered into a ground lease with the State of Hawai‘i (State), by its Board of Land and Natural Resources (State Lease) for approximately 6.5 acres of land on the UH Hilo campus (Leased Property). In turn, in 1972, the University subleased the Leased Property for 40 years to ASH Hawai‘i, under the ASH Lease, to construct, operate, and manage affordable student housing.

The ASH Lease was amended by Amendment No. 1 (September 14, 1984) and Amendment No. 2 (April 12, 1989), both of which involved ASH obtaining approvals from the State and the University to place and substitute mortgage liens in favor of various mortgagees and pay off and cancel regulatory agreements with the United States. These Amendments did not entail any additional revisions or extensions to the original ASH Lease.

In 2012, the University obtained a Governor’s Executive Order which granted the University control, jurisdiction, and ownership of large portions of the UH Hilo campus, including the Leased Property. The Executive Order superseded and replaced the State Lease. This has essentially converted the ASH Lease from a sublease to a direct and primary lease with the University.

With the ASH Lease set to expire on December 12, 2012, the President, with the approval of the Board, executed an 18-month lease term extension, signed on December 11, 2012, (Third Amendment), during which time UH Hilo was to review alternatives and develop a plan for the HK Apartments. The Third Amendment (a) extended the term of the ASH Lease for a period of eighteen (18) months to June 30, 2014; and (b) required ASH Hawai‘i to perform and implement certain repairs and upgrades, estimated to cost $225,000, to the HK Apartments. All repairs were completed by ASH Hawai‘i during the 18-month lease term extension.
On February 5, 2014, the President, with the approval of the Board, executed the Fourth Amendment to the ASH Lease. The Fourth Amendment (a) extended the term of the ASH Lease for an additional 5 years, from July 1, 2014, to June 30, 2019; and (b) required ASH Hawai‘i to perform and implement certain repairs and upgrades to the HK Apartments.

During this extension period, UH Hilo committed to evaluating long-term alternatives that, at a minimum, maintained the current inventory of multi-family student housing beyond 2019 without additional cost to UH Hilo:

(1) Issuance of a Call for Offers for University Village Phase II
On May 28, 2014, UH Hilo issued a Call for Offers for its planned University Village Phase II project (Project). The Call for Offers for the Project included a requirement that the selected developer would develop a minimum of 100 apartment-style housing units within the first five (5) years of the issuance of a lease covering the Project site (New Student Housing). This development of New Student Housing would coincide with the expiration of the lease term contained in the Fourth Amendment to provide the HK Apartment tenants with a student housing alternative in the event the HK Apartments were no longer suitable for continued occupancy.

Unfortunately, there was only one proposal that responded to the Call for Offers and the sole proposal failed to provide sufficient detail for UH Hilo to adequately evaluate the reasonableness of the proposal. The proposal lacked estimated development costs and financial operating projections necessary to pursue approval from the Board for the Project. While it was anticipated that the implementation of a public-private partnership would provide a long-term alternative housing solution for students, the lack of interest resulted in a failed solicitation.

(2) Issuance of a Call for Offers for a Long Term Lease for HK Apartments (15+ years)
UH Hilo contemplated and analyzed issuing a Call for Offers to secure a private developer or property manager to take over operation, repair and maintenance responsibilities for the HK Apartments under a long-term lease arrangement (15+ years) with major renovations financed by the private developer/property manager. The long-term plan for the HK Apartments involves major renovations to the HK Apartments to extend its useful life for an additional 15 or more years. Informal investigation into the local market indicated no interest in making a financial investment in HK Apartments. After much consideration, UH Hilo determined that a Call for Offers at that time would not result in interest from private developers due to the unfavorable business climate. UH Hilo intended to solicit developers or operators when a positive shift in the market occurred that
made it more attractive for a private developer to finance major renovations to the HK Apartments, or finance a new student housing development project. To eliminate any speculation in this area, UH Hilo plans to issue a new Call for Offers at the end of the second year of the Fifth Amendment lease term (July 2021) for a third party to operate, maintain, and finance all renovations and repairs of HK Apartments.

(3) Direct negotiations with ASH Hawai‘i for a Long Term Lease for HK Apartments (15+ years)
The above decision to pause on issuing a Call for Offers solicitation to secure a private developer/operator to finance major renovations to the HK Apartments under a long-term lease arrangement prompted UH Hilo’s informal discussions with ASH Hawai‘i to determine interest in a possible long-term lease extension (15 or more years). ASH Hawai‘i initially expressed interest in a long-term lease arrangement, and pursued possible financing options available to perform major renovations to the HK Apartments. Subsequently, due to the prolonged volcanic activity and its effect on the Big Island economy, ASH Hawai‘i became reluctant to pursue financing options due to the uncertainty of the lava flow’s impact on UH Hilo’s enrollment and HK Apartments’ occupancy rate.

(4) Consideration of an alternate private developer for Short Term Lease (5 years)
UH Hilo also considered seeking private operators other than ASH Hawai‘i to manage the HK Apartments for the next five years. In performing due diligence, UH Hilo engaged in discussions with Day-Lum Rentals and Management, the largest property management company in East Hawai‘i, and Ginoza Realty, a comprehensive property management firm providing property management services to East Hawai‘i for over 36 years. The professional opinion of both of these firms revealed that a limited five year lease term would not provide sufficient time for a private manager to finance required repairs and personnel expenses to operate and manage the HK Apartments. Both property management firms expressed uncertainty over whether an affordable rental rate, comparable to ASH Hawai‘i’s rates, would be feasible given the required capital and operating expenses. This information confirmed UH Hilo’s belief that continuing with ASH Hawai‘i as the manager and operator of the HK Apartments was the alternative that was most beneficial to the University.

In October 2017, UH Hilo initiated a property condition assessment (PCA) of the HK Apartments to determine the extent of repairs and improvements required to continue operation of the HK Apartments for an additional 5 years beyond the current lease expiration on June 30, 2019. The PCA report, included a listing of minimum repairs (Attachment 1), in which identified the total estimated cost for required minimum repairs is approximately $4.0 million. The repairs and improvements required to continue operating HK Apartments for an additional five (5) years include:
• Replacing all existing battery operated smoke detectors with line voltage, 120V hardwired interconnected smoke detectors.
• Electrical repairs, as needed.
• Continued rehabilitation and refurbishment of units which will include:
  o Repair or replacement of countertops and cabinets
  o Repair or replacement of ceramic tile bathtub enclosure
  o Interior repainting
  o Replacement of carpet and vinyl flooring
  o Replacement of appliances and exhaust hoods, as needed
  o Replacement of interior plumbing and fixtures, as needed
  o Replacement of doors and finish hardware as needed
  o Repair damaged walls and ceilings as needed
• Replacement or repair of two (2) commercial dryers and four (4) commercial washers for common Laundry Room.
• Inspection and repair roof leaks, as needed.
• Pressure washing roof and cleaning gutters.
• Inspect all buildings for termites and pests, and treat as needed.

DISCUSSION:

ASH Hawai’i has managed the HK Apartments for over 45 years and is most familiar with the Leased Property. ASH Hawai’i has successfully fulfilled their lease obligations for the operation, repair, maintenance and improvement of the HK Apartments during this entire period, and is aware of and has verbally agreed to completing the capital improvements identified in the PCA report over the 5-year extension period. ASH Hawai’i has a proven track record of responsibly repairing and improving the HK Apartments and ensuring a livable environment. If UH Hilo enters into a lease arrangement with a new private operator, UH Hilo faces an increased risk of the new developer’s failure to perform, which will ultimately result in UH Hilo being responsible to fulfill the financial obligations for capital improvements, operation and maintenance. A 5-year extension to the ASH Lease will provide uninterrupted student housing services to UH Hilo, with a proven, reliable partner, as the University continues to explore long-term options.

ASH Hawai’i is reluctant to pursue financing of major renovations as part of a long-term lease (>5 years) arrangement at this time due to the uncertainty of the recent lava activity’s impact on UH Hilo’s enrollment count and HK Apartments’ occupancy rate. The short-term 5-year lease extension is needed to provide sufficient time for UH Hilo to issue a Call for Offers solicitation, which will include a long-term lease arrangement of 15 or more years, with major private developer/operator financed major renovations to the HK Apartments. This schedule will allow UH Hilo sufficient time to negotiate and execute a lease agreement should viable proposals be submitted.
ASH Hawai'i has consistently offered affordable rental rates to students with families throughout the lease term. The HK Apartment's current rental rates (2-bdrm $725; 3-bdrm $785) are well below the 2018 U.S. Department of Housing and Urban Development fair market rent for the County of Hawai'i (2-bdrm $1,322; 3-bdrm $1,663), and the 2017 County of Hawai'i affordable rental housing program rates (2-bdrm $975; 3-bdrm $1,182). Throughout the proposed 5-year lease term (Fifth Amendment), the maximum annual rental rate increase will be $40 per month:

<table>
<thead>
<tr>
<th>2018-2024 Housing Rates</th>
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<tr>
<td><strong>2-Bedroom</strong></td>
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<tr>
<td>Current Rate</td>
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Pursuant to RP 10.201, this memorandum requests your approval to negotiate and execute a Fifth Amendment to the ASH Lease, which will extend the lease term for a five (5) year period from July 1, 2019, through June 30, 2024. This extension continues to provide affordable housing to UH Hilo students and their families for an additional five (5) years. In accordance with the criteria set forth in RP 10.201, as more fully described below, several alternatives were considered; however, ASH Hawai'i, Inc. is the only active opportunity to ensure student housing inventory.

The Fifth Amendment to the ASH Lease satisfies the criteria for decision-making regarding real property set forth in RP 10.201, III.A. (1) - (6) as follows:

1. **Promote and support the mission and goals of the University in education, research, service and economic development.**
   The HK Apartments provide affordable housing accommodations to University students and their families. This essential housing option serves a niche population of the UH Hilo community and promotes and supports UH Hilo’s educational mission and goals by increasing access to higher education for students and faculty with financial need. By increasing access to a higher education degree and expanding the socioeconomic diversity of UH Hilo graduates, the pool of local business and economic leaders is enriched and broadened, which will contribute to the future of our State's economy.
(2) Advance principles and practices of sound environmental stewardship and sustainability.

Constructed in 1972, the HK Apartments do not meet current sustainability standards nor do they conform with current principles of sound environmental stewardship, however, any long-term plans for the HK Apartments, or any subsequent development, will incorporate sustainable building features that support the University’s sustainability policy. The current proposal results in extending the useful life of the existing HK Apartments by 5 years, which aligns with a guiding principle of sustainability that states “The Greenest Building is the One that in Never Built.”

(3) Ensure that alternative actions are considered, investigated and analyzed.

UH Hilo’s primary goal is to maintain their current housing inventory, including the HK Apartments, which serve a specific niche group, without incurring additional cost. Based on this objective, the following alternatives were considered, investigated and analyzed:

Option 1: Extend the lease with ASH Hawai’i for 5 years.
   - While UH Hilo desires a longer term extension, ASH Hawai’i is not currently prepared to enter into a long-term financial commitment.
   - ASH Hawai’i needs until 2021 to evaluate a longer term (10-15 year) commitment to improving and operating the HK Apartments.
   - The 5-year extension does not address the long-term need to maintain or replace the facility.

Option 2: Secure another "developer" or "property manager" to assume management and operations of the HK Apartments, including all financing of capital improvements.
   - UH did not issue a Request for Proposals in time to be able to negotiate and execute an agreement with a new developer/property manager to meet the June 30, 2019 expiration date of the current lease.
   - Market conditions in Hilo are poor, which represents a financial risk to potential new developers/property managers.

Option 3: UH Hilo assumes operation and maintenance of the property.
   - UH Hilo would need to develop the internal capacity to appropriately resource the operation and management of a 100-unit multi-family housing facility. ASH Hawai’i currently retains 7 full-time resident employees, including resident managers, building and ground maintenance workers, and office assistants, to perform the day-to-day operation and management responsibilities at the HK Apartments.
• Approximately $4 million in capital investment is needed for basic health and safety improvements in order for the HK Apartments to continue to serve as a multi-family housing facility.
• Beyond the capital improvements and employee costs, unanticipated repair and maintenance costs would be incurred by UH Hilo.

Option 4: UH Hilo does not assume operations and HK Apartments closes after June 30, 2019.
• The student housing inventory is reduced (both in the number of units and options).
• Approximately 200 students with families will be displaced.
• Students with families will need to find off-campus, privately owned housing.

(4) Be fairly priced in the context of applicable fair market values and other relevant factors
The public-private partnership (P3) between the University and ASH Hawai‘i is based on a business model whereby the University provides land at nominal value and, in return, ASH Hawai‘i provides housing for students with families at affordable rates. ASH Housing has been and continues to be solely responsible for all construction, improvements, repair, maintenance, and operation of the HK Apartments at no cost to the University. This arrangement has tremendously benefited UH Hilo students, while avoiding any financial outlay by UH Hilo.

More specifically, at this time, a capital investment of $4 million is required to address necessary improvements to HK Apartments, while providing 7 on-site employees to manage and maintain HK Apartments. Based on the following, ASH Hawai‘i is making a nominal profit on this transaction:
• Value of CIP investment by ASH over 5 years = $4 million
• Estimate value of 7 employees compensated at an average rate of $30,000 estimated over 5 years = $1.05 million
• Total revenue generated by ASH assuming 100% occupancy of HK Apartments = $5.2 million
• Simple “net profit” over 5 years = $100,000
• The total value of ASH Hawai‘i to UH Hilo over the proposed 5-year term is a total of $5,050,000 ($4 million CIP + $1.05 million for personnel)

(5) Generate revenue from real property not critical to long range plans for the University to support the University’s core mission
Since the subject real property is critical to UH Hilo’s long range plans and supports its core mission, revenue generation objectives should not take priority over the critical need to provide affordable student housing. The availability of affordable student housing increases access to higher education to a broader
population and enhances student recruitment and retention efforts which results in increased enrollment.

(6) **Be consistent with and support long range plans that have been approved by the Board**

Extending the ASH Lease for an additional 5-year term will maintain the current student housing inventory and is consistent with the Board-approved 1996 University of Hawai’i at Hilo, Long Range Development Plan’s physical development goals and objectives (Section 3.2), “to create a fully integrated residential university by providing housing areas in close proximity to educational facilities.”

The HK Apartments is the sole affordable apartment complex in UH Hilo’s student housing inventory capable of accommodating students with families, and is an essential component to UH Hilo’s overall student housing inventory. Continuation of the only apartment-style housing for this niche population of students is critical to UH Hilo’s recruitment and retention efforts. UH Hilo believes that the proposed five (5) year ASH Lease extension is the best option available to provide uninterrupted alternative housing to students with families while UH Hilo continues to pursue long-term P3 student housing options.

**ACTION REQUESTED:**

Based on the information provided in this Action Memo, the University respectfully requests approval of the following:

1. **Authorization to enter into the Fifth Amendment.** Authorize the University to enter into the Fifth Amendment, consistent with the terms described herein, which would extend the ASH Lease for an additional five (5) year period (from July 1, 2019 through June 30, 2024) during which time ASH Hawai’i will be obligated to complete the improvements and repairs listed herein.

2. **Delegation of authority to VPA.** Authorize the VPA, in consultation with the UH Hilo Interim Chancellor, to negotiate, finalize, and execute the Fifth Amendment to the ASH Lease, consistent with the terms described herein, and finalize and execute such other documents, and take such other actions, as the VPA, in consultation with the UH Hilo Interim Chancellor, may deem necessary or appropriate in connection with the Fifth Amendment.

Attachment: Attachment 1 - List of Repairs

c: Kendra Oishi, Executive Administrator and Secretary to the Board of Regents
LISTING OF MINIMUM REPAIRS

Building Type A: Two 2-bedroom units on the lower level and two 2-bedroom units on the upper level (Total of 23 buildings).

Building Type B: Two 3-bedroom units on the lower level and two 3-bedroom units on the upper level. (Total of 2 buildings).

Building Type C: Office/Laundry-Mail Complex (1 building)

I. IMMEDIATE ELECTRICAL REPAIRS: All electrical work shall be performed by a licensed electrician in accordance with the International Building Code, 2006 edition, and the International Residential Code, 2006 edition, within 90 consecutive calendar days following Lease Amendment No. 5 approval date:

A. All Building Type A and B Units: Replace all existing battery operated smoke detectors in bedroom and common wall area with line voltage, 120V hardwired interconnected smoke detectors with a battery backup, and alarm that operates in unison when one alarm is triggered.
   i. Building Type A – 184 bedrooms, 92 common walls
   ii. Building Type B – 24 bedrooms, 8 common walls

B. All Building Type A and B Units: Inspection of all GFCI and regular outlets by a licensed electrician to verify that all outlets are safe and in proper working order. All non-working outlets shall be replaced by a licensed electrician.

C. All Building Type A and B Units: Inspection of all bathroom lavatory fluorescent lamps, light switches, and light fixtures by a licensed electrician; and replace fluorescent lamps, light switches, and light fixtures, as needed.

D. Building C: Remove temporary wiring, extension cords and hook-up to light fixtures and replace with permanent wiring to eliminate extension cords. Repair and/or replace light fixtures, as needed.

II. MINIMUM REPAIRS: To be performed during five-year lease term extension period:

A. Continued rehabilitation and refurbishment of Building Type A and B units:
   i. **Kitchen**: Replace with new, or refurbish existing upper cabinets, base cabinets and countertops, as needed.
   
   ii. **Bathroom**: Replace with new, or refurbish existing base cabinets and countertops, as needed. Replace ceramic tile bathtub enclosure, as needed.

   iii. **Appliances**: Replace existing refrigerator, electric range, and exhaust hood with new refrigerator, electric range, and exhaust hood, as needed.
iv. **Flooring:** Replace existing carpet and padding, wood and rubber cove base, sheet vinyl or VCT with new carpet and padding, wood cove base and sheet vinyl or VCT, as needed.

v. **Interior plumbing and fixtures:**
   1. Replace kitchen and bathroom faucet, tailpiece and trap, as needed.
   2. Replace with new, or refurbish kitchen sink, toilet, and bathtub, as needed.
   3. Replace showerhead, as needed.

vi. **Doors and finish hardware:**
   1. Replace entry door to bathroom, bedroom and linen closet, as needed.
   2. Replace bedroom closet accordion doors, as needed.
   3. Replace locket, jamb strike and hinges, as needed.
   4. Refurbish wood frame doors, as needed.

vii. **Interior painting:** Paint interior areas, as needed.

viii. **Walls and ceiling:** Repair damaged walls and ceilings, as needed.

B. **Building C:**
   i. Replace with new, or repair two (2) commercial dryers.
   
   ii. Replace four (4) commercial washers.
   
   iii. Replace storage room fixtures, and repair/replace storage room gypsum board ceiling.

C. **Exterior:**
   i. Inspect and repair roof leaks, as needed.

D. **Miscellaneous – All buildings**
   i. Pressure wash roof and clean gutters.
   
   ii. Inspect all buildings for termites and pests, and treat as needed.
University of Hawai‘i at Hilo
Adult Student Housing (ASH) of Hawai‘i Lease Extension

Board of Regents
October 18, 2018
728.5 acres of land owned in fee by UH Hilo

UH Hilo Main Campus

310 acres / 1 million GSF main campus
120,000 GSF off campus
Hale ‘Ikena*
Hale Kawili Apartments (ASH Housing)
Hale ‘Alahonua*

Hale Kanilehua*
Hale Kehau*
Hale Kaunaoe*
University Palms
Tohbi Hale
Hale Haumana

*University owned and operated
UH Hilo Housing

- **Hale Kanilehua**
  - Dorm-style residence hall
  - Full-time, first-time Hilo freshmen
  - 32 double units
  - $354/student/month
  - 64 beds, 86% occupied

- **Hale Kauanoe**
  - Dorm-style housing
  - Mix of UH students
  - 64 double units ($354/student)
  - 8 single units ($532/student)
  - 136 beds, 97% occupied

- **Hale ‘Ikena**
  - 58 1- and 2-bedroom apartments
  - Mix of UH students
  - 32 double units
  - $354/student/month
  - 216 beds, 97% occupied

- **Hale Kehau**
  - 62 2-bedroom suites
  - Mix of UH students; 33% freshmen
  - Double occupancy
  - $448/student/month
  - 242 beds, 89% occupied

- **Hale Haumana**
  - 18 2- and 3-bedroom apartments
  - Mix of UH students
  - Single and double occupancy
  - $490-600/student/month
  - 54 beds, 100% occupied

- **Tohbi Hale**
  - 34 2-bedroom apartments
  - Mix of UH students
  - Single and double occupancy
  - $450-$550/student/month
  - 102 beds, 100% occupied

- **University Palms**
  - 31 2- and 4-bedroom apartments
  - Mix of UH students
  - Single and double occupancy
  - $469 or $620/student/month
  - 102 beds, 94% occupied

- **Hale ‘Alahonua**
  - 150 2-bedroom suites
  - Mix of UH Students
  - Single occupancy
  - $630/student/month
  - 300 beds, 65% occupied
Hale Kawili Apartments

- Operated and managed by Adult Student Housing (ASH) of Hawai‘i, Inc.
- 25 x 2-story buildings
- 100 apartment units
  - 92 2-bedroom units ($745/unit/month)
  - 8 3-bedroom units ($785/unit/month)
- Students and their families
- Only multi-family facility on campus
- 100% occupied
Adult Student Housing (ASH) Background

**P3 Development**

- Desired student apartment-housing
- “Affordable” rates
- No capital investment
- Ground lease with Developer
- 6.5 acres of land
- $1.00/year

- 1972: 40-year+ Ground lease with UH
- Construct, operate and manage 100 apartment complexes for faculty and student occupancy
- HUD financing
- Maintain property in “good condition and state of repair”

**UH (Landowner)**

**ASH Hawai’i (Developer)**

**Students, Faculty & Families (Residents)**

- Beneficiary of “Affordable” rates
- Increases access to higher education
ASH Agreement

- **March 1972:** 40-year+ Ground Lease (December 31, 2012 expiration)
- **December 2012:** 18-month extension (June 30, 2014 expiration)
- **February 2014:** 5-year extension (June 30, 2019 expiration)
  - Goal: Maintain student housing inventory
  - Long Term: Campus will issue Call for Offers for P3 Developer to construct, operate and maintain a “University Village” with commercial mixed-use development that includes family-style or apartment-style housing
- **May 2014:** UH Hilo issues Call for Offers (no award made)
- **July 2018:** Colliers updated a 2011 study that reaffirmed poor market conditions for retail development
- **June 30, 2019:** Lease with ASH of Hawai‘i scheduled to expire: Upon expiration, ASH “will quit and surrender the premises together with all improvements, equipment, appliances, and furniture thereon to [the University], peaceably, quietly and in good order and condition, and title to the same shall then vest in [the University].”
Future Improvements to HK Apartments

• $4 million* in repairs and improvements to continue operations for 5 additional years:
  • Replacing all existing battery operated smoke detectors
  • Electrical repairs, as needed.
  • Continued rehabilitation and refurbishment of units which will include:
    • Repair or replacement of countertops, cabinets and ceramic tile bathtub enclosure
    • Interior repainting
    • Replacement of flooring, appliances and exhaust hoods, as needed
    • Replacement of interior plumbing, fixtures, doors and finish hardware, as needed
    • Repair damaged walls and ceilings as needed
  • Replacement or repair of 2 dryers and four 4 washers in the common Laundry Room
  • Inspection and repair roof leaks, as needed
  • Pressure washing roof and cleaning gutters
  • Inspect all buildings for termites and pests, and treat as needed

*UH Hilo’s internal estimate to complete the repairs
What happens after June 30, 2019?

GOAL: MAINTAIN STUDENT HOUSING INVENTORY WITHOUT ADDITIONAL COST TO UH HILO

• **Option 1: Extend lease with ASH of Hawai‘i for 5 years**
  - UH Hilo desires a longer extension, but ASH of Hawai‘i is not currently prepared to make a long-term financial commitment
  - ASH of Hawai‘i desires until 2021 to evaluate a 15+-year commitment to improving and operating Hale Kawili
  - Does not address the long-term need to maintain the facility

• **Option 2: Secure another “developer” or “property manager” to assume management and operations of Hale Kawili, including all financing of capital improvements**
  - Risk: Market conditions are poor
  - Did not issue RFP in time for June 30, 2019 deadline – will do so in 2021

• **Option 3: UH Hilo assumes operation and maintenance of the property**
  - Develop internal capacity to operate and manage multi-family housing (ASH of Hawai‘i has 7 on-site personnel)
  - $4 million CIP investment needed for basic health and safety improvements
  - UH Hilo will incur additional cost and expense

• **Option 4: UH Hilo does not take over the property at the end of the lease and winds down operations at Hale Kawili**
  - Approximately 200 UH Hilo students (and their families) will be displaced
  - Reduces the student housing inventory
RP 10.201 Factors

(1) **Promote and support the mission and goals of the university in education, research, service and economic development**
   - Providing affordable student housing to UH Hilo students directly supports the mission and goals of UH Hilo in the areas of education, service and economic development
   - Increases access to higher education for students with financial need
   - Broadens the base of business and economic leaders and contributors to the local economy

(2) **Advance principles and practices of sound environmental stewardship and sustainability**
   - “The Greenest Building is the One that is Never Built”

(3) **Ensure that alternative actions are considered, investigated and analyzed**
   - Goal is to maintain current student housing inventory without additional cost to UH Hilo
   - Slide 8

(4) **Fairly priced in the context of applicable fair market values and other relevant factors**
   - Business model: Provide land at nominal price for developer to offer housing at affordable rates
   - UH Hilo avoids $4 million in capital investment while maintaining current housing inventory
   - Simple math: $4 million in CIP + $1 million in direct payroll = $5 m vs. Gross profit $5.2 million total

(5) **Generate revenue from real property not critical to long range plans for the university to support the university’s core mission**
   - This property is critical for the University’s core mission and long range plan to provide affordable student housing on/near campus

(6) **Consistent with and support long range plans that have been approved by the BOR**
   - UH Hilo’s long range plan is to maintain current housing inventory
   - If enrollment increases, then additional housing inventory at affordable rates will be needed
Extend lease for 5 additional years (through June 30, 2024)

- Requires ASH Hawai‘i to complete repairs/improvements during the lease term, including:
  - Replace and upgrade smoke detectors
  - Rehabilitate and refurbish units
    - Includes painting and repair/replacement of flooring, appliances, plumbing, fixtures, counters, cabinets, doors, walls and ceilings
  - Repair/replace 2 dryers and 4 washers
  - Inspect, repair and pressure wash roof
  - Clean gutters
  - Inspect and treat for termites and pests

Provides affordable housing to our students and local community

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<th>Monthly Fair Market/Affordable Housing Rates</th>
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<tr>
<td>3-Bedroom</td>
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Market conditions at this time do not favor new development for affordable housing

Advances access to higher education to those in financial need

2017 Assessment: Continued use with identified repairs and refurbishment by ASH

Request for Action

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Long-Term Considerations

- Develop a “University Village” mixed-use complex with multi-family housing on a new site closer to the campus.
  - A market study was done by Colliers in 2011 that indicated poor market conditions for retail development.
  - UH Hilo updated the study this year (July 2018), which reaffirmed that the market conditions have not changed and retail development opportunities are limited.

- Issue RFP in 2021 to secure a different “developer” or “property manager” that will assume management and operations of Hale Kawili, including all financing of capital improvements
Mahalo!
MEMORANDUM

TO: Lee Putnam
    Chairperson, Board of Regents,
    University of Hawai'i

VIA: David Lassner
    President, University of Hawai'i

VIA: Jan Gouveia
    Vice President of Administration, University of Hawai'i

VIA: David Lassner
    Interim Chancellor, University of Hawai'i at Mānoa

VIA: Kathy Cutshaw
    Vice Chancellor for Administration, Finance, and Operations
    University of Hawai'i at Mānoa

FROM: Deborah Huebler
    Director, Campus Services
    University of Hawai'i at Mānoa

SUBJECT: APPROVAL OF AMENDMENTS TO BOARD OF REGENTS POLICY 10.207, PARKING AND OPERATION OF MOTOR VEHICLES, ATTACHMENT 1, PARKING FEES FOR UH MANOA

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents approve an amendment to Board of Regents Policy (RP) 10.207, Parking and Operation of Motor Vehicles, Attachment 1, to implement a six (6) year increase to the parking permit fee schedule for the University of Hawai'i at Mānoa (UHM) campus.

RECOMMENDED EFFECTIVE DATE:

Fall Semester 2019
ADDITIONAL COST:

There are no additional institutional costs associated with this request.

PURPOSE:

The purpose of the proposed amendment to RP 10.207, Parking and Operation of Motor Vehicles, Attachment 1, is to implement a six (6) year rate increase to the parking permit fee schedule (Attachment 5, Parking Rate Increase Proposed Rate Schedule for Fiscal Years 2020-2025) for the UHM Campus.

UHM is proposing its first parking rate increase in eight years; and only our second proposed request in 20 years, in order to make necessary improvements to the aging parking facilities on campus. The proposed increases will assist to extend the life of current parking facilities for 20 more years and also ensure that Commuter Services' self-funded program can keep pace with inflation, to include ongoing repair and maintenance (R&M) requirements, ceded land obligations, and substantial increases to fringe benefit costs.

BACKGROUND INFORMATION:

History
In May 2012, approval was granted to change the name of UHM Parking Operations to UHM Commuter Services. The reason for the name change was because Parking Operations had evolved beyond the mere management of meeting the demand for parking at UHM. Commuter Services' mission now involves the development of traffic demand strategies via alternative commute solutions in an effort to: 1) meet the access needs for all types of commuters (carpoolers, walkers, bikers, public transportation users) and not just single occupancy vehicle drivers; and 2) help fulfill the sustainability mission of our campus.

A November 2011 transportation demand study existing conditions report performed by Nelson Nygaard (http://manoa.hawaii.edu/commuter/resources/PDFs/UHMExistingConditionsReport_November2011.pdf) found that 33% of commuters drove alone (p. 8-2); which means that 67% of commuters used some form of alternative transportation. In addition, a "substantial amount" of those surveyed — 17% of those who do not currently walk and 36% of those who do not currently bike (p. 6-11) indicated a willingness to shift modes of transportation to more sustainable means if the convenience factor was high enough. Although these survey results are becoming outdated and updated information needs to be
gathered, the critical need for alternative transportation options cannot be understated, and must be a part of Commuter Services' comprehensive program.

In fact, the 2012 final version of Nelson Nygaard's Campus Transportation Demand Management plan (TDM plan) (http://manoa.hawaii.edu/commuter/resources/PDFs/FINALUHManoaCampusTDM.pdf) specifically recognizes that while many UHM affiliates need to drive a car to campus for various reasons, UHM must take an active stance at enhancing and promoting alternative transportation options – particularly walking, bicycling, transit and shuttle ridership, and ridesharing – without dismissing the need to accommodate cars. Once on campus, the University's priority for building and facility access should shift toward non-motorized transportation modes and the Rainbow Shuttle (p. 2-1).

Please see attachment 3, Alternative Transportation Initiatives for Commuter Services, for a sampling of transportation demand management strategies that have been employed. While some of these strategies were already in place, those with asterisks are ones that were implemented as a direct result of findings and recommendations of needs and gaps that were identified in the Nelson Nygaard existing conditions study on page 8-8.

And perhaps most critically – the TDM plan states:

The University of Hawai‘i at Mānoa will manage parking facilities in such a way that motorists pay the full cost of parking. Operating parking at UHM is a costly venture for Auxiliary Services. UHM should ensure parking pricing on campus correlates with the campus’ demand for motor vehicle access. At the same time, UHM should offer high quality and competitive alternatives to automobile and parking access.

So while the major focus of the parking rate increase proposal is that major repair and maintenance is needed for parking facilities, UHM must also make the decision to invest in, encourage, and support the use of sustainable transportation modes to and on campus.

As a self-sustaining program, UHM Commuter Services must demonstrate the capacity to support its operations and programs through the revenues it generates. In attention to the need to address necessary R&M projects and in consideration of inflation within its operating costs, UHM Commuter Services had determined in 2009 that it could no longer maintain its self-sustaining
status with its current rate structure, and presented a five-year rate increase proposal to the UH Board of Regents at its May 29, 2009 meeting. The following is an excerpt from the minutes of that meeting to indicate the reasoning for the two-year approval versus the five-year request:

In discussion, Vice Chair [Howard] Karr said that he presided over the public hearing on this matter. He analyzed the financials submitted by the campus, and questioned whether the cost estimates for repair and maintenance are realistic. He also noted that the background financial documentation was not provided to the full Board. He also noted that some projected expenses may be reduced in the next few years. Therefore, Vice Chair Karr recommended that the Board approve only the first two years of the proposed increases, and defer approving the remaining three years. In two years, Mānoa Parking should update the Board with a plan, taking into consideration prioritization of repairs and maintenance.

In response to the BOR’s request, a peer review of Commuter Services operations was performed in 2010 by a team from the Pacific Intermountain Parking and Transportation Association (PIPTA). The PIPTA report may be viewed online here: http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingOperationsReviewJuly2010.pdf

In general, the PIPTA report supported Commuter Services’ self evaluation that the department was understaffed and underpriced; did not have enough inventory to meet demand; and had facilities issues that needed to be addressed aggressively. The PIPTA team made 22 recommendations (pp. 33-34) including: perform a full structural analysis of parking structures at UHM by a qualified parking engineering firm; adjust visitor parking rates; adjust annual parking permit rates; and develop a financial plan to build capacity for needed (new) parking structures and eliminate deferred maintenance of existing parking facilities. Many of the 22 recommendations were implemented save those which Commuter Services did not have the authority for (such as adjusting rates) and those which required capital investments beyond Commuter Services’ financial capacity.

In response to both the PIPTA report and May 29, 2009 Board of Regents recommendations, UHM engaged Nagamine Okawa Engineers in fiscal year 2011 to perform a Parking Structure Condition Survey on the phase I and II parking structures. The survey identified repair and maintenance projects totaling over $16 million. The complete survey may be viewed online here: http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingStructureConditionSurvey.pdf
Upon completion of the PIPTA and Nagamine Okawa reports and as recommended by the Board of Regents on May 29, 2009, UHM proceeded with a new parking rate increase proposal in 2011/2012. That proposal was ultimately withdrawn due to a procedural error; and, as noted in Attachment 4, Ten-Year History of Parking Rate Increases, several more unsuccessful attempts were also made to move forward with parking rate increase requests.

Since then, the process for approving changes to University parking fees was changed by amending the approval process from amendments to the Hawai‘i Administrative Rules to revision of Board of Regents policy and became effective in March 2018. Prior to this change, the process to request parking rate increases was long and complex, requiring two separate approvals by the Board of Regents and the Governor of Hawai‘i – once for a public hearing, and once again for approving revised changes to the fee schedule after the public hearing was held. Oftentimes the process took so long that information related to the proposed parking fee schedules would become obsolete.

Financial Need
As noted above, the last set of parking rate increases for the UHM campus was implemented in fiscal years 2010 and 2011, which translates to only two years of rate increases over the last 20 years. The minimal rate increases over time have negatively impacted UHM Commuter Services’ ability to keep up with the costs of R&M projects for UHM campus parking structures and surface lots and corresponding impacts of inflation on its operating expenses.

Ceded land payment obligations have had a significant impact on Commuter Services’ parking revenues. Upper campus parking revenues are subject to a payment of 20% of gross receipts to the Office of Hawaiian Affairs (OHA). The ceded land payment for fiscal year 2018 was $270,000; the total paid to OHA since the obligation period commenced in 2004 is over $3.4 million. Ceded land payments for the six years covered by this rate increase proposal are projected to be $2.86 million.

Fringe benefit costs have also dramatically increased. In fiscal year 2013, Commuter Services paid 41% toward fringe for regular employees. For fiscal year 2019, that cost has increased to 62%.

In order to maintain its self-sustaining status, Commuter Services engaged in a number of cost-reduction efforts over the years. These included reducing and/or combining Rainbow Shuttle routes; reducing enforcement services and traffic control at special events; reducing contracted employees by utilizing a larger student workforce; and reducing personnel through attrition. As can be seen in Attachment 6a, Commuter Services Budget Projections Through
FY2025, total expenditures decreased from $5.46 million in fiscal year 2016 to $4.83 million in fiscal year 2018 – a reduction of 11.6%.

Commuter Services also worked to increase efficiencies in procedures and services. Examples include improving/adding online payment options; installing pay-to-park machines in visitor parking lots; and creating a mail-out option for student permits.

**SP+ and Kimley Horn Reports**

The 2011 Nagamine Okawa parking structure survey conducted only a visual assessment; and conducted it only on the phase I and II parking structures. Because of this and because of the number of years that had passed since the survey, Commuter Services elected to perform a more comprehensive analysis of its parking program and facilities. SP+ was engaged as the primary consultant with Kimley Horn as a subconsultant. In 2018, the following three reports were produced: the Parking Program Best Practices Operational Analysis and Community Engagement (http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingOperationalAssessmentJune2018.pdf); a Manoa Shuttle Analysis (http://manoa.hawaii.edu/commuter/resources/PDFs/ShuttleAnalysisTechnicalReportJune2018.pdf); and a Parking Capital Improvement Program Plan (CIPP) (http://manoa.hawaii.edu/commuter/resources/PDFs/CIPPSummaryJune2018.pdf).

The SP+ consultation process resulted in a number of recommendations that Commuter Services intends to implement in the coming years. One key recommendation involves implementing technology to improve customer satisfaction, reduce operational costs, and more securely take payment for parking business. These technologies include upgrading parking pay stations, implementing a license plate recognition (LPR) permitting and enforcement system, and mobile payments. Commuter Services intends to have these technologies implemented by Fall 2019.

**Repair and Maintenance Projects**

The 2018 SP+ study incorporated all parking facilities and included diagnostic materials analysis such as core sampling and delamination surveys. The study concluded that approximately $100 million in R&M projects for all parking facilities combined (phase I and II parking structures and 33 surface parking lots) is needed over the next ten years to help maintain and extend their life by 20 years and beyond.

Since it is neither financially nor practically feasible to address all R&M projects in the immediate future, Commuter Services has been working with University Facilities and Planning to develop a six-year capital improvement plan (CIP), which would be funded through revenues generated by the requested rate increases. Most of the funding for the CIP would come from a $35 million revenue bond. Attachment 6c, $35M Bond Repair Schedule Through FY2025, lists the projects that will be funded by the revenue
bond. The annual debt service after the entire $35 million bond is drawn would be approximately $2.78 million, amortized over 20 years at 5%. Smaller projects would be paid for with cash from the Commuter Services voluntary renewals and replacement account (Attachment 6b, Voluntary Renewals and Replacement Schedule Through FY2025); the estimated cost of these cash projects is approximately $3.55 million through fiscal year 2025.

It should be noted that while developing new parking facilities was considered, there are currently no plans to develop new parking. Internal analysis determined that the cost of developing new parking facilities is prohibitive, as funding new development would necessitate an increase in parking rates to more than triple the current rates.

It should also be noted that commuter needs continue to evolve over time. Enrollment challenges or opportunities; technology; municipal/public transportation efforts and services; alternative transportation options; and travel habits are just a few factors that may significantly impact the demand for parking in the future. As such, it is critical that the University and Commuter Services continuously monitor strategies and trends for the UHM campus, especially toward the end of this 6-year rate increase period, and continue to address R&M projects and parking demand for the UHM campus.

**Impact**

If the proposed parking rate increases are not approved, UHM campus parking facilities could deteriorate to the point where health and safety concerns may cause the closure of some facilities. Alternative transportation services such as the highly utilized Rainbow Shuttle may need to be further reduced or eliminated. Personnel services will also be further impacted, including enforcement, traffic control, and customer services. This would in turn lead to increased congestion on campus and would create unsafe and frustrating conditions for all UHM campus constituents.

**Outreach**

A Commuter Services Advisory Committee has been in existence since 2010 and meets as needed to discuss the parking situation on the UHM campus. This advisory committee includes representation at various levels from faculty, staff, students, and administration.

A comprehensive marketing and outreach plan was implemented to inform the campus community of the parking rate increase request and secure feedback from our constituents. This outreach plan occurred from August 27 through October 3, 2018, and included conducting two 4-hour resource fairs at Campus Center; meeting with the UHM Faculty Senate Executive Committee and Committee on Administration and Budget; meeting with ASUH and GSO; consulting with HGEA, UPW, and UHPA; inviting feedback via email at uhmpark@hawaii.edu or by directly calling or coming to our office; and providing information about the proposed rate increases and the
services provided through Commuter Services on our website and social media outlets.

**Proposed Changes**
Attachment 7, Peer Comparison Data and Ratios, provides comparisons to parking rates at peer institutions.

The first set of institutions are those that were selected by SP+ as having comparable transportation systems as UHM. Factors taken into account when determining these peers include: 1) size of the campus, 2) enrollment, 3) adjacent land uses, 4) regional transportation systems, 5) internal transit/shuttle systems, 6) development form (urban, suburban, small town), 7) topography, and 8) climate.

The second set of institutions were chosen by Commuter Services based on the institutions being publicly-funded state institutions located in coastal metropolitan areas with relatively high cost of living as determined by Sperling Best Places (https://www.bestplaces.net). The Sperling cost of living indices are based on a US average of 100 and take into account the cost of utilities, groceries, health services, transportation, and housing costs, with housing being the biggest factor in the cost of living difference.

An evaluation of these comparisons establishes that while there are best practices and various models that may be used to set parking rates, there is no industry standard or formula that parking operations can apply to calculate rates. For example, the ratio between the lowest employee vehicle rates and the highest employee vehicle rates varied from 0% (all pay the same rates) at the University of Illinois at Chicago, University of Massachusetts Boston, and the University of Washington; to low employee vehicle rates being as little as 14% of the highest employee vehicle rate at the University of Arizona to a high of 87% at the University of California San Diego, where faculty pay a higher rate than staff.

Ratios for employee motorcycle permit pricing compared to the lowest vehicle permit rates varied from 0% for UCLA, where motorcycles may park for free; to a high of 114% for Colorado State University, where motorcycle permit holders pay a higher rate than the lowest employee vehicle rate.

Of the 14 total peer institutions, only four (Colorado State University, University of Arizona, UCLA, and the University of Illinois at Chicago) do not charge a differential between student and employee rates for vehicle permits. Conversely, only two of the 14 institutions (Portland State and the University of Massachusetts Boston) charge less to students than employees for motorcycle permits.
Currently, Commuter Services uses a combination of proximity and break-even pricing models. Other models that have or could be considered include copycat (charge what everyone else is charging); performance (charge as high a rate as you can until demand reaches 85% of supply); progressive (charge more the longer you stay); commuting distance (charge more the closer you live to campus); and salary-based (charge based on compensation).

The proximity/break-even model recognizes that surface parking areas are directly located next to offices/classes and are more highly sought after than structure parking, which typically is further away and is not as easily accessible — e.g. you must drive around five floors of a parking structure, or sit in a long queue to get in and out of the structure, especially during morning and afternoon rush. While all models have pros and cons, the proximity/break-even pricing model is a good option for UHM because it allows us to reduce the financial impact to customers by maximizing our revenues. We accomplish this by being able to estimate inventory with a fair amount of accuracy and charge a premium for in-demand parking for lots that are close to the buildings where people work and study; while still offering a lower-cost option for the parking structures which are located away from the central part of campus. UHM understands that parking is considered a necessity for many and that as an institution of higher learning, UHM is willing to charge less than what the market will bear due to our mission. UHM’s goal is to charge the lowest prices we can while still being able to meet the financial obligations for Commuter Services.

It should be noted that while there is no industry standard for setting parking rates, it is helpful to compare UHM pricing and ratios to those of its peers. For the SP+ peer comparisons, UHM pricing is generally in the mid-to-low range. When compared against its metro peers, UHM not only has the current lowest pricing; but even in year six of the proposed rate increases (fiscal year 2025), UHM rates would still be lower than every single metro peer’s current rates except for UC San Diego’s high student rate.

During discussions at the various Commuter Services Advisory Committee meetings, committee members agreed that rate increases are necessary for UHM Commuter Services to meet its objectives and to remain self-sustaining. In addition, the following changes were proposed to the existing rate structure:

1. Increase the parking rate fees from two tiers to three:
   a. The 1st tier would be the employee rate for surface parking lots that are located in close proximity to buildings. This would include surface parking lots on lower campus and would be a change from the current parking rate structure where all lower campus permits are charged at the same rate.
   b. The 2nd tier would be the employee rate for the Dole Street and lower campus parking structures.
c. The 3rd tier would be the student rate and would be a new tier. Currently, students pay the same annual parking rate as employees; however, UHM Commmuter Services recognized the need to assist students with the cost of attendance to the University. In addition, students do not have the same access to purchase parking permits as employees do; while all employees who wish to purchase parking permits may do so, typically there are only enough parking permits remaining in inventory each year to accommodate graduate students and seniors. To accommodate these factors, the proposed percentage parking rate increases for students are lower than for employees. Note that at the July 2018 Board of Regents meeting, students utilizing the UHM Kaka'ako parking facilities were approved to pay a lower rate than employees and are currently paying a rate that is 50% of the employee rate. Because current UHM rates are already considerably low in comparison to the Honolulu market and many of our University peers, Commmuter Services recommends not creating this student-based differential until the 2nd year of the proposed rate increase schedule, to commence in fiscal year 2021.

2. Increase the differential between surface lots rates and parking structure rates for employees. The number of stalls in surface parking lots has decreased over time due to construction of new buildings, making those lots more prime than ever. As such, the surface lot parking rate for employee parking permits would be subject to higher percentage increases for these highly desired stalls.

3. Most moped/motorcycle parking lots are located in favorable locations on upper campus and in close proximity to buildings. Moped/motorcycle permit rates are significantly underpriced as compared to vehicle permit rates; current moped/motorcycle permit rates are at 21% of lower campus vehicle rates and 15.5% of upper campus vehicle rates. Compare that to the average ratio of motorcycle permit pricing for SP+ peers as compared to the lowest vehicle pricing – 92% and 65% respectively for students and employees; and the average ratio for metro peers at 37% and 35% respectively for students and employees.

In addition, there are fixed costs associated with issuing and managing permit allocations, regardless of the type of vehicle (car versus motorcycle). As such, higher percentages of increases for moped/motorcycle permit rates as compared to vehicle permit rates would be implemented; with the goal of moped/motorcycle permit rates reaching approximately 33% of the rates of respective employee or student structure permits in fiscal year 2025. Note that this is a change from the first set of rates that was sent to the UHM community in the UHM announcement on August 28. In that proposal, the goal was for the moped/motorcycle rates to reach 50% of the rates of respective employee or student structure permits in
fiscal year 2025. While UHM believes that was a fair pricing structure, analysis showed that the pricing could be reduced to the 33% goal without a significant impact to budget projections, and the decision was made to make that change to accommodate requests from employees and students. The feedback from students was especially powerful, as many of them depend on mopeds as an affordable and more sustainable commute option.

4. Reserved stalls are offered to a very small amount of select staff as permitted in Attachment 1 to RP 10.207. Best practices for reserved stalls is that reserved stall pricing, if allowed at all, should be significantly higher than standard stalls for two reasons: first, it associates the level of convenience offered by a guaranteed parking space to its value. Second, it appropriately compensates Commuter Services for the forfeiture of other parking revenue it might earn if the parking space were available to more than just one parker. The proposed increase would increase reserved stall pricing from a 50% premium to a 100% premium as indicated in Attachment 2, Proposed Amendment to Attachment 1 of BOR Policy 10.207 Parking and Operation of Motor Vehicles.

5. The maximum hourly parking rate would be increased from $4.00 an hour to $6.00 an hour. These rates are applied to visitor stalls in UHM campus surface lots and are meant to be short-term visitor parking. The higher hourly charge helps ensure these stalls are utilized as intended by encouraging high turnover.

6. The maximum daily parking rate would be increased to $25. This allows the UHM campus to charge up to a maximum of $25 per day for various types of daily parking including all-day surface lot reserved parking that is sold to contractors for construction; and visitors for special events.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve an amendment to Board of Regents Policy (RP) 10.207, Parking and Operation of Motor Vehicles, Attachment 1, to implement a six (6) year increase to the parking permit fee schedule for the University of Hawai‘i at Mānoa campus.

Attachments:
1) Proposed Amendment to Attachment 1 of the BOR Policy RP 10.207, Parking and Operation of Motor Vehicles, Redline
2) Proposed Amendment to Attachment 1 of the BOR Policy RP 10.207, Parking and Operation of Motor Vehicles, Clean
3) Alternative Transportation Initiatives for Commuter Services
4) Ten-year History of Parking Rate Increases
5) Parking Rate Increase Proposed Rate Schedule for Fiscal Years 2020-2025
6) Commuter Services Financial History and Budget Projections and Related Schedules:
   a. Commuter Services Budget Projections Through FY2025
   b. Voluntary Renewals and Replacement Schedule Through FY2025
   c. $35M Bond Repair Schedule Through FY2025
   d. Equipment Schedule Through FY2025
7) Peer Comparison Data and Ratios
(a) Parking Permits

(1) Employee Tier 1 (Mānoa Upper Campus)

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(2) Employee Tier 2 (Mānoa Lower Campus)

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### Notes:

1. **Employee (Kaka'ako Zone)**

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2. The president, chancellor, vice presidents, vice chancellors, deans, and directors of major research institutes may, upon approval and payment of the fee set forth herein, be provided with one reserved parking stall as determined by the Parking Office. For the purpose of this section, the fee is **150% to 200%** of the rate for employee parking in the zone in which the reserved stall is located.

3. **Student Permits Tier 3 (Mānoa Lower Campus)**

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(6) Student Permits (Kaka’ako Zone)

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(7) Evening Permits (Mānoa Upper Campus and Lower Campus)

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(8) Moped/Motorcycle Permits (Employees and Students Mānoa Upper Campus and Lower Campus)

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(9) Moped/Motorcycle Permits (Students Mānoa Campus)

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(9)(10) Moped/Motorcycle Permits (Employees and Students Kaka’ako Zone)

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(b) Hourly or Daily Parking

Hourly or daily parking fees may be set at rates not to exceed the following:

(1) $46.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk surface lot or structure opening must pay for the entire time lapsed between opening of the surface lot or structure and their departure.

(2) $1625.00 flat rate per day or any fraction thereof payable on either entrance or exit in certain zones or areas designated by the chancellor or chancellor’s designee. Persons losing time-stamped tickets or driving vehicles parked before surface lot or structure opening must pay for the entire time lapsed
between opening of the surface lot or structure and their departure.

(3) The chancellor or chancellor’s designee shall establish the time periods at which said fees change from hourly to daily or vice versa.

(4) The chancellor or chancellor’s designee shall set or waive fees for parking for special events or disabled persons.
(a) Parking Permits

(1) Employee Tier 1 (Mānoa Campus)

Upper Campus

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(2) Employee Tier 2 (Mānoa Campus)

Lower Campus

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Structures

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(3) Employee (Kaka’ako Zone)

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(4) The president, chancellor, vice presidents, vice chancellors, deans, and directors of major research institutes may, upon approval and payment of the fee set forth herein, be provided with one reserved parking stall as determined by the Parking Office. For the purpose of this section, the fee is 200% of the rate for employee parking in the zone in which the reserved stall is located.

(5) Student Permits Tier 3 (Mānoa Campus)

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Proposed Amendment to Attachment 1 of the BOR Policy RP 10.207, Clean

(6) Student Permits (Kaka‘ako Zone)

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(7) Evening Permits (Mānoa Campus)

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(8) Moped/Motorcycle Permits (Employees Mānoa Campus)

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Proposed Amendment to Attachment 1 of the BOR Policy RP 10.207, Clean

(9) Moped/Motorcycle Permits (Students Mānoa Campus)

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(10) Moped/Motorcycle Permits (Employees and Students Kaka‘ako Zone)

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<td>2023 &amp; thereafter</td>
<td>17.00</td>
<td>68.00</td>
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(b) Hourly or Daily Parking

Hourly or daily parking fees may be set at rates not to exceed the following:

(1) $6.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before surface lot or structure opening must pay for the entire time lapsed between opening of the surface lot or structure and their departure.

(2) $25.00 flat rate per day or any fraction thereof payable on either entrance or exit in certain zones or areas designated by the chancellor or chancellor’s designee. Persons losing time-stamped tickets or driving vehicles parked before surface lot or structure opening must pay for the entire time lapsed between opening of the surface lot or structure and their departure.
(3) The chancellor or chancellor’s designee shall establish the time periods at which said fees change from hourly to daily or vice versa.

(4) The chancellor or chancellor’s designee shall set or waive fees for parking for special events or disabled persons.
Attachment 3
Alternative Transportation Initiatives for Commuter Services

- TheBus
  - Partnered with Oahu Transit to improve and increase bus routes on campus to meet the needs of campus commuters*
- Bicycles
  - Secure bike cage available*
  - Three bike repair stations*
  - Bicycle education programs
  - Worked with City to develop the Waialae bike lane*
  - Transfer of abandoned bicycles to Cycle Mānoa
    - Provides low cost options for students to purchase used bicycles
  - BIKI short-term rental concept coming soon
- Electric Vehicles
  - Upgraded EV charging stations to user-friendly and reliable nationally branded service
  - 7 reserved stalls available in lower campus structure specifically for EVs
  - Free daily parking lower campus, 3 hour upper campus in green visitor stalls
- Car Share
  - Allows those who choose not to drive a means to run errands during the course of a work day
  - Allows departments to save money by eliminating long-term rentals of University vehicles in favor of utilizing the short-term Car Share rental options
  - Increased access by securing approval to lower Car Share age to 18 from 21*
  - Relocated Car Share vehicles to student housing to address demand*
- Carpool
  - Created several preferred reserved student carpool parking stalls*
  - Have increased the number of carpool permits available from 250 to 400 to incentivize carpooling as a commuter option and to provide more permit options to students*
- Rainbow Shuttle
  - Added bike racks to shuttles*
  - Worked with consultants to analyze and improve shuttle routes
    - Shuttles service a 3-mile radius around campus
      - Helps reduce demand for parking for those who live in close proximity to campus
  - Implemented a rider-counting system to better analyze customer usage*
  - Mobile app is available to track shuttles in real time*
- Outreach
  - BikeUHM*
    - Provides education and awareness for safe bicycling
  - Move with Aloha*
    - Created sharrow lanes to remind drivers to share the road with bikers
    - Promote constant awareness of all types of commuters to enhance safety and understanding
Attachment 4
History of Parking Rate Increase Attempts in Past Ten Years

2009
- Parking rate increase made it through public hearing and to approval process
- Five-year rate increase requested
  - BOR approved two years of the five years requested
  - BOR requested Commuter Services perform an operational study to ensure it was operating at maximum efficiency
- Rate increases were implemented in FY10 and FY11

2011/2012
- In November 2011, BOR approved a public hearing for a five-year rate increase for FY13 – FY17
- Public hearing was scheduled in May 2012
- After feedback from meetings with faculty, the parking rate schedule was revised (lowered) to take out a subsidy for staff/faculty bus passes, and sent out to the University community via email
- General Counsel advised the revised, lower rates should not have been sent out prior to the public hearing, as the process could be challenged and any subsequent rate increase approvals undone
- Public hearing was canceled and the process had to be started over

2013/2014
- In November 2013, BOR approved a public hearing for a five-year rate increase for FY14 – FY18
- In March 2014, a request was sent to Governor Abercrombie to approve a public hearing for the parking rate increase request
- The public hearing request was signed by Governor Abercrombie on October 2, 2014, too late for the proposed rate increases to be in effect.

2015
- Parking rate increase was going to move forward with request to BOR for approval to go to public hearing
- A paper error was discovered in the Commuter Services projections just prior to the agenda being finalized; request was pulled due to error.

2016
- Commuter Services was going to move forward with request for BOR to approve a public hearing
- General Counsel was working on revisions to the Hawaii Administrative Rules which would move parking rate fees from the HARs to BOR policy. This would streamline the parking rate approval process by removing the public hearing requirement and by removing the two Governor’s approval requirements (one for public hearing, one for approving the new parking rate fee schedule).
- Commuter Services was advised to let OGC complete the HAR revisions before requesting rate increases
- Final HAR approval was received in March 2018; BOR officially had authority to approve parking rates for the University in April 2018.
### Moped/motorcycle rates targeted at -33% of structure rates

Parking Rate Increase Proposed Rate Schedule for Fiscal Years 2020 - 2025

#### Permits (Annual equivalents)

<table>
<thead>
<tr>
<th>Current</th>
<th>2020</th>
<th>% Incr</th>
<th>2021</th>
<th>% Incr</th>
<th>2022</th>
<th>% Incr</th>
<th>2023</th>
<th>% Incr</th>
<th>2024</th>
<th>% Incr</th>
<th>2025</th>
<th>% Incr</th>
<th>% Increase</th>
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#### Permits (Monthly equivalents)

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<th>% Incr</th>
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#### Visitor Parking

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<th>% Incr</th>
<th>2022</th>
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<th>% Incr</th>
<th>2025</th>
<th>% Incr</th>
<th>% Increase</th>
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<td><strong>Daily Visitor/Event Parking</strong></td>
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<tr>
<td><strong>Total Revenues</strong></td>
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<td>$4,940,583</td>
<td>$4,828,388</td>
<td>$4,781,313</td>
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<tr>
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<td>$5,407,603</td>
<td>$5,205,695</td>
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### COMMUTER SERVICES BUDGET PROJECTIONS THROUGH FY2025

**Attachment 6a.**

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<td>$4,781,313</td>
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**NONOPERATING REVENUES (EXPENSES)**

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<td>$12,569</td>
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**TRANSFERS**

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**OPERATING CASH BALANCE**

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<td>Power Wash and Façade Repair</td>
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<td>$ 349,840</td>
<td>$ 253,243</td>
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<td>$ 1,456,579</td>
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<td><strong>$35M Bond Repairs</strong></td>
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<td>Repair/replace metal guardrail serving</td>
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<td>Repair fire safety system</td>
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<td>$1,500,000</td>
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<td>Repair fire safety system</td>
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<td><strong>Zone 20 Misc Repairs</strong></td>
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<tr>
<td>Repair spalls, delaminations and</td>
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<td><strong>Surface Lot Repair</strong></td>
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<td>Institution</td>
<td>Students Ratio</td>
<td>Employees Ratio</td>
<td>Ratio for Student:Empl Ratio</td>
<td>Motorcycle/Moped Ratio</td>
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</tbody>
</table>
|                                     | Low | High | Low:High | Low | High | Low:High | Low | High | Low:High | Student | Empl | Student:Empl | Empl:
| Colorado State University           | $250.00 | $250.00 | 100% | $556.00 | $556.00 | 100% | $284.00 | $284.00 | 114% | 114% |
| University of Colorado              | $98.00 | $396.00 | 32% | $432.00 | $432.00 | 32% | $216.00 | $216.00 | 220% | 220% |
| University of Arizona               | $100.00 | $100.00 | 100% | $692.00 | $692.00 | 100% | $100.00 | $100.00 | 100% | 100% |
| University of California Irvine     | $640.00 | $780.00 | 19% | $1,008.00 | $1,008.00 | 19% | $504.00 | $504.00 | 19% | 19% |
| University of California Davis      | $261.00 | $336.00 | 51% | $612.00 | $612.00 | 51% | $300.00 | $300.00 | 115% | 115% |
| University of Iowa                  | $243.00 | $324.00 | 13% | $1,320.00 | $1,320.00 | 13% | $168.00 | $168.00 | 69% | 69% |
| University of Southern Florida      | $183.00 | $262.00 | 18% | $494.00 | $494.00 | 18% | $53.00 | $53.00 | 29% | 29% |
| AVERAGE                             | $253.57 | $354.86 | 64% | $762.71 | $762.71 | 64% | $232.14 | $232.14 | 92% | 92% |
| UH Manoa Current                    | $426.00 | $924.00 | 22% | $1,299.00 | $1,299.00 | 22% | $225.00 | $225.00 | 32% | 32% |
| UH Manoa FY2025 (Proposed)         | $702.00 | $924.00 | 13% | $1,299.00 | $1,299.00 | 13% | $225.00 | $225.00 | 32% | 32% |

*There are no differentials in the motorcycle/moped rates between employees and students for peer institutes.

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**Metropolitan, Higher-Cost Living, Public Institution Comparisons**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Students Ratio</th>
<th>Employees Ratio</th>
<th>Ratio for Student:Empl Ratio</th>
<th>Motorcycle/Moped Ratio</th>
</tr>
</thead>
</table>
|                                     | Low | High | Low:High | Low | High | Low:High | Low | High | Low:High | Student | Empl | Student:Empl | Empl:
| Portland State University           | $1,062.00 | $1,062.00 | 100% | $1,488.00 | $1,488.00 | 100% | $294.00 | $294.00 | 100% | 100% |
| University of California Berkeley   | $1,085.00 | $1,085.00 | 100% | $1,812.00 | $1,812.00 | 100% | $360.00 | $360.00 | 100% | 100% |
| University of California Los Angeles| $996.00  | $996.00  | 100% | $1,824.00 | $1,824.00 | 100% | $360.00 | $360.00 | 100% | 100% |
| University of California San Diego  | $780.00  | $972.00  | 50%  | $1,166.00 | $1,166.00 | 50%  | $264.00 | $264.00 | 50%  | 20%  |
| University of Illinois Chicago      | $177.00  | $177.00  | 100% | $1,875.00 | $1,875.00 | 100% | $525.00 | $525.00 | 100% | 100% |
| University of Massachusetts Boston* | $720.00  | $1,026.00 | 41% | $1,026.00 | $1,026.00 | 41% | $720.00 | $720.00 | 100% | 100% |
| University of Washington            | $1,410.00 | $1,410.00 | 100% | $1,410.00 | $1,410.00 | 100% | $600.00 | $600.00 | 100% | 100% |
| AVERAGE                             | $997.43 | $1,217.00 | 46% | $1,731.00 | $1,731.00 | 46% | $365.57 | $425.57 | 46% | 33%  |
| UH Manoa Current                    | $426.00  | $426.00  | 100% | $579.00  | $579.00  | 100% | $90.00   | $90.00   | 100% | 100% |
| UH Manoa FY2025 (Proposed)         | $702.00  | $924.00  | 13%  | $1,299.00 | $1,299.00 | 13%  | $225.00  | $225.00  | 32%  | 32%  |

*Pricing will increase after new 1400 stall, $70 million structure ($50,000/stall) opens
UH Mānoa Parking Rate

Board of Regents
October 18, 2018
MISSION: To maximize access to the UH Mānoa campus through a commitment to innovation, environmental sustainability, resource management, and quality customer service.

Serve Diverse Demands • Offer Diverse Options • Multimodal Planning and Strategy

- **AUTOMOBILES & MOPEDS**
  - Primary method of transportation
  - Reserved carpool stalls available for students
  - Free daily lower and 2-hour upper campus parking for Electric Vehicles
  - Car share available at 4 locations on campus

- **RAINBOW SHUTTLE**
  - Over 3,500 student and employee riders
  - Over 16 miles of shuttle service servicing a 3-mile radius from campus

- **BICYCLES**
  - Secure bike cage and 3 repair stations on campus
  - Abandoned bicycles recycled to provide students with low cost bicycles
  - BIKI coming soon

- **Bus Passes included as “transportation fee” for full-time students
  - Pre-tax program for employees**
Budget Snapshot

Average Revenues - $6,076,303
FY 2016 - FY 2018

- Daily & Permit Parking: 81% ($4,915,735)
- Event Parking: 11% ($650,138)
- Fines/Commissions/Other: 8% ($510,429)

Average Expenditures - $5,863,817
FY 2016 - FY 2018

- Personnel: 40% ($2,369,422)
- Equipment/Materials/Supplies: 26% ($1,514,970)
- Miscellaneous/Debt Service: 16% ($937,961)
- Ceded Lands: 6% ($347,467)
- Repair & Maintenance: 5% ($269,774)
- Utilities: 3% ($166,549)

*Outside Services includes parking vendor, security and shuttle service
2,109 Surface Stalls
3,039 Structure Stalls
5,148 Total Stalls
Short-Term Challenges

Parking Structure Phase I: 44 years old
- 1974 (in service)
- 1,727 stalls
- $9 million
- No major investments or improvements to date

Parking Structure Phase II: 21 years old
- 1996 (in service)
- ~900 stalls
- $20 million
- No major investments or improvements to date

- Industry Standard: 50-year service life with routine maintenance
  - Phase I: Service life expires soon (2024)
  - Phase II: 30 years of useful life remaining
- $65 million necessary to extend:
  - Phase I by 15 – 20 years
  - Phase II by 30 – 40 years

*Based on 2018 assessment conducted by Kimley Horn, summarized in the Parking Capital Improvement Program Plan available at [http://manoa.hawaii.edu/commuter/resources/PDFs/CIPPSummaryJune2018.pdf](http://manoa.hawaii.edu/commuter/resources/PDFs/CIPPSummaryJune2018.pdf)
Short-Term Solutions Considered

Option #1: Complete repairs within existing budget on a cash-basis
- Does not require rate increase
- Does not extend service life
- Will eventually need to close parts of structure

Option #2: Construct a new structure through P3 partnership
- $50,000/stall x 2,800 stalls = $140 million
- No new inventory
- Simple Payback: 40 years @ $104/stall/month (guaranteed)

Option #3: Extend service life of Phase I and II by 15-20 years
- $35 million of capital investment financed by debt service
- Parking rate increase
### Option #3: Extend Useful Life by 15-20 Years

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Project Components</th>
<th>Estimate</th>
<th>Finance Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong></td>
<td>Railing repairs</td>
<td>$14,000,000</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td>Fire safety upgrades</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Elevator modernization</td>
<td></td>
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<tr>
<td><strong>2</strong></td>
<td>Parking deck waterproofing</td>
<td>$20,000,000</td>
<td>2021</td>
</tr>
<tr>
<td></td>
<td>Expansion joints replacement</td>
<td></td>
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<tr>
<td></td>
<td>Drain repairs</td>
<td></td>
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<tr>
<td><strong>3</strong></td>
<td>Wall repairs</td>
<td>$1,000,000</td>
<td>2022</td>
</tr>
<tr>
<td></td>
<td>Parking lot resurfacing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Regular Maintenance Program

- **Cash Funded**
  - $500K - $1M/year

### Bond

- **$35 Million Bond**
  - $2.78M/year
  - 20 years
  - 5%
Methodology Considerations

GOAL:
- Additional revenue necessary to finance $2.78 million/year debt service
- Maintain total operating cash balance of 10% of approximately $900,000
- Decrease demand for parking

INCREASE REVENUE:
- Increase Parking Revenue: Permit, Daily, Visitor, Event
- Charge fee for shuttle
  - Hawaiian Studies, Lower Campus, Main Campus
  - Faculty Housing

DECREASE EXPENSES:
- Outside Services:
  - Reduce shuttle service
  - Reduce parking operations contract
### Considerations

**Parking User**  
**Student/Employee**  
- Everyone is equal  
- Differentiate by employee type  
- Differentiate by salary/income  
- Guaranteed (Employee) vs. Non-Guaranteed (Student)

**Vehicle Type**  
- All vehicles are equal  
- Differentiate by vehicle type

**Parking Location**  
- All locations are equal  
- Differentiate by convenience of location

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Moped Rate</th>
<th>Moped vs. Car Rate</th>
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</thead>
<tbody>
<tr>
<td><strong>Average for SP+ Peer Institutions</strong>*</td>
<td>$90</td>
<td>18-35% Student 12-25% Employee</td>
</tr>
<tr>
<td><strong>Average for Metropolitan, High Cost of Living, Public Institutions</strong>***</td>
<td>$366 Student $426 Employee</td>
<td>37% Student 25-35% Employee</td>
</tr>
<tr>
<td><strong>UH Mānoa – Current</strong></td>
<td>$90</td>
<td>21% Student 16-21% Employee</td>
</tr>
<tr>
<td><strong>UH Mānoa – FY2025 (Proposed)</strong></td>
<td>$225 Student $300 Employee</td>
<td>32% Student 23-32% Employee</td>
</tr>
</tbody>
</table>

*SP+ Peer Institutions: Colorado State University, University of Colorado, University of Arizona, University of California Irvine, University of California David, University of Iowa, and University of Southern Florida

**Metropolitan, High Cost of Living, Public Institutions: Portland State University, University of California Berkeley, University of California Los Angeles, University of California San Diego, University of Illinois Chicago, University of Massachusetts Boston, University of Washington*
## Comparable Monthly Parking Rates

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>TENANT</th>
<th>NON-TENANT</th>
<th>MOPED</th>
<th>MOPED vs. CAR RATE</th>
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<td>Hale Mahana</td>
<td>$100</td>
<td>--</td>
<td>$15</td>
<td>15%</td>
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<tr>
<td>Puck’s Alley</td>
<td>$125</td>
<td>$143</td>
<td>$125</td>
<td>87-100%</td>
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<td>Varsity Building</td>
<td>$150</td>
<td>$145</td>
<td>$125</td>
<td>83-86%</td>
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<td>$142</td>
<td>$142</td>
<td>--</td>
<td>N/A</td>
</tr>
<tr>
<td>Ali‘i Place</td>
<td>$251</td>
<td>$366</td>
<td>--</td>
<td>N/A</td>
</tr>
<tr>
<td>Bishop Square</td>
<td>$260</td>
<td>$415</td>
<td>$70</td>
<td>17-27%</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>$171</strong></td>
<td><strong>$242</strong></td>
<td><strong>$84</strong></td>
<td>35-49%</td>
</tr>
<tr>
<td>UH Mānoa – Current</td>
<td>$36 Lower/Student</td>
<td>$48 Upper</td>
<td>$8</td>
<td>17-22%</td>
</tr>
<tr>
<td>UH Mānoa – FY2025 (Proposed)</td>
<td>$59 Student</td>
<td>$108 Employee Surface $77 Employee Structure</td>
<td>$25 Employee $19 Student</td>
<td>32% Students 23-32% Employees</td>
</tr>
</tbody>
</table>
# Proposed Rate Increase

## Proposed UH Mānoa Monthly Parking Rates

<table>
<thead>
<tr>
<th></th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee - Surface Lots</strong></td>
<td>$48.25</td>
<td>$62.50</td>
<td>$70.75</td>
<td>$87.50</td>
<td>$100.00</td>
<td>$108.25</td>
</tr>
<tr>
<td><strong>Employee - Structure</strong></td>
<td>$35.50</td>
<td>$41.50</td>
<td>$50.00</td>
<td>$64.75</td>
<td>$71.00</td>
<td>$77.00</td>
</tr>
<tr>
<td><strong>Students</strong></td>
<td>$35.50</td>
<td>$41.50</td>
<td>$43.75</td>
<td>$50.00</td>
<td>$54.25</td>
<td>$58.50</td>
</tr>
<tr>
<td><strong>Evening</strong></td>
<td>$24.00</td>
<td>$32.00</td>
<td>$36.00</td>
<td>$44.00</td>
<td>$48.00</td>
<td>$52.00</td>
</tr>
<tr>
<td><strong>Employee - Moped</strong></td>
<td>$7.50</td>
<td>$10.00</td>
<td>$13.00</td>
<td>$19.00</td>
<td>$22.00</td>
<td>$25.00</td>
</tr>
<tr>
<td><strong>Student - Moped</strong></td>
<td>$7.50</td>
<td>$10.00</td>
<td>$11.75</td>
<td>$15.25</td>
<td>$17.00</td>
<td>$18.75</td>
</tr>
</tbody>
</table>

- **Initial Employee – Moped**: $7.50
- **Initial Student – Moped**: $7.50

---

The table above shows the proposed monthly parking rates for different categories over the fiscal years (FY) 2020 to 2025. The rates increase annually, with percentages indicating the percentage increase from the previous year. For example, the rate for Employee - Surface Lots increases from $48.25 in FY20 to $108.25 in FY25, with an overall increase of 14% per year.
Financials

Budget History and Projections

<table>
<thead>
<tr>
<th></th>
<th>FY16</th>
<th>FY17</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>$1,475,810</td>
<td>$2,020,441</td>
<td>$2,398,183</td>
<td>$2,034,578</td>
<td>$2,305,133</td>
<td>$1,289,969</td>
<td>$463,337</td>
<td>$88,539</td>
<td>$360,075</td>
<td>$892,917</td>
</tr>
<tr>
<td>Projected</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Graph does not reflect operating cash balance
Prior Attempts

- 2009: Rate increase approved by Governor for FY10 and FY11
- 2011-2012: BOR approved public hearing for FY13-17 rate increase, but procedural errors led to cancellation of public hearing
- 2013-2014: Governor failed to sign public hearing request approved by BOR before effective date of FY14-18 rate increase
- 2016: Preparations to request BOR approval to hold public hearing to increase rates were postponed due to revisions to Hawai‘i Administrative Rules currently underway to streamline parking rate approval process by removing (1) public hearing requirement and (2) Governor’s approval of public hearing and new parking rate schedule.
- 2018: Hawai‘i Administrative Rules were successfully amended in March 2018, authorizing the BOR to approve UH parking rates
Long Term Program Challenges

Long-Term

On-Campus Parking Shortage

Live. Learn. Play.
Mahalo!
MEMORANDUM

TO:     Lee Putnam
        Chairperson, Board of Regents, University of Hawai‘i

VIA:    David Lassner
        President, University of Hawai‘i

FROM:   Marcia Sakai
        Interim Chancellor, University of Hawai‘i at Hilo

SUBJECT: Approval of administration's recommendation, based on testimony received during the public hearings process, to draft revisions to specific provisions in the proposed Chapter 20-26, Hawai‘i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands", and to return to the Board of Regents for approval of the new draft prior to a second round of public hearings.

A. SPECIFIC ACTION REQUESTED

On behalf of the Office of Maunakea Management ("OMKM"), we request that the Board of Regents ("Board") approve the University of Hawai‘i ("University") administration's recommendation, based on testimony received during the public hearings process, to draft revisions to specific provisions in the proposed Chapter 20-26, Hawai‘i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands", and to return to the Board for approval of the new draft prior to a second round of public hearings.

B. RECOMMENDED EFFECTIVE DATE

Upon approval.

C. ADDITIONAL COST

There are no additional costs associated with this request.

D. PURPOSE

To obtain Board authorization to proceed as recommended by the administration, and amend specific provisions of the University's proposed administrative rules
governing public and commercial activities on University managed lands on Maunakea, taking into consideration public testimony received as part of the public hearing process held in September 2018, pursuant to Chapter 91, Hawai‘i Revised Statutes ("HRS"). Authorization is also sought in order to consult with appropriate stakeholders on any amended rules, pursuant to the requirements of Act 132 (2009), and make further changes as may be appropriate. If changes to the rules are substantial, OMKM will bring the rules back to the Board for its approval of the amendments and authorization to hold public hearings on the amended rules.

E. BACKGROUND INFORMATION

1. Development and rule-making process

OMKM developed the subject rules pursuant to the Act 132 (2009), which is codified in relevant part as Sections 304A-1901 through 304A-1905, HRS. Specifically, Section 304A-1903, HRS, provides as follows:

**Mauna Kea lands; rules.** The board of regents may adopt rules pursuant to chapter 91 to regulate public and commercial activities on Mauna Kea lands.

In adopting these rules, the board shall:

(1) Strive for consistency with the administrative rules of the division of forestry and wildlife of the department of land and natural resources related to forest reserves and natural area reserves;

(2) Consult with the office of Hawaiian affairs to ensure that these rules shall not affect any right, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupuaa tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights; and

(3) Hold at least one public hearing, in addition to the public hearing at which decision-making on the proposed rule is made, on the island of Hawai‘i.

In developing the proposed rules, OMKM held open houses and numerous public outreach sessions seeking feedback on the proposed rules. In addition, it consulted with the Office of Hawaiian Affairs ("OHA"), the Department of Land and Natural Resources ("DLNR"), and Kahu Kū Mauna, the native Hawaiian advisory council to OMKM. The proposed rules were also reviewed by the Maunakea Management Board ("MKMB") which recommended that the Board seek approval from the Governor to hold
public hearings on the rules. On June 7, 2018, the Board granted approval to submit a request to the Governor seeking approval to hold public hearings pursuant to Chapter 91, HRS, which governs the administrative rule-making process.

2. Scope of Rules

The scope and application of the University’s rulemaking authority is limited to “Mauna Kea lands,” which is defined in Section 304A-1901, HRS, as follows:

“Mauna Kea lands” means the lands that the University of Hawai‘i is leasing from the board of land and natural resources, including the Mauna Kea Science Reserve, Hale Pohaku, the connecting roadway corridor between Hale Pohaku and the Mauna Kea Science Reserve, and any other lands on Mauna Kea that the University of Hawai‘i leases or over which the University of Hawai‘i acquires control or jurisdiction.

Section 304A-1903, HRS, authorizes the University to develop rules “to regulate public and commercial activities on Mauna Kea lands,” consistent with Forest Reserve System\(^1\) and Natural Area Reserves System\(^2\) rules administered by the DLNR. Therefore, like DLNR’s rules, the University’s proposed Maunakea rules regulate activities such as littering, hunting, camping, access, and commercial activities that focus on transportation activities. The University’s proposed rules do not regulate non-public, non-commercial activities, such as scientific, educational, and management functions. The proposed rules regulate “activities” not “land uses,” which are governed by DLNR’s conservation district rules\(^3\). A copy of the University’s proposed Chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands,” is attached hereto as Exhibit A. The proposed rules may also be found at: http://www.hawaii.edu/offices/bor/adminrules/proposed.html

3. Public hearings and testimonies

Following approval by the Governor on July 10, 2018, to hold public hearings, the University published public notices statewide on August 19, 2018, announcing public hearings on the proposed rules. A press release was also issued describing the purpose of the hearings and the hearings process, including: where and how to obtain copies of the proposed rules, how to submit testimony, the deadline for submitting data, views or arguments, and the public hearing locations (Exhibit B). The public notice may also be found at: http://www.hawaii.edu/offices/bor/adminrules/proposed.html.

\(^1\) Chapter 13-104, HAR, Activities Within Forest Reserves.

\(^2\) Chapter 13-209, HAR, Activities within Natural Area Reserves.

\(^3\) Chapter 13-5, HAR, Conservation District
Hearings were held at the following times and locations:

- September 24, 2018: 5 to 7 p.m., Sullivan Conference Center, UH Cancer Center in Honolulu, O'ahu
- September 25, 2018: 5 to 7 p.m., ‘Imiloa Astronomy Center of Hawai’i, in Hilo, Hawai’i Island
- September 26, 2018: 6:15 to 8:15 p.m., Waikoloa Elementary and Middle School, in Waikoloa, Hawai’i Island
- September 28, 2018: 5:30 to 7:30 p.m., ‘Ike Le‘a—Room 144, UH Maui College, Kahului, Maui

Regent Randolph Moore served as Hearings Officer for the public hearings on Hawai’i Island and Maui, and Vice Chair Jeffrey Portnoy and Regent Simeon Acoba were the Hearing Officers for the public hearing in Honolulu. The Hearings Officers’ report on the public hearings is attached hereto as Exhibit C. It provides a summary of what transpired, to include: a list of testifiers and brief descriptions of their testimonies, copies of written testimonies received, and verbatim transcripts of the oral testimony at each hearing.

The public testimony on the proposed rules focused primarily on the following rules:

§20-26-21 Traditional and customary practices
§20-26-24 Preservation of scientific and educational resources
§20-26-29 Vehicles and transportation
§20-26-34 Audio devices and noise
§20-26-63 Permits for public assemblies and meetings
§20-26-73 Violations, penalties, costs, administrative fines, sanctions, and collection
Various §§ Relating to the delegation of rules implementation by the President to a designee

The following chart summarizes the concerns raised about these rules, and OMKM’s intended approach to revising the rules, in consideration of the testimony received. More specificity about the concerns raised can be found in the Hearings Officers’ report (Exhibit C).
<table>
<thead>
<tr>
<th>Rule/Subject of Concern</th>
<th>Public Comments</th>
<th>Contemplated Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>§20-25-21</td>
<td>Practitioners are encouraged (not required) to obtain a permit in instances where activities “have minimal or no impact on existing cultural, natural, or scientific resources.” “If such activity is found to impact cultural, natural, or scientific resources, OMKM, after consulting with Kahu Kū Mauna and the Office of Hawaiian Affairs, may restore the site to its condition prior to such activity.”</td>
<td>Revise to clarify focus on impact to resources and public safety as opposed to the nature of the activity.</td>
</tr>
</tbody>
</table>
| Traditional and customary practices. | • Who assesses “impact” when determining if a cultural practice requires a permit? (R. Grover, Sept. 12, 2018.)  
• Kānaka should not need to explain/justify the building of an ahu to the university. (Id.)  
• Native Hawaiian activity that may be found to impact the area should obtain a special use permit is absurd. (C. Burghart, Sept. 15, 2016.)  
• Why are Native Hawaiian rights limited to only those that already exist under state law? What is meant by the terms "Traditional" and "customary"? Why are these not defined in the definitional section. (W. Chang, Sept. 24, 2018.)  
• All people, regardless of race, should be treated equally under the law by our government. Proposed §20-26-21, Traditional and customary rights, would explicitly grant superior race-based rights to Native Hawaiians[.] (K. Conklin, Sept. 27, 2018.)  
• Section 2-26-21 prohibits Hawaiians from re-building their own Ahu/Altar once it has been destroyed. (M. Trask, Sept. 28, 2018.)  
• UH is also unfairly proposing a requirement that certain traditional Hawaiian practices (20-26-21) need a special use permit, even when commercial tour activities (20-26-65) do not need that permit. (C. Robbins, Sept. 25, 2018.) |
<table>
<thead>
<tr>
<th>Rule/Subject of Concern</th>
<th>Public Comments Original Text unless in Brackets or Parentheses</th>
<th>Contemplated Revision</th>
</tr>
</thead>
</table>
| §20-26-24 Preservation of scientific and educational resources | • This section is also very problematic largely going against the stated purpose of "promoting public safety and welfare" by prioritizing the scientific community over cultural practitioners accessing the area[]. No cell phones or flashlights? The mountain is vast and it is reckless to propose a ban on cellphone and flashlight use. A dangerous proposal. (R. Grover, Sept. 12, 2018.)  
• [T]his may have gone too far -Mauna Kea is a great amateur radio resource. (S. Fendt, Sept. 24, 2018.)  
• Why nothing about preservation of Hawaiian values? (W. Chang, Sept. 24, 2018.)  
• This rule as written would prohibit literally any device that uses electrical power[]. (A. Cooper, Sept. 26, 2018.)  
• This may protect the optical observatories against accidental light, but does not consider that the prohibition may create unacceptable safety risks. (Id.)  
• [T]hese sections would make it unlawful to even use an iphone or smart phone to take photos. (E. Kalani Flores, Sept. 26, 2018.) | Limit prohibitions to areas above Hale Pōhaku; allow certain cellphone usage in "airplane" mode; provide more specificity regarding use of artificial illumination. |
| §20-25-29 Vehicles and transportation | • I would urge the authors to consider that this requirement will lead to people on this island who love and respect Maunakea and who wish to visit the summit to choose vehicles which have poor gas mileage and which are otherwise damaging to the natural environment. (J. Walawender, Aug. 21, 2018.)  
• Rules prohibits any Hawaiian from going to the Mauna for cultural practice & religious worship, unless they are driving a 4 -wheel vehicle. This requirement is imposed regardless of the weather conditions or health & safety concerns. (E. Kalani Flores, Sept. 26, 2018.) | Consider restrictions on use of two-wheel drive vehicles for safety and to minimize damage to roadways; allow four-wheel drive and all-wheel drive vehicles. |
<table>
<thead>
<tr>
<th>Rule/Subject of Concern</th>
<th>Public Comments</th>
<th>Contemplated Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>§20-26-34 Audio devices and noise</strong>&lt;br&gt;Creating noise using a number of different devices, including musical instruments, is prohibited.</td>
<td>• While it may be understandable that noise levels could be kept to a minimum near the observatories so as not to create a nuisance, musical instruments being banned completely seems quite far-fetched. (C. Burghardt, Sept. 15, 2018.)&lt;br&gt;• This section criminalizes singing and chanting which are important ways that we honor and connect with Mauna Kea and our a’uha that live there. (S. Muneoka, Sept. 28, 2018.)</td>
<td>Clarify that the concern is amplification devices and noise-generating equipment; allow musical instruments.</td>
</tr>
<tr>
<td><strong>§20-26-63 Permits for public assemblies and meetings</strong>&lt;br&gt;[A] Assemblies of ten (10) or more persons, are allowed in the UH management areas, provided a permit for such event has been issued by president's designee.]</td>
<td>• Mauna Kea is clearly of special value to Hawaiians-they should not be subject to such extensive and limited access. (W. Chang, Sept. 24, 2018.)&lt;br&gt;• Parts of this rule are in violation of First Amendment rights and runs afoul of the rights of free speech, association, and movement. (E. Kalani Flores, Sept. 26, 2018.)&lt;br&gt;• Requiring permits for Kanaka &quot;assemblies&quot; is an affront to the very core of the Protect Mauna Kea Movement. The only reason these &quot;assemblies&quot; have occurred is to stop UH and government entities from desecrating the mauna! (K. Trainer, Sept. 25, 2018.)</td>
<td>Clarify consistency with natural area reserves rules regarding group size limit; clarify definition of assemblies.</td>
</tr>
<tr>
<td><strong>§20-26-73 Violations, penalties, costs, administrative fines, sanctions, and collection</strong>&lt;br&gt;Act 132 (2009) administrative fines are adopted. Fines are assessed at no more than $2,500, $5,000 and $10,000 for the first, second and third offenses, respectively.</td>
<td>• There should be separate tiers of penalties and appeals pertaining to the different violations and penalties. (E. Kalani Flores, Sept. 26, 2018.)&lt;br&gt;• All who access Mauna Kea will be risking significant financial loss or ruin at the discretion of any UH officer. (J. Powers, Sept. 27, 2018.)&lt;br&gt;• The fines are excessive[.] (A. Kuhina, Sept. 28, 2018.)</td>
<td>Provide more specificity for various violations, considering similar fine schedules of public land agencies.</td>
</tr>
<tr>
<td>Rule/Subject of Concern</td>
<td>Public Comments Original Text unless in Brackets or Parentheses</td>
<td>Contemplated Revision</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Delegation Framework</td>
<td>• Designating authority to only the President or designee would allow for the possibility of unfair or arbitrary decision-making. Having a Board review ideas and evaluate options would help to ensure high quality decisions are made. This language should be changed from &quot;President&quot; to &quot;Board&quot;. (C. Burghardt, Sept. 15, 2018.)</td>
<td>Provide more specificity for delegation; propose related policies to be adopted if rules are approved.</td>
</tr>
<tr>
<td>§20-26-2, &quot;President&quot; means the president of the university, or the president's designee.</td>
<td>• OHA believes that there may be ways to balance the need for expeditious decisionmaking under exigent circumstances, and the need for public transparency and accountability in decisions that can significantly impact the ability of Native Hawaiians to exercise their traditional and customary rights. (K. Crabbe, Sept. 11, 2018.)</td>
<td></td>
</tr>
<tr>
<td>§20-26-8 Delegation of authority. The board delegates its authority to administer this chapter to the president, who may further delegate that authority to a designee.</td>
<td>• The proposed Rules gives a single 'designee' control of permits, access, and activities on Mauna Kea with no accountability to the Kanaka Maoli people and the public. (S. Rudolph, Sept. 27, 2018.)</td>
<td></td>
</tr>
<tr>
<td>Various references to &quot;President or designee&quot;.</td>
<td>• The &quot;designee&quot; is given sweeping powers, and would not be subject to public hearings or any clear process for challenging decisions. (C. Harden, Sept. 27, 2018.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• UH President and their designee should not be allowed to single-handedly grant or withhold permits. (M. Kaiama, Sept. 28, 2018.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The Rules are silent on who the unnamed designee of the President actually is! (M. Trask, Sept. 28, 2018.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• I do not think that the presidents designee should be assigned authority to issue commercial permits, it should be done by a committee so that the process is fair and transparent. (K. Baybayan, Sept. 25, 2018.)</td>
<td></td>
</tr>
</tbody>
</table>

The University administration is, therefore, recommending that proposed revisions to these particular rules be prepared by OMKM for further consultation and refinement as appropriate. This may include some adjustments to the language of other proposed rules. The proposed rules as amended would then be brought back to the Board for its consideration, as further described below.
4. Review, amending rules and consultation

As indicated, OMKM will prepare proposed amendments to the rules in consideration of the public testimony received during the public hearing process. OMKM will consult with OHA on any amended rules as required by Act 132 (2009). OMKM will also consult with the DLNR, the landowner of the University-managed lands on Maunakea, for consistency with DLNR’s Forest Reserve and Natural Area Reserves administrative rules, as required by Act 132 (2009). In addition, OMKM will consult with Kahu Kū Mauna and the MKMB. It is anticipated that amendments to the rules may be substantial which will require another round of public hearings pursuant to Chapter 91, HRS. Following the preparation of proposed amendments to the rules and consultation, the Board will be asked to approve the amended rules and authorize OMKM (subject to approval by the Governor) to hold public hearings on the rules as amended. Gubernatorial approval for public hearings will also require review of the amended rules by the Small Business Regulatory Review Board (“SBRRB”) and the Attorney General.

Upon approval by the Board and the Governor, OMKM will conduct public hearings similar to those held in September 2018, with one in Honolulu, two on the Island of Hawai‘i, and one on Maui. Comments received will be fully considered, and further revisions to the subject rules and consultation may occur as appropriate prior to returning to the Board seeking approval for adoption of the rules as amended. After Board adoption, approval must also be obtained from the Governor, following a review of the final text by the SBRRB and the Attorney General. This extensive review and approval process is expected to be completed, and the final rules to be adopted and effective, in 2019.

F. ACTION RECOMMENDED

We recommend that the Board approve the University administration's recommendation, based on testimony received during the public hearings process, to draft revisions to specific provisions in the proposed Chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands”, and to return to the Board for approval of the new draft prior to a second round of public hearings.
G. ATTACHMENTS

- Exhibit "A" – Proposed Chapter 20-26, Hawai‘i Administrative Rules, entitled “Public and Commercial Activities on Mauna Kea Lands"
- Exhibit "B" – Public Notice on UH’s public hearings
- Exhibit "C" – Hearings Officers’ Consolidated Report for Proposed Chapter 20-16, Hawai‘i Administrative Rules, Public and Commercial Activities on Mauna Kea Lands

c: Kendra Oishi, Executive Administrator and Secretary of the Board, University of Hawai‘i
Update on University of Hawaiʻi at Mānoa Campus
Framework for the Future
Oct 18, 2018
Agenda

- Process Overview
- Key Inputs
- Guiding Principles
- Planning Objectives
- Next Steps
# Primary Deliverables Serve Different Needs in the Planning Process

<table>
<thead>
<tr>
<th>Framework Plan</th>
<th>• Aligns campus development projects with University Goals</th>
<th>20+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Guidelines for future campus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Doesn’t describe specific projects</td>
<td></td>
</tr>
</tbody>
</table>

| Long Range Development Plan (LRDP) | • Describes likely physical changes to campus over next 10 years | 10 years |

| Plan Review Use (PRU) | • Initiates approvals process with city for alterations to campus | Varies |

| Capital Improvement Plan (CIP) | • Forecast of upcoming major projects and budgets | 6 years (annual update) |
Process Overview

MĀNOA CAMPUS: FRAMEWORK FOR THE FUTURE

Guiding Principles

Campus Assessment

Futures Analysis

Task Force Input

Campus Vision

Quantitative Space Analysis

Planning Priorities

Framework Moves

Campus Space Program

Key Projects & Priorities

Long Range Development Plan

Plan Review Use

Capital Improvement Plan

JAN-NOV '18

2018

OCT '18-AUG '19

2019

JUN'19-MAR '20
Team Organization

**EXECUTIVE COMMITTEE**

Senior UH Manoa leadership (cabinet)

- Jan Gouveia, Vice President for Administration
- Donna Kiyosaki, Associate Vice President for Administration
- Jimmy Kurata, Director of Planning and Project Development
- Nelson Lee, Interim Director, Office of Project Delivery
- Blake Araki, Director of Campus Operations and Facilities
- Matthew Lynch, System Sustainability Coordinator
- Christine Sorensen, Professor and Committee Chair, Ltech
- Daniel Friedman, Sr. Advisor, Campus Design, Office of the Chancellor
- Kaiwipuni Lipe, UH Mānoa Native Hawaiian Affairs Specialist
- April Goodwin, Academic Affairs Program Officer
- Wendy Pearson, Academic Affairs Program Officer

**STEERING COMMITTEE**

Meets biweekly

- Consultant team and Director of Planning

**CORE TEAM**

Meets weekly

- Ad Hoc groups formed to address specific emergent issues and areas of inquiry
Communications

Public Website:
manoaframeworkfuture.info

Social Media:
• UH Manoa News stories
• Campus-wide email
• UH social media posts

Updates at Recurring Meetings
• Faculty Congress/Senate
• Deans meeting

Displays and Installations
• Physical installations around campus showing future possibilities
Key Inputs

• Leverage prior and current work
  • Plans
  • Studies
  • Coursework
  • Initiatives
  • Committees

• Develop quantitative baseline of campus

• Solicit qualitative input from broad base

• Leverage technology
Key Inputs - Faculty Survey

WORK ACTIVITIES OF RESPONDENTS
In what college or school is your primary academic appointment, and, if applicable, secondary appointment(s)?

26 schools/colleges were represented by respondents, with the most responses from the College of Natural Sciences, the College of Languages, the Linguistics & Literature, and the College of Arts & Humanities.

FUTURE IDEAL WORKPLACE TYPOLOGIES
Imagine a future ideal academic office workspace. Please evaluate the following workplace typologies.

Formal Meeting Space, Individual/Private Workspaces, and Small Group Learning Spaces are the most favored workplace typologies.

PRIORITIES OF FACULTY MEMBERS
From your perspective, please rank following goals (1 = highest priority): The top 3 workspace priorities of faculty members are: 1) Provide quiet spaces to work alone, 2) Provide access to natural light and ventilation, 3) Provide top of the line information technology and other resources.

TECHNOLOGY USAGE - OVER NEXT 10 YEARS
Please review this list of technologies. Over the next 10 years, do you imagine yourself using these less, about the same, or more than you do today?

Over the next 10 years, the greatest increases in technology use are projected to be for Other Mobile Devices, Video Conferencing Services and Smart Boards.

manoaframeworkfuture.info
Key Inputs  Crowdsourced Preference

University of Hawaii at Mānoa

Please share your thoughts on specific locations at the University of Hawai'i at Mānoa campus. Add a marker to the map by selecting a green pin to highlight a place that you like or select a red pin to indicate a place that could be improved. Please label your pins and add a comment to explain why you’ve placed the marker. Mahalo!

- Crosswalk Entrance to Dole
- Walkway to Upper Campus
- Shidler Bicycle Racks Route
- Correa Rd
- Webster Hall
- UH Federal Credit Union Cottage is closing
- Parking Structure or parking in general
- Adrews Amphitheater
- Correa road
- Locked gate
- Cat Swarm
- Dumpsters

Shower trees on Maile and East-West
These trees are so beautiful and really give a good first impression to visitors to the campus.

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Key Inputs  Time/Motion Study

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Key Inputs: Foresight Analysis

Trends Shaping Higher-Ed

CURRENT (now - 6 YEARS)
- Distance learning is increasing
- Decreasing public support for higher education
- Car ownership is prevalent but falling with bike & ride-sharing

EMERGING (6 - 20 YEARS)
- Hands-on learning is in-demand
- Digital degrees and learning programs change university economic models
- Students become more varied in age & educational objectives (i.e. heavier skills-focus)
- Communities increasingly vulnerable to extreme weather events
- Lecture-based learning decreases
- Tuition-based model less financially viable
- Learning tools modernize (i.e. video-conferencing, smart boards, VR, 3D printing)
- Students, educators and researchers more global
- Institutions digitize processes

FUTURE (20 - 50 YEARS)
- Autonomous vehicles significantly reduce parking demand
- Extreme weather events become more frequent
- Innovation hubs prevalent on university campuses
- Distributed governance model spreads
- Personalized learning driven by learning analytics
- Academic publishing increasingly open-access

Pedagogical
- Education moving online, driven by shifting student demographics and demand for flexible learning opportunities

Local Trends:
- University faculty anticipate that they will use talk-boxes, video-conferencing services & smart boards more in the future
- Some University courses are moving online
- Flexible, innovative learning spaces are also deemed important
- University already embracing digitalized learning analytics with SALT initiative

Mobility
- Vehicle ownership is decreasing as alternatives such as bike, ride-sharing and mobility as a service emerge

Local Trends:
- Parking is currently in high demand by students and employees
- The introduction of ride and bike (e-bike) sharing
- Traffic problems will likely persist for some time due to Honolulu’s high levels of service sector jobs
- Rise of remote learning could decrease numbers of cars on campus

Source: Reinventing Institute, 2018; S. Lyu, 2017
Key Inputs Planning Analysis

CENTRAL CAMPUS

The central campus is the hub of the academic and administrative buildings at UH Mānoa. Important services and centers of campus life, such as the Campus Center, University Health Services, Center for Student Services and Hamilton Library are located in the Central Campus.

Due to the high volume of pedestrian and vehicular traffic and parking lots, many main thoroughfares are overcrowded with a lack of visual cohesion. Though there are pedestrian corridors connecting UH Mānoa to the rest of Honolulu, the central campus lacks visual corridors and connections to downtown areas and the coast.

EDGE & ENTRANCE TYPES

Campus perimeter and entry points don't create a strong identity across the campus. Edge conditions are a range of types around key entry point areas, from parking lots to busy street sidewalks to vegetated stripes.

CURRENT BUILDING USES

Some parts of campus are defined by certain types of functions. STEAM activities for example, are concentrated on the eastern side of Central Campus and in Upper Campus. Athletics is all in the Lower Campus, and residential buildings largely run along the campus’s stream edge.
Key Inputs: Direct Engagement

- Interviews/Discussions
- Task Groups
  - Student Success
  - Native Hawaiian Place of Learning
  - Energy
  - Pedagogy
  - Others TBD
- Website Feedback Forum

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Guiding Principles (page 1 of 2)

Promote world-class instruction & scholarship – contribute to the advancement of human knowledge and help our communities to solve the complex and interconnected challenges facing their futures.

Develop the whole student - provide spaces that are physically, mentally and emotionally safe on a daily basis and in times of need. Retention and enrollment growth are reflective of how well we take care of our students.

Steward our natural environment – optimize existing resources and assets by using what we have as efficiently as possible, and utilize sustainable design principles to minimize environmental footprint when we do need to build new.

Foster inclusivity & connectivity - provide access for campus community members to housing, transit by all types of mobility, and digital technologies.
Guiding Principles (page 2 of 2)

Cultivate collaboration – promote interaction, cross-disciplinary learning and meaningful work so that folks can work together to create the best futures for Mānoa, Hawai‘i, and the world.

Leverage unique attributes of place – honor indigenous ancestral knowledge systems. Care for and learn from Native Hawaiians and their knowledge systems, which provide lessons on how to care for each other and our natural world in our specific regions of Mānoa and larger Hawai‘i.

Ensure financial viability – demonstrate fiscal responsibility and a robust financial plan to make smart decisions which maximize our ability to do more with less. Ensure that capital is deployed efficiently to achieve the mission of the university.
Planning Objectives

1. Optimize Infrastructure Facility, Land & Resource Use

- Establish campus zones driven by unique infrastructure needs
- Concentrate academic activity on central campus
- Create land banks for future use
- Improve building occupancy & utilization rates
- Develop long-term energy strategy
- Pursue revenue-generating development partnerships
High Quality, High Utilization Space (Illustrative)

Teaching, learning, and research space
- Higher utilization and occupancy
- Improved quality
- Transforming pedagogies shift composition of space

Libraries/Study Space
- Shift from book storage to student space

Offices
- Eliminate inefficient portables
- Space standards
- High quality conference and meeting space

General Use
- Increase student gathering space

Circulation
- Eliminate inefficient portables

not included: Health care facilities, parking, special use facilities, residential facilities, support facilities
Planning Objectives

2. Transform circulation & mobility

- Prioritize pedestrian experience and wayfinding on central campus
- Create velocity-based circulation hierarchy
- Develop alternative transit solutions to one-driver-one car
  - Transit hub
  - Off-campus parking
  - Anticipate future changes
Planning Objectives

3. Strengthen the gathering experience

• Gathering at all scales
  • One to one
  • Small to large groups
  • Large events

• Formal and informal

• Indoor and Outdoor

• Imbedded digital capabilities (distance learning)

• Integration of Mānoa/O‘ahu community into campus gathering experience

• UH Mānoa hosts international gathering events
Central campus Optimized for pedestrian movement and gathering (Illustrative)
Planning Objectives

4. Become a Living Learning Laboratory

- Campus landscape becomes part of experimentation, learning, and creation of new knowledge
- Campus models best practices for malama ‘aina
- Support current and future research objectives with high quality, flexible research environments across a broad portfolio of research methodologies
- Research space supports integration of research and teaching
- Learning environments are flexible and respond to changing pedagogies
Planning Objectives

5. Activate Landscape & Campus Character

- Cultivate campus identity as a Hawaiian place of learning through intentional landscape design
- Strengthen campus arrival experiences
- Incorporate natural elements into everyday experience
- Build connection to history of campus site through wayfinding, movement patterns
- Increase diversity of open space types & multi-functional landscapes
- Emphasize tree canopy, native species, functional vegetation
- Connect campus to adjacent open space trails & resources
Planning Objectives

6. Provide for the whole campus ‘ohana

- Improve the quantity and quality of the residential experience for undergraduate students, graduate students, and faculty
- Ensure that campus provides for the overall wellness of its citizens
- Leverage campus as recreation opportunity
- Introduce social environments to campus that can also serve the Mānoa community and public
Planning Objectives

7. Build Resilience

- Flexibility to allow for uncertainty, mitigate risk associated with large capital projects
- Agile campus that can anticipate and adapt to change
- Redundant systems to ensure continuity of operations
Current Activities and Next Steps

• Framework  
  • Space Needs Forecast  
  • Zones and Hubs Definition  
  • Conceptual Campus Plan  
  • High-level Project Definition and Prioritization  
  Nov. 2018

• CIP Update  
  • Planned Capital Projects for next 6 years  
  • Planning, design, construction  
  • Estimated Budgets  
  Nov. 2018

• Long Range Development Plan  
  • Project definition  
  • Potential projects for next 10 years  
  • Agency Submittal and Review  
  Sept. 2019

• Plan Review Use  
  • Determine impact of specific projects  
  • Agency Submittal and Review  
  Feb. 2020
Item VI.A.1. & VI.B.1.

Executive Session

Personnel & Legal Matters

ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION
Item VII.A.1.

Item for Approval
Personnel Actions

ITEM TO BE DISCUSSED AT MEETING