

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, March 22, 2018

Time: 9:30 a.m.

Place: Kapi'olani Community College
Ka 'Ikena Room, 'Ōhelo Building
4303 Diamond Head Road
Honolulu, HI 96816

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.

III. Report of the President

IV. Committee Reports

- A. Report from the Committee on Academic and Student Affairs
- B. Report from the Committee on Budget and Finance
- C. Report from the Committee on Independent Audit
- D. Report from the Committee on Planning and Facilities
- E. Affiliate Reports

V. Items for Discussion and/or Approval

A. Consent Agenda:

- 1. Minutes of the January 25, 2018 Meeting
- 2. Minutes of the February 22, 2018 Meeting
- 3. Minutes of the February 22, 2018 Special Meeting
- 4. UBS Contract Revision – Institutional Consulting Services
- 5. Approval of Procurement Contract to Provide Credit Card Services for the University of Hawai'i, RFP No. 18-0148

- B. Approval of authorization to the University of Hawai'i (UH) President to negotiate, finalize, and execute the transfer in fee simple of the following UH properties managed by the UH Mānoa College of Tropical Agriculture and Human Resources (CTAHR):
 - (i) Waialeale Research Station Property situated at Waialeale, Koolauloa, O'ahu, City and County of Honolulu, and designated as tax map key nos. (1) 5-8-001:013, (1) 5-8-001:055, (1) 5-8-001:007, and (1) 5-8-001:006 to the State Agribusiness Development Corporation (ADC)
 - (ii) Kaua'i Tropical Fruit Disinfestation Facility Property situated at Hanamalu, District of Līhu'e, Island and County of Kaua'i, and designated as tax map key no. (4) 3-7-02-16 (por.) to the State Department of Transportation
- 1. **Executive Session (closed to the public):** 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), Hawai'i Revised Statutes (HRS); and to deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations, pursuant to Section 92-5(a)(3), HRS
- C. Approval of Resolution Requesting the Development of a Comprehensive Real Property Asset Management Plan
- D. Approval of Resolution Authorizing the President to Prepare a Reorganization Plan that May Re-Consolidate the Positions of Chancellor, University of Hawai'i at Mānoa, and President, University of Hawai'i
- E. Approval of Revisions to Board of Regents Policy 10.207, Parking & Operation of Motor Vehicles
- F. Approval of Letters of Intent/Option Agreements and a Long Term Agreement for the use of UH Lands Relating to Hawaiian Electric Company, Inc. (HECO) Request for Proposals for the Supply of Qualified Renewable Energy Under HECO's Renewable Dispatchable Generation Power Purchase Agreement
 - 1. **Executive Session (closed to the public):** 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; and to deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations, pursuant to Section 92-5(a)(3), HRS

G. Legislative Update

VI. Announcements

A. Next Meeting: April 19, 2018 at Honolulu Community College

VII. Adjournment

ATTACHMENTS

Attachment A – Personnel actions posted for information only

Attachment A: Pursuant to §89C-4, Hawaii Revised Statutes, the following proposed compensation action for excluded Executive/Managerial are disclosed for purposes of public comment.

Executive/Managerial

Campus	Last Name	First Name & Middle Initial	Proposed Title	Unit	Nature of Action	Monthly Salary	Effective Date
System	Suzuki	Darren	Interim Director of Risk Management	Office of University Risk Management	Appointment	\$9,584	March 23, 2018 - March 22, 2019

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

18 MAR 16 08:40

RECEIVED

18 MAR 16 08:41

UNIVERSITY OF HAWAII
BOARD OF REGENTS

Item III.
Report of the
President

NO MATERIALS

ORAL REPORT

Item III.

Report of the
President – KapCC
Chancellor & Faculty
Senate Chair Report

MATERIALS



KAPI'OLANI COMMUNITY COLLEGE

PRESENTATION TO THE
UNIVERSITY OF HAWAII BOARD OF REGENTS
MARCH 22, 2018



UNIVERSITY of HAWAII*
KAPI'OLANI
COMMUNITY COLLEGE

ENROLLMENT BY THE NUMBERS

**THE AVERAGE STUDENT ON CAMPUS IN SPRING 2018
HAS THE FOLLOWING CHARACTERISTICS:**

- 26 years old
- Major - Liberal Arts
- 8.38 average credits
- 2.6+ GPA



UNIVERSITY of HAWAII*
KAPI'OLANI
COMMUNITY COLLEGE

ENROLLMENT BY THE NUMBERS

	Fall 2017	Spring 2018
New Students	2,628 +4.1%	1,031 -0.7%
Total Enrollment - Headcount	7,095 -3.9%	6,679 -0.3%
Total Student Semester Hours	60,983 -3.7%	54,953 -3.4%

Re-Enrollment Rate	74.7%
Majority of Students	Between 18-34 yrs. old

	Spring 2018
Increased Yield Rate	60.7% (+3.3% compared to Spring 2017)



ENROLLMENT BY THE NUMBERS

	Fall 2017	Fall 2016	% Change from Fall 2016	Spring 2018	Spring 2017	% Change from Spring 2017
Headcount	7,095	7,382	-3.89%	6,679	6,700	-0.31%
Student Semester Hours (SSH)	60,983.1	63,341.5	-3.72%	54,953.3	56,917.2	-3.45%
Freshman-Classified & First Time Students	1,089	1,052	3.52%	234	263	-11.03%
Undeclared First Time Students	482	281	71.53%	254	342	-25.73%
Transfer Students	690	817	-15.54%	605	426	42.02%
Returning Students	367	374	-1.87%	337	253	33.20%



ENROLLMENT MANAGEMENT INITIATIVES

- Vice Chancellor for Student Affairs Enrollment Management Taskforce
- Returning Adult Initiative, 20% Yield
- Prospective Student Viewbook/Landing Page
- Spring 2018, Continuing Student Focus Group
- Using Predictive Modeling
- Proactive Approach: Social Media Campaign & Texting
- Direct from High School Subcommittee



FACULTY SENATE FOR SUSTAINABILITY CURRICULUM AND PEDAGOGY

- 52 Sustainability Designated Courses (S-Designated) (KCC Strategic Plan II.F states 60 courses by 2021)
- Sustainability Plan
- Sustainability Certificate in Hospitality & Tourism
- New Academic Subject Certificate in Sustainability as part of the Associate in Arts Degree and Transfer
 - Biology 124 or Botany 130 (3)
 - S-Designated Course (3)
 - Capstone (3)
 - Research/Service-learning



FACULTY SENATE FOR SUSTAINABILITY CURRICULUM AND PEDAGOGY

- Student Clubs: Ecology, Economics, Engineering for a Sustainable World, Civics Club, Sustainability Promotion Team
- Using the Campus as a Sustainability Learning Environment
- Sustainability Summit
- International Programs

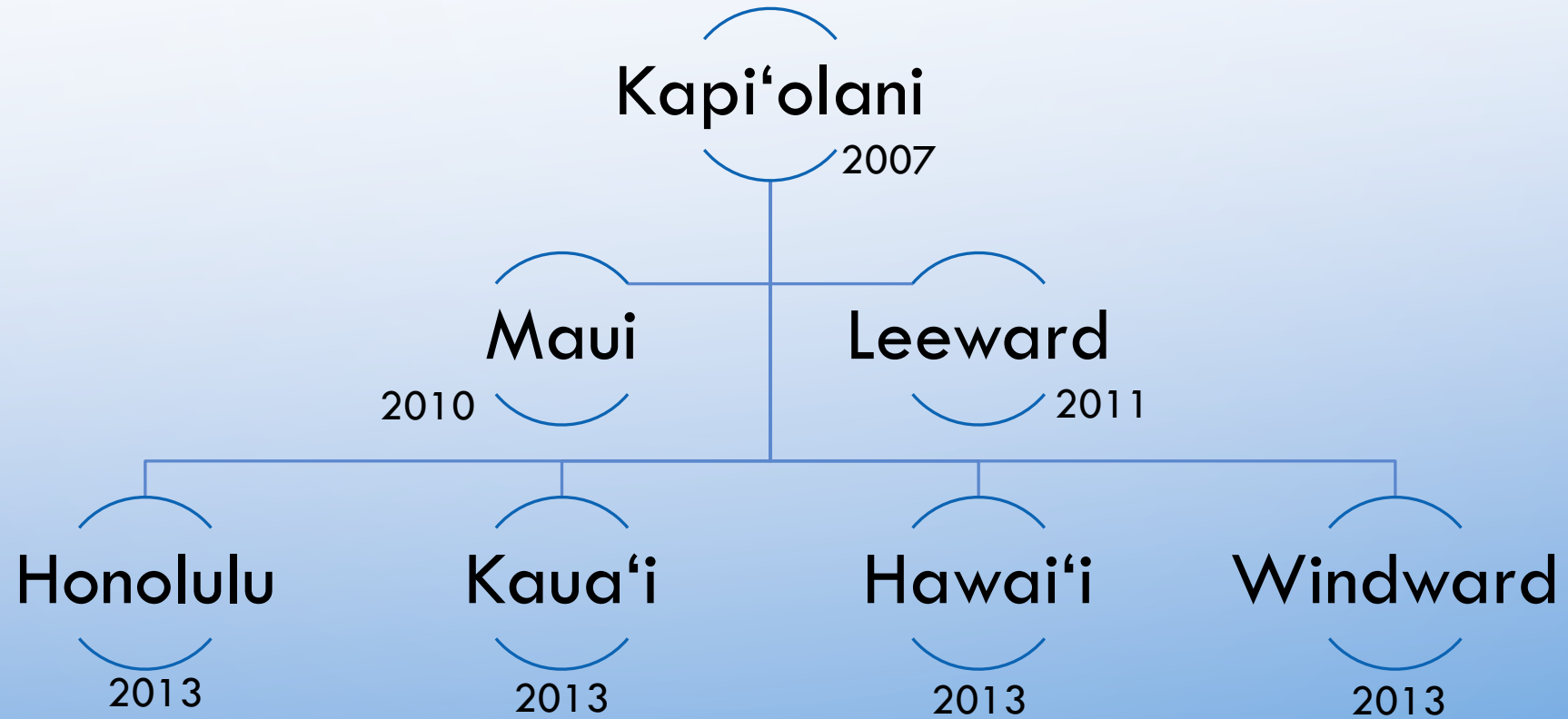
The result is a transdisciplinary approach to empowering students' perspectives pertaining to sustainability & the future.



UNIVERSITY of HAWAII
KAPI'OLANI
COMMUNITY COLLEGE

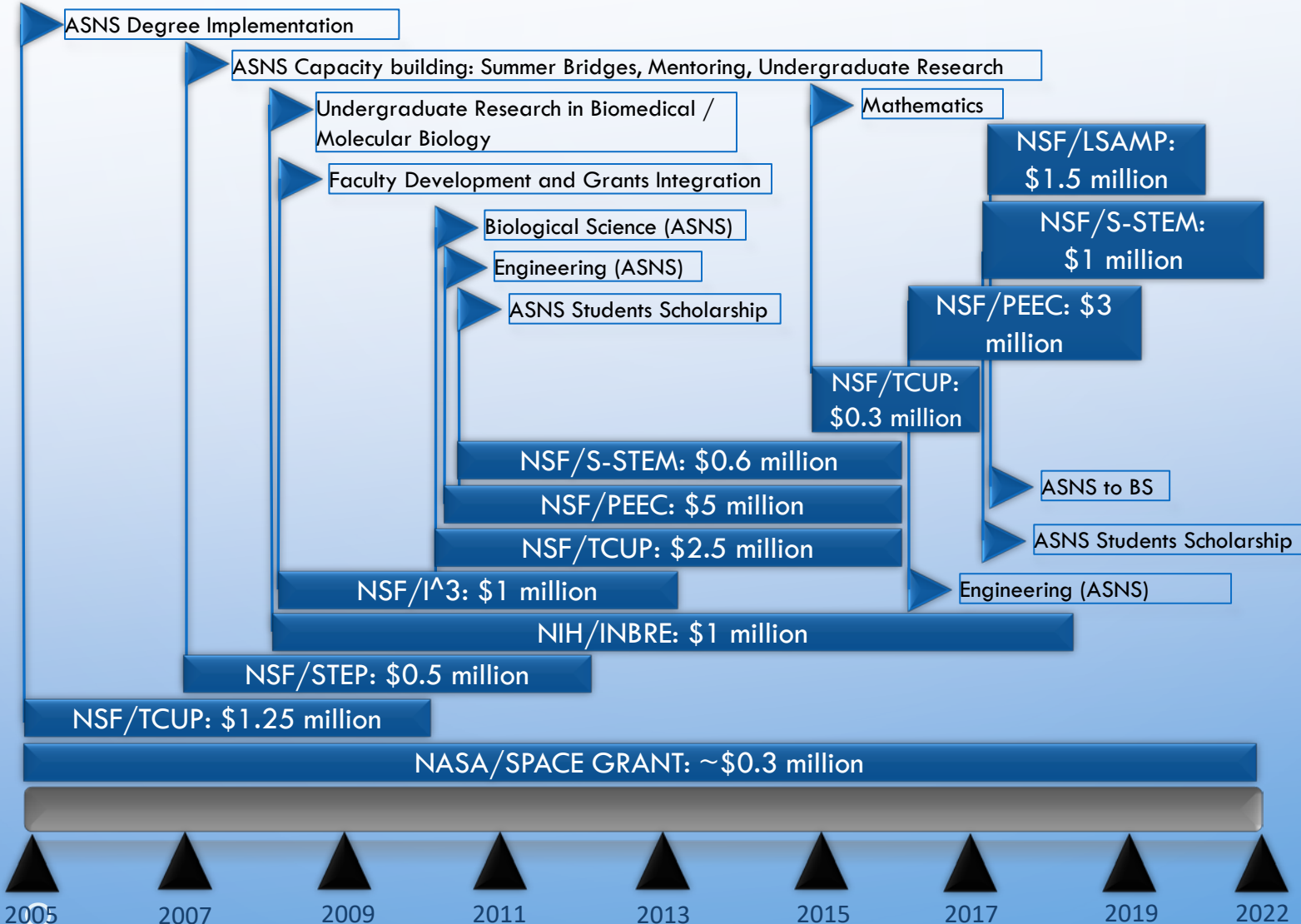


ASSOCIATE IN SCIENCE IN NATURAL SCIENCE IMPLEMENTATION





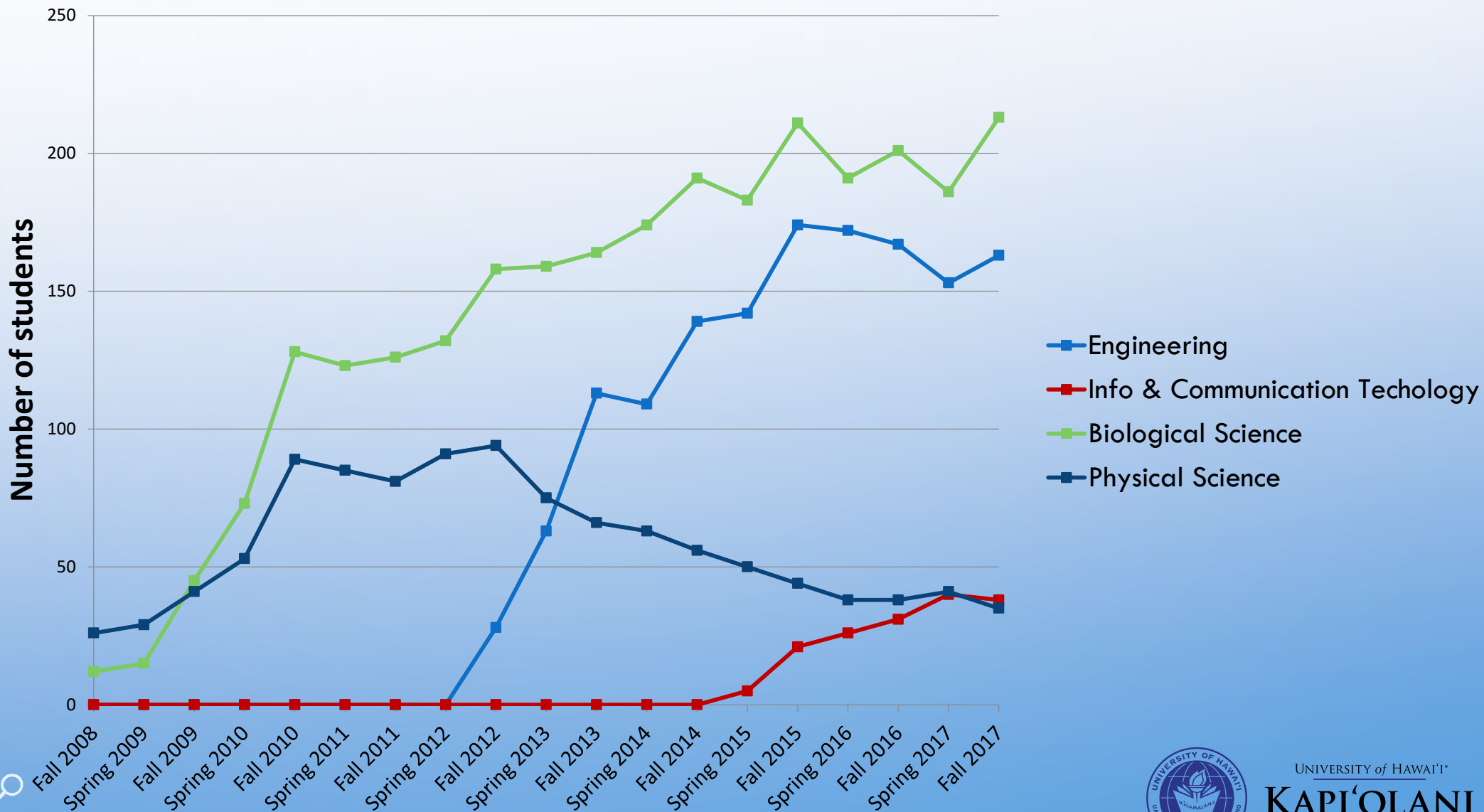
BUILDING THE CAPACITY



Total grant funded amount from 2005 until 2022: ~ \$18 million

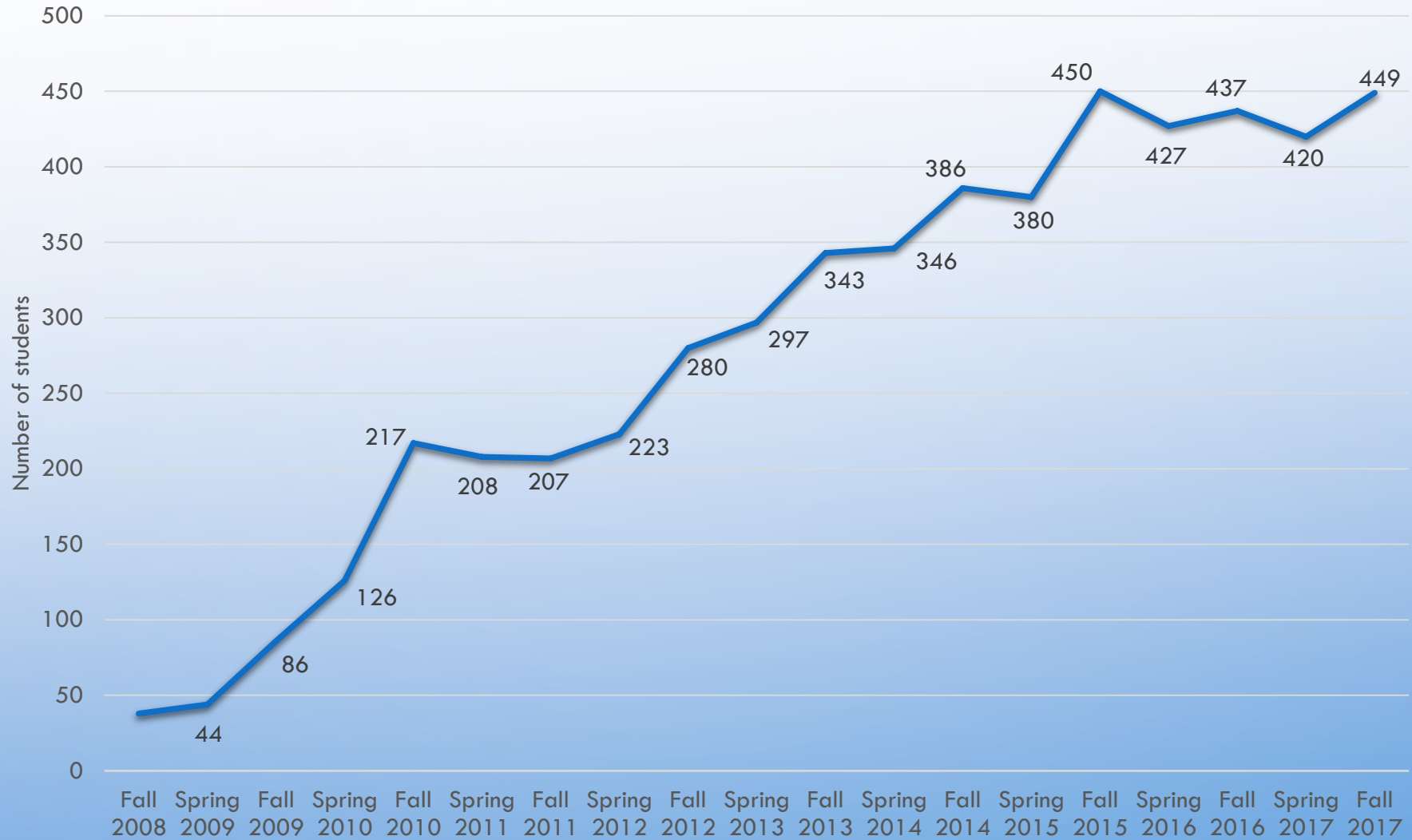


ASSOCIATE IN SCIENCE IN NATURAL SCIENCE (ASNS) STUDENT ENROLLMENT PER CONCENTRATION

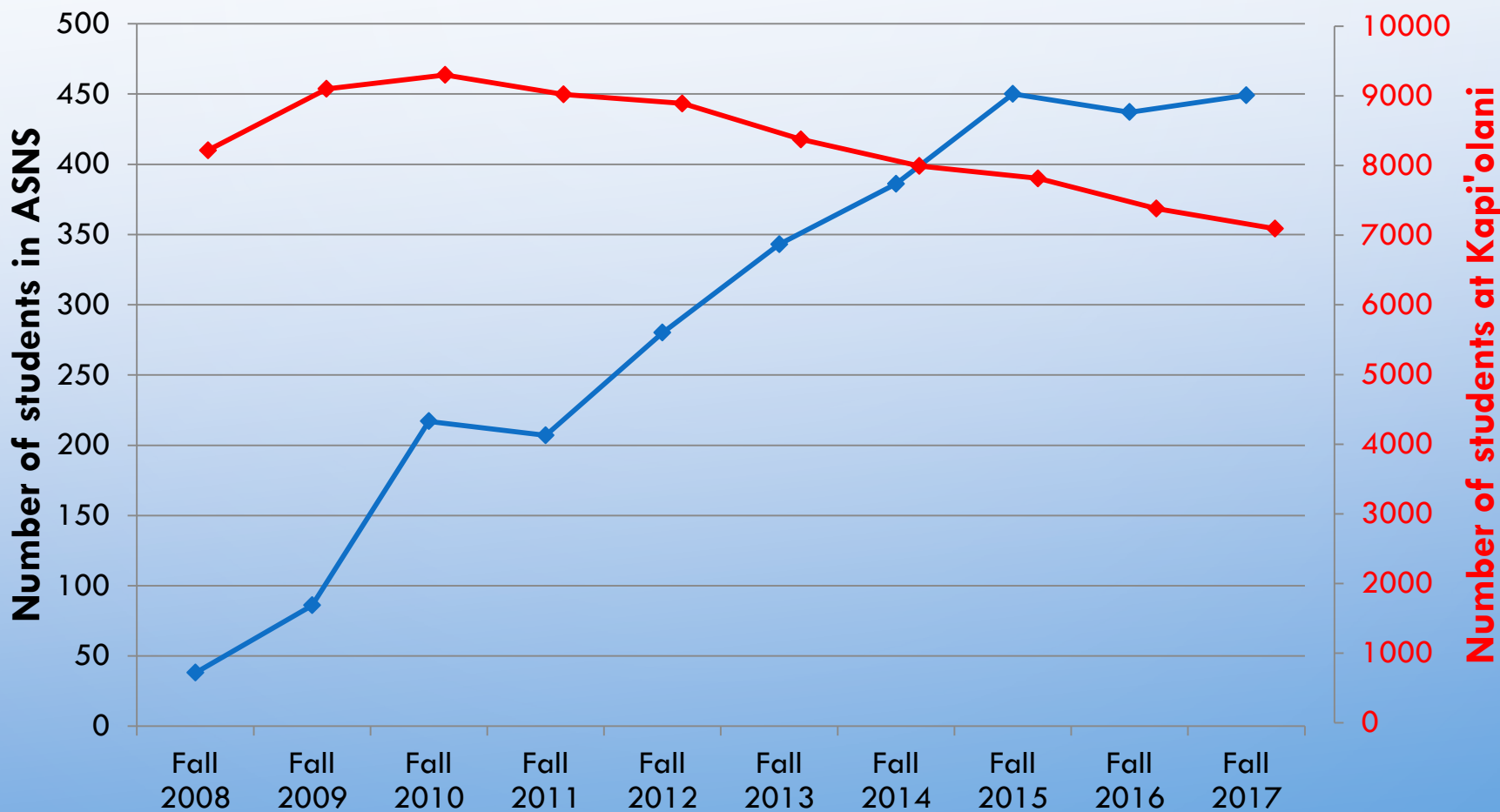




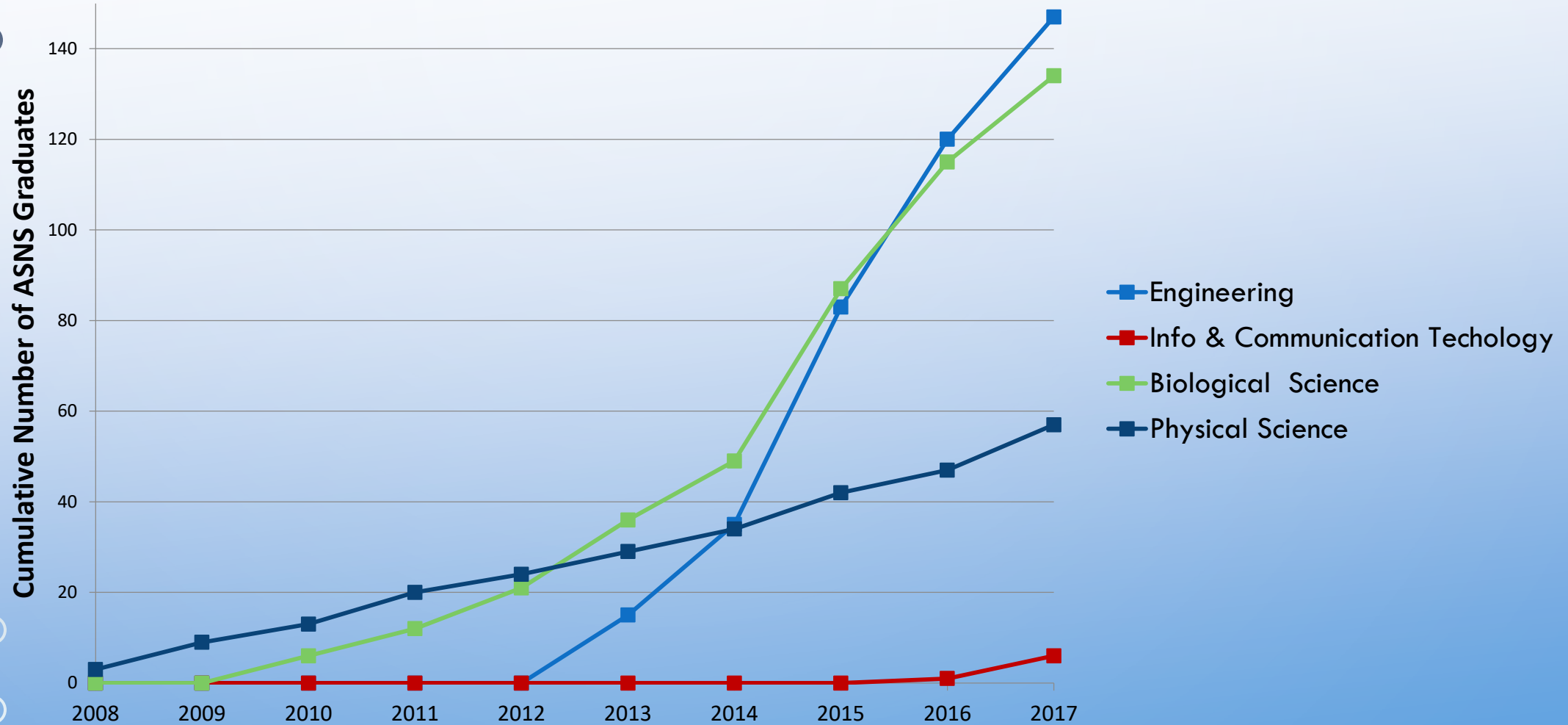
ASNS STUDENT ENROLLMENT OVERALL



ASNS STUDENT ENROLLMENT VS. KAPI'OLANI ENROLLMENT

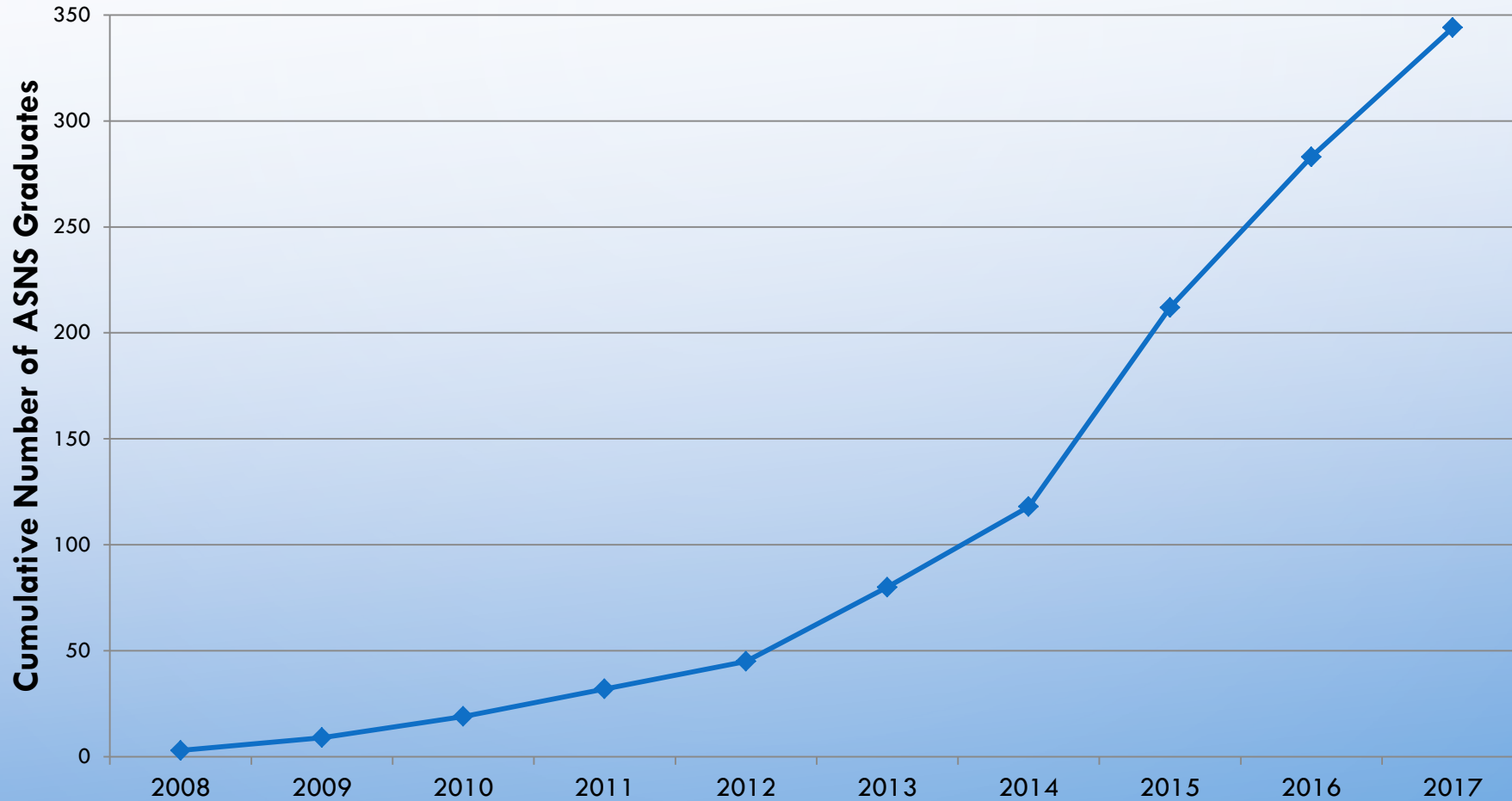


ASNS STUDENT GRADUATION PER CONCENTRATION





ASNS STUDENT GRADUATION OVERALL

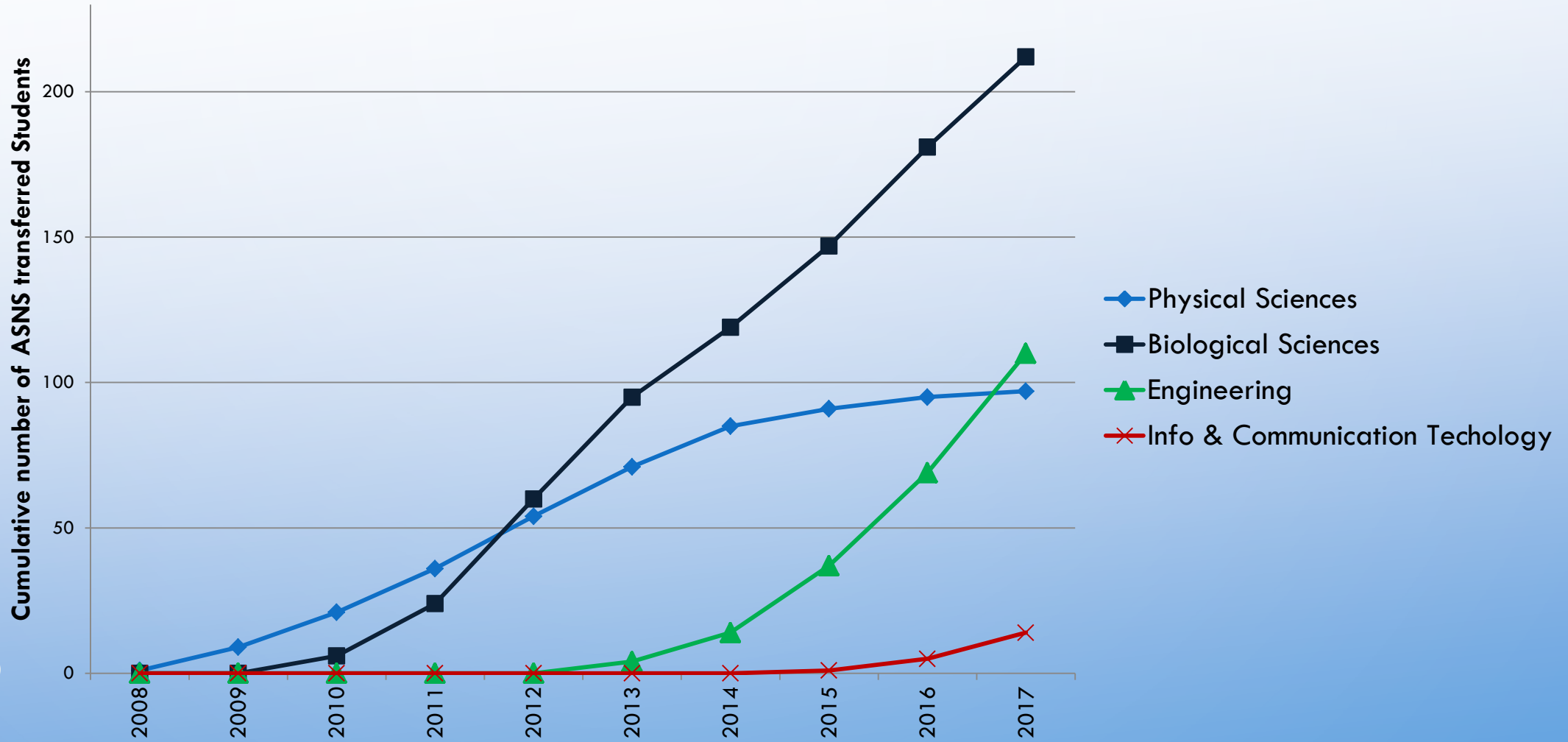


Kapi'olani CC graduated 344 total students since 2008

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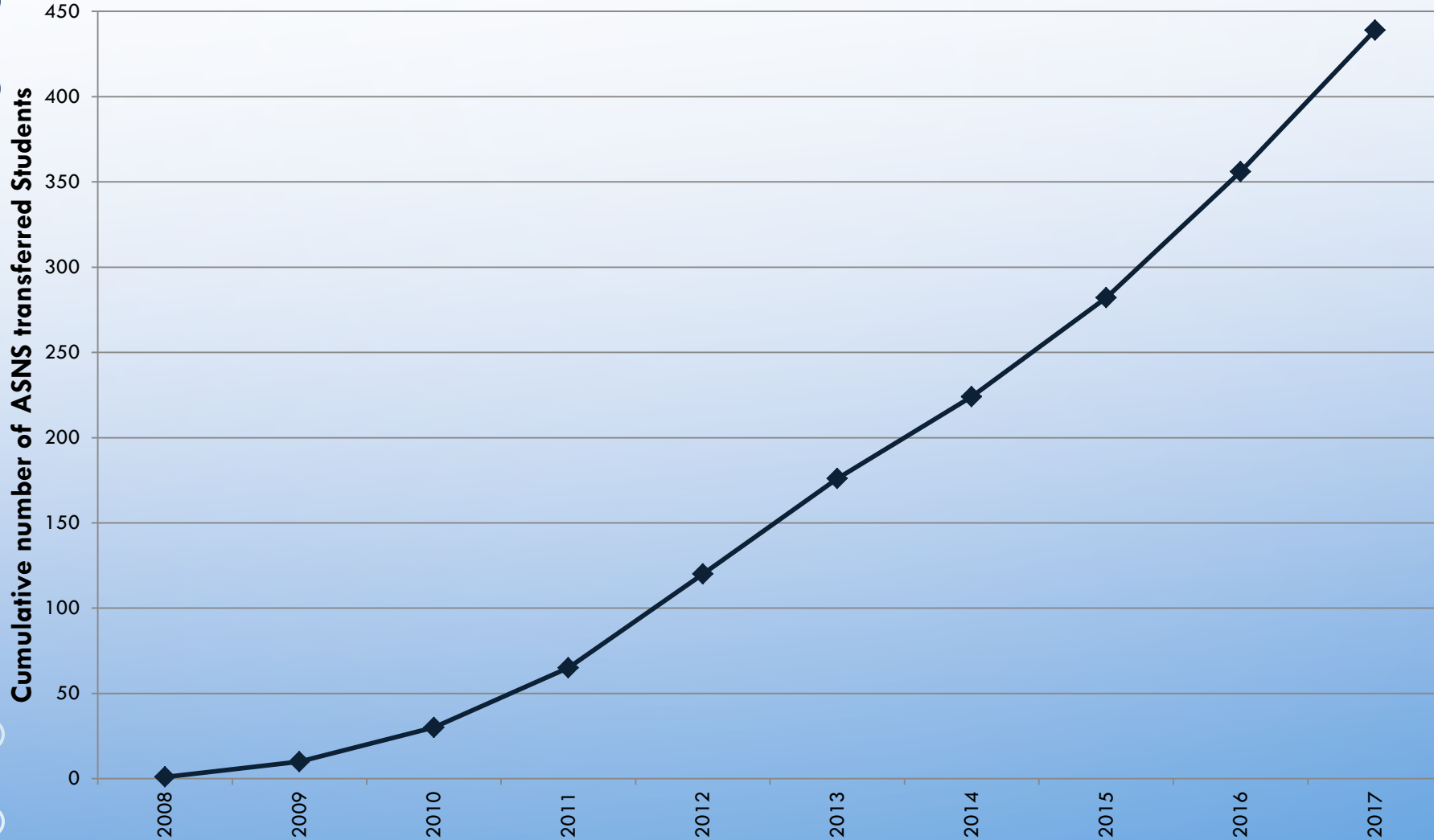


ASNS STUDENTS TRANSFER





ASNS STUDENTS TRANSFER OVERALL



Kapi'olani CC transferred 439 total students since 2008



UNDERGRADUATE RESEARCH EXPERIENCE (URE)

Research Intensive Courses	F13	S14	F14	S15	F15	S16	F16	S17	F17	S18	Total Head - Count
Chemistry	9	9	10	11	10	0	8	8	10	9	84
Molecular Biology	5	5	5	5	0	11	0	11	4	5	51
Physics	11	11	12	8	8	8	13	9	12	13	106
Mechanical Engineering		13	13	9	9	4	7	4	3	3	65
Electrical Engineering		10	10	10	11	8	12	0	6	3	71
Botany						19	12	18	10	11	89
Total Headcount	25	48	50	43	38	50	52	50	45	44	466

UNDERGRADUATE RESEARCH EXPERIENCE (URE)



STEM Research Experience Courses	F13	S14	F14	S15	F15	S16	F16	S17	F17	S18	Total Head-count
Chemistry		2	1	0	1	3	1	3	4	5	20
Ecology		10	4	8	3	8	3	6	2	4	48
Engineering		16	7	13	8	8	20	7	19	17	115
Microbiology		2	1	2	0	8	3	2	1	4	23
Biology		2	2	2	0	2	1	3	6	7	25
Physiology			1	0	0	1	0	2	0	0	4
Botany				2	3	5	4	4	3	2	23
Mathematics					2	8	3	7	1	0	21
Environmental Studies						7	6	7	7	0	27
Computer Sciences									2	1	3
Physics									4	3	7
Total Headcount		32	16	27	17	50	41	41	43	39	316





URE DISSEMINATION

NCUR

SACNAS

ERN

ASM

CCURI

CANSAT

EPSCoR

INBRE

SURF

NCAS

National Conference on Undergraduate Research

Society for Advancement of Chicanos and Native Americans in Science

Emerging Researchers National Conference

John A. Burns Medical School Biomedical Symposium

American Society for Microbiology

Community College Undergraduate Research Initiative

International Cansat Competition

MATE ROV Competition

NASA Annual Robotic Mining Competition (MarsBotic)

National Community College Aerospace Scholars

EPSCoR State Conference

STEM Undergraduate Research Fair

NASA Space Grant Consortium

Grace Hopper Celebration

First Nation Launch





URE STUDENT AWARDS

Conferences	Awards
SACNAS 2012, 2013, 2014, 2015, 2016, 2017	7 Travel Awards (Physics, Biology & Microbiology)
	4 Outstanding Research in Biology
	1 Outstanding Research in Molecular Biology
	1 Outstanding Research in Indigenous Knowledge – Inaugural Award
ASM – Hawai'i Branch Conference 2012	1 Travel Award
ERN 2013, 2014, 2015, 2017	5 Travel Awards (Physics/Engineering)
	1 st Place in Ecology, Environmental & Earth Sciences
	1 st Place in Social & Behavioral Sciences
International Cansat Competition 2013	1 st Place
JABSOM Biomedical Symposium 2013	Best Undergraduate Presentation
University of Hawai'i Honors Program and Undergraduate Research Opportunities Program 2013	1 st Place in the Undergraduate Division
American Indian Science and Engineering Society (AISES) Regional 2 Conference 2014	1 st Place Poster Overall



MATHEMATICS IMMERSION MODEL



RESULTS	
Mathematics Immersion Model Length: 1 semester Success rate: 44%	Traditional Model Length: 3 semesters Success rate: 25%

MAHALO!



Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved
Testimony	None	
For Information: IV.A.1. Distance Learning Plan	<p>The committee received an update from administration on the distance learning plan. There are an increasing number of students taking online courses and students who take at least one course entirely online persist and graduate at higher rates.</p> <p>The committee discussed whether there were certificate programs that use online technology; the specific efforts that have been made towards increasing enrollment of veterans and students in the military; the impact on student fees and financial aid; and whether there is any potential of reducing tuition for online courses.</p>	
IV.A.2. Update on Systemwide Enrollment Management	<p>The committee received an update from administration on systemwide enrollment management that included UH System goals, defining the roles of System and units/campuses, factors affecting undergraduate enrollment, college participation rates of Hawai'i public high school graduates including increasing enrollment, and 2018-2021 unit enrollment goals. The UH System goals include increasing enrollment, aligning fiscal and facilities planning with enrollment and retention goals, and developing data, tools, and innovative approaches to enrollment planning and decision making. UHM, UHH, UHWO, and UH Community Colleges each presented enrollment management reports which included a 2017 assessment and strategies and targets for the next three academic years.</p> <p>The committee discussed concerns over the decrease in high school graduates choosing to stay in Hawai'i and whether campuses were competing with each other or coordinating efforts; and what micro-scholarships were and how they work.</p>	
IV.A.3. Updating the University of Hawai'i Strategic Directions Hawai'i Graduation Initiative, 2015-2021	Due to time constraints, this item was deferred.	Deferred. VP Straney will meet with regents individually to discuss and get feedback.

Budget and Finance Committee Report

Summary of Meeting

3/8/2018

Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved
Testimony	None	
<p>For Information & Discussion:</p> <p>IV.A.1. FY18 Second Quarter Operating Budget Variance Report</p>	<p>The committee received an update from administration on the FY18 Second Quarter Operating Budget Variance Report. Through the 2nd quarter, revenues are slightly higher and expenditures are slightly lower than projections. Campuses have planned and executed well, despite the enrollment trajectory. 3rd quarter revenues and expenditures are likely to be impacted by the Governor’s release of the 5% contingency restriction.</p>	
<p>IV.A.2. FY18 Q2 Legacy Endowment Fund Investment Performance Report</p>	<p>The committee received an update from UBS representatives on the FY18 Q2 Legacy Endowment Fund Investment Performance Report. Revenues are mostly in line with projections, except for the Research Training and Revolving Fund, which is attributed to a projection issue rather than a collection issue.</p>	
<p>Recommend Board Approval:</p> <p>IV.B.1. UBS Contract Revision – Institutional Consulting Services</p>	<p>The committee discussed the retention of UBS Financial Service Inc. to provide consulting services in managing and overseeing the investment and performance of the Legacy Endowment Portfolio.</p> <p>The committee also discussed possibly amending board policy to remove the requirement for the board to approve selection of policy managers.</p> <p>Regent Acoba indicated concern over the fees paid to individual managers and the prudent determination clause in the major term sheet as expressing the board’s obligation to be prudent managers of the university’s assets.</p>	<p>The committee voted to recommend board approval, with Regent Acoba voting no.</p>
<p>IV.B.2. Approval of Procurement Contract to Provide Credit Card Services for the University of Hawai’i, RFP No. 18-0148</p>	<p>The committee discussed the procurement contract to provide credit card services for the UH. The proposal is to contract with Bank of Hawai’i, the current service provider, to allow the university to accept VISA, Mastercard, and Debit Cards as forms of payment for tuition and fees, students room and board, dining, merchandise, and other goods and services.</p> <p>The committee discussed UH’s plans for the future in terms of alternative payment methods (e.g., PayPal, Apple Pay, etc.).</p>	<p>The committee voted to recommend board approval.</p>

Independent Audit Committee Report

Summary of Meeting

3/8/2018

Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved
Testimony	None	
<p>For Action:</p> <p>IV.A.1. Review & Acceptance of Audit Plan Supplement: Financial Management Audit of Maunakea Activities</p>	<p>The committee discussed supplementing the FY18 Audit Plan to include an audit of relevant university-related activities engaged in Maunakea stewardship and management as indicated in a resolution adopted by the board at its February 22, 2018 meeting.</p> <p>Internal audit will meet with leadership of the Independent Audit Committee and relevant UH personnel to define the scope and objectives of this audit, which may include contracting with an external auditor for services.</p>	<p>The committee accepted the audit plan supplement.</p>
<p>IV.A.2. Review & Acceptance of Review of Check Disbursements Less Than \$2,500</p>	<p>The committee discussed the review of check disbursements less than \$2,500 and management’s response.</p> <p>The internal auditor reported that during the year ended June 30, 2017, over 8,000 checks were issued for amounts less than \$100 and that PCards are under-utilized. Administration responded that p-card transactions can come with a lot of administration burden.</p> <p>The committee requested that the processes for PCard, purchase order, and check transactions be mapped out to determine which processes are actually more efficient.</p>	<p>The committee accepted the review and management’s response.</p>
<p>IV.A.3. Review & Acceptance of Review of Capital Improvement Projects and Repairs & Maintenance</p>	<p>The committee discussed the review of CIP improvements and R&M and management’s response.</p> <p>The report includes a review of management, on-time completion, and work orders not being performed timely or not meeting expectations. Although some areas still need further improvement, many of the previous risks have been mitigated as a result of administration’s efforts.</p>	<p>The committee accepted the review and management’s response.</p>

Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved
Testimony	<p>Representative Quinlan gave oral testimony in support of the transfer of the Waialeale property from CTAHR to ADC and provided a handout of a draft House Concurrent Resolution urging UH to take all necessary action to transfer the operation & lands of Waialeale livestock experiment station to the Agribusiness Development Corporation.</p> <p>The committee discussed whether Rep. Quinlan would have any objections if UH were to consider a longer term lease provided ADC was amenable.</p>	
<p>For Approval:</p> <p>IV.A.1. Conveyance of UH Mānoa College of Tropical Agriculture and Human Resources Waialeale Research Station Property to the State Agribusiness Development Corporation situated at Waialeale, Koolauloa, O‘ahu, City and County of Honolulu, and designated as tax map key nos. (1) 5-8-001:013, (1) 5-8-001:055, (1) 5-8-001:007, and (1) 5-8-001:006</p>	<p>The committee discussed conveyance of UHM CTAHR Waialeale Research Station Property to the State ADC, issues surrounding unauthorized occupants and illegal activities taking place on the property, and use restrictions and title issues.</p> <p>The committee also discussed the legislative budget proviso, which would provide \$6 million in capital improvement funding to CTAHR contingent on the transfer of the Waialeale property to ADC and the transfer of a CTAHR property on Kaua‘i to the State Department of Transportation.</p> <p>A motion was made and seconded for administration to commence discussions with ADC as to whether it would be willing to consider a long-term lease for the property moving forward so ADC can take over the property or sublease to others. Meanwhile, administration will work with proper law enforcement officers to handle security issues on the property.</p>	<p>Approved in amended form with Regent Putnam voting no, and Regent Shinsato excused.</p>

Item IV.E.
Affiliate Reports

NO MATERIALS

ORAL REPORT

March 22, 2018

Memo to Board of Regents
From Randolph G. Moore, chair, UH-UHF task group

Subject: Status report on UH-UHF task group

Purpose of task group: facilitate the development of a new contract between UH and UH Foundation to replace the current contract for services that expires June 30, 2018.

Probable major issues in the new contract:

- 1) Fund-raising goals
- 2) Level of support UH will provide to UHF – dollars, facilities, staff.
- 3) Deployment of UHF development officers to UH units.
- 4) Governance – what role UH officers and regents will have in UHF governance; what role UHF leadership will have in UH administration.
- 5) Breadth and depth of UHF services beyond development – strategic communication, athletics, alumni relations, real estate.

To date the task group has met five times, with the first meeting in September 2017. Much of the time to date has been spent understanding and discussing the various ways public universities fund-raise, the current and possible future operating structure of UHF, and the alternatives for financing UHF operations.

Task group members are:

From the Board of Regents
Randy Moore, task group chair
Jan Sullivan
Wayne Higaki
From UHF Board of Trustees
Stanford Carr
Catherine Ngo
Richard Wacker
Scott Wo
Kent Youel
Staff
David Lassner
Vance Roley
Donna Vuchinich



UNIVERSITY
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SYSTEM

UNIVERSITY OF HAWAII
BOARD OF REGENTS

18 MAR -2 10:25

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KALBERT K. YOUNG
VICE PRESIDENT FOR BUDGET & FINANCE
CHIEF FINANCIAL OFFICER

March 1, 2018

RECEIVED

TO: Jan Naoe Sullivan
Chairperson, Board of Regents

18 MAR -2 10:08

Wayne Higaki
Chair, Committee on Budget and Finance, Board of Regents

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

VIA: David Lassner
President

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

SUBJECT: Retention of UBS Financial Services, Inc.
Agreement for Services – UBS Consulting Services Agreement

SPECIFIC ACTION REQUESTED:

The Administration hereby requests the Board of Regents and its Committee on Budget and Finance ("B&F Committee") approve the retention of UBS Financial Services Inc. ("UBS") to provide institutional consulting services in managing and overseeing the investment and performance of the Legacy Endowment portfolio, consistent with the terms contained in the Agreement for Services between the University and UBS ("Services Agreement") and which are summarized in the attached major term sheet. The Services Agreement is intended to supersede and replace all the existing agreements and is desired to augment the trading platform and portfolio management structure currently being furnished by UBS. The platform revision will help enable the Legacy Endowment to better and more efficiently comply with recent modifications to the University's Investment Policy, including the fossil fuel free mandate.

RECOMMENDED EFFECTIVE DATE:

Upon approval of the Board of Regents.

BACKGROUND:

The Legacy Endowment is comprised of funds and assets established prior to the formation of the UH Foundation in 1955. The University of Hawai'i contracted with UBS to manage and administer its Legacy Endowment in 2013 ("2013 Agreement"). The 2013 Agreement was for

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An Equal Opportunity/Affirmative Action Institution

Chairperson Jan Naoe Sullivan
Committee Chair Wayne Higaki
March 1, 2018
Page 2 of 6

discretionary investment management services and was submitted for review to the B&F Committee on August 21, 2013, and approved by the Board of Regents at its meeting on August 22, 2013. A subsequent Client Advisory Agreement was entered into with UBS in 2014. The 2013 Agreement and the 2014 Agreement are collectively the "Existing Agreement."

During this prior selection process, the Board of Regents appointed an investment task group who participated in interviewing the firms who had been selected for the short list. After the interviews were completed, the investment task group recommended that UBS be retained. The B&F Committee and the Board of Regents approved this recommendation, which then resulted in the Existing Agreement with UBS.

From that time until the present, UBS has provided quarterly performance reports to the B&F Committee. The portfolio value as of January 31, 2018 was reported as approximately \$74 million.

In May 2015, the Board of Regents amended the investment policy (RP8.07, C.2) by directing that: (a) by June 30, 2018, the portfolio of the Legacy Endowment be divested of investments in companies that produce fossil fuels; and (b) until June 30, 2018, up to one percent (1%) of the Legacy Endowment portfolio may consist of fossil fuel producing investments. Since 2015, UBS has been slowly migrating investments in the Legacy Endowment portfolio into funds that would satisfy this fossil fuel free mandate.

The UBS portfolio performance report for the period ending on June 30, 2017, indicated 2.24% of the portfolio was invested in energy-related assets (as a surrogate indicator for fossil fuel exposure). Migration of the portfolio to fossil-fuel free investments has been challenging and slow. This is due primarily to the portfolio's strategy to utilize exchange traded funds (ETFs) and Index Funds as the primary investment vehicles for the portfolio. These investment vehicles currently offer one of the lowest cost approaches while also providing an opportunity for diversification.

A drawback to this approach, however, is that ETFs and Index Funds are large pools of investments, and therefore, do not allow individual investors to surgically select or remove independent stocks or companies from the larger fund. As applied to the fossil fuel free mandate, ETFs and Index Funds are not optimal to achieve the mandate objectives, since there are companies included in the ETFs and Index Funds that do not specifically conform to the fossil fuel free mandate.

Additionally, UBS has been challenged to find funds that are specifically fossil fuel free. Such funds are not plentiful in the marketplace, tend to have higher expense ratios, and/or have

short histories of existence. Board of Regents Policy RP 8.207 requires that investment advisers and managers have at least three years of experience with such funds.

The fossil fuel free mandate has implications for portfolio performance and investment returns. Since the University cannot choose to selectively invest in only a portion of an ETF or Index Fund, the Legacy Endowment cannot truly be divested of fossil fuel investments without outright elimination of the current selection of ETFs and Index Funds. The alternative is to explore specific individual (stock) investments or to contract with managers specifically hired to conform to the mandate.

Repositioning the investment choices in the Legacy Endowment portfolio while engaging a different investment consultant platform and approach will provide an opportunity to make the portfolio more efficient and better position the portfolio for improved returns and achieving the University's investment policy directives.

APPLICABLE REGENTS POLICY:

Board of Regents Policy RP 8.207, "Investments" provides the policy guidance on the investment of funds including investment management, authority, portfolio parameters, investment goals, and responsibilities. Board of Regents Policy RP 8.207, A.1. does allow for the "president or president's designee authority to take any action and to execute and deliver on behalf of the board such documents and certificates as may be necessary or desirable in connection with the acceptance, sale or transfer of investment securities issued to the university." The policy authorizes the B&F Committee to review matters related to the endowment funds and make recommendations to the Board of Regents regarding "the engagement, evaluation, and termination of investment consultants, managers, custodial firms, and other investment professionals."

Pursuant to Board of Regents Policy RP 8.207, this matter is hereby brought to the B&F Committee and the Board of Regents to approve the retention of UBS to provide consulting services in managing and overseeing the investment and performance of the Legacy Endowment portfolio, consistent with the terms contained in the new Services Agreement and which are summarized in the attached major term sheet.

DISCUSSION:

In June 2017, the UBS personnel who had been managing the Legacy Endowment portfolio announced that they would be leaving UBS. A new team was immediately assigned by UBS. In reviewing the portfolio and developing a new strategy to meet the fossil fuel free mandate as

well as repositioning the portfolio for better investment returns, UBS recommended a different investment platform and type of UBS service arrangement.

The original services arrangement needs to be amended as the types of investment vehicles and the way UBS will be managing the portfolio will be evolving. The Administration and UBS are recommending that the investment approach and management platform be changed to a UBS Institutional Consulting Services arrangement. This will increase the types of services available to the portfolio. For example, this arrangement will make available the inclusion of separately managed accounts (SMAs) while enabling UBS to provide more comprehensive compliance, consulting, and investment reporting services than is provided under the Existing Agreement.

This matter has been briefly touched upon in prior discussions with the B&F Committee. The B&F Committee had been advised that the UBS team assisting the University had changed and that the portfolio was already in the process of being modified to achieve better alignment with the University's investment policy, including the fossil fuel free mandate. It is anticipated that over the near term, the investment of the Legacy Endowment portfolio will continue to be modified and adjusted as UBS works with prospective investment managers and adjusts portfolio allocations. Conformance to the investment parameters specified in Board of Regents Policy RP 8.207 is expected and required.

This new Services Agreement will introduce new investment approaches to the portfolio, with accompanying changes to the fee and expense structure within the portfolio. Administration is working with UBS to ensure that UBS can negotiate or arrange new investment managers that are sensitive to keeping costs low. As of June 30, 2017, UBS reported that the portfolio had a weighted expense ratio of 0.31% (along with an additional 0.20% to cover the UBS administrative fee).

Under the new Services Agreement, the weighted expense ratio is expected to range from about .25% to about 0.35% and the University will be required to pay an annual fee to UBS of 0.20% of the total net asset value of the assets held in UBS accounts. Under the Services Agreement, this annual fee is to be calculated and payable quarterly based on the total net asset value of the assets held in UBS accounts as of or at the end of each quarter. The annual fee payable to UBS will not include assessments against assets held in accounts managed by custodians other than UBS unless the University elects to have UBS's services, including the investment advisory services, also cover such assets held by custodians other than UBS.

The structure of the new Services Agreement will be similar to the 2013 Agreement, with the master document being the University's standard consultant services agreement. Incorporated into the Services Agreement will be the UBS Consulting Services Agreement and the Wrap Fee

Form ADV Brochure. Other UBS agreements that the University may be required to execute in the future to receive desired services include the Investment Advisory Agreement, the Client Relationship Agreement, the Agreements and Disclosures, the Agreements and Disclosures Addendum, and brokerage account agreements.

The new Services Agreement will take precedence and control over any of the other UBS agreements in case of a conflict. In addition, all of the standard University limitations shall be applicable to any UBS agreement, including those mentioned above.

ACTION RECOMMENDED:

The Administration recommends that the following actions be approved:

1. B&F Committee approval recommendation. The B&F Committee review and recommend to the full Board of Regents approval of the retention of UBS to provide institutional consulting services in managing and overseeing the investment and performance of Legacy Endowment portfolio, consistent with the terms contained in the new Services Agreement and which are summarized in the attached major term sheet.
2. Board of Regents approval. The Board of Regents approve the retention of UBS to provide institutional consulting services in managing and overseeing the investment and performance of Legacy Endowment portfolio, consistent with the terms contained in the new Services Agreement and which are summarized in the attached major term sheet.
3. Authorization. Authorize the President and/or the Vice President for Budget and Finance/Chief Financial Officer to negotiate, finalize, and execute the Services Agreement, which includes the UBS Consulting Services Agreement and the Wrap Fee Form ADV Brochure, consistent with the terms contained in the new Services Agreement and which are summarized in the attached major term sheet, and execute such other documents and take any further action as they or each of them deem necessary to consummate the Services Agreement, with such delegation of authority to include, without limitation, the authority to make the representations required under the UBS Consulting Services Agreement. The University is being required to represent that the University's Board of Regents, which constitutes the governing board of the University has approved the UBS Consulting Services Agreement and authorized the following:
 - a. Authority to sign. Authorized the individuals signing the UBS Consulting Services Agreement to execute and deliver the UBS Consulting Services Agreement, for and on behalf of the University.

- b. Authority to act. Authorized and directed each individual signing the UBS Consulting Services Agreement to act on the University's behalf in connection with opening the University's accounts with UBS, obtaining services from UBS, and in directing investment for the University's accounts with UBS.
- c. Prudent determination. Determined that the retention of UBS for the provision of investment consulting services is prudent.
- d. Reasonable fee determination. Acknowledged that the University has received sufficient information about the UBS program fees and the compensation that UBS will receive to determine that the fees payable by the Legacy Endowment portfolio for such UBS services are reasonable.
- e. Authority to charge expenses. Authorized the University's signatory to represent that any expenses that the University directs to be charged to the Legacy Endowment portfolio are necessary for the operation of the Legacy Endowment and are or will be properly payable from the Legacy Endowment under the Legacy Endowment documents and applicable law.
- f. Final decision making authority retained. Acknowledged that the University has retained, and will exercise, final decision making authority and responsibility for the selection of any record keeper, custodian, trustee, investments, investment managers, and the implementation of any investment plan or strategy resulting from the services provided under the UBS Consulting Services Agreement.

Attachment: Major Term Sheet - Services Agreement

c: Kendra Oishi, Executive Administrator and Secretary to the Board of Regents

MAJOR TERM SHEET

Agreement for Services

BETWEEN

UNIVERSITY OF HAWAI'I
and
UBS FINANCIAL SERVICES, INC.

1. Parties.

(1) UBS Financial Services, Inc. ("UBS").

(2) University of Hawai'i ("University").

2. Legacy Endowment. The Legacy Endowment is managed by the University, is comprised of funds and assets established prior to the formation of the UH Foundation in 1955, and its current value is approximately \$74 million (as of January 31, 2018) ("Endowment").
3. UBS Services. Under the Agreement for Services between UBS and the University ("Services Agreement"), UBS is required to provide the following services in relation to the University's investment and management of the Endowment: (a) asset allocation and investment advice, (b) endowment and investment policies and procedures, (c) manager oversight, (d) reporting and performance analytics, and (e) other custodial services (collectively the "Services").
4. Term. Three (3) years, beginning on the date the University issues a notice to proceed, with an option to extend for an additional two (2) year period upon mutual agreement ("Term").
5. Fees. For the Services provided by UBS under the Services Agreement, the University will pay UBS in quarterly installments an annual fee rate of 0.20% (20 basis points) based on net asset value of the assets held in UBS accounts as of the last day of each calendar quarter (the "Contractor's Fee"). The annual fee payable to UBS will not include assessments against assets held in accounts managed by custodians other than UBS unless the University elects to have UBS's services, including the investment advisory services, also cover such assets held by custodians other than UBS. The University reserves the right to request a fee renegotiation at any time for any reason.
6. Services Agreement. UBS is being retained by the University under the Services Agreement, which is the University's standard consultant agreement for services. There are several standard UBS agreements that: (i) will supplement or be incorporated into the Services Agreement or (ii) the University may be required to sign if the University desires certain services, such as opening a UBS account.
- a. Consulting Services Agreement. UBS' standard Consulting Services Agreement ("Consulting Agreement") will be an attachment to the Services Agreement, which further describes the services that UBS will be providing together with certain representations and limitations.

- (1) Services. Services specified include investment policy statement preparation and revision, asset allocation analysis, investment searches, portfolio review, evaluation and reporting, client education, and other related services.
- (2) Limitations. Limitations include clarification that UBS is not providing: (1) advice as to how to implement the results of investment searches or whether to hold accounts with UBS, (2) asset management services provided by investment managers that the University retains (the University plans to enter into separate agreements with such investment managers), or (3) services that specifically monitor compliance of the Endowment portfolio with University investment policy.
- (3) UBS representations. UBS makes the following representations in the Services Agreement: (a) it is a registered investment advisor under the Investment Advisers Act of 1940 and will act as a fiduciary when providing investment services, (b) it will provide services in accordance with applicable law and, to the extent applicable, the ERISA fiduciary standard of care, (c) it will not otherwise act as an “investment manager” as such term is defined in ERISA, and (d) it will not exercise any discretionary authority over the administration of the Endowment or the management or disposition of Endowment assets.
- (4) Required University representations. The University is required to represent that the University’s Board of Regents has approved or authorized the Consulting Agreement and the following:
 - (a) Authority to sign. Authorized the individuals signing the UBS Consulting Services Agreement to execute and deliver the UBS Consulting Services Agreement, for and on behalf of the University.
 - (b) Authority to direct. Authorized and directed each individual signing the UBS Consulting Services Agreement to act on the University’s behalf in connection with opening the University’s accounts with UBS, obtaining services from UBS, and in directing investment for the University’s accounts with UBS.
 - (c) Prudent determination. Determined that the retention of UBS for the provision of investment consulting services is prudent.
 - (d) Fees are reasonable determination. Acknowledged that the University has received sufficient information about the UBS program fees and the compensation that UBS will receive to determine that the fees payable by the Endowment portfolio for such UBS services are reasonable.
 - (e) Authority to charge expenses. Authorized the University’s signatory to represent that any expenses that the University directs to be charged to the Endowment are necessary for the operation of the Endowment and are or will be properly payable from the Endowment under the Endowment documents and applicable law.
 - (f) Final decision making authority reserved. Acknowledged that the University has retained, and will exercise, final decision making authority and responsibility for the selection of any record keeper, custodian, trustee, investments, investment

managers, and the implementation of any investment plan or strategy resulting from the services provided under the Consulting Agreement.

- b. Form ADV Supplement Brochure. This Form ADV Supplement Brochure is a disclosure document that provides information about the UBS consultants and their financial advisor team members, including information regarding their education, professional experience, disciplinary history, other business activities and how UBS supervises them.
 - c. UBS Financial Services Disclosure Wrap Fee Brochure Form ADV. This wrap fee program brochure provides information about the qualifications and business practices of UBS and its wrap fee investment advisory programs. It contains a description of UBS and a maximum UBS investment advisory fee schedule (effective July 2017). It also describes the applicable services, fees, and compensation, account requirements depending on client type, portfolio management, selection, and evaluation, the information that the University should provide to portfolio managers, and the investment adviser code of ethics.
 - d. Other UBS Agreements. Other UBS agreements that the University may be required to sign in the future include the following: (1) Investment Advisory Agreement, (2) Client Relationship Agreement, (3) Agreements and Disclosures, (4) Agreements and Disclosures Addendum, and (5) brokerage account agreements.
 - e. Overall conditions/limitations. The Services Agreement (the University standard consultant services agreement) will take precedence over any of the UBS agreements (such as the Consulting Agreement) in the event of a conflict. The following limitations shall apply to all UBS Agreements: (1) no University indemnity, defense, or hold harmless obligations, (2) no arbitration obligations, (3) no non-Hawai'i governing law, (4) no non-Hawai'i court jurisdiction, (5) no University warranties, (6) no University guarantee to keep UBS proprietary information confidential, and (7) no University commitment to perform without obtaining sufficient funding.
7. UBS indemnity. UBS shall indemnify, defend, and hold harmless the University, the State of Hawai'i, and their officers, employees, and agents from and against all liability, loss, damage, cost, and expense arising out of UBS' gross negligence, intentional misconduct, or material violation of applicable law by UBS or UBS' agents under this Agreement. UBS would not be required to indemnify, defend, or hold harmless the University for any loss or damage to the extent that: (a) the University was grossly negligent, engaged in intentional misconduct, or materially violated applicable law, (b) UBS followed University instructions or adhered to applicable University policies, and (c) an entity other than UBS was the custodian of the assets or acted as broker or dealer handling transaction as directed by the University.
8. No University waiver. Nothing in the Services Agreement shall be interpreted or construed to be in any way a University waiver, release, or discharge of any claim or action that the University has or may have or acquire arising from or related to UBS' performance and/or nonperformance under this Agreement, including, without limitation, any claims or actions for breach of or failure to perform: (a) UBS' obligations under the Services Agreement and/or (b) UBS' fiduciary duties or obligations to the University.

9. Subcontracting. UBS is required to obtain the University's prior written approval before retaining subconsultants to assist with providing services specifically to the University.
10. Modifications. Modifications to the Services Agreement that affects the specific services or fees to the University may not be made without the University's prior written consent. UBS, however, may unilaterally implement revisions to the terms of the Services Agreement to address firm-wide UBS policy changes, provided that UBS gives the University: (a) thirty (30) days prior written notice, (b) an opportunity to discuss concerns with UBS during such thirty (30) day period, and (c) the right to terminate the Services Agreement if the parties are unable to reach agreement on the changes within such period after giving UBS thirty (30) days prior written notice.
11. Termination. The University may terminate this agreement at any time, upon thirty days prior written notices to UBS. UBS may terminate this agreement at any time by providing written notice to the University with as much notice as reasonably practicable under the circumstances, not less than thirty days. Notwithstanding UBS' termination, UBS will remain responsible after the termination date for performing and/or completing any UBS obligations that accrued or which became or were in effect during the term and prior to the termination date, including without limitation, the performance of services and complying with UBS' obligations to indemnify, defend, and hold harmless the University.
12. Confidentiality. UBS desires that the University keep confidential all of its "Contractor's Information" (includes certain processes, techniques, information, documents, materials and know-how that UBS developed prior to or during the Services Agreement), which UBS considers proprietary. The University agrees to use reasonable efforts to keep the Contractor's Information confidential to the extent that: (a) UBS specifically identifies, designates, and segregates it, (b) the University agrees or concurs that such information is proprietary, (c) disclosure may be required under applicable public disclosure and open records laws, and (d) the reports, evaluations, analyses, calculations, and materials submitted by UBS to the University (collectively the "Contractor Reports") will not be considered confidential or part of the Contractor's Information.
13. Assignment. UBS may not assign its interests under the Services Agreement without the University's prior written consent.
14. Equal opportunity/affirmative action. UBS certifies that it is an equal opportunity employer and will comply with all applicable equal opportunity and non-discrimination laws. UBS, however, represents that it is not currently an affirmative action employer because it is not required. UBS has agreed that if the affirmative action laws change and its compliance is required, UBS will so comply or terminate the Services Agreement.
15. Terminate all prior agreements. The Services Agreement will supersede and replace all prior agreements between the University and UBS, including those agreements dated August 22, 2013 (Contract No. C140150 – Agreement for Services) and January 10, 2014 (UBS Client Relationship Agreement, including the Portfolio Management Program).

15764 B2

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



UNIVERSITY
of HAWAII
SYSTEM

UNIVERSITY OF HAWAII
BOARD OF REGENTS

18 MAR -2 P3:09

RECEIVED

March 1, 2018

'18 MAR -2 P3:04

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

TO: Jan Naoe Sullivan
Chairperson, Board of Regents

Wayne Higaki
Chair, Committee on Budget and Finance, Board of Regents

VIA: David Lassner
President

FROM: Kalbert K. Young
Vice President of Budget and Finance/Chief Financial Officer

SUBJECT: Approval of Procurement to Provide Credit Card Services for the
University of Hawai'i System, RFP No. 18-0148

SPECIFIC ACTION REQUESTED:

In accordance with Board of Regents Policy, RP 8.201(e), it is requested that the Board of Regents authorize the Administration to enter into a contract to provide credit card services for all campuses within the University of Hawai'i System.

ESTIMATED COST:

The initial term of the contract is for three years. Upon mutual agreement, the contract can be extended two additional one-year terms. The estimated annual cost is \$3,381,600 or \$10,144,800 for the initial three-year term.

RECOMMENDED EFFECTIVE DATE:

May 1, 2018

PURPOSE:

The proposed contract allows the University community to continue accepting VISA, MasterCard and Discover credit and debit cards for payment of tuition and fees, student room and board, books, logo items, parking permits, dining and admission to various athletic, educational, cultural, recreational events, venues and conference fees, and other services. Credit card transactions are accepted in-person, by mail, by phone, by fax or over the Internet (eCommerce). Currently, there are over 80 University departments participating in the program.

BACKGROUND INFORMATION:

The current contract with Bank of Hawai'i signed in April 2012 was for an initial three-year period (May 1, 2012 through April 30, 2015) with an option to renew for two additional twelve-month periods. The University exercised the option to renew for two additional twelve-month periods. In addition, the contract was extended for two additional six-month periods pursuant to Section 3-122-3, Extension of time on contracts, Hawai'i Administrative Rules. As such, the current contract will expire on April 30, 2018.

Proposals for the next credit card service contract were solicited through the University's standard Request for Proposals (RFP) process. Proposals from nine respondents were evaluated on cost, credit card services provided, reporting, data security, customer support, and company organization.

Proposals were received from:

- Bank of America Merchant Services, LLC
- Bank of Hawai'i
- CardConnect
- Cylvale, LLC
- Elavon, Inc. and Central Pacific Bank
- First Hawaiian Bank
- Focus Merchant Services, LLC
- Gravity Payments, Inc.
- TouchNet Information Systems, Inc.

An evaluation committee comprised of representatives from the Financial Management Office, Bursar, and Treasury Office evaluated the proposals. Each member of the evaluation committee reviewed and scored each proposal. The points were totaled and aggregated for each proposal. Bank of Hawai'i received the highest score including lowest proposed fixed-fee rate.

Chairperson Jan Naoe Sullivan
Committee Chair Wayne Higaki
March 1, 2018
Page 3 of 3

ACTION RECOMMENDED:

It is requested that the Committee recommend to the Board of Regents that the Administration be authorized to enter into a contract for an initial three-year term (with an option to extend for two additional one-year periods) to provide credit card services for all campuses within the University of Hawai'i.



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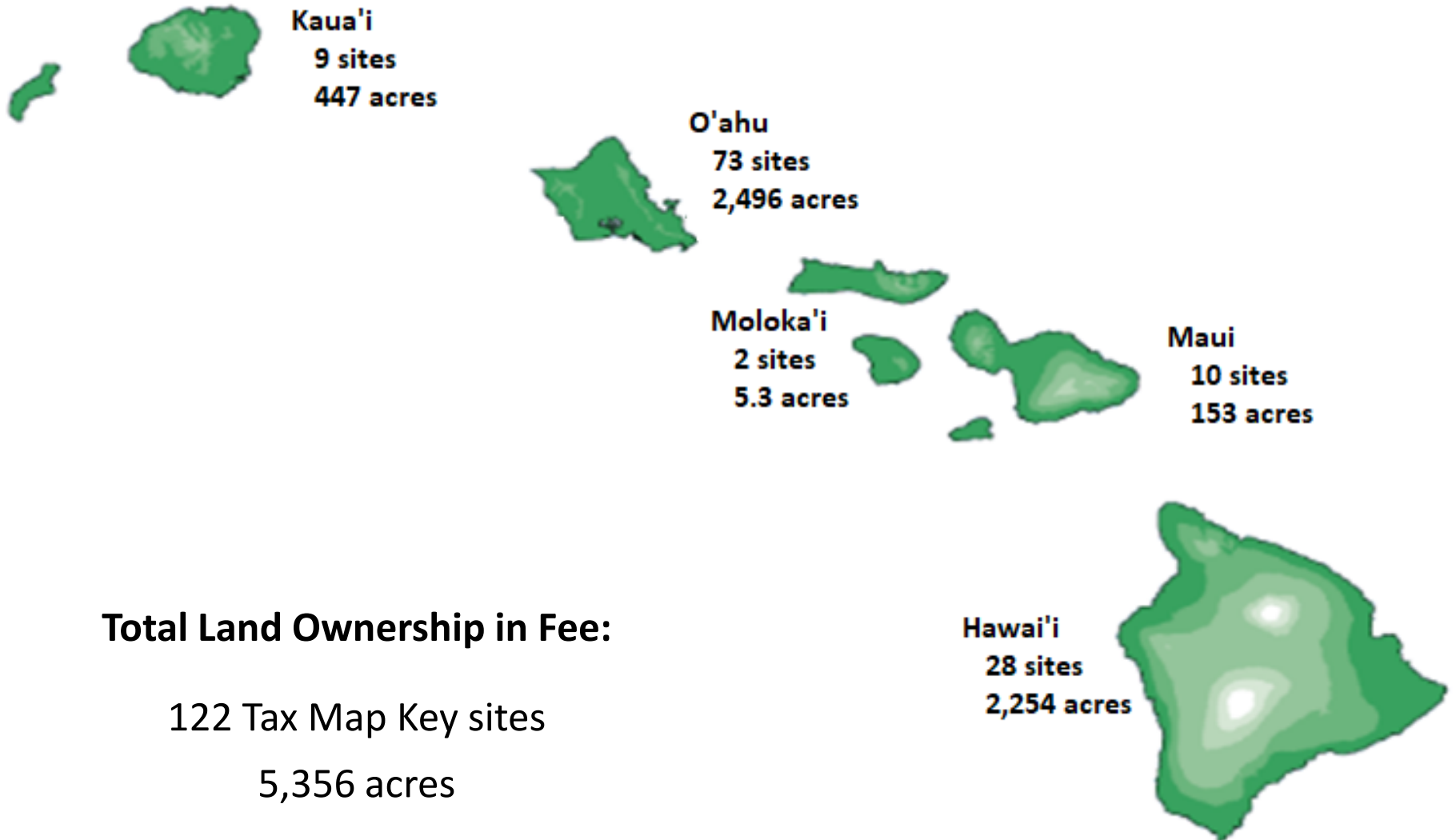
Waiale'e Research Station & Kau'i Disinfestation Facility

Board of Regents

March 22, 2018



University of Hawai'i Land Ownership in Fee Statewide

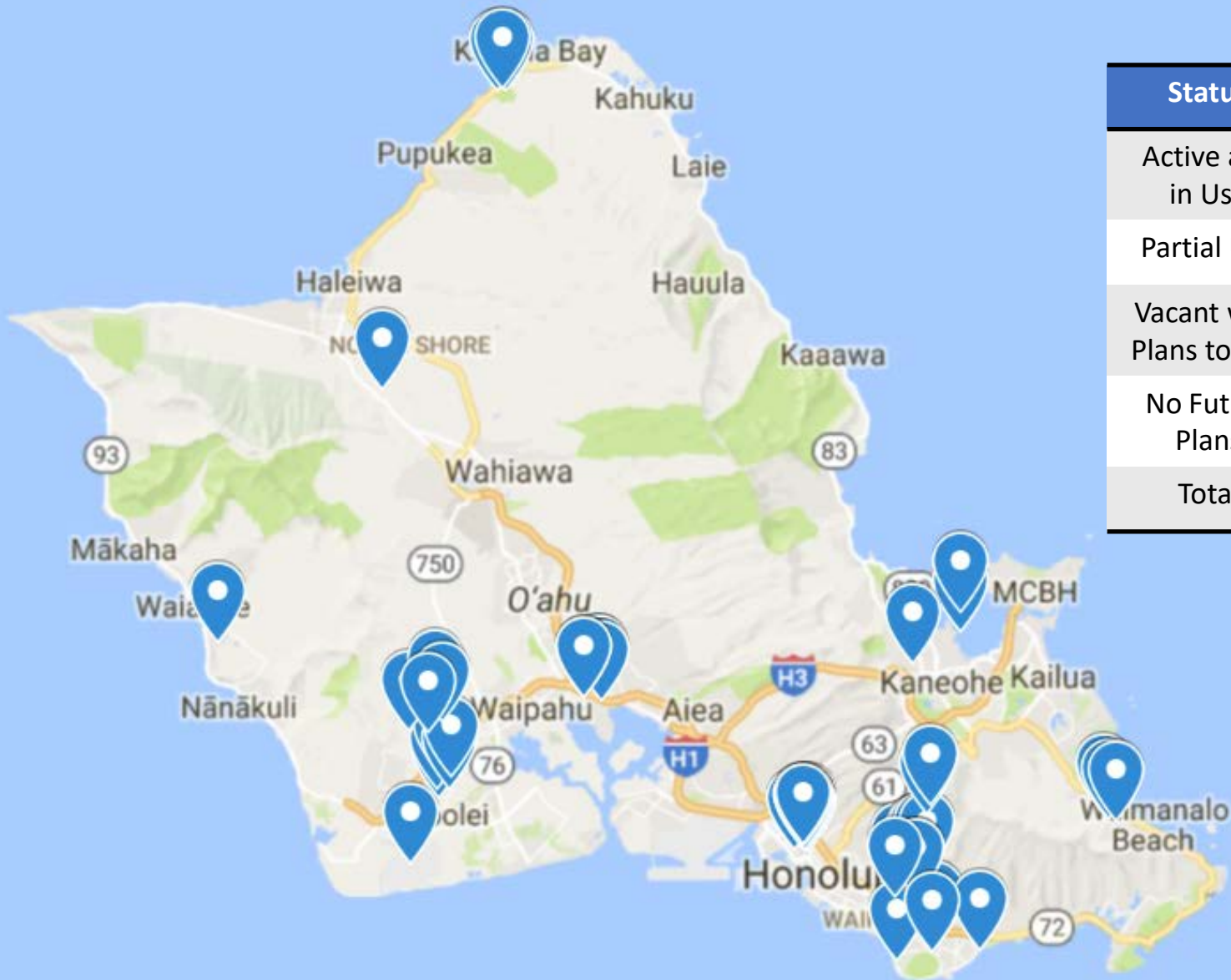


University of Hawai'i Land Ownership in Fee – Kaua'i



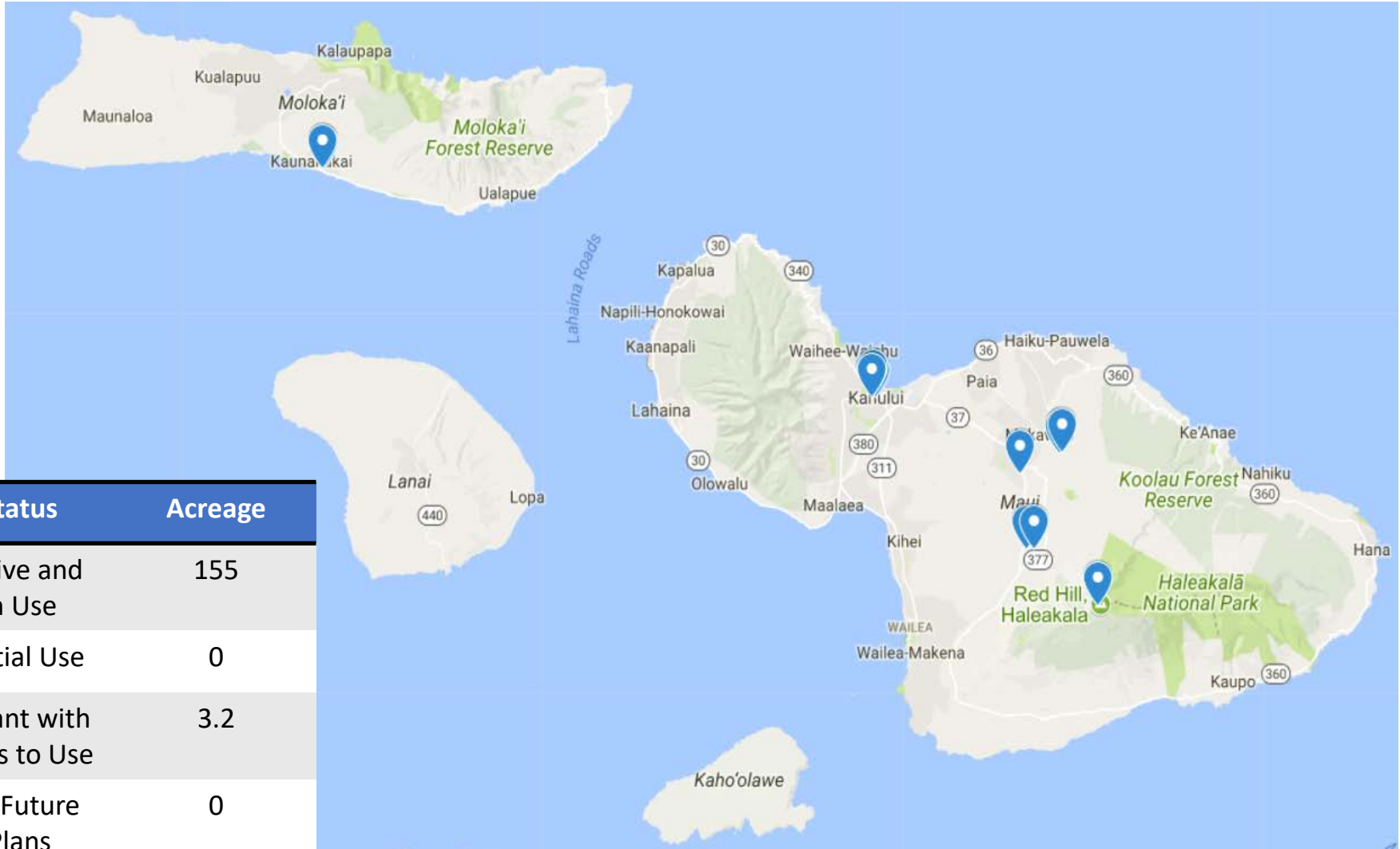
Status	Acreage
Active and in Use	159
Partial Use	231
Vacant with Plans to Use	39.9
No Future Plans	17.1
Total	447

University of Hawai'i Land Ownership in Fee – O'ahu



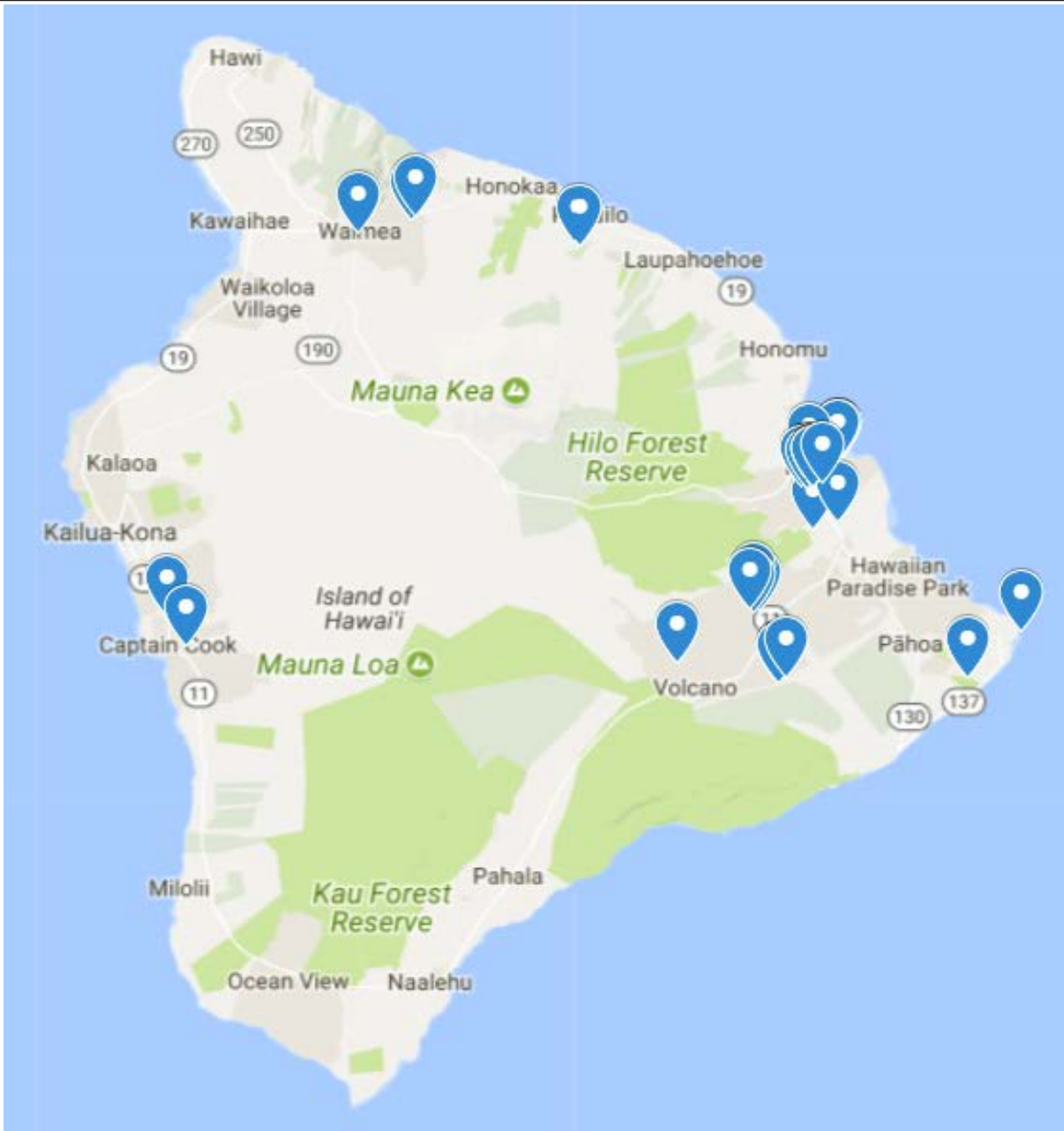
Status	Acreage
Active and in Use	1,062
Partial Use	1,242
Vacant with Plans to Use	57.5
No Future Plans	135
Total	2,496

University of Hawai'i Land Ownership in Fee – Maui & Moloka'i



Status	Acreage
Active and in Use	155
Partial Use	0
Vacant with Plans to Use	3.2
No Future Plans	0
Total	158

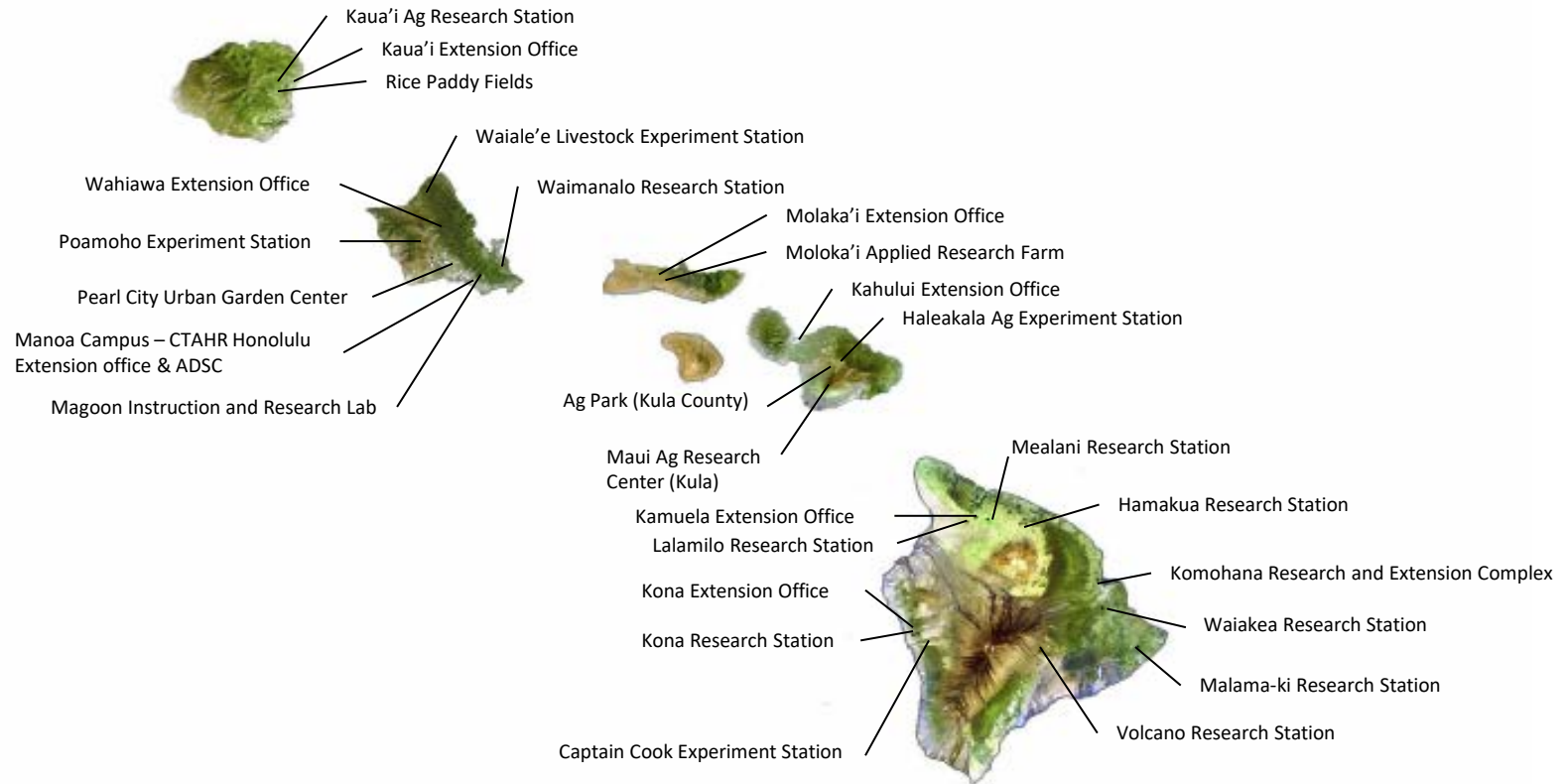
University of Hawai'i Land Ownership in Fee – Hawai'i



Status	Acreage
Active and in Use	872
Partial Use	585
Vacant with Plans to Use	0
No Future Plans	798
Total	2,254

CTAHR Extension Offices & Experiment Stations

- 7 Extension Offices
- 164 Structures at 19 Experiment Stations
- 1,466 Acres



Waiale'e Research Station: About

- Consists of 3 parcels totaling 131.72 acres of ceded land
- Acquired in 1958 by Executive Order for “experimental farm purposes”
- Multiple kuleana claims



Waiale'e Research Station: History

- Used for experimental farming and agricultural operations to help livestock industry overcome high local production cost
 - 1960s to later 1980s - Poultry and Egg Production Research
 - 1960s to late 1990s – Swine Research
 - 1960s to mid- 2000s – Dairy and Cattle Research, including genetic breeding
 - 1960s to present – Raised sheep animals for anatomy class conducted on-site
- Use declined in late 1980s for a number of reasons:
 - Retirement of key poultry researchers
 - Increased costs to comply with animal care and waste management regulations
 - Increased costs of animal feed and care and to upkeep farm facilities
 - Increased travel time to and from Waiale'e



Barn



Animal Sheds



Milking Stalls

Waiale'e Research Station: Today

- Unauthorized occupants
- Increasing complaints of illegal and/or dangerous activities including operation of drug labs and allowing large, aggressive dogs to roam freely in the neighborhood
- Increasing number of seemingly abandoned vehicles

Waiale‘e Research Station: “As Is” Transfer Justification

- No short or long terms plans to use the land for education, research, service and/or economic development
- The property has not been maintained or secured in a manner that promotes sound stewardship and community relations
- Transaction is fairly valued in the context of all relevant factors and property conditions
 - 2018 Real property tax assessment: \$8.3 million
 - Land acquired via Executive Order at no cost to the University
 - Ceded lands, multiple kuleana claims
 - Land owner risks
 - Transfer is part of a CIP budget proviso that would appropriate \$6 million of CIP funds to CTAHR
 - CTAHR’s off-site deferred maintenance balance is \$30 million (Sightlines)
- Alternatives Considered:

Alternative	Pros	Cons
Keep Property	May meet future needs or become income-producing	One-time investment cost of \$270K and annual cost of \$190K (Year 1) will take funding from higher-priority programs/projects
Sell Property	Not an option (ceded lands)	
Lease Property	University retains ownership	University retains all duties and liabilities as property owner; Previous attempts to transfer property to other government agencies/private owners were unsuccessful due to parcel condition and title issues

Kaua'i Disinfestation Facility: About

- Quick Facts
 - 2.7 acres (not subdivided) of 4.4 acres
 - Acquired in 1995 by deed (\$164,244)
 - Adjacent to county refuse station
- 1990s: Japan stopped importing Hawai'i-grown papayas treated by irradiation
- New method of treatment developed that met Japan's import requirements:
 - Hot/Dry Air
 - Vapor Heat
- 1993: DBEDT received EDA Grant and subcontracted to UH to build a disinfestation facility that applied "Hot Air" treatment
 - UH purchased 2.7 acres from Visionary (fka "Līhu'e Plantation")
 - Restrictive lien on property to operate a disinfestation facility (exp. 2018)
- 1995: UH constructed the Kaua'i Disinfestation Facility ("Facility")
- 1998: UH entered into 15-year agreement with Koloa Packing Company ("Koloa") to maintain and operate the Facility
- 2000: Koloa operated at a loss and UH allowed Koloa to terminate the agreement
- 2001: Board approved 18 year lease to ADC (\$1.00/year, expires 12/31/2018)
- 2003–2005: Kaua'i industry stopped producing papaya for export



Kaua'i Disinfestation Facility: Today

- No plans by UH to operate a disinfestation facility or for other use of the property after December 2018
- Recent inquiries:
 - Hawai'i Department of Transportation: Baseyard for Kaua'i Airport operations
 - Kaua'i County: Construct a recycling center
- Recommendation: Transfer "As Is" to Department of Transportation, State of Hawai'i



Kaua'i Disinfestation Facility: "As Is" Transfer Justification

- No short or long terms plans to use the land for education, research, service and/or economic development
- Transaction is fairly valued in the context of all relevant factors and property conditions
 - 2018 Real property tax assessment: \$226,616 (est.)
 - Property is located between the Kaua'i airport and the county refuse station
 - Subdivision not complete
 - Transfer is part of a CIP budget proviso that would appropriate \$6 million of CIP funds to CTAHR
 - CTAHR's off-site deferred maintenance balance is \$30 million (Sightlines)
- Alternatives considered
 - Keep the property
 - Pros: It may be an income-producing parcel one day or meet future needs
 - Cons: After 2018, UH will be responsible for all repairs and maintenance of the facility and lands
 - Sell the property
 - Lease the property
 - Pros: University retains ownership of the property
 - Cons: University retains all duties and liabilities associated with being the property owner

Recommendation

- The Administration has identified these properties as excess parcels that no longer support a core University mission and is recommending disposal from its inventory.
- 2017 Legislative Session: \$6 million CIP appropriation for CTAHR capital projects, provided that the Waialeʻe properties be transferred to Agribusiness Development Corporation and the Kauaʻi property be transferred to Hawaiʻi Department of Transportation.
- Recommendation:
 - Authorize the UH President to negotiate, finalize, and execute the transfer in fee simple of the following UH properties managed by the UH Mānoa CTAHR, subject to and consistent with the action memo:
 - (1) Waialeʻe Research Station Property
 - (2) Kauaʻi Tropical Fruit Disinfestation Facility Property



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MAHALO

DTS 18736-2 Revised

College of Tropical Agriculture and Human Resources
Founding College of the University of Hawai'i
Office of the Dean and Director for Research and Cooperative Extension



UNIVERSITY OF HAWAII
BOARD OF REGENTS
of HAWAII

MĀNOA 18 MAR 19 P3:33

March 19, 2018

RECEIVED

TO: Jan N. Sullivan
Chair, Board of Regents
University of Hawai'i

18 MAR 19 P3:26

VIA: David Lassner
President
University of Hawai'i

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

VIA: Kalbert K. Young
Vice President for Budget and Finance/Chief Financial Officer
University of Hawai'i

VIA: Jan S. Gouveia
Vice President for Administration
University of Hawai'i

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

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

FROM: Nicholas Comerford
Dean, College of Tropical Agriculture and Human Resources
University of Hawai'i at Mānoa

SUBJECT: Authorization to UH President to Negotiate, Finalize, and Execute the Transfer in Fee Simple of the Following UH Properties Managed by the UH Mānoa College of Tropical Agriculture and Human Resources:

- (1) Waialeale Research Station Property situated at Waialeale, Koolauloa, Oahu, City and County of Honolulu, and designated as tax map key nos. (1) 5-8-001:013, (1) 5-8-001:055, (1) 5-8-001:007, and (1) 5-8-001:006 to the State Agribusiness Development Corporation (ADC); and
- (2) Kaua'i Tropical Fruit Disinfestation Facility Property situated at Hanamalu, District of Līhu'e, Island and County of Kaua'i, and designated as tax map key no. (4) 3-7-02-16 (por.) to the State Department of Transportation.

3050 Maile Way, Gilmore Hall 202 Honolulu, Hawai'i 96822-2271
Telephone: (808) 956-8234, Fax: (808) 956-9105
E-mail: dean@ctahr.hawaii.edu

An Equal Opportunity/Affirmative Action Institution

SPECIFIC ACTION REQUESTED:

After analyzing the criteria set forth in Board of Regents Policy RP 10.201 (Interests in Real Property), the Board of Regents is requested to authorize the UH President to negotiate, finalize, and execute the transfer in fee simple of the following UH properties managed by the UH Mānoa College of Tropical Agriculture and Human Resources (“CTAHR”), subject to the understanding that the University Administration will use best efforts to protect the interests of the University and minimize the University’s liabilities and potential exposure to ADC and to third parties going forward, understanding that ADC cannot indemnify the University:

- (1) Waialeale Research Station Property situated at Waialeale, Koolauloa, Oahu, City and County of Honolulu, and designated as tax map key nos. (1) 5-8-001:013, (1) 5-8-001:055, (1) 5-8-001:007, and (1) 5-8-001:006 to the State Agribusiness Development Corporation (“ADC”); and
- (2) Kaua’i Tropical Fruit Disinfestation Facility Property situated at Hanamalu, District of Līhu‘e, Island and County of Kaua’i, and designated as tax map key no. (4) 3-7-02-16 (por.) to the State Department of Transportation (“HDOT”).

The Waialeale Research Station consists of approximately 131.72 acres, designated as Tax Map Key Nos. (1) 5-8-001:013 (Parcel A - 12.54 acres), (1) 5-8-001:055 (Parcel B – 30.88 acres), (1) 5-8-001:007 (Parcel C - 87.20 acres), and (1) 5-8-001:006 (1.1 acres) and including all buildings and structures thereon (collectively the “Waialeale Property”). The Kaua’i Tropical Fruit Disinfestation Facility consists of approximately 2.697 acres, designated as Tax Map Key No. (4) 3-7-02-16 (por.) (“KDF Land”), including the facility which consists of approximately 13,104 square feet of building space (“KDF Facility”) (the KDF Land and the KDF Facility are collectively the “KDF Property”), all as shown on the attached maps.

BOARD OF REGENTS PLANNING AND FACILITIES COMMITTEE

A Board action memo requesting that the Board of Regents Planning and Facilities Committee (“P&F Committee”) approve recommending the conveyance of the Waialeale Property to ADC was submitted for consideration at the P&F Committee’s March 8, 2018 meeting. At the meeting, the P&F Committee requested that the University Administration inquire whether ADC would be willing to accept a lease covering the Waialeale Property in lieu of a fee conveyance. When approached subsequent to the P&F Committee meeting, ADC indicated that it was not willing to accept a lease of the Waialeale Property. As a result, the Board of Regents is requested to again consider approving the fee conveyance of the Waialeale Property to ADC.

During the P&F Committee meeting, there was discussion regarding the legislatively-inspired connection of the KDF Property with the Waialeale property conveyance via a budget proviso. The KDF Property is the second of the two University properties required to be conveyed under the budget proviso in order for the University to access a CIP appropriation of \$6 million for CTAHR facilities improvements.

At the request of the P&F Committee and Board leadership, the University Administration is incorporating discussion and recommended action for the KDF Property as part of this Board action memo. The Board is requested to approve a fee conveyance of the KDF Property to HDOT.

RECOMMENDED EFFECTIVE DATE:

For the conveyance of the Waialeale Property, upon approval of the Board of Regents and the ADC Board of Directors.

For the conveyance of the KDF Property, upon approval of the Board of Regents and the HDOT Director.

BACKGROUND:

Since acquiring ownership of the Waialeale Property, CTAHR has managed and operated an experimental farm and agriculture operation within the Property. Since acquiring ownership of the KDF Property and constructing the KDF Facility thereon, University, first through the current Office of Technology Transfer (“OTT”), formerly known as the Office of Technology Transfer and Economic Development, and then through CTAHR, has managed the KDF Property.

I. WAIALEALE PROPERTY

The University acquired ownership of the Waialeale Property in 1958 when the Territory of Hawai‘i set aside the Waialeale Property to the University by Governor’s Executive Order No.1848 issued on May 16, 1958 (“EO”) after approval by the Territory of Hawai‘i’s Board of Public Lands. The State Board of Land and Natural Resources (“BLNR”) subsequently approved the cancellation of the EO and the transfer of fee simple title to the Waialeale Property to the University at BLNR’s meeting held on February 11, 1994. This approved transaction was not implemented or completed. Nevertheless, the University’s position has been that lands set aside to the University are owned in fee simple by the University.

A. University use of the Waialeale Property

After the EO was issued, CTAHR began to operate an experimental farming and agricultural operation within the Waialeale Property. The University constructed a number of buildings and structures, including a swine nursery, poultry nursery, and animal husbandry complexes. The University installed utility lines and facilities serving the Waialeale Property, including establishing a well and constructing water transmission and irrigation lines. The University also established a number of agricultural plots upon which different crop varieties were grown and tested.

More recently, due in part to budget constraints, CTAHR has scaled back agricultural and livestock raising operations. The University had explored returning the Waialeale Property to the BLNR but the State Department of Land and Natural Resources (“DLNR”) would only accept a return of the Property if the University demolished and removed all buildings and structures and cleaned up and remediated all hazardous material conditions within the Waialeale Property. Without sufficient funding to complete these tasks, the University evaluated other alternatives for Waialeale Property use, including making portions of the Waialeale Property available to third parties for agro-tourism purposes, renewable energy production (windfarm), equestrian ranching, bio-product and bio-fuel production, and construction baseyard use. As part of the exploration of alternative uses of the property, CTAHR had previously discussed the lease or transfer of major portions of the property to ADC.

B. Issues with the Waialeale Property: Unauthorized Occupancy/Use

Within the past four to five years, the University has become aware of unauthorized non-university occupiers of buildings within the former swine nursery complex and nearby areas. Additionally, portions of the Waialeale Property consist of kuleana lands and certain individuals have claimed kuleana rights to use and/or occupy such lands.

Separate from kuleana land claims, there exists a claim that an individual has an ownership interest in portions of the Waialeale Property that was conveyed to the University. This individual claims to have paid \$75,000 to the McCandless Land and Cattle Company to acquire rights to a portion of the Waialeale Property (“Parcel 6”) and upon which a portion of the former swine nursery complex is located. While it is not clear, this individual may also be claiming kuleana rights to Parcel 6, notwithstanding that the EO map does not indicate that Parcel 6 contains any kuleana lots. To complicate the matter further, some of the unauthorized occupiers have been claiming that he has given them permission to occupy Parcel 6. The individual himself has been in contact with CTAHR seeking University recognition of his ownership of Parcel 6 and asking that CTAHR not proceed with plans to demolish the former swine nursery complex, a very small portion of which is purportedly situated within Parcel 6. The University has not recognized or determined who might rightfully own Parcel 6 or whether any kuleana rights attach to Parcel 6. Having received title from the Territory of Hawai‘i through the EO setting aside the Waialeale Property to the University, the University has consistently maintained that the University owns the fee simple title to the Waialeale Property. Based on the property description within the EO, however, it appears that the kuleana parcels described in the EO and depicted on the EO map are not part of the Waialeale Property that was conveyed to the University through the EO. As such, CTAHR has been careful not to take any action or respond in ways where the University is recognizing or denying rights of ownership claims to Parcel 6.

C. Issues with the Waialeale Property: Improper Use

There have been an increasing number of complaints alleging that illegal activities posing a danger to the surrounding community have been taking place within the former swine nursery complex. Local law enforcement has been getting an increasing number of

neighborhood reports or complaints about activities within the Waialeale Property. Complaints include the increasing number of seemingly abandoned vehicles being brought onto and stored within the Waialeale Property, large dogs kept within the Waialeale Property that have been allowed to roam in the adjacent community attacking neighbors and causing damage, and the alleged operation of meth or other drug labs within the Waialeale Property.

The University has been in contact with the Honolulu Police Department, the State Department of Public Safety (including State sheriffs), the State's homeless coordinator Scott Morishige, and the State Department of the Attorney General, to discuss the feasibility, logistics, and costs of performing a trespass enforcement action involving the former swine nursery complex and other areas within the Waialeale Property. Coordination meetings, facilitated by the Governor's office, have been ongoing. The cost of the trespass enforcement action, including a security presence following the enforcement action will vary depending the amount of debris to be removed, the level of law enforcement effort, and the degree of on-going maintenance and security, e.g., the frequency and extent of periodic security inspections.

It is anticipated that any legal actions (such as quiet title or a trespass enforcement actions) will take a long period of time and require the University to expend significant funds and resources to clear the Waialeale Property, particularly the former swine nursery complex.

D. ADC involvement

For several years, CTAHR and the University have had discussions with ADC regarding the conveyance of the Waialeale Property, including preparing and forwarding to ADC a draft quitclaim deed that contains the terms and conditions of the proposed conveyance of the Waialeale Property to ADC. ADC desires the Waialeale Property in order to help implement its statutory mandate to advance diversified agriculture in the State. The University believes that this objective is consistent with the purposes of CTAHR and the EO by which the University was originally provided this Waialeale Property. One condition of transfer that remains in question is for ADC to acknowledge and accept responsibility for handling and addressing any unauthorized occupiers on the Waialeale Property. The University would also expect release from any further responsibility. While ADC has not yet formally responded to the draft quitclaim deed, ADC may have issues with the University not completely clearing out the unauthorized occupiers before ADC is willing to accept title to the Waialeale Property. This will remain an open and on-going issue as a condition of transfer until the property is transferred, but it is understood that the University Administration will continue to pursue a quitclaim deed that makes clear that ADC is accepting the Waialeale Property "as is" following full disclosure of known issues, including but not limited to existing covenants, encumbrances, disputed kuleana and other title claims, public trust land obligations, and potential hazardous materials. While there will obviously be no negotiation with respect to "price," the University Administration will use best efforts to protect the interests of the University and minimize the University's liabilities and potential exposure to ADC and to third parties going forward, understanding that ADC cannot indemnify the University.

That said, this is a government-to-government transfer, and issues of concern are less than if the Waialeale Property was being transferred for significant value to a third party, and both parties have been cooperating in good faith to determine how to proceed with transfer, if approved. ADC has retained consultants to assist ADC in preparing an environmental assessment and due diligence report pertaining to the condition of the Waialeale Property. It is anticipated that the results of the assessment and due diligence report will be submitted to the ADC Board, along with the terms and conditions of the quitclaim deed.

The University has checked with DLNR and confirmed that DLNR will not require the University or ADC to seek any DLNR approval for the University's conveyance of the fee simple ownership interest in the Waialeale Property to ADC. By this confirmation, DLNR is acknowledging that the EO setting aside the Waialeale Property to the University was sufficient to convey the State's fee simple ownership interest in the Waialeale Property to the University.

II. KDF PROPERTY

In discussion of the Waialeale Property transfer at the March 8, 2018 P&F Committee meeting, there was discussion of the legislative budget proviso that provides for transferring of the Waialeale Property in addition to the KDF Property on Kaua'i also administered by CTAHR. The KDF Property is the second of the two University properties required to be conveyed under the budget proviso in order for the University to access a CIP appropriation of \$6 million for CTAHR facilities improvements. The following information is provided regarding the history and status of the KDF Property as well as related issues that the University Administration considered in connection with recommending eventual transfer to HDOT.

On May 20, 1994, the Board of Regents, at the request of the University's Office of Technology Transfer ("OTT"), approved the acquisition of approximately 4.427 acres of land ("Acquisition Property") from the Lihu'e Plantation Co., Ltd. ("LPCo") for the development of the Kaua'i Tropical Fruit Disinfestation Facility ("KDF Facility").

A. EDA Grant

The State Department of Business, Economic Development and Tourism ("DBEDT"), through an Agreement for Services between the University and DBEDT dated June 26, 1992 ("UH Services Agreement"), provided a total of \$2.35 million for land acquisition, planning, design, and construction, with \$1.4 million originating from the U.S. Department of Commerce, the Economic Development Administration ("EDA") through a grant to DBEDT ("EDA Grant"). Under the EDA Grant, the monies were to be used "for the purpose of making improvements consisting of construction of a 13,200 square foot building with ramps and posting area and offices for fruit disinfestation" within the KDF Property.

B. UH Services Agreement

The EDA Grant was obtained by DBEDT. Under the UH Services Agreement, the University agreed to: (a) provide project management and planning functions for the

construction of the KDF Facility, (b) develop facility and treatment system design specifications to meet USDA quarantine requirements, (c) acquire title to the KDF Property, (d) retain, monitor, and direct the designers for the facility and treatment systems, (e) conduct the bidding process for the construction contract and retain the general contractor, (f) manage and oversee completion of KDF Facility construction, and (g) apply the EDA Grant funds toward KDF Facility construction and comply with all of the EDA Grant terms and conditions.

C. Property Purchase Agreement

On September 30, 1994, LPCo and the University entered into a Property Purchase Agreement under which the University would purchase the Acquisition Property for a total of \$266,000 or \$60,086 per acre. The sale was to be accomplished via two separate purchase transactions. The first closing involved the 2.7 acres of land located within the State Agricultural District and the second would convey the remaining 1.7 acres of land located within the State Conservation District. At the time, the parties acknowledged that the Acquisition Property and other nearby LPCo owned lands were not yet subdivided into legally conveyable separate parcels of land and that closing would be contingent upon the parties successfully obtaining final subdivision approval for the parcels. It was further agreed that LPCo could apply for and obtain a State Land Use Commission ("LUC") reclassification of the Acquisition Property to the Urban District, either prior to or after each closing, notwithstanding that the first closing, by which the University obtained title to the KDF Property, included only such portion of the Acquisition Property that was in the LUC Agricultural District.

On January 4, 1996, the LUC approved LPCo's petition to reclassify a 553 acre parcel into the Urban District, a portion of which was the Acquisition Property. LPCo thereafter filed/recorded a Certificate of Declaration of Conditions (April 26, 1996), describing the conditions the LUC imposed in its approval of LPCo's petition. The LUC conditions include: (a) fair share contribution for school facilities, (b) participate in pro-rata funding and construction of local and regional transportation improvements and programs, (c) provide affordable housing opportunities, (d) participate in the funding and construction of adequate civil defense measures, water source, storage and transmission facilities, adequate wastewater treatment, transmission, and disposal facilities, and drainage improvements, (e) restrictions on constructing within certain aircraft noise zones or any object that would constitute an air navigation hazard, (f) granting an aviation easement to HDOT, (g) participate in an air quality monitoring program, (h) implement efficient soil erosion and dust control measures, (i) maintain alignment of existing cane haul roads, (j) initiate and fund a stream biological monitoring program and a nearshore and stream water quality monitoring program, and (k) notify the LUC of any intent to sell, lease, assign, place in trust, or alter Visionary' ownership interest in the reclassified property. The University and LPCo thereafter attempted to allocate the responsibility to perform and/or meet the conditions but such allocation has not yet been agreed upon.

D. KDF Property Deed

By a Deed and Reservation of Rights and Easements dated May 12, 1995 and recorded with the Bureau of Conveyances on June 23, 1995 ("KDF Property Deed"), LPCo

conveyed the initial 2.7 acre parcel to the University, which constitutes the KDF Property. The University attempted in 2007-2008 time period to close the acquisition of the second 1.7 acre parcel. Visionary, LLC (“Visionary”), who had acquired LPCo’s property or properties, began negotiating to sell the 1.7 acre parcel to the University. While there was initial progress, Visionary eventually increased the purchase price from a starting point between \$100,000 and \$140,000 to \$1,110,780 (or about \$653,400 per acre). This compares with the University’s acquisition of the initial 2.7 acre parcel for about \$60,086 per acre. With this escalation of the purchase price, which was an increase of over \$1 million from the previously discussed price, the second purchase transaction no longer appeared to be fiscally feasible. The University decided not to acquire the additional 1.7 acre parcel. As a result, the initial 2.7 acre parcel constitutes the entire KDF Property.

E. Potential Subdivision Issues

It is not clear whether the KDF Property, which consists of about 2.7 acres, was properly subdivided from the initial 4.4 acre parcel. If a proper subdivision has not been properly effected, there could be a question as to whether the University is the sole owner of the KDF Property or is a co-tenant and co-owner with Visionary of the entire Acquisition Property.

F. EDA Second Priority Mortgage

After obtaining title to the KDF Property, the University was required under the EDA Grant to grant a security interest in the KDF Property to EDA in the form an Agreement and Second Priority Mortgage (“EDA Lien”). Under the EDA Lien, EDA may recover all or a portion of the EDA Grant in the event that the University violates the terms of the EDA Grant. The EDA Lien is effective for a period of twenty-five (25) years from the date of the EDA Grant (December 16, 1993). The EDA Lien is currently scheduled to expire on December 16, 2018.

Under the EDA Lien (and as noted in the UH Services Agreement), EDA retains an equitable reversionary interest in the KDF Property and if the University desires to transfer or convey its interest in the KDF Property (which was improved with EDA Grant funding) prior to the expiration of the EDA Lien, the University must pay EDA the value of the “federal share.” The value of this federal share will be determined in accordance with the applicable federal regulations. In this way, if the University desires to transfer its interest in the KDF Facility and/or the KDF Property to HDOT prior to the expiration of the EDA Lien, the University will need to obtain EDA’s prior written approval and could be required to return or reimburse a pro-rata portion of the EDA Grant funds.

G. EDA Approval Required for Release of EDA Lien

EDA was recently contacted and confirmed that the University is required to seek EDA’s prior written approval to transfer or convey the KDF Property and that it is likely that EDA will require, as a condition to granting such approval, that the University agree to and record two additional covenants against the KDF Property. The Board of Regents recently approved an amendment to the restrictive covenant that had been recorded in favor of EDA

against the Kapi'olani Community College Culinary Institute of the Pacific site. In that restrictive covenant amendment, the two additional covenants included one prohibiting discrimination in the use of the facility and/or the property ("Anti-discrimination restriction") and another prohibiting religious use of the facility and the property ("Religious use restriction"). It is anticipated that the EDA will require the University to record both the Anti-discrimination restriction and the Religious use restriction in favor of EDA against the KDF Property.

H. University Leases of KDF Facility to KPC and ADC

Upon completion of the KDF Facility, the University and Koloa Packing Company ("KPC") entered into a 15-year lease under which KPC would maintain and operate the KDF Facility (effective February 1, 1998). On October 20, 2000, OTT reported that KPC was in arrears with rent payments and desired to be released from its lease ("KPC Lease"). It appears that the University allowed an early termination of the KPC Lease. A new lease of the KDF Property was thereafter issued to ADC ("ADC Lease").

The ADC Lease was approved by EDA and the Board of Regents. The term of the ADC Lease started effective as of December 28, 2005 and is scheduled to expire on December 31, 2018, shortly after the scheduled expiration of the EDA Lien. Around the time of the ADC Lease, OTT decided that it would no longer manage the project and so informed the University's Office of Procurement and Real Property Management. CTAHR then stepped in and agreed to assist in the management of the KDF Facility.

I. Requests to Transfer the KDF Property.

On or about March 20, 2013, the County of Kaua'i ("Kaua'i County") requested that the University transfer the KDF Property to Kaua'i County for use as a materials recovery facility or recycling site. Kaua'i County planned to develop a residential recycling program and considered the KDF Property and the KDF Facility to be an ideal location in part because it was situated adjacent to Kaua'i County's Līhu'e refuse transfer station.

By letter dated March 20, 2013, HDOT requested that the University transfer the KDF Property to HDOT for the purpose of "assuring future noise compatibility and logical and cohesive airport expansion." HDOT mentioned that its intent and need to acquire the KDF Property was noted in an environmental assessment for Līhu'e Airport expansion entitled "Līhu'e Airport Land Acquisition Final Environmental Assessment and Negative Declaration" (May 1993).

The University thereafter considered both requests and had separate discussions with HDOT and Kaua'i County about a possible fee conveyance of the KDF Property but no definitive resolution was reached. Going forward, it is understood that the University Administration will continue to pursue negotiations with EDA and HDOT to transfer the KDF Property "as is" following full disclosure of known issues, including but not limited to existing covenants, conditions, and encumbrances. While there will obviously be no negotiation with respect to "price," the University Administration will use best efforts to protect the interests of

the University and minimize the University's liabilities and potential exposure to HDOT and to third parties going forward, understanding that HDOT cannot indemnify the University.

BOARD OF REGENTS RP 10.201

Board of Regents Policy RP 10.201 (Interests in Real Property) requires that the Board of Regents approve the conveyance of ownership of or the fee simple interest in any University lands.

I. Evaluation criteria

According to the policy, the Board's intent is that the University's policy, practices, and decision-making regarding real property and interests in real estate shall: (1) promote and support the mission and goals of the University in education, research, service and economic development, (2) advance principles and practices of sound environmental stewardship and sustainability, (3) ensure that alternative actions are considered, investigated, and analyzed, (4) be fairly priced in the context of applicable fair market values and other relevant factors, (5) generate revenue from real property not critical to long range plans for the University to support the University's core mission, and (6) be consistent with and support long range plans that have been approved by the Board.

A. Waialeale Property

Historically, the Waialeale Property has been used for research and experimental farm purposes consistent with the EO purpose. CTAHR at one time used much of the Waialeale Property for research and farm purposes, including the raising of livestock, such as cattle, swine, sheep, and poultry. Farm operations were active and robust from about 1961 through the mid-1980s. Sufficient income was being generated during that time through the sale of eggs, chickens, swine, and cattle so that the operation was generally self-sustaining. Crop research continued for quite some time within the Waialeale Property until the early 2000s.

Innovative green technology alternatives were tested at the Waialeale Property, including the installation and operation of bioreactors, which are vessels in which a chemical process is carried out involving organisms or biochemically active substances derived from such organisms. This process was intended to break down animal and agricultural waste into products such as biofuels and fertilizer. CTAHR also developed an on-site slaughterhouse but was not able to place it into operation due to regulatory constraints. Up until recently, CTAHR also conducted on-site classes such as animal anatomy.

Farm operations began to decline in the late 1980s with poultry being the first phase out, followed by the phase out of swine, and eventually cattle with the collapse of the local beef industry. At present, CTAHR's operations are limited to raising a small herd of sheep. There were a number of factors that contributed to the decline, including: (a) the retirement or loss of many of the primary research faculty that had been conducting long-term on-site research, (b) the increasing number of regulatory requirements (such as animal care standards,

environmental regulations, and land use approval conditions), (c) the decline of related agricultural industries (such as the virtual collapse of the local beef and dairy industries), (d) decline in CTAHR student enrollment, particularly after the closing or scaling back of the local livestock industries, and (e) the increasing operational costs, including animal feed, veterinary care, and the maintenance and upkeep of the farm facilities such as the cottages within the Property serving as accommodations for farm personnel.

In addition, as part of the scaling back of its farm operations due primarily to budgetary limitations, CTAHR has over the years significantly reduced its active use of many of the structures and facilities within the Waialeale Property. In fact, CTAHR recently demolished some of poultry structures and facilities and had planned to demolish most of the others as well. One of the conditions in the proposed quitclaim deed is that ADC accept the Waialeale Property with the remaining structures and facilities, thereby saving the University the cost of continued demolition.

B. KDF Property

DBEDT was involved because some foreign countries, primarily Japan, had stopped allowing the import of Hawai'i grown papayas because of the irradiation process used to treat the papayas for fruit flies. This was deemed to have created an economic crisis for the Kaua'i papaya industry. To alleviate this crisis, DBEDT worked with the University to implement an effective papaya treatment process that would enable the Kaua'i grown papayas to meet the import/quarantine requirements for foreign countries, particularly Japan.

A University faculty member developed a new process, called a forced convection hot air treatment process, that effectively treated the papayas for fruit flies without having to use the irradiation process. For a few years, a large portion of the Kaua'i grown papayas that were to be shipped to Japan were brought to the KDF Facility for the treatment process. After a time, a new treatment process was developed and accepted by Japan, which resulted in most of the papayas that formerly came to the KDF Facility for treatment being taken elsewhere for the newer technology treatment. It has been difficult to re-initiate the treatment process for the Kaua'i grown papayas. ADC tried to do it working with the Kaua'i farming community but was not able to reopen and restart any type of fruit disinfestation and treatment process.

II. Evaluation Criteria #1: Promote and support the University's mission and goals

A. Waialeale Property: None of the alternatives considered by CTAHR for the Waialeale Property appear feasible at this time (further discussion below with respect to Criteria #3). With CTAHR's scaling back of farm operations at the Waialeale Property, CTAHR's use of the Waialeale Property does not promote or support the mission and goals of the University in education, research, service, or economic development as effectively or efficiently as it previously did. The dramatic increase in the commute time between the UH Mānoa campus and the Waialeale Property has made it effectively impractical to use the Waialeale Property as an active instructional, hands-on experience venue for animal science majors or pre-vet students.

B. KDF Property: Encouraging the commercial application and utilization of University discoveries and technology is one of the University's primary initiatives at this time. It appears, however, that technology has advanced to a point where the forced convection hot air treatment process may no longer be economically viable, given the development of newer papaya treatment processes. As such, the current use of the KDF Facility and the KDF Property may not be advancing the University's mission and goals.

It may be advisable to transfer or convey the KDF Property to HDOT now before the ADC Lease expires and the University becomes solely responsible for the upkeep and maintenance costs for the KDF Facility, which is reaching the end of its 25-year estimated useful life (as had been previously determined by EDA).

III. Evaluation Criteria #2: Advance sound stewardship and sustainability principles and practices

A. Waialeale Property: In its Waialeale farm operations, CTAHR has strived to advance the principles and practices of sound environmental stewardship and sustainability. In fact, CTAHR conducted research on some innovative green technology processes such as installing and operating bioreactors to convert animal and agricultural waste into biofuel and/or fertilizer. It is much more difficult to maintain such principles and practices of stewardship and sustainability given the reduced scale of CTAHR's farm operations at the Waialeale Property.

B. KDF Property: DBEDT and the University intended that the fruit disinfection process would furnish a much needed service to the Kaua'i papaya industry, address and resolve an economic crisis, provide an opportunity to apply and commercialize a University discovered/developed technology, and help demonstrate the University's effective stewardship of its properties. With no fruit disinfection activity presently occurring on-site and the University receiving back the KDF Facility and the KDF Property when the ADC Lease expires, it would be prudent and demonstrate good stewardship for the University to transfer or convey the KDF Property to HDOT, given that the University does not have any near-term or long-term plans for the KDF Property.

IV. Evaluation Criteria #3: Consideration of alternatives

A. Waialeale Property: While CTAHR's farm operations at the Waialeale Property were once vibrant and robust, this is no longer so. CTAHR has explored various alternatives, including short-term uses such as arrangements with: (i) local agricultural concerns to raise livestock and selected crops, (ii) potential operators to conduct limited agro-tourism related activities, (iii) renewable energy firm to evaluate the use of the mauka parcel and other marginal use areas (steep slopes) for windfarm purposes, (iv) equestrian ranchers to use portions of the Property for grazing and the raising of horses, (v) various interests in producing value-added bio-products and bio-fuels, (vi) State government agencies for agriculturally related uses, and (vii) the contractor for a nearby government water pipeline project to rent/use a portion of the Waialeale Property for a temporary construction baseyard.

On a longer-term basis, CTAHR has assessed the feasibility of obtaining and directing more grant funded research to the Waialeale Property and engaged in discussions with DLNR about returning all or portions of the Waialeale Property to the State. DLNR was not receptive to the return of all or portions of the Waialeale Property.

B. KDF Property: The University has tried leasing out the KDF Facility and the KDF Property in part because this was part of the University's obligations under the UH Services Agreement with DBEDT. The University was to enter into agreements with a private entity to operate the commercial facility, i.e., "Seek and secure private commitments to operate the commercial facility. Develop and secure agreements with a private partner for commercial operation." DBEDT clearly contemplated that a private entity, not the University, would operate the KDF Facility as a commercial facility. Toward that end, the University did enter into leases initially with KPC and subsequently with ADC, all with the intent that these lessees would commercially operate the KDF Facility. The University also considered allowing ADC to sublease the KDF Facility to the Kaua'i Farm Bureau Development Corporation but was not able to reach a definitive agreement.

V. Evaluation Criteria #4: Fairly priced in context of applicable fair market values

A. CTAHR appropriation. The Legislature has exhibited support for the transfer of both the Waialeale Property and the KDF Property. Act 049 (2017), the State of Hawai'i ("State") budget, appropriated \$6 million for CTAHR capital projects. However, that appropriation includes a proviso: "Provided that the college of tropical agriculture and human resources does not receive the funding until parcels on O'ahu, further identified by tax map keys (1) 5-8-01-:007, (1) 5-8-01: 013, and (1) 5-8-01: 055 are transferred over to the agribusiness development corporation and a parcel on Kaua'i, identified b tax map key 3-7-02-16, is transferred over to the department of transportation."

While the University is not legally bound to implement the fee transfer of the Waialeale Property and/or the KDF Property, the University Administration does recommend conveying the University's ownership interest in the Waialeale Property to ADC and the KDF Property to HDOT. Also, to clarify, the \$6 million CTAHR appropriation was not funding that the University had sought as part of its budget request submitted to the Legislature and the legislative appropriation was not represented to be a fair market value payment for the Waialeale Property and/or the KDF Property but rather an appropriation in consideration of the substantial need for capital improvements at CTAHR facilities across the State.

B. Property Appraisal

The policy contemplates that an appraisal of the value of University properties involved in the transaction be prepared for the Board's consideration.

1. Waialeale Property: The University acquired the Waialeale Property subject to the EO restriction that it be used only for "experimental farm purposes" and the University was not required to pay the State any monies as part of the University's

acquisition. ADC has informed the University that it plans to keep the Waialeale Property in active agricultural use consistent with ADC's mission. With the use restrictions applicable to the Waialeale Property, it appears that an appraisal may be of limited use. The University Administration did review county real property tax assessments for informational purposes; the 2018 property tax assessed value (land and building) for all parcels totals approximately \$8,338,500.00.

It is difficult to accurately assess the fair market value of the Waialeale Property given its use restrictions, condition of facilities, and title issues, including the EO purpose, the ceded lands obligation, the broken chains of title, the potential kuleana rights claims, the possible hazmat conditions within some of the facilities, and the presence of unauthorized occupiers. Based on the limited EO purpose alone, the highest and best use of the Waialeale Property may be some type of agricultural use.

CTAHR does not currently have substantial business use or plans for the Waialeale Property, having substantially scaled back its on-site research activities over time, partly due to budgetary limitations. In addition, ADC has indicated that it plans to keep the Property in active agriculture use, which would be consistent with the EO purpose, advance ADC's mandate to advance diversified agriculture, and potentially help provide better security for the Property and nearby community.

2. **KDF Property**: The University acquired the KDF Property, which subsequently became encumbered with the EDA Lien and the LUC conditions. With the use restrictions applicable to the KDF Property and the current condition of the buildings, it appears that an appraisal may be of limited use. The University did purchase the KDF Property for about \$164,244.46 (or about \$60,899 per acre or \$1.40 per square foot). The University Administration did review county real property tax assessments for informational purposes; the 2018 property tax assessed value (land and building) for all parcels totals approximately \$226,615.91 (which is a pro-rata portion of the assessed value of \$369,300 for a 4.4 acre lot).

CTAHR has leased out the KDF Property to lessees for purposes of operating a commercial fruit disinfestation facility, with the most recent lessee being ADC. These leases, however, were for nominal lease rent. The KDF Property is not currently in active use and ADC has requested that it be allowed to return possession of the KDF Property to the University. While the University is scheduled to regain possession of the KDF Property near the end of this year, CTAHR does not have any near-term or long-term plans to use the KDF Property.

Given the totality of the condition of the properties, the limited permitted uses as specified in the paragraphs above, that the transfer for of either of these properties is to other State government agencies, and that the transfer would result in no revenue or income to the University, the University Administration did not think that a private appraisal was warranted or prudent to afford. Relying on tax assessed value as a surrogate for an estimate for a market value appraisal is sufficient given the nature and purpose of the transfer. If, however,

the Board wishes that an appraisal or appraisals be done prior to making its decision regarding this conveyance of the Waialeale Property and/or the KDF Property, such an appraisal or appraisals can be completed at a cost.

VI. Evaluation Criteria #5: Generate revenue from real property not critical to University long range plans

A. Waialeale Property: While not conceding that the Waialeale Property has no future value or use, it is not critical to the University's current long-range plans, CTAHR has not been able to implement any Waialeale Property uses that advance its mission or have the potential of generating revenue (subject to ceded land payment issues). CTAHR has been evaluating the feasibility of alternatives as described above and others but has not yet found any with promising revenue generating potential.

B. KDF Property: The KDF Facility was intended to be operated for commercial purposes consistent with DBEDT's mandate to stimulate and grow Hawai'i's economy. The University has tried to lease the KDF Property to users who could commercially operate the KDF Facility. Although the leases were executed, only one lessee had some limited commercial success in operating the KDF Facility. Given the current condition of the KDF Facility, the EDA use restrictions, and the LUC conditions applicable to the KDF Property, it may be difficult to generate revenue from any operations on the KDF Property. In addition, if there is a desire to use the KDF Facility for a purpose other than fruit disinfestation, such as the generation of revenue from other types of operations, the University would likely be required to obtain EDA approval (provided that this request is submitted while the EDA Lien remains in effect).

VII. Evaluation Criteria #6: Consistent with and support Board approved long-range plans

A. Waialeale Property: CTAHR has plans to relocate its livestock raising operations to an expanded area within CTAHR's Waimānalo research station. From a longer-term perspective, CTAHR does not have any near-term plans for active farm operations within the Waialeale Property.

B. KDF Property: CTAHR has no near-term or long-term plans to utilize the KDF Property. In addition, given that the KDF Property is not located in close proximity to any other lands owned or controlled by the University or CTAHR, it will be challenging to include or consolidate any planned future use with any other University or CTAHR use.

CONCLUSION

The University Administration, ADC, and the Hawai'i State Legislature desire that the University transfer the Waialeale Property to ADC and the University, HDOT, and the Hawai'i State Legislature desire that the University transfer the KDF Property to HDOT.

The bases for the University Administration's recommendation to transfer the Waialeale property can be succinctly summarized as follows:

1. The Waialeale Property's use restrictions severely limits the University's utility and any future use of the Waialeale Property;
2. CTAHR's reduced on-site operations has left the Waialeale Property with no current utility or foreseeable research opportunities into the future;
3. The existing condition of the Waialeale Property will require significant resources to maintain;
4. The University and CTAHR will not be able to afford the annual cost to maintain, secure, or protect the Waialeale Property from a risk management or risk mitigation perspective;
5. ADC has already expressed a willingness to accept the Waialeale Property;
6. ADC's statutory mandate is to promote agriculture and to provide land for cultivation to promote agriculture;
7. The mission of ADC is in alignment with the mission of CTAHR and ADC is better situated to put the land into production for the benefit of agriculture in the State of Hawai'i and in doing so, will help bolster the industry that CTAHR supports; and
8. The Legislature has also signaled its support of transferring the property to ADC.

Therefore, the University Administration is recommending that the ownership transfer of the Waialeale Property to ADC be approved.

Similarly, the bases for the University Administration's recommendation to transfer the KDF Property to HDOT can be summarized as follows:

1. The KDF Property's use restrictions limit utility of the KDF Property to the University;
2. The condition of the building on the KDF Property poses a large investment requirement that neither CTAHR nor the University is willing to make, or can afford, in the KDF Property;
3. CTAHR does not have a near- or long- term research plan that entails the need to utilize the KDF Facility and/or the KDF Property;
4. HDOT is desirous of the KDF Property and can better utilize the KDF Property as part of its overall airport program;
5. HDOT is a sister agency within the State and cooperation to transfer the KDF Property will be a more cost efficient and effective use of State resources; and
6. The Legislature has signaled its support of transferring the property to HDOT.

Therefore, the University Administration is recommending that the ownership transfer of the KDF Property to HDOT be approved.

ACTION RECOMMENDED:

The Board of Regents is requested to authorize the UH President to negotiate, finalize, and execute the transfer in fee simple of the following UH properties managed by the UH Mānoa CTAHR, subject to the understanding that the University Administration will use best efforts to protect the interests of the University and minimize the University's liabilities and potential exposure to ADC, HDOT, and to third parties going forward, understanding that neither ADC nor HDOT is authorized to indemnify the University:

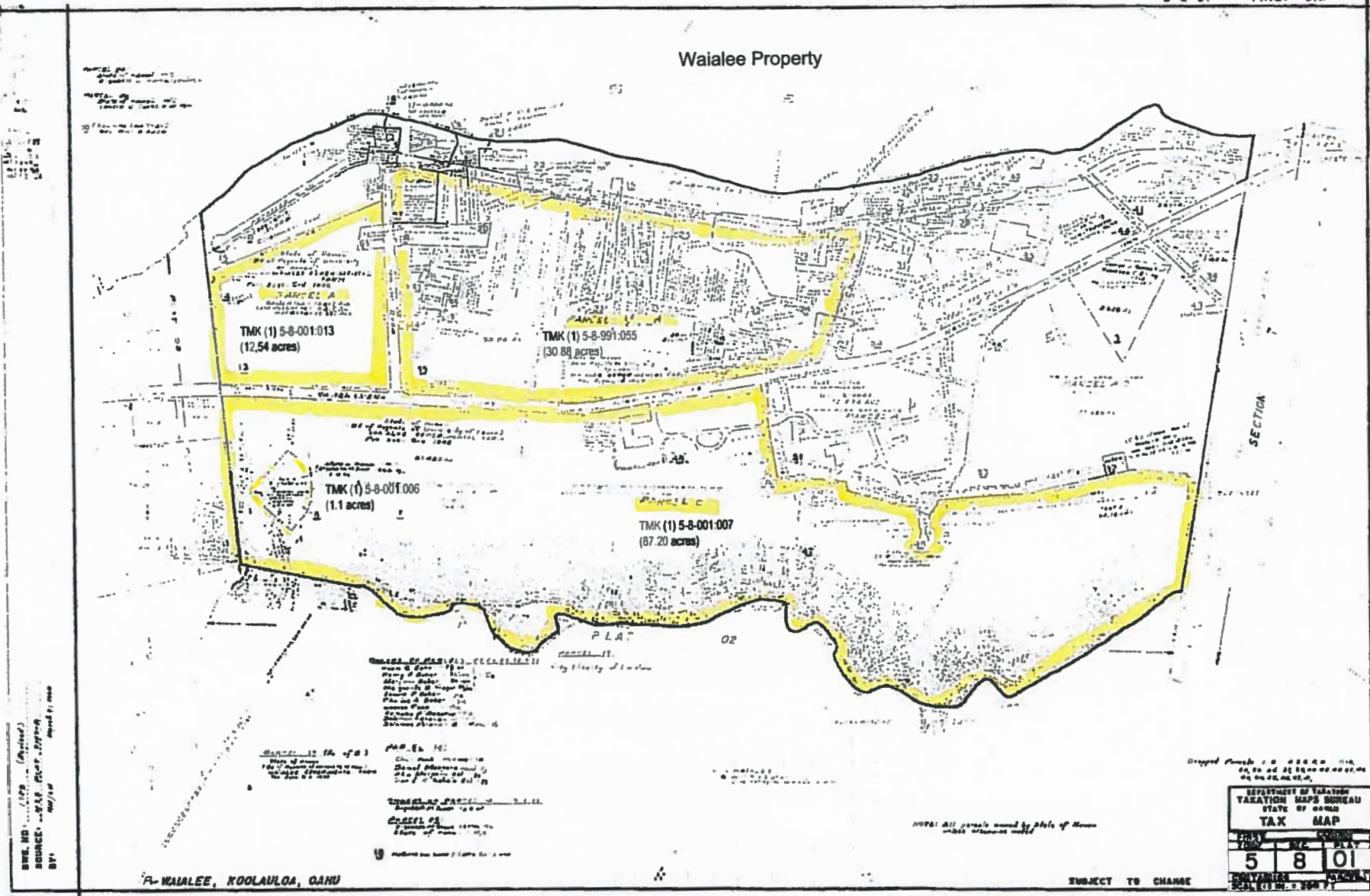
- (1) Waialeale Research Station Property situated at Waialeale, Koolauloa, Oahu, City and County of Honolulu, and designated as tax map key nos. (1) 5-8-001:013, (1) 5-8-001:055, (1) 5-8-001:007, and (1) 5-8-001:006 to ADC; and
- (2) Kaua'i Tropical Fruit Disinfestation Facility Property situated at Hanamalu, District of Līhu'e, Island and County of Kaua'i, and designated as tax map key no. (4) 3-7-02-16 (por.) to HDOT.

Attachments:

1. Maps of the Waialeale Property and potential kuleana lots within the Waialeale Property.
2. Map of the KDF Property.

c: Kendra Oishi, Executive Administrator and Secretary to the Board of Regents

Waialeale Property



BWL NO. 179 (Revised)
 SOURCE: T.A.S. (1999)
 BY: [Signature]

PLA 02
 City of Honolulu
 Department of Planning
 150 South Beretania Street
 Honolulu, HI 96813

NOTE: All parcels owned by State of Hawaii unless otherwise noted

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DEPARTMENT OF PLANNING TAXATION MAPS BUREAU STATE OF HAWAII		
TAX MAP		
5	8	01
SUBJECT TO CHANGE		

P. WAIALEALE, KOOLAHOA, OAHU

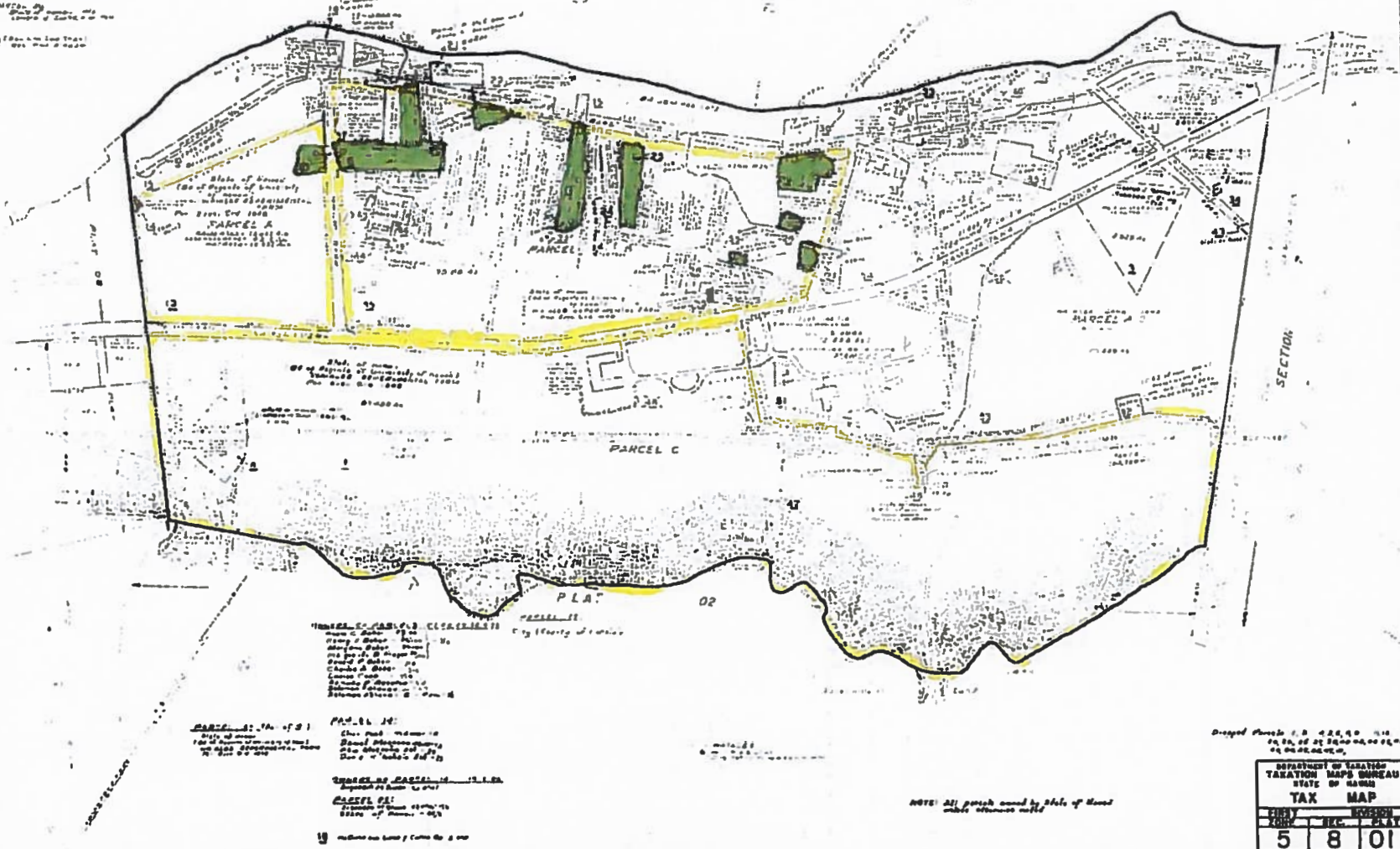
EXHIBIT A

Waialeale Property/Kuleana Lots

NOTE: All parcels shown on this map are subject to the provisions of the Kuleana Act of 1921, as amended.

NOTE: The boundaries shown on this map are based on the original survey of the land.

NOTE: The names of the owners of the land are shown on this map.



BWL NO. 1222 (Revised)
 SOURCE: U.S.G.S. 1896, 1908, 1916, 1921, 1928, 1934, 1941, 1948, 1954, 1960, 1967, 1974, 1981, 1988, 1995, 2002, 2009, 2016, 2023

PARCEL A:
 State of Hawaii
 1000 sq. ft. of land
 1000 sq. ft. of land
 1000 sq. ft. of land

PARCEL B:
 State of Hawaii
 1000 sq. ft. of land
 1000 sq. ft. of land
 1000 sq. ft. of land

PARCEL C:
 State of Hawaii
 1000 sq. ft. of land
 1000 sq. ft. of land
 1000 sq. ft. of land

PARCEL D:
 State of Hawaii
 1000 sq. ft. of land
 1000 sq. ft. of land
 1000 sq. ft. of land

Waialeale, Koolauloa, Oahu

DEPARTMENT OF LAND AND NATURAL RESOURCES
 TAXATION MAPS BUREAU
 STATE OF HAWAII
TAX MAP

FILE NO.	5
SECTION	8
PLAT	01

CONTAINING PARCELS
 TOTAL AREA = 100.00 AC.

NOTE: All parcels owned by State of Hawaii unless otherwise noted.

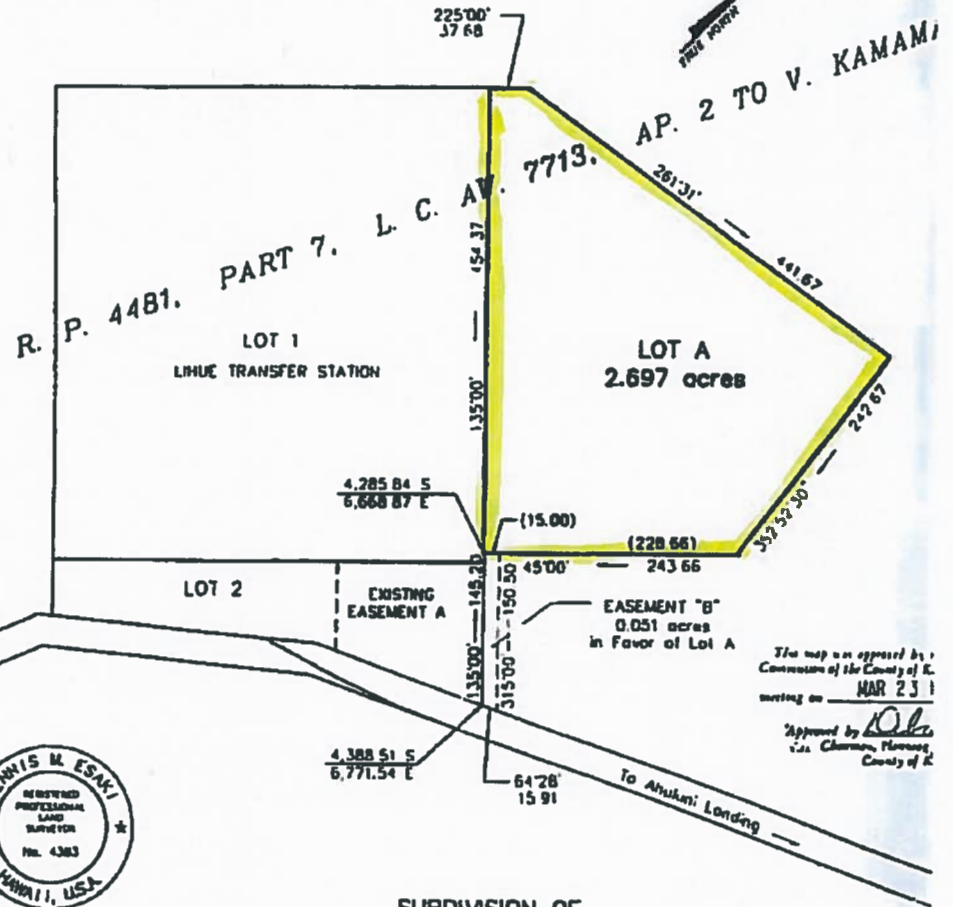
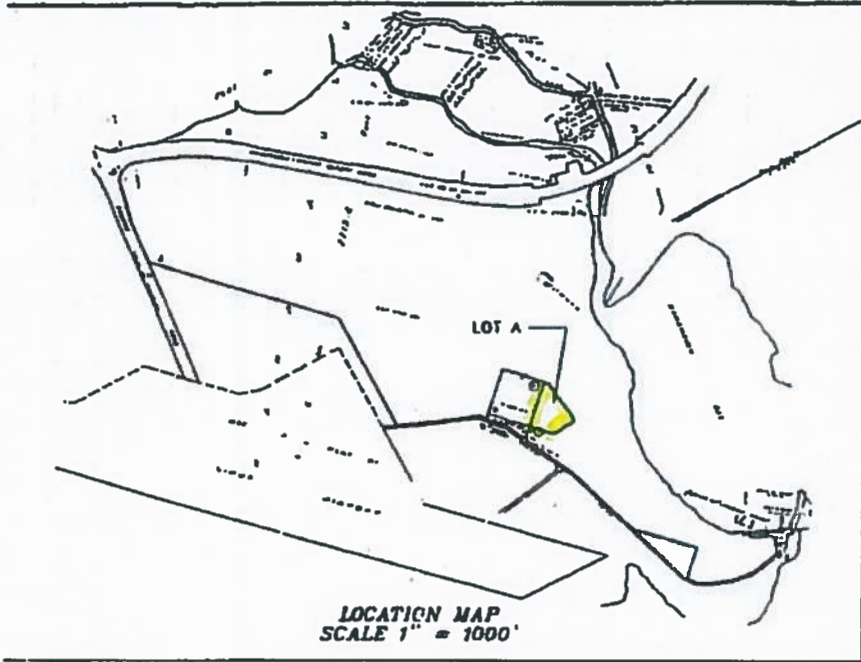
SUBJECT TO CHANGE

EXHIBIT B

Kauai Disinfestation
Facility Property

PARCEL 1
LIHUE PLANTATION CO., LTD

FINAL MAP ACCEPTED ON **MAR 16 1995**
(Date)
By *[Signature]*
Planning Department



- NOTE
- 1: Origin of azimuths and coordinates referred to "KALEPA" Δ
 - 2: Water service to these lots are not available from the Department of Water, County of Kauai

This map was approved by
Commissioner of the County of K.
MAR 23 1995
Approved by *[Signature]*
Chairman, Planning
County of K.



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION
[Signature]
ESAKI SURVEYING & MAPPING, INC.



SUBDIVISION OF
A PORTION OF R. P. 4480, PART 7,
L. C. AWARD 7713, APANA 2 TO V. KAMAMALU
INTO LOT A AND DESIGNATION OF EASEMENT "B"
HANAMAULU, LIHUE, KAUAI, HAWAII
TAX MAP KEY: 3-7-02: 01
OWNER: LIHUE PLANTATION CO. LTD.
DATE: MARCH 8, 1995

Item V.B.1.
Executive Session –
Waialeale

**ITEM TO BE
DISCUSSED IN
EXECUTIVE
SESSION**

RESOLUTION

Resolution Requesting the Development of a Comprehensive Real Property Asset Management Plan

WHEREAS, the University of Hawaii (“university”) holds various real estate interests that are not in use by campuses or are underutilized; and

WHEREAS, historically, many of these parcels of land have been viewed as belonging to individual schools, colleges, and campuses, rather than belonging to the university as a system; and

WHEREAS, this has resulted in silos and the lack of comprehensive real property asset planning and management across the university system; and

WHEREAS, Regents Policy (RP) 10.201 (Interests in Real Property) provides that real property and real estate endeavors shall:

- (1) Promote and support the mission and goals of the university in education, research, service, and economic development;
- (2) Advance principles and practices of sound environmental stewardship and sustainability;
- (3) Ensure that alternative actions are considered, investigated, and analyzed;
- (4) Be fairly priced in the context of applicable fair market values and other relevant factors;
- (5) Generate revenue from real property not critical to long range plans for the university to support the university’s core mission; and
- (6) Be consistent with and support long range plans that have been approved by the Board of Regents (Board); and

WHEREAS, in April 2017, the Board approved the Integrated Academic and Facilities Plan (IAFP), which requires the university to plan for and utilize real property assets in the context of a system to ensure that the mission of the university system is addressed without unnecessary duplication or inter-campus competition for scarce resources; and

WHEREAS, a comprehensive, long-range plan for real property asset management is needed to ensure that approaches to land transactions are in alignment with the mission and goals of the university.

NOW, THEREFORE, BE IT RESOLVED that for real estate assets that are addressed in this resolution, the Board of Regents hereby directs the university to:

- (1) Compile, and keep current, a database that provides a comprehensive inventory of lands under its control that includes critical and relevant information regarding each parcel;

R E S O L U T I O N

(2) Integrate the authority and responsibility for such assets under a single, unified planning and management structure that may be an officer or department within the university system, the University of Hawaii Foundation or a separate 501(c)(3) organization, to the extent allowable by law and collective bargaining agreements; and

(3) Develop a comprehensive, long range real estate asset plan; and

BE IT FURTHER RESOLVED that the Board’s Public-Private Partnership (P3) Task Group (Task Group) shall oversee progress on the development of a comprehensive real property asset management plan; and

BE IT FURTHER RESOLVED that the project plan, milestone and delivery schedule, and budgetary requirements, if any, for consulting services or other assistance, be reviewed and approved by the Task Group; and

BE IT FURTHER RESOLVED that the Task Group shall monitor progress and bring appropriate actions to the Board to review, discuss, and act upon; and

BE IT FURTHER RESOLVED that the Task Group shall develop revisions to Board policy to effectuate real estate asset planning and management policies that are consistent with the IAFP as well as the direction of this plan, and bring such revisions to the Board for review and action, as necessary and appropriate.

Adopted by the Board of Regents
University of Hawai‘i
March 22, 2018

RESOLUTION

Authorizing the President to Prepare a Reorganization Plan that May Re-Consolidate the Positions of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i

WHEREAS, the University of Hawai‘i first filled the separate position of Chancellor, University of Hawai‘i at Mānoa in 1972; and

WHEREAS, during the next 12 years at least six different individuals filled the separate position of Chancellor, University of Hawai‘i at Mānoa (including interim) under two Presidents; and

WHEREAS, in 1984 the position of Chancellor, University of Hawai‘i at Mānoa was combined with the position of President, University of Hawai‘i; and

WHEREAS, from 1984 to 2001 just two individuals served in the combined position of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i; and

WHEREAS, in 2001, at the direction of the Board of Regents with the stipulation that no new costs be incurred, the positions of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i were again separated; and

WHEREAS, on August 20, 2015, the Board of Regents affirmed that the university will retain the position of Chancellor, University of Hawai‘i at Mānoa as a position separate from the position of President, University of Hawai‘i; and

WHEREAS, on August 20, 2015, the Board of Regents further authorized and directed the President to complete and present to the Board for approval a set of administrative reorganizations that will reduce costs and improve the efficiency and effectiveness of support services; and

WHEREAS, since that time the President has implemented administrative reorganizations between the University of Hawai‘i at Mānoa and the University of Hawai‘i System offices in the areas of construction, facilities, planning, research, and communications to improve efficiency and effectiveness of these support services, and a similar reorganization is imminent in human resources; and

WHEREAS, work has been underway over the current academic year to administratively reorganize the offices of the Chancellor and Vice Chancellors of the University of Hawai‘i at Mānoa to focus on key areas and improve effectiveness; and

WHEREAS, as part of the administrative reorganization of the offices of the Chancellor and Vice Chancellors, the concept is being widely discussed and has substantial support to establish a Provost position at the University of Hawai‘i at Mānoa, as is prevalent at most flagship research universities across the country; and

R E S O L U T I O N

WHEREAS, it has been noted that in the current structure with the re-consolidation of many support services between the the University of Hawai‘i at Mānoa and the University of Hawai‘i System there may not be a substantial need for a separate Chancellor, University of Hawai‘i at Mānoa, particularly if a Provost position is established; and

WHEREAS, since 2001 seven different individuals have filled the separate position of Chancellor, University of Hawai‘i at Mānoa (including interim) under four Presidents; and

WHEREAS, the lack of stability in the separate position of Chancellor, University of Hawai‘i at Mānoa, is considered to be a significant impediment to the success of the flagship research campus of the University of Hawai‘i System; and

WHEREAS, the success of the tightly integrated University of Hawai‘i System is impeded if the University of Hawai‘i at Mānoa flagship research campus is not successful; and

WHEREAS, re-consolidating the positions of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i would reduce administrative costs; and

WHEREAS, it is widely recognized that in theory, the positions of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i are separate jobs but that in practice, this separation of the positions has not provided stable leadership at any time in the history of the University of Hawai‘i.

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents would view with interest the re-consolidation of the positions of Chancellor, University of Hawai‘i at Mānoa and President, University of Hawai‘i within the context of the reorganization planning underway; and

BE IT FURTHER RESOLVED that the President shall bring the actual reorganization plan to the Board of Regents before the end of 2018 in accord with applicable policies and procedures, with an interim progress report to be provided to the Board of Regents in September 2018.

Adopted by the Board of Regents
University of Hawai‘i
March 22, 2018



UNIVERSITY
of HAWAII
SYSTEM

UNIVERSITY OF HAWAII
BOARD OF REGENTS

David Lassner
President

DTS 18790

18 MAR 19 P3:55

March 13, 2018

RECEIVED

18 MAR 19 P2:08

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

MEMORANDUM

TO: Jan Naoe Sullivan, Chair
Board of Regents

FROM: David Lassner
President

SUBJECT: Revision to Board of Regents Policy, RP 10.207, Parking and Operation of Motor Vehicles

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents ("BOR") approve the proposed changes to Board of Regents Policy, RP 10.207, Parking and Operation of Motor Vehicles, to conform this general policy to BOR-approved amendments to Hawai'i Administrative Rules ("HAR") Chapter 20-12, which will take effect on March 18, 2018. This is a housekeeping-type action to fully effectuate the HAR (and Regent Policy) amendment; no changes to the parking schedules/rates are being proposed at this time. To avoid a gap in coverage and allow a seamless transition, this Regents Policy to establish parking fees shall take effect on the date the HAR are amended.

RECOMMENDED EFFECTIVE DATE:

Retroactive to March 18, 2018.

ADDITIONAL COST:

There are no additional costs associated with this request.

PURPOSE:

The changes proposed would establish parking fees for various University of Hawai'i campuses, consistent with amendments to HAR Chapter 20-12, Parking and Operation of Motor Vehicles, which repeal rules governing parking fees in anticipation of such fees being established by policy.

BACKGROUND:

RP 10.207 is the Regents Policy on Parking and Operation of Motor Vehicles. On November 16, 2017, the BOR approved amendments to HAR Chapter 20-12, also governing Parking and Operation of Motor Vehicles. Those amendments repealed rules pertaining to the management and operation of the parking function at the campus level -- e.g., procedures for obtaining parking permits, general rules for permit holders, appeal processes for students and employees, and parking rates -- with the intention of placing those matters in BOR policies and executive and campus policies and procedures. The HAR amendments also retained those rules required by law or affecting the general public, including appeal of parking and traffic citations by the general public and fines imposed for violation of HAR Chapter 20-12, consolidating them into one set of rules applicable to all University campuses. These HAR amendments were approved by the Governor on March 8, 2018, and take effect on March 18, 2018 (ten days after filing in the Office of the Lieutenant Governor).

With the amendments to HAR Chapter 20-12 taking effect, related changes need to be made to RP 10.207 in order for parking rates to be established by policy, rather than rule. These amendments to policy will be made in an open meeting of the BOR, subject to the requirements of Hawai'i Revised Statutes Chapter 92, with the opportunity for public input.

Proposed amendments to RP 10.207 were provided to the BOR for informational purposes in the materials submitted for the Board's meeting of November 17, 2016, when the amendments to HAR Chapter 20-12 first came before the BOR. During the process of considering the proposed rule amendments, the BOR decided to retain certain HAR provisions affecting the general public rather than move them to policy. Also, the Board Chair recommended delegating overall implementation of the policy to the President, rather than to the campus chancellors. (The Chancellors of the respective campuses are delegated the specific authority to establish appropriate procedures for the appeal of citations and penalties by students, employees or other designated persons on their campuses.) The proposed version of RP 10.207 now being presented to the Board conforms to those changes, and the unions have been consulted regarding this version.

The proposed amendments to RP 10.207 establish board-approved fees for parking permits and parking fees per day, per hour, or fraction thereof, on the roadways and in the parking areas under the jurisdiction of the University. The approved fee schedules for the seven campuses currently charging for parking (University of Hawai'i at Mānoa, University of Hawai'i at Hilo, Honolulu Community College, Kapi'olani Community College, Leeward Community College, Kaua'i Community College, and University of

Jan Naoe Sullivan, Chair

March 13, 2018

Page 3

Hawai'i – Maui College) are set forth in attachments to the policy. These fee schedules are identical to those in HAR Chapter 20-12, and remain unchanged. Approval of the amendments to RP 10.207 at this time is a housekeeping matter to ensure that parking fees are set forth in policy after the HAR amendments take effect; there will be no change to the parking fee rates by approval of the amended policy.

The University of Hawai'i at Mānoa intends to request amendments to its parking fee schedule (Attachment 1 of the policy) at BOR meetings in the coming months. The BOR will have another opportunity at that time to make any amendments to RP 10.207, besides the fee schedules.

ACTION RECOMMENDED:

It is requested that the Board of Regents approve the proposed changes to Board of Regents Policy, RP 10.207, Parking and Operation of Motor Vehicles, to conform this general policy to related amendments to HAR Chapter 20-12 previously approved by the BOR, which will take effect on March 18, 2018.

Attachments:

BOR Policy RP 10.207, clean

BOR Policy RP 10.207, red line

HAR Chapter 20-12 as amended (in Ramseyer format) (for reference)



Regents Policy Chapter 10, Land and Physical Facilities
Regents Policy RP 10.207, Parking and Operation of Motor Vehicles
Effective Date: Upon Hawaii Administrative Rules Chapter 20-12, as amended, taking effect (March 18, 2018)
Prior Dates Amended: Oct. 31, 2014 (codified)
Review Date: August 2019

I. Purpose

To establish board-approved fees for parking permits and parking fees per day, per hour, or fraction thereof on the roadways and in the parking areas under the jurisdiction of the university.

II. Definitions

No policy specific or unique definitions apply.

III. Policy

A. The board shall approve fees for parking permits and parking fees per day, per hour, or fraction thereof on the roadways and in the parking areas under the jurisdiction of the university at an open meeting of the board subject to the requirements of chapter 92, HRS.

B. Current board-approved fee schedules for each respective campus shall be attached to this policy as follows:

University of Hawai'i at Mānoa	Attachment 1
University of Hawai'i at Hilo	Attachment 2
Honolulu Community College	Attachment 3
Kapi'olani Community College	Attachment 4
Leeward Community College	Attachment 5
Kaua'i Community College	Attachment 6
University of Hawai'i - Maui College	Attachment 7

C. Other than as set forth above, the board delegates its authority to properly administer and manage the parking and operation of motor vehicles at each respective campus to the President, as set forth in Chapter 20-12, Hawaii'i Administrative Rules, as amended. The board further delegates to the Chancellors of the respective campuses the authority to establish appropriate procedures for the appeal of citations and penalties by students, employees, or other persons designated by the Chancellor.

IV. Delegation of Authority

The implementation of this policy shall be entrusted to the President.

V. Contact Information

Office of the Board of Regents, 956-5161, bor@hawaii.edu

VI. References

- A. <http://www.hawaii.edu/offices/bor/>
- B. Link to Chapter 20-12, Hawaii Administrative Rules
<http://www.hawaii.edu/offices/bor/adminrules/chapter12.pdf>

VII. Exhibits and Appendices

Attachments 1 to 7.

Approved:

_____	_____
<signature>	<Date>
<Name of Approving Authority>	
<Title of Approving Authority>	

ATTACHMENT 1

PARKING FEES FOR UH/MĀNOA

(a) Parking Permits

(1) Employee (Upper Campus)

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$175.00	\$175.00	\$525.00
2011 and thereafter	193.00	193.00	579.00

(2) Employee (Lower Campus)

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$129.00	\$129.00	\$387.00
2011 and thereafter	142.00	142.00	426.00

(3) The president, chancellor, vice presidents, vice chancellors, deans, and directors of major research institutes may, upon approval and payment of an additional fee in the amount of 50% of the established fee, be provided with one reserved parking stall as determined by the Parking Office.

(4) Student Permits

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$129.00	\$129.00	\$387.00
2011 and thereafter	142.00	142.00	426.00

(5) Evening Permits (per month)

FY	2010	\$21.00
	2011 and thereafter	24.00

(6) Moped/Motorcycle Permits (Employees and Students)

	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$27.00	\$27.00	\$81.00
2011 and thereafter	30.00	30.00	90.00

(b) Hourly or Daily Parking

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

- (1) \$4.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.
- (2) \$16.00 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.
- (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 2

PARKING PERMIT FEE SCHEDULE FOR UH-HILO

(October 1, 1992)

- (1) Dormitory resident parking. Dormitory residents may purchase permits to park in designated areas reserved for such residents. The charge for a dormitory resident permit is \$35 per semester or \$60 per year.
- (2) Preferred parking. Reserved lots on campus shall be divided into zones. Faculty and staff may purchase permits to park in "preferred" campus lots. Students may purchase permit to park in preferred lots on a space available basis. Preferred parking permits will be distributed by a lottery system. The charge for a preferred parking permit is \$35 per semester or \$60 per year.
- (3) General parking. Faculty, staff, and students may purchase permits to park in "general" campus lots. The charge for a general parking permit is \$15 per semester or \$25 per year.
- (4) Visitor parking. Visitors to campus shall park in designated lots or stalls only. Fee is based on an hourly or daily rate, as provided herein.
- (5) Hourly or daily parking fees may be set at rates not to exceed the following:
 - (A) \$4 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.
 - (B) \$16 per day or any fraction thereof payable either entrance or exit in certain zones or areas designed by the chancellor or the chancellor's designee.
 - (C) The chancellor or chancellor's designee shall establish the time periods at which said fees change from hourly to daily or vice versa.
 - (D) The chancellor or the chancellor's designee shall set or waive fees for parking for special events or disabled persons.

ATTACHMENT 3

PARKING FEES FOR THE
HONOLULU COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

<u>Parking permits</u>	<u>Semester Fees</u>	<u>Summer Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	6.00 per quarter or 9.00 per semester	

Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 4

PARKING FEES FOR THE
KAPIOLANI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits

	<u>Semester Fees</u>	<u>Summer Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	6.00 per quarter or 9.00 per semester	

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 5

PARKING FEES FOR THE
LEEWARD COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits	Semester <u>Fees</u>	Summer <u>Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	9.00 per semester	

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 6

PARKING FEES FOR THE
KAUAI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits	Semester <u>Fees</u>	Summer <u>Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	9.00 per semester	

(b) Hourly parking. The maximum hourly parking fees authorized by the board shall be twenty-five cents per hour or fraction thereof.

Persons losing time-stamped tickets must pay for entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 7

PARKING FEES FOR THE
MAUI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking Permits

	Semester <u>Fee</u>
(1) BOR personnel 24-hour permits	\$3.00
(2) Classified employee 24-hour permits	3.00
(3) Students 24-hour permits	1.00
(4) Motorcycle-motor scooter 24-hour permits	.50

The chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.



Regents Policy Chapter 10, Land and Physical Facilities
Regents Policy RP 10.207, Parking and Operation of Motor Vehicles
Effective Date: Upon Hawaii Administrative Rules Chapter 20-12, as amended, taking effect (March 18, 2018)
Prior Dates Amended: Oct. 31, 2014 (codified)
Review Date: August 2019

I. Purpose

~~To set forth policy regarding president's authority regarding parking and operation of motor vehicles~~To establish board-approved fees for parking permits and parking fees per day, per hour, or fraction thereof on the roadways and in the parking areas under the jurisdiction of the university.

II. Definitions

No policy specific or unique definitions apply.

III. Policy

~~A. The president is delegated the authority to promulgate practices and procedures for the parking and operation of motor vehicles on university campuses. (For the respective campuses, see Administrative Rules, Title 20, University of Hawai'i, Chapter 12).~~The board shall approve fees for parking permits and parking fees per day, per hour, or fraction thereof on the roadways and in the parking areas under the jurisdiction of the university at an open meeting of the board subject to the requirements of chapter 92, HRS.

B. Current board-approved fee schedules for each respective campus shall be attached to this policy as follows:

<u>University of Hawai'i at Mānoa</u>	<u>Attachment 1</u>
<u>University of Hawai'i at Hilo</u>	<u>Attachment 2</u>
<u>Honolulu Community College</u>	<u>Attachment 3</u>

<u>Kapi'olani Community College</u>	<u>Attachment 4</u>
<u>Leeward Community College</u>	<u>Attachment 5</u>
<u>Kaua'i Community College</u>	<u>Attachment 6</u>
<u>University of Hawai'i - Maui College</u>	<u>Attachment 7</u>

C. Other than as set forth above, the board delegates its authority to properly administer and manage the parking and operation of motor vehicles at each respective campus to the President, as set forth in Chapter 20-12, Hawai'i Administrative Rules, as amended. The board further delegates to the Chancellors of the respective campuses the authority to establish appropriate procedures for the appeal of citations and penalties by students, employees, or other persons designated by the Chancellor.

IV. Delegation of Authority

~~The president is delegated the authority to promulgate practices and procedures for the parking and operation of motor vehicles on university campuses. See RP 10.207(A).~~

The implementation of this policy shall be entrusted to the ~~chancellors of the respective campuses~~President.

V. Contact Information

Office of the Board of Regents, 956-5161, bor@hawaii.edu

VI. References

- A. <http://www.hawaii.edu/offices/bor/>
- B. [Link to Chapter 20-12, Hawaii Administrative Rules](http://www.hawaii.edu/offices/bor/adminrules/chapter12.pdf)
<http://www.hawaii.edu/offices/bor/adminrules/chapter12.pdf>

VII. Exhibits and Appendices

~~No Exhibits and Appendices found.~~ Attachments 1 to 7.

ATTACHMENT 1

PARKING FEES FOR UH/MĀNOA

(a) Parking Permits

(1) Employee (Upper Campus)

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$175.00	\$175.00	\$525.00
2011 and thereafter	193.00	193.00	579.00

(2) Employee (Lower Campus)

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$129.00	\$129.00	\$387.00
2011 and thereafter	142.00	142.00	426.00

(3) The president, chancellor, vice presidents, vice chancellors, deans, and directors of major research institutes may, upon approval and payment of an additional fee in the amount of 50% of the established fee, be provided with one reserved parking stall as determined by the Parking Office.

(4) Student Permits

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$129.00	\$129.00	\$387.00
2011 and thereafter	142.00	142.00	426.00

(5) Evening Permits (per month)

FY	2010	\$21.00
	2011 and thereafter	24.00

(6) Moped/Motorcycle Permits (Employees and Students)

FY	<u>Semester</u>	<u>Summer</u>	<u>Annual</u>
2010	\$27.00	\$27.00	\$81.00
2011 and thereafter	30.00	30.00	90.00

(b) Hourly or Daily Parking

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

- (1) \$4.00 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.
- (2) \$16.00 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.
- (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 2

PARKING PERMIT FEE SCHEDULE FOR UH-HILO
(October 1, 1992)

- (1) Dormitory resident parking. Dormitory residents may purchase permits to park in designated areas reserved for such residents. The charge for a dormitory resident permit is \$35 per semester or \$60 per year.
- (2) Preferred parking. Reserved lots on campus shall be divided into zones. Faculty and staff may purchase permits to park in "preferred" campus lots. Students may purchase permit to park in preferred lots on a space available basis. Preferred parking permits will be distributed by a lottery system. The charge for a preferred parking permit is \$35 per semester or \$60 per year.
- (3) General parking. Faculty, staff, and students may purchase permits to park in "general" campus lots. The charge for a general parking permit is \$15 per semester or \$25 per year.
- (4) Visitor parking. Visitors to campus shall park in designated lots or stalls only. Fee is based on an hourly or daily rate, as provided herein ~~set by the chancellor.~~
- (5) Hourly or daily parking fees ~~will~~ may be set ~~by the chancellor or the chancellor's designee~~ at rates not to exceed the following:
 - (A) \$4 per hour or any fraction thereof. Persons losing time-stamped tickets or driving vehicles parked before daily kiosk opening must pay for the entire time lapsed between opening of the lot and their departure.
 - (B) \$16 per day or any fraction thereof payable either entrance or exit in certain zones or areas designed by the chancellor or the chancellor's designee.
 - (C) The chancellor or chancellor's designee shall establish the time periods at which said fees change from hourly to daily or vice versa.
 - (D) The chancellor or the chancellor's designee shall set or waive fees for parking for special events or disabled persons.

ATTACHMENT 3

PARKING FEES FOR THE
HONOLULU COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

<u>Parking permits</u>	<u>Semester Fees</u>	<u>Summer Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	6.00 per quarter or 9.00 per semester	

Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The ~~provost~~ chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 4

PARKING FEES FOR THE
KAPIOLANI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits

	<u>Semester Fees</u>	<u>Summer Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	6.00 per quarter or 9.00 per semester	

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee~~provost~~ has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 5

PARKING FEES FOR THE
LEEWARD COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits

	<u>Semester Fees</u>	<u>Summer Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	9.00 per semester	

(b) Hourly parking. Hourly parking fees may be set from time to time by the board of regents, ~~or if so delegated, by the president,~~ at rates not to exceed thirty-five cents per hour or fraction thereof. Persons losing time-stamped tickets must pay for the entire time elapsed between daily opening of the lot and their departure.

The chancellor or the chancellor's designee ~~prevost~~ has the authority to set or waive fees for parking in the case of special events.

ATTACHMENT 6

PARKING FEES FOR THE
KAUAI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking permits	Semester <u>Fees</u>	Summer <u>Fees</u>
(1) Employee 24-hour permits	\$25.00	\$12.50
(2) Student 24-hour permits	25.00	12.50
(3) Motorcycle-Motor scooter 24-hour permits	2.50	1.25
(4) Evening only permits for employees and students	9.00 per semester	

~~The president may set fees below the maximum authorized by the board.~~

(b) Hourly parking. The maximum hourly parking fees authorized by the board shall be twenty-five cents per hour or fraction thereof.

~~The president may set the hourly parking fees below the maximum authorized by the board.~~

—Persons losing time-stamped tickets must pay for entire time elapsed between daily opening of the lot and their departure.

~~The prevost chancellor or the chancellor's designee has the authority to set or waive fees for parking in the case of special events.~~

ATTACHMENT 7

PARKING FEES FOR THE
MAUI COMMUNITY COLLEGE CAMPUS
(May 20, 1981)

(a) Parking Permits

	Semester <u>Fee</u>
(1) BOR personnel 24-hour permits	\$3.00
(2) Classified employee 24-hour permits	3.00
(3) Students 24-hour permits	1.00
(4) Motorcycle-motor scooter 24-hour permits	.50

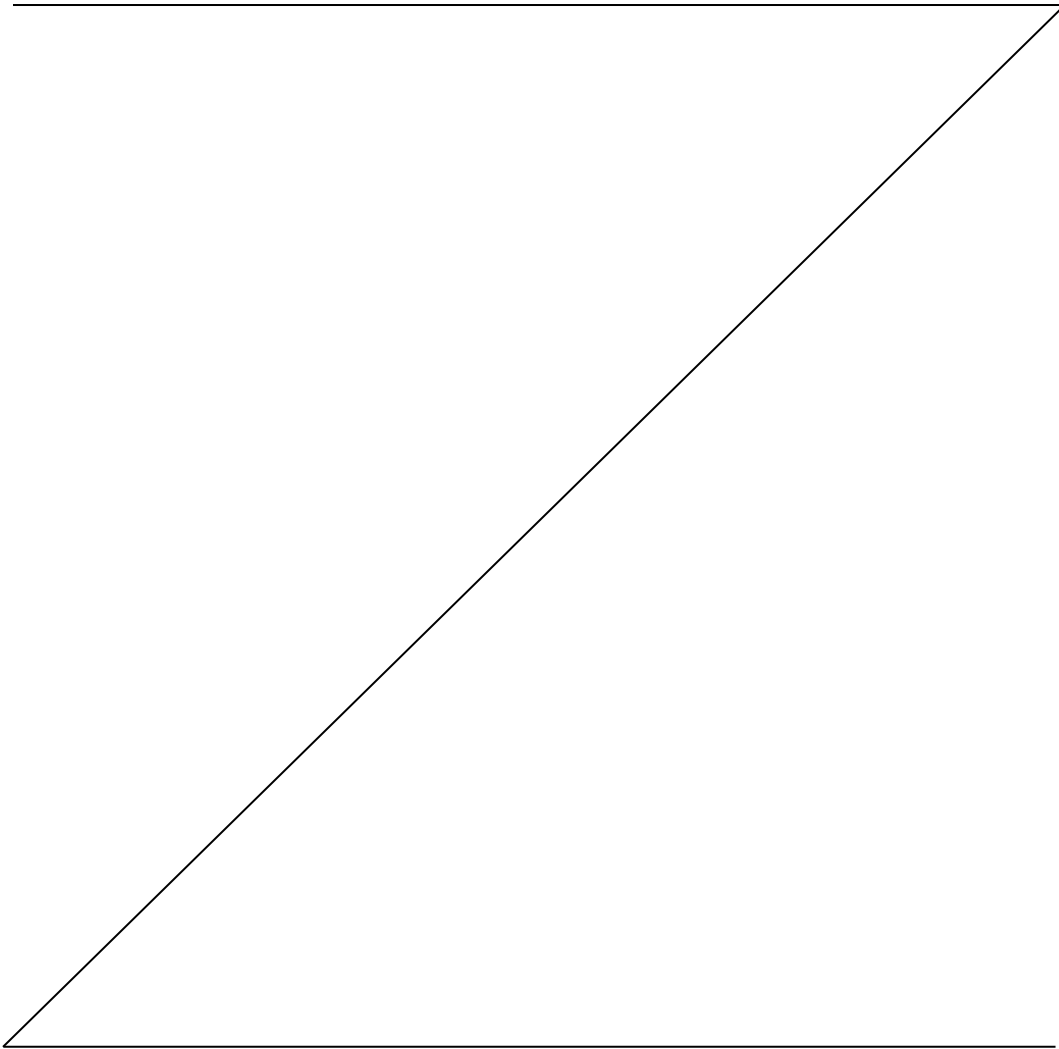
The chancellor or the chancellor's designee ~~prevost~~ has the authority to set or waive fees for parking in the case of special events.

UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-12
Hawaii Administrative Rules

(November 16, 2017)

1. Chapter 12 of Title 20, Hawaii Administrative Rules, entitled "Parking and Operation of Motor Vehicles" is amended and compiled to read as follows:



"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 12

PARKING AND OPERATION OF MOTOR VEHICLES

§20-12-1	Statement of purpose
§20-12-2	Definitions
§20-12-3	Delegation of authority
§20-12-4	Repealed
§20-12-5	Repealed
§20-12-6	Repealed
§20-12-7	General rules
§20-12-8	Parking permits, violations, fees, and penalties
§20-12-9	Repealed
§20-12-10	Appeals process, information requests and submittals, and petitions for declaratory rulings

Subchapter 2 University of Hawaii at Hilo -
Repealed

§§20-12-11 to 20-12-19 Repealed

Subchapter 3 Honolulu Community College -
Repealed

§§20-12-20 to 20-12-30 Repealed

Subchapter 4 Kapiolani Community College -
Repealed

§§20-12-31 to 20-12-41 Repealed

Subchapter 5 Leeward Community College - Repealed

§§20-12-42 to 20-12-51 Repealed

Subchapter 6 Kauai Community College - Repealed

§§20-12-52 to 20-12-61 Repealed

Subchapter 7 Maui Community College - Repealed

§§20-12-62 to 20-12-71 Repealed

[~~SUBCHAPTER 1~~

~~UNIVERSITY OF HAWAII AT MANOA]~~

§20-12-1 **Statement of purpose.** The purpose of
[~~these rules~~] this chapter is to properly administer
parking and traffic operations[~~-~~] for vehicles on the
roadways and in the parking areas under the

jurisdiction of the university. These rules are intended for the safety and general welfare of the university community [~~-~~] and the public at large. [Eff 6/22/81; am 4/1/93; am and comp] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

§20-12-2 **Definitions.** As used in this [~~subchapter:~~] chapter:

"Board" refers to the board of regents of the University of Hawaii.

~~["Bicycle" refers to a vehicle with two tandem wheels, a steering handle, a saddle seat, and pedals by which it is propelled.]~~

"Campus" refers to [~~all lands occupied by the university and by the East West Center at the Manoa campus.~~] each of the following major organizational units of the university:

- (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus;
- (2) University of Hawaii at Hilo;
- (3) University of Hawaii - West Oahu;
- (4) Honolulu Community College;
- (5) Kapiolani Community College;
- (6) Leeward Community College;
- (7) Windward Community College;
- (8) Kauai Community College;
- (9) University of Hawaii - Maui College;
- (10) Hawaii Community College; and
- (11) Any other major organizational unit of the university identified as a campus by the board.

"Chancellor" refers to the chancellor of [~~the University of Hawaii at Manoa~~] the respective campus and shall include [~~his/her~~] the chancellor's authorized designee.

"Driver" has the same meaning as in section 291C-1, HRS.

"Employees" refers to and shall include the faculty, staff, and graduate students employed at the

university. [~~These employees shall include the university system offices and employees of contractors and lessees conducting business on campus unless said employees' contracts prohibit on-campus parking.~~]

[~~"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, mopeds, and motorcycles.~~]

"Parking board" refers to the parking board of review[~~-~~] for each campus, consisting of at least one student, one faculty member, and one staff member.

"Pedestrian" has the same meaning as in section 291C-1, HRS.

"President" means the president of the University of Hawaii.

"Special events" refers to events on [~~the University of Hawaii~~] each campus that would necessitate a temporary change in the normal parking and traffic operations.

"Student" refers to any full-time or part-time student enrolled at the university.

"University" refers to the University of Hawaii [~~at Manoa and shall include the East West Center~~].

"Vehicle" has the same meaning as in section 291C-1, HRS. [Eff 6/22/81; am 4/1/93; am 12/18/00; am and comp] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

§20-12-3 **Delegation of authority.** [~~The~~] Except as otherwise reserved for the board in section 20-12-8, the board delegates its authority to properly administer and manage the parking and traffic operations at [~~the university~~] each respective campus to the [~~chancellor.~~] president. [~~The board may engage a private concessionaire or contractor to operate the parking and traffic operation or a portion thereof at the campus.~~] The president shall have authority to:

- (1) Establish, implement, and administer policies and procedures to regulate traffic and parking;

- (2) Establish, implement, and administer policies and procedures for issuance of permits to employees and students;
- (3) Designate reserved parking for university vehicles, disabled employees and students, and special events at the campus;
- (4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus;
- (5) Appoint members of the parking board for the campus; and
- (6) Perform other action as necessary to regulate traffic and parking.

The president is authorized to delegate any of the president's power to the chancellors of the respective campuses. [Eff 6/22/81; am 4/1/93; am and comp] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2681)

~~[§20-12-4 **Map of parking areas.** The map of the parking areas of the campus shall be kept at the parking office. The chancellor may change the assignment of zones and allowable times for parking in zones allocated to employees, students or others, based on availability and demand without the necessity of following the provisions of sections 91-3, 91-4, and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to make any such change which may directly affect either students or employees, so that both said groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change. Such changes shall be recorded on the map.]~~
[Eff 6/22/81; am 4/1/93; R] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

~~[§20-12-5 Application procedure. (a)~~

~~Application for parking permits. Any employee or student seeking a parking permit shall obtain an application form from the parking office or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees and students shall follow established parking permit purchasing procedures as designated by the chancellor or a designee and shall be required to show proof of:~~

- ~~(1) Valid driver's license;~~
- ~~(2) Vehicle registration certificate;~~
- ~~(3) Employment verification letter or valid faculty or staff identification card (employee);~~
- ~~(4) Student registration verification slip or valid student identification card (student);~~
- ~~(5) Student housing receipt (dorm student).~~

~~(b) When and where to get permits. Permits will be sold at times and places designated by the chancellor or a designee, provided that the chancellor shall announce in advance by appropriate media the intent to make a change in such timing or location which may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change.~~

~~(c) Only one permit shall be sold to each applicant and such permit shall not be transferable except as otherwise provided.~~

~~(d) Permit fees may be refunded in accordance with policy as established by the chancellor.] [Eff 6/22/81; am 4/1/93; am 12/18/00; R]~~
~~(Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§294-10, 304-4, 306-9, 308-1)~~

~~[§20-12-6 Chancellor's authority and priorities.~~

~~The chancellor shall have authority to:~~

- ~~(1) Establish, implement, and administer policies and procedures to regulate traffic and parking;~~
- ~~(2) Establish, implement and administer policies and procedures for issuance of permits to employees and students;~~
- ~~(3) Designate reserved parking for university vehicles, handicapped employees and students, and special events at the university;~~
- ~~(4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus.~~
- ~~(5) Do such other things as necessary to control traffic and parking.] [Eff 6/22/81; am 4/1/93; am 12/18/00; R]~~
(Auth: HRS §§304-4, 306-2, 308-1) (Imp: HRS §§294-10, 304-4, 306-9, 308-1)

§20-12-7 **General rules.** (a) Area of authority. These rules shall govern parking and operation of [~~motor~~] vehicles [~~and bicycles~~] on [~~the~~] each campus.

(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire calendar year.

(c) All drivers and pedestrians on campus shall adhere to, and be subject to fines in accordance with, all applicable state and local traffic laws and this chapter.

~~[(e)]~~(d) Signs. [~~All~~] Drivers and pedestrians shall adhere to all officially posted signs regarding traffic and parking [~~control shall be observed~~].

~~[(d) Access and parking area.~~

- ~~(1) Access. Access to the campus shall be permitted upon showing or displaying proper permits except in hourly and daily parking zones. Motor vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking. Parking shall be permitted only in areas marked and specified by the parking office.]~~

(e) Removal. Any ~~motor~~ vehicle may be removed ~~[or immobilized]~~ at the expense of the owner if it is in violation of ~~[these rules.]~~ this chapter. ~~[The motor vehicles may be held by the university in lieu of payment of any removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus.]~~

~~If the motor vehicle so removed is unclaimed for thirty days, the university shall thereafter dispose of the motor vehicle as determined by the parking office. The university shall pay all costs of removal and storage and other costs connected with the disposal out of the university parking revolving fund. If the motor vehicle is sold, the fund shall be reimbursed for the costs, as well as for any unpaid fines from the proceeds for the sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of the sale are not claimed by the owner of the vehicle within sixty days after notice, the proceeds shall be deposited in the university parking revolving fund.]~~ The registered owner of any vehicle so removed shall be responsible for and pay all costs incurred in the towing, storage, and disposal of the vehicle.

~~[(f) Display of permits. Any motor vehicle parked on university property, other than in pay lots, must display a valid university parking permit or pass. The permit shall designate a specific zone where the vehicle may be parked. It is the permit holder's responsibility to display the permit in plain view on the dashboard or on the rear view mirror. For motorcycles, mopeds, and motor scooters, it shall be affixed to the left handle bar or on the left front side in plain view. The location where these stickers may be placed may be changed by the chancellor as deemed necessary. Failure to properly display identification stickers as indicted in this subsection is a violation and may subject the violator to a fine,~~

~~removal of the vehicle, disciplinary action, or any combination thereof.~~

~~(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that month for which it is issued. Students without semester or summer session day-time programs may be allowed to purchase evening only permits for parking in the zones designated by the chancellor.~~

~~(h) A permit shall be valid only in the zone designated except that after four p.m., daily, permit holders having semester or summer permits may be allowed to park in zones designated by the chancellor.~~

~~(i) The university shall not issue excessive parking permits in relation to the number of spaces available. The chancellor may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.~~

~~(j) Employees and their families living on the campus shall be provided permits at no cost except that they shall park only in the designated area adjacent to their dwellings.~~

~~(k) Persons parking in hourly or daily pay zones as designated by the chancellor shall pay the rate as established in section 20-12-8.~~

~~(l) Enforcement. These rules shall be enforced by persons authorized by the board or by the chancellor to man gates and issue citations.~~

~~(m)](f) [The] To the extent permitted by law, the university shall not be responsible or liable for fire, theft, or damages to [motor] vehicles or any contents therein when parked or operated on [the] any campus. [Eff 6/22/81; am 4/1/93; am 12/18/00; am and comp] (Auth: HRS §§304A-105, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2681)~~

§20-12-8 Parking permits, violations, fees, and [areas.] penalties. (a) [Fees] The board may establish fees for [regular] parking permits and for hourly or daily parking [shall be as reflected in Exhibit A, entitled "Regular Parking Fees for UH/Manoa" dated _____, which is made a part hereof and located at the end of this chapter.] on the roadways and in the parking areas under the jurisdiction of the university. Parking fees shall be established at an open meeting of the board in accordance with the requirements of chapter 92, HRS.

(b) [Other fees.

- (1) The board may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to set the fees which setting may directly affect either students or employees, so that both the groups or their representatives shall have an opportunity to submit comments or recommendations on the matter prior to the board's decision to set the fees.
- (2) The board may establish service fees.
- (3) The board may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing.]

Violations and their corresponding fines and penalties for nonpayment shall be as set forth in Attachment 1, entitled "Violations and Schedule of Fines and Penalties for Non-Payment for the University of Hawaii Campuses", dated November 17, 2016, and located at the end of this chapter. Violators may be subject to any or all of the following: citation, fines, non-payment penalties, and removal of vehicle. University employees or students may also be subject to additional penalties in accordance with university policies.

(c) Non-payment penalties may be imposed if the fine is not paid or appealed within fifteen days after

the issuance of the citation, as set forth in Attachment 1, entitled "Violations and Schedule of Fines and Penalties for Non-Payment for the University of Hawaii Campuses", dated November 17, 2016, and located at the end of this chapter.

(d) Fines imposed shall be over and beyond removal and storage charges, if any.

(e) The permit holder, the registered owner, or the driver of the vehicle shall be subject to the applicable fines and penalties described in subsections (b) and (c).

(f) All fines and penalties shall be paid at the parking office, business office, administration office, or at any other office as the chancellor of the applicable campus designates. [Eff 6/22/81; am 4/01/93; am 12/18/00; am 08/21/09; am and comp] (Auth: HRS §§304A-104, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)

~~[§20-12-9 **Violations and penalties.**—(a) Violations and their corresponding penalties shall be as reflected in Exhibit B, entitled "Violations and Schedule of Penalties for UH/Manoa" dated _____, which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, removal or immobilization of motor vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.~~

~~(c) Additional penalties may be imposed if the fine is not paid or contested within seven days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa" dated _____.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in subsections (a),~~

~~(b), and (c), except in the case of a moving violation in which case the driver shall be subject to the applicable penalties.~~

~~(f) All fines shall be paid at the parking office.] [Eff 6/22/81; am 4/01/93; am 12/18/00; am 08/21/09; R] (Auth: HRS §§304A-104, 304A-2601, 304A-2672) (Imp: HRS §§304A-105, 304A-2601, 304A-2602, 304A-2681)]~~

§20-12-10 Appeals process[-], information requests and submittals, and petitions for declaratory rulings.

~~(a) [Each person receiving a citation is entitled to a formal hearing on the citation.] Any university employee or student shall follow the appeals process established by the chancellor of the campus issuing the citation. All others, including any member of the public, shall follow the appeals process set forth in this section.~~

~~Requests for formal hearings [~~must~~] shall be submitted in writing within seven days after issuance of the citation on a form to be provided by the [~~university.] campus. [Such] These forms shall be made available [~~at~~] by the parking office[-], business office, administration office, or by any other office as the chancellor of each campus designates.~~~~

~~(b) The following rules of practice on parking and traffic matters including both [~~formal and~~] informal and formal procedures are adopted:~~

- ~~(1) Informal procedures. Persons who believe that they have received a parking or traffic citation [~~or notice of citation~~] in error or whose vehicle was [~~towed away~~] removed by the [~~university] campus may [~~discuss their complaint or problem in person~~] file a written request for an informal review with the parking manager or other authorized person designated to manage the [~~university's] campus' parking and traffic program within [~~seven] fifteen~~ days of the issuance of the citation [~~or notice~~] or of~~~~~~

the removal of a vehicle. [~~Such managers~~]
The authorized person may waive [~~said~~
~~period~~] the filing deadline for good cause
shown. [~~Such managers~~] The authorized
person may void citations, waive towing and
storage charges, and reduce the fine imposed
upon review of the facts of each case and
upon a written finding that the parking or
traffic citation was improperly issued or
that the person did not know of [~~said~~] the
citations or notice so as to contest them
within [~~seven~~] fifteen days of issuance.
The authorized person's written decision
shall be final and binding and no further
appeal is permitted; and

- (2) Formal procedures. A person requesting a
formal hearing on a parking or traffic
citation in accordance with subsection (a)
[~~of this section~~] shall be afforded an
opportunity for hearing after reasonable
notice as provided by chapter 91, HRS.
[~~Essentially, that chapter provides as~~
~~follows: The notice shall include a~~
~~statement of:~~
- (A) ~~The date, time, place and nature of~~
~~hearing.~~
 - (B) ~~The legal authority under which the~~
~~hearing is to be held.~~
 - (C) ~~The particular sections of the statutes~~
~~and rules involved.~~
 - (D) ~~An explicit statement in plain language~~
~~of the issues involved and the facts~~
~~alleged by the officer issuing the~~
~~citation in support thereof.~~
 - (E) ~~The fact that any party may retain~~
~~counsel if so desired.]~~ The hearing
under this section shall be treated as a
contested case hearing under chapter 91,
Hawaii Revised Statutes, and shall be
conducted in accordance with the statutory
requirements for contested case hearings, as
follows:

- (A) The hearing shall be conducted by a hearing officer appointed by the parking board;
- (B) Upon receipt of a written request for a formal hearing, the hearing officer shall issue a written notice, which notice shall include a statement of:
 - (i) The date, time, place, and nature of hearing;
 - (ii) The legal authority under which the hearing is to be held;
 - (iii) The particular sections of the statutes, rules, and procedures involved;
 - (iv) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof, provided that if the hearing officer is unable to state the issues and facts at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished; and
 - (v) The fact that any party may retain counsel if so desired.

The written notice of hearing shall be provided to all parties to the proceeding at least fifteen days before the hearing;
- (C) Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct [~~such~~] a cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence[-.];

~~[The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If it is the hearing officer who hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.]~~

~~In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.]~~

- (D) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;
- (E) For the purpose of preserving a record of the proceedings before the hearing officer, the proceedings shall be either tape-recorded or recorded verbatim by a certified shorthand reporter. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, board review, or court review;
- (F) Within a reasonable time following the closure of the hearing on the contested case, the hearing officer shall submit

findings of fact and conclusions of law to, and prepare a proposed decision on the case as a recommendation for, the parking board and to the parties. If a party is adversely affected by the proposed decision, the party may file written exceptions and present written or oral arguments to the parking board. Any exceptions and written arguments shall be filed not more than fifteen days from the date of the proposed decision with the parking office, business office, administration office, or any other office as the chancellor of the campus handling the formal hearing designates. The parking board shall provide the parties with an opportunity to present oral arguments at an adjudicatory meeting of the parking board;

(G) In rendering the final decision, the parking board shall personally consider the whole record of the contested case or the portions thereof as may be cited by the parties. No matters outside the record shall be considered by the parking board in making a decision, except as provided in this chapter;

(H) Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge[-];

- (I) If a party does not appear at the date, time, and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter; and
- (J) Appeals from the final decision of the parking board rendered in a contested case under this chapter shall be in accordance with chapter 91, HRS.

~~[(c) The parking board shall be composed of a student, a faculty member and a staff member appointed by the chancellor. The decision of the parking board shall be final within the university.~~

~~{d)}~~(c) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the parking office[-], business office, administration office, or such other office as the chancellor of the respective campus designates.

~~[(c) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.~~

~~{f)}~~(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of [motor] vehicles on [the] any campus [or any rule under this subchapter] shall be in the form of a letter to the chancellor of [the University of Hawaii] the respective campus stating the interest of the petitioner in the matter, the reasons for requesting the ruling and the specific

nature of the ruling being requested. The chancellor
[~~may confer with appropriate administrative or legal
staff, or both, and~~] shall render in writing a
declaratory ruling or other order disposing of the
matter. [Eff 6/22/81; am 4/1/93, am and comp
] (Auth: HRS §§91-6, 91-8, 304A-105,
304A-2601, 304A-2672) (Imp: §§91-6, 91-8, 304A-105,
304A-2601, 304A-2681)

[~~SUBCHAPTER 2~~

~~UNIVERSITY OF HAWAII AT HILO~~

~~Historical Note: This subchapter is based
substantially upon "Rules and Regulations Governing
Parking and Operation of Motor Vehicles at the
University of Hawaii Hilo Campus" promulgated by the
University of Hawaii board of regents. [Eff 9/8/69; R
6/22/81]~~

~~§20-12-11 **Statement of purpose.** The purpose of
this subchapter is to properly administer parking and
traffic operations at the University of Hawaii at Hilo
campus. This subchapter is intended to provide for
the safety and general welfare of the university
community.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R
] (Auth: HRS §§308-1, 304-4, 306-2)
(Imp: HRS §§308-1, 308-3, 306-9, 304-4)~~

~~[§20-12-12 **Definitions.** As used in this
subchapter:~~

~~"Board" means the board of regents of the
University of Hawaii.~~

~~[§20-12-14 **Map of parking areas.**— A current map of the parking areas of the campus displaying the assignments of zones shall be kept at the auxiliary services office. The chancellor may change the assignment of zones and allowable times for parking in zones allocated to employees, students, or others, based on availability and demand, without the necessity of following the provisions of sections 91-3, 91-4, and 91-5, HRS, provided that the chancellor shall announce thirty days in advance by appropriate media the intent to make any such change which may directly affect either students or employees, so that both of these groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to make such change. Such changes shall be recorded on the map.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)~~

~~[§20-12-15 **Parking permits and fees.**— (a) The chancellor shall determine the need for and method of distributing permits. All university employees and students shall register and obtain appropriate parking permits for their vehicles. Visitors may park in designated stalls without a parking permit. Parking permit fees and fees for hourly or daily parking shall be as reflected in the exhibit entitled "Parking Permit Fee Schedule" dated October 1, 1992, which is located at the end of this chapter and made a part of this section.~~

~~(b) Other fees.~~

~~(1) The chancellor may set fees for other periods of time not covered under this subchapter without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that such fees do not exceed the maximum established in the exhibit entitled "Parking Permit Fee~~

~~Schedule", dated October 1, 1992, and provided that the chancellor shall announce thirty days in advance by appropriate media the intent to set such fees which may directly affect either students or employees, so that both of these groups or their representatives shall have the opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to set such fees.~~

- (2) ~~The chancellor may establish service fees not to exceed \$10 per transaction. The chancellor may establish equitable refundable deposit requirements for returnable items such as gate cards and keys.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1. 304-4, 306-9)~~

~~[§20-12-16 **The chancellor's authority.** The chancellor may:~~

- (1) ~~Establish, implement, and administer policies and procedures to regulate traffic and parking;~~
- (2) ~~Establish, implement and administer policies and procedures for issuance of permits to employees and students;~~
- (3) ~~Designated reserved parking for university vehicles, disabled employees and students, and special events at the university;~~
- (4) ~~Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus;~~
- (5) ~~Appoint members of the parking board to be comprised of a student, a faculty member, and a staff member; and~~
- (6) ~~Do other things necessary to control traffic and parking.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R] (Auth: HRS~~

§§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)

~~[§20-12-17 **General rules.** (a) This section shall govern parking and operation of vehicles on the campus.~~

~~(b) Time. The requirements of this subchapter shall be in effect twenty four hours daily throughout the entire year. Parking on campus shall be limited to the hours between 6:00 a.m. to 12:00 midnight with the exception of dormitory resident parking which shall be in effect twenty four hours daily.~~

~~(c) Signs. All official signs regarding parking and traffic must be observed.~~

~~(d) Access and parking areas.~~

~~(1) Access to the campus shall be permitted only upon showing or displaying proper permits except in hourly and daily parking zones. Vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking shall be permitted only in areas marked and specified for parking on the map filed at the auxiliary services office.~~

~~(e) Removal of vehicles. Any vehicle may be removed, immobilized, or confiscated at the expense of the owner if it is in violation of this subchapter. Such vehicles may be held by the university in lieu of payment of any unpaid fines or removal and storage charges incurred against the vehicle as a result of its operation or parking on the university campus. If the vehicle so removed is not claimed by the owner of the vehicle within thirty days after written notice, the university shall thereafter dispose of the vehicle as determined by the auxiliary service office. The university shall pay all costs of removal and storage and other costs connected with such disposal out of the university revolving parking fund. If the vehicle is sold, the fund shall be reimbursed for all costs, including unpaid fines, relative to the vehicle's disposal and sale, and the remaining balance,~~

~~if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after notice, such proceeds shall be deposited in the university revolving parking fund.~~

~~(f) Display of permits. Any vehicle parked on university property, other than in pay lots, must display a valid university parking permit or pass. The permit shall designate a specific zone where the vehicle may be parked. It is the permit holder's responsibility to display the permit in plain view on the dashboard or on the rear-view mirror.~~

~~(g) A permit shall be valid for times specified, and only for the areas designated on the permit.~~

~~(h) A permit shall be valid only in the zone designated except that after 4 p.m., daily, permit holders having semester or summer permits may be allowed to park in zones designated by the chancellor.~~

~~(i) The chancellor may adjust the ratio of permits to the number of spaces available from time to time as the need arises.~~

~~(j) Employees and their families living on the campus shall be provided permits at no cost except that they shall park only in the designated area adjacent to their dwellings.~~

~~(k) Persons parking in hourly or daily pay zones as designated by the chancellor shall pay the rate as established in section 20-12-15.~~

~~(l) Enforcement. This subchapter shall be enforced by persons authorized by the board or the chancellor.~~

~~(m) The university shall not be responsible for fire, theft, or damage to vehicles or any contents therein when parked or operated on the campus.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R]~~
(Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)

~~[§20-12-18 **Violations and penalties.** (a) Violations and their corresponding penalties shall be~~

~~as reflected in Exhibit A entitled "Violations and Schedule of Penalties for UH/Hilo" dated May 29, 2008, which is located at the end of this chapter and made a part of this Chapter.~~

~~(b) Violators shall be subject to a fine and removal, immobilization, or confiscation of vehicle, or disciplinary action, revocation or suspension of permit, or all of the foregoing.~~

~~(c) Additional penalties may be imposed if the fine is not paid or contested within seven calendar days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Hilo" dated May 29, 2008.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner of the vehicle, or both, shall be subject to the applicable penalties described in subsections (a), (b), and (c) except in the case of a moving violation in which case the driver shall be subject to applicable penalties.~~

~~(f) All fines shall be paid at the auxiliary services office.~~

~~(g) Disciplinary action against students shall be as provided under existing Board of Regents' Bylaws and Policies." [Eff 6/22/81; am 6/2/83; am 7/2/93; am 07/18/08; R] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §§308-1, 308-3, 304-4, 306-9)~~

~~[§20-12-19 Appeals process. (a) Any person receiving a citation is entitled to a formal hearing on the citation. Requests for a formal hearing must be submitted in writing within seven days after issuance of the citation on a form to be provided by the university. Such form shall be made available at the auxiliary services office.~~

~~(b) The following are rules of practice on parking and traffic matters including both formal and informal procedures:~~

~~(1) Informal procedures. Persons who believe that they have received a parking or traffic~~

~~citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the university's parking and traffic program within seven days of the issuance of the citation or notice or of the removal of a vehicle. Such manager may waive said period for good cause shown. Such manager may void citations, waive towing and storage charges, and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citations or notice so as to contest them within seven days of issuance.~~

~~(2) Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with subsection(a) shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:~~

- ~~(A) The date, time, place, and nature of hearing.~~
- ~~(B) The legal authority under which the hearing is to be held.~~
- ~~(C) The particular sections of the statutes and rules involved.~~
- ~~(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.~~
- ~~(E) The fact that any party may retain counsel if so desired.~~

~~Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have~~

~~the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.~~

~~The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If a hearing officer hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the hearing officer's report, the decision of the hearing officer shall be final.~~

~~In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.~~

~~Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.~~

~~(c) The decision of the parking board shall be final within the university.~~

~~(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the auxiliary service office.~~

~~(e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the university stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on the chancellor's own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.~~

~~(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the university stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter.] [Eff 6/22/81; am 6/2/83; am 7/2/93; R] (Auth: HRS §§308-1, 304-4, 306-2) (Imp: HRS §308-1, 304-4, 306-9)~~

~~[SUBCHAPTER 3~~

~~HONOLULU COMMUNITY COLLEGE~~

~~Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Honolulu Community College Campus" promulgated by the University of Hawaii board of regents. [Eff 7/11/68; R 6/22/81]~~

~~§20-12-20 **Statement of purpose.** The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-21 **Definitions.** As used in this subchapter:~~

~~"Board" refers to the board of regents.~~

~~"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Honolulu Community College.~~

~~"College" refers to the Honolulu Community College.~~

~~"Employees" refers to and shall include the faculty, staff, and line members employed at the college.~~

~~"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.~~

~~"Provost" refers to the provost of the Honolulu Community College and shall include authorized subordinates.~~

~~"Student" refers to any full-time or part-time student enrolled at the college.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-22 **Delegation of authority.** The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-23 **Map of parking areas.** The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-24 **Application procedure.** (a) Application for parking permits. An employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued minimum coverage of said insurance~~

~~to be in the amount of \$25,000 for all damages arising out of accidental harm sustained by any one person as a result of any one accident, and \$10,000 for property damage.~~

~~(b) When to get permits. Application for permits by employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.~~

~~(c) Only one permit shall be issued for each applicant and such permit shall not be transferable, except as otherwise approved by the provost.~~

~~(d) Permit fees shall not be refunded unless authorized by the vice president for community colleges.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 294-10)~~

~~[§20-12-25 **Provost's authority and priorities.**~~

~~The provost shall have authority to:~~

- ~~(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;~~
- ~~(2) Provide loading zone areas;~~
- ~~(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;~~
- ~~(4) Establish priorities in issuing permits to employees and students;~~
- ~~(5) Issue special permits to certain employees whenever the performance of their position depends upon it;~~
- ~~(6) Install traffic control signs; and~~
- ~~(7) Do such other things necessary or desirable to control traffic and parking.] [Eff~~

6/22/81; R] (Auth: HRS
§§308-1, 304-4, 305-1, 305-2, 306-2) (Imp:
HRS §308-1)

~~[§20-12-26 **General rules.** (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.~~

~~(b) Time. These rules shall be in effect twenty-four hours daily throughout the entire year.~~

~~(c) Signs. All official signs regarding traffic control must be observed.~~

~~(d) Access and parking areas.~~

~~(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.~~

~~(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale out of the university parking revolving fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at~~

~~the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.~~

~~(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-24 and 20-12-27 of these rules, an application shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.~~

~~Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.~~

~~(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter or semester for which it is issued.~~

~~(h) A permit shall be valid only in the zone designated except that after four p.m., daily, employees having semester permits will be allowed to park in any zone designated for employees.~~

~~(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.~~

~~(j) Persons servicing the college may be allowed access to the campus without paying fees.~~

~~(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.~~

~~(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-27.~~

~~(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.~~

~~(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.]~~
[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-27 **Parking fees schedule.** (a) Fees for regular parking permits and hourly parking will be set from time to time by the board at rates not exceeding the schedule set out in "Regular Parking Fees for the Honolulu Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Other fees.~~

- ~~(1) Multi-car or pool permits may be issued to applicants who expect to drive two more motor vehicles or participate in a car pool for an additional charge of \$1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.~~
- ~~(2) As necessary and from time to time, the provost is authorized to establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc.~~

~~(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for~~

~~the Honolulu Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)~~

~~[§20-12-28 **Violations and penalties.**—(a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Honolulu Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.~~

~~(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner, or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.~~

~~(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 308-3)~~

~~[§20-12-29 **Appeals.**— Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a~~

~~form to be provided by the college. Such forms shall be made available at the business office, administration building, or any other office as the provost designates.~~

~~To have an appeal reviewed, the appellant must also pay the fine imposed as provided in section 20-12-28.~~

~~All appeals shall initially be reviewed by an officer to be designated by the provost. If the decision is adverse to the appellant, a further appeal to the board of appeals may be made. The board of appeals shall be composed of a student, a faculty, and a staff member, all to be appointed by the provost. The decision of the board of appeals shall be final within the college.~~

~~If the appeal is upheld, the amount of fine collected shall be refunded.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-2,
306-2) (Imp: HRS §308-1)~~

~~[§20-12-30 **Administrative procedures.** (a) The public may obtain information to make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Honolulu Community College stating the specific question, submittal or request.~~

~~(b) The following rules of practice on parking and traffic matters, including both formal and informal procedure, are adopted:~~

- ~~(1) Informal procedures. Persons who feel that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic program. Such managers may void citations or waive towing and~~

~~storage charges, or both, upon review of the facts of each case.~~

- (2) ~~Formal Procedures. Persons appealing a traffic citation or towing and storage charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall be set forth in writing and the fine imposed by the citation(s) must be paid in order to have the appeal considered as provided for in this subchapter. Appellants whose appeals are upheld will be refunded all or any portion of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown thereon a completed copy of the appeal form or by an attachment as deemed appropriate by the reviewing officer.~~

~~Persons whose appeals from parking and traffic citations are denied by the reviewing officer may further appeal said citations to a board of appeals appointed by the provost and composed as prescribed by this subchapter. The appeal to said board must be filed at the administration or other designated office in writing within thirty days of the date shown on the reviewing officer's denial. The hearing shall be conducted pursuant to the provisions of chapter 91, HRS. A notification of date, time, and place of the hearing by the appeals board will be sent to the appellant on a notification form (available at the administration or other designated office). A decision of the appeals board shall require a majority vote of the entire board. In the event a member of the board is absent, a temporary member may be appointed by the provost or an authorized representative from the class of membership~~

~~the absent member represents. Subsequent to the hearing, the appellant will be notified of the decision of the appeals board in writing. If the appeal is upheld, all or any portion of the fine paid shall be refunded as directed by the appeals board. In the event the appellant does not appear at the date, time, and place appointed for the review of the case, the board of appeals shall be entitled to deny the appellant a further hearing in the matter.~~

~~(c) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the president of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The president may confer with appropriate administrative or legal staff, or both. The president shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The president may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.~~

~~(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule in this subchapter shall be in the form of a letter to the president of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and the specific nature of the ruling being requested. The president may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

[~~SUBCHAPTER 4~~~~KAPIOLANI COMMUNITY COLLEGE~~

~~Historical Note:~~ This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Kapiolani Community College Campus" promulgated by the University of Hawaii board of regents. [Eff 7/11/68; R 6/22/81]

~~§20-12-31 Statement of purpose.~~ The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general. [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)

[~~§20-12-32 Definitions.~~ As used in this subchapter:

~~"Board" refers to the board of regents.~~

~~"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Kapiolani Community College.~~

~~"College" refers to the Kapiolani Community College.~~

~~"Employees" refer to and shall include the faculty, staff, and line members employed at the college.~~

~~"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.~~

~~"Provost" refers to the provost of the Kapiolani Community College and shall include authorized subordinates.~~

~~"Student" refers to any full-time or part-time student enrolled at the college.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-33 **Delegation of authority.** The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus.] [Eff 6/22/81; R
] (Auth: HRS §§308-1,
304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-34 **Map of parking areas.** The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
205-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-35 **Application procedure.** (a) Application for parking permits. An employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees~~

~~may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained on their vehicle before a permit is issued—minimum coverage of said insurance to be in the amount of \$25,000 for all damages arising out of accidental harm sustained by any one person as a result of any one accident, and \$10,000 for property damage.~~

~~(b) When to get permits. Application for permits by employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.~~

~~(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.~~

~~(d) Permit fees shall not be refunded unless authorized by the vice president for community colleges.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 294-10)~~

~~[§20-12-36 **Provost's authority and priorities.**~~

~~The provost shall have authority to:~~

- ~~(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;~~
- ~~(2) Provide loading zone areas;~~

- ~~(3) Provide ample reserved stalls or establish priorities in issuing permit to handicapped employees and students;~~
- ~~(4) Establish priorities in issuing permits to employees and students;~~
- ~~(5) Issue special permits to certain employees whenever the performance of their position depends upon it;~~
- ~~(6) Install traffic control signs; and~~
- ~~(7) Do such other things necessary or desirable to control traffic and parking.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-37 **General rules.** (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.~~

~~(b) Time. These rules shall be in effect twenty four hours daily throughout the entire year.~~

~~(c) Signs. All official signs regarding traffic control must be observed.~~

~~(d) Access and parking area.~~

~~(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.~~

~~(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall~~

~~thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale out of the university parking revolving fund. The fund shall be reimbursed for such costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.~~

~~(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20 12 35 and 20 12 36, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.~~

~~Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.~~

~~(g) A semester permit shall be valid until the beginning of the next semester or summer session whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evenings of that quarter or semester for which it is issued.~~

~~(h) A permit shall be valid only in the zone designated except that after four p.m. daily, employees having semester permits will be allowed to park in any zone designated for employees.~~

~~(i) The college shall issue parking permits in reasonable relation to the number of spaces available.~~

~~The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.~~

~~(j) Persons servicing the college may be allowed access to the campus without paying fees.~~

~~(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.~~

~~(l) Persons parking in hourly pay zones shall pay the rate as established in section 20 12 38.~~

~~(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.~~

~~(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.]~~
[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-38 **Parking fees schedule.** (a) Fees for regular parking permits and hourly parking will be set from time to time by the board at rates not exceeding the schedule set out in "Regular Parking Fees for the Kapiolani Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Other fees.~~

~~(1) Multi-car or pool permits may be issued to applicants who expect to drive two more motor vehicles or participate in a car pool for an additional charge of \$1 per semester or per summer session per additional vehicle. Such permits will allow only one~~

~~vehicle at a time to be parked on the campus.~~

~~(2) As necessary and from time to time, the provost is authorized to establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc.~~

~~(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Kapiolani Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)~~

~~[§20-12-39 **Violations and penalties.** (a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Kapiolani Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.~~

~~(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner, or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.~~

~~(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 308-3)~~

~~[§20-12-40 **Appeals.** Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a form to be provided by the college. Such forms shall be made available at the business office, administration building, or any other office as the provost designates.~~

~~To have an appeal reviewed, the appellant must also pay the fine imposed as provided in section 20-12-39.~~

~~All appeals shall initially be reviewed by an officer to be designated by the provost. If the decision is adverse to the appellant, a further appeal to the board of appeals may be made. The board of appeals shall be composed of a student, a faculty, and a staff member, all to be appointed by the provost. The decision of the board of appeals shall be final within the college.~~

~~If the appeal is upheld, the amount of fine collected shall be refunded.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-41 **Administrative procedures.** (a) The public may obtain information to make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Kapiolani Community College stating the specific question, submittal or request.~~

~~(b) The following rules of practice on parking and traffic matters, including both formal and informal procedure, are adopted:~~

- (1) ~~Informal procedures. Persons who feel that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic program. Such managers may void citations or waive towing and storage charges, or both, upon review of the facts of each case.~~
- (2) ~~Formal Procedures. Persons appealing a traffic citation or towing and storage charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall be set forth in writing and the fine imposed by the citation must be paid in order to have the appeal considered as provided for in this subchapter. Appellants whose appeals are upheld will be refunded all or any portion of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown thereon a completed copy of the appeal form or by an attachment as deemed appropriate by the reviewing officer.~~
- ~~Persons whose appeals from parking and traffic citations are denied by the reviewing officer may further appeal said citations to a board of appeals appointed by the provost and composed as prescribed by this subchapter. The appeal to said board must be filed at the administration or other designated office in writing within thirty days of the date shown on the reviewing officer's denial. The hearing shall be conducted pursuant to the provisions of chapter 91, HRS. A notification of date,~~

~~time, and place of the hearing by the appeals board will be sent to the appellant on a notification form (available at the administration or other designated office). A decision of the appeals board shall require a majority vote of the entire board. In the event a member of the board is absent, a temporary member may be appointed by the provost or an authorized representative from the class of membership the absent member represents. Subsequent to the hearing, the appellant will be notified of the decision of the appeals board in writing. If the appeal is upheld, all or any portion of the fine paid shall be refunded as directed by the appeals board. In the event the appellant does not appear at the date, time, and place appointed for the review of the case, the board of appeals shall be entitled to deny the appellant a further hearing in the matter.~~

~~(c) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the president of the University of Hawaii stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The president may confer with appropriate administrative or legal staff, or both. The president shall within thirty days of the receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The president may also initiate action on his own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.~~

~~(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule in this subchapter shall be in the form of a letter to the president of the University of Hawaii stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific~~

~~nature of the ruling being requested. The president may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

[SUBCHAPTER 5

~~LEEWARD COMMUNITY COLLEGE~~

~~Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles on the Leeward Community College Campus" promulgated by the University of Hawaii board of regents. [Eff 1/16/76; R 7/22/81]~~

~~§20-12-42 **Statement of purpose.** The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-43 **Definitions.** As used in this subchapter:~~

~~"Board" refers to the board of regents.~~

~~"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Leeward Community College.~~

~~"College" refers to the Leeward Community College.~~

~~"Employees" refer to and shall include the faculty, staff and line members employed at the college.~~

~~"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.~~

~~"President" refers to the president of the University of Hawaii and shall include designated representatives.~~

~~"Provost" refers to the provost of the Leeward Community College and shall include authorized subordinates.~~

~~"Student" refers to any full-time or part-time student enrolled at the college.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-44 **Delegation of authority.** The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-45 **Map of parking areas.** The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-46 **Application procedure.**—(a)~~

~~Application for parking permits. Any employee or student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained in conformance with chapter 294, HRS.~~

~~(b) When to get permits. Application for permits by employees shall be received not earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.~~

~~(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.~~

~~(d) Permit fees shall not be refunded unless authorized by the provost.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §§308-1, 294-10)~~

~~[§20-12-47 **Provost's authority and priorities.**~~

~~The provost shall have authority to:~~

- ~~(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;~~
- ~~(2) Provide loading zone areas;~~

- ~~(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;~~
- ~~(4) Establish priorities in issuing permits to employees and students;~~
- ~~(5) Issue special permits to certain employees whenever the performance of their position depends upon it;~~
- ~~(6) Install traffic control signs; and~~
- ~~(7) Do such other things necessary or desirable to control traffic and parking.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-48 **General rules.** (a) Areas of authority. These rules shall govern parking and operation of motor vehicles on the campus.~~

~~(b) Time. These rules shall be in effect twenty four hours daily throughout the entire year.~~

~~(c) Signs. All official signs regarding traffic control must be observed.~~

~~(d) Access and parking areas.~~

~~(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.~~

~~(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall~~

~~thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale costs, as well as for any unpaid fines from the proceeds of such sale, and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.~~

~~(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-46 and 20-12-49, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.~~

~~Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.~~

~~(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evening of that quarter or semester for which it is issued.~~

~~(h) A permit shall be valid only in the zone designated except that after four p.m., daily, employees having semester permits will be allowed to park in any zone designated for employees.~~

~~(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.~~

~~(j) Persons servicing the college may be allowed access to the campus without paying fees.~~

~~(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.~~

~~(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-49.~~

~~(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.~~

~~(n) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.]~~
[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-49 **Parking fees schedule.** (a) Fees for regular parking permits will be set from time to time by the board, or if so delegated, by the president, at rates not exceeding the schedule set out in "Regular Parking Fees for the Leeward Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Other fees.~~

~~(1) Multi car or pool permits may be issued to applicants who expect to drive two more motor vehicles or participate in a car pool for an additional charge of \$1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.~~

~~(2) As necessary and from time to time, the provost is authorized to establish equitable~~

~~refundable deposit requirements for returnable items such as gate cards, keys, etc.~~

~~(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Leeward Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)~~

~~[§20-12-50 **Violations and penalties.**—(a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Leeward Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.~~

~~(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.~~

~~(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates.] [Eff 6/22/81; R~~

] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §§308-1, 308-3)

~~[§20-12-51 **Hearing procedure.** Each person receiving a citation is entitled to a hearing on the citation. Requests for hearings must be submitted in writing on a form to be provided by the college within thirty days after issuance of the citation or notice of the issuance of citation. Such forms shall be made available at the office of the provost, or at any other office as the provost designates.~~

~~(b) The following rules of practice on parking and traffic matters include both formal and informal procedures are adopted:~~

~~(1) Informal procedures. Persons who believe that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic problems. Such managers may void citations or waive towing and storage charges upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued.~~

~~(2) Formal procedures. A person requesting a hearing on a parking or traffic citation in accordance with subsection 20-12-51(a) shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of the following:~~

- ~~(A) The date, time, place and nature of hearing.~~
- ~~(B) The legal authority under which the hearing is to be held.~~
- ~~(C) The particular sections of the statutes and rules involved.~~

- ~~(D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support of it.~~
- ~~(E) The fact that any party may retain counsel if so desired. Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as maybe required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.~~

~~The hearing shall be conducted by a hearing officer appointed by the parking board of review. The hearing officer shall hear and examine all the evidence and shall submit findings of fact and conclusions of law to the board of review and to the party. The party may file written exceptions and present arguments to the board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.~~

~~In the event a party does not appear at the date, time, and place appointed for the hearing, either before the board or the hearing officer, another hearing on the matter may be denied.~~

~~Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceeding shall~~

~~be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the board or the hearing officer may direct payment of all or a portion of the fine or charges.~~

~~(c) The parking board of review shall be composed of a student, faculty member and a staff member appointed by the provost. The decision of the board shall be final within the college.~~

~~(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Leeward Community College stating the specific question, submittals or request.~~

~~(e) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the provost of Leeward Community College stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The provost may confer with appropriate administrative staff or legal staff, or both. The provost shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The provost may also initiate action on his own motion to adopt, amend or repeal rules pursuant to chapter 91, HRS.~~

~~(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rules in this subchapter shall be in the form of a letter to the provost of Leeward Community College stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The provost may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter.] [Eff~~

6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

[SUBCHAPTER 6

~~KAUAI COMMUNITY COLLEGE~~

~~Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Kauai Community College Campus" promulgated by the University of Hawaii board of regents. [Eff 3/7/75; R 6/22/81]~~

~~§20-12-52 **Statement of purpose.** The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-53 **Definitions.** As used in this subchapter:~~

~~"Board" refers to the board of regents.~~

~~"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Kauai Community College.~~

~~"College" refers to the Kauai Community College.~~

~~"Employees" refers to and shall include the faculty, staff and line members employed at the college.~~

~~"Motor vehicle" shall include but not be limited to automobiles, trucks, motor scooters, and motorcycles.~~

~~"President" refers to the president of the University of Hawaii and shall include designated representatives.~~

~~"Provost" refers to the provost of Kauai Community College and shall include authorized subordinates.~~

~~"Student" refers to any full time or part time student enrolled at the college.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-54 **Delegation of authority.** The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The board may engage a private concessionaire or contractor to operate the parking and traffic program at the campus.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-55 **Map of parking areas.** The map of the parking areas of the campus shall be kept at the college administration office, or at such office as the provost designates. The provost may change the assignment of zones allocated to employees, students or others based on availability and demand, without the necessity of notice and public hearing. Such changes shall be recorded on the map.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-56 **Application procedure.** (a) Application for parking permits. An employee or~~

~~student seeking a parking permit shall obtain an application form from the business office in the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Only employees may apply for permits by mail if they so desire. Students shall apply for such permits in person and shall be required to show their driver's license, vehicle registration certificate, and college registration receipt. All applicants except those applying for motorcycle and motor scooter permits shall be required to show proof that liability insurance is maintained in conformance with chapter 294, HRS.~~

~~(b) When to get permits. Application for permits by employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received. Applicants will not be accommodated unless and until there is space available.~~

~~(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.~~

~~(d) Permit fees shall not be refunded unless authorized by the provost.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §§308-1, 294-10)~~

~~[§20-12-57 **Provost's authority and priorities.**
The provost shall have authority to:~~

- ~~(1) Provide ample reserved stalls for motor vehicles owned or operated by the university;~~
- ~~(2) Provide loading zone areas;~~

- ~~(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped employees and students;~~
- ~~(4) Establish priorities in issuing permits to employees and students;~~
- ~~(5) Issue special permits to certain employees whenever the performance of their position depends upon it;~~
- ~~(6) Install traffic control signs; and~~
- ~~(7) Do such other things necessary or desirable to control traffic and parking.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-58 **General rules.** (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.~~

~~(b) Time. These rules shall be in effect twenty four hours daily throughout the entire year.~~

~~(c) Signs. All official signs regarding traffic control shall be observed.~~

~~(d) Access and parking areas.~~

~~(1) Access. Auto access to the campus shall be authorized only for vehicles showing or displaying proper permits. Motor vehicles making excessive noise may be denied access to the campus.~~

~~(2) Parking. Parking shall be permitted only in areas marked and specified for parking on the map filed at the administration office or at a place designated by the provost.~~

~~(e) Removal. Any motor vehicle may be removed at the expense of the owner if it is in violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines, and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall~~

~~thereafter sell the motor vehicle at a public auction. The university shall pay all costs of removal and storage and other costs connected with such sale costs, as well as for any unpaid fines from the proceeds of such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the university and shall be deposited in the university parking revolving fund.~~

~~(f) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-56 and 20-12-59, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.~~

~~Failure to properly display identification stickers according to the foregoing is a violation and may subject the violator to a fine, disciplinary action, or both.~~

~~(g) A semester permit shall be valid until the beginning of the next semester or summer session, whichever comes first. A summer session permit shall be valid until the beginning of the next semester. An evening only permit shall be valid only in the evening of that quarter or semester for which it is issued.~~

~~(h) A permit shall be valid only in the zone designated except that after four p.m., daily, employees having semester permits will be allowed to park in any zone designated for employees.~~

~~(i) The college shall issue parking permits in reasonable relation to the number of spaces available. The provost may adjust the ratio of permits to the number of spaces available from time to time as the need arises without a public hearing.~~

~~(j) Persons servicing the college may be allowed access to the campus without paying fees.~~

~~(k) Enforcement. These rules shall be enforced by persons authorized by the board or by the provost to man gates and issue citations.~~

~~(l) Persons parking in hourly pay zones shall pay the rate as established in section 20-12-59.~~

~~(m) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college and university shall not be responsible or liable for, any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.~~

~~(n) Each such owner and operator of a motor vehicle parking or operated on campus shall indemnify and save harmless the college and university from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.]~~
[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-59 **Parking fees schedule.** Maximum fees authorized by the board for regular parking permits shall be set out in "Regular Parking Fees for the Kauai Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Other fees.~~

~~(1) Multi-car or pool permits may be issued to applicants who expect to drive two more motor vehicles or participate in a car pool for an additional charge of \$1 per semester or per summer session per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.~~

~~(2) As necessary and from time to time, the provost is authorized to establish equitable refundable deposit requirements for~~

~~returnable items such as gate cards, keys, etc.~~

~~(c) Should the board consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Kauai Community College Campus (5/20/81)" shall not apply, and the fees established and published by such concessionaire with the board's approval shall apply.] [Eff 6/22/81; R] (Auth: HRS §§305-1, 304-4, 308-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)~~

~~[§20-12-60 **Violations and penalties.**—(a) Violations other than corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Kauai Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing.~~

~~(c) Fines shall in no event be paid later than fifteen days from date of issuance of the citation. Additional penalties may be imposed if the fine is not paid within seven days after the issuance of the citation as indicated in the schedule of penalties or if paid later than fifteen days after the date of issuance of the citation.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner or the driver of the motor vehicle, or any combination of them, shall be liable for any fines for violation of these rules.~~

~~(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§308-1, 308-3)~~

~~[§20-12-61 **Hearing procedure.** (a) Each person receiving a citation is entitled to a hearing on the citation. Requests for hearings must be submitted in writing on a form to be provided by the college within thirty days after issuance of the citation or notice of the issuance of citation. Such forms shall be made available at the office of the provost, or at any other office as the provost designates.~~

~~(b) The following rules of practice on parking and traffic matters, including both formal and informal procedure, are adopted:~~

~~(1) Informal procedures. Persons who believe that they have received a parking or traffic citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the parking manager or other authorized person designated to manage the college's parking and traffic problems. Such managers may void citations and waive towing and storage charges upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued.~~

~~(2) Formal Procedures. A person requesting a hearing on a parking or traffic citation in accordance with subsection 20-12-61(a) shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of the following:~~

~~(A) The date, time, place and nature of hearing;~~

~~(B) The legal authority under which the hearing is to be held;~~

~~(C) The particular sections of the statutes and rules involved;~~

~~(D) An explicit statement in plain language of the issues involved and the facts~~

~~alleged by the officer issuing the citation in support thereof;~~

~~(E) The fact that any party may retain counsel if so desired.~~

~~Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.~~

~~The hearing shall be conducted by a hearing officer appointed by the parking board of review. The hearing officer shall hear and examine all the evidence and shall submit findings of fact and conclusions of law to the board of review and to the party. The party may file written exceptions and present arguments to the board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.~~

~~In the event a party does not appear at the date, time, and place appointed for the hearing, either before the board or the hearing officer, another hearing on the matter may be denied.~~

~~Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the board or the hearing officer may direct payment of all or a portion of the fine or charges.~~

~~(c) The parking board of review shall be composed of a student, a faculty member and a staff member appointed by the provost. The decision of the board of review shall be final within the college.~~

~~(d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Kauai Community College stating the specific question, submittals or request.~~

~~(e) Petitions for the adoption, amendment or repeal of rules shall be in the form of a letter to the provost of Kauai Community College stating with particularity the rules or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The provost may confer with appropriate administrative or legal staff, or both. The provost shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The provost may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.~~

~~(f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the provost of Kauai Community College stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The provost may confer with appropriate administrative or legal staff and shall render in writing a declaratory ruling or other order disposing of the matter.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)~~

[SUBCHAPTER 7

~~MAUI COMMUNITY COLLEGE~~

~~Historical Note: This subchapter is based substantially upon "Rules and Regulations Governing Parking and Operation of Motor Vehicles at the Maui Community College Campus" promulgated by the University of Hawaii board of regents. [Eff 9/8/69; R 6/22/81]~~

~~§20-12-62 **Statement of purpose.** The purpose of these rules is to reduce traffic congestion and provide for orderly parking on the campus. With rapidly increasing student enrollment, adequate traffic and parking control must be implemented for the safety and welfare of the public in general.] [Eff 06/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1, 308-3)~~

~~[§20-12-63 **Definitions.** As used in this subchapter:~~

~~"Board" refers to the board of regents, University of Hawaii.~~

~~"BOR personnel" refers to and shall include administrators and faculty employed at the college.~~

~~"Campus" refers to all lands controlled by the University of Hawaii and under the jurisdiction of the Maui Community College, exclusive of the MCC dormitory.~~

~~"Classified employees" refer to all staff and line members (civil service) employed at the college.~~

~~"College" refers to the Maui Community College.~~

~~"Committee" refers to the joint student faculty affairs committee which is a body of three faculty appointed by the faculty senate and three students appointed by student senate.~~

~~"Motor vehicle" shall include but not limited to automobiles, trucks, motor scooters, and motorcycles.~~

~~"Provost" refers to the provost of the Maui Community College and shall include authorized subordinates.~~

~~"Students" refer to any full-time or part-time student enrolled at the college.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-64 **Delegation of authority.** The board delegates its authority to properly administer and manage the parking and traffic operations at the college to the provost. The provost in turn delegates authority for setting parking policies and rules to the joint student-faculty affairs committee.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-65 **Application procedures.** (a) Application for parking permits. A BOR personnel, classified employee or student seeking a parking permit shall obtain an application form from the administration building, or at a place designated by the provost. The information requested in the application form must be completed fully and accurately or it shall be rejected. Application for such permits must be made in person, and applicants shall be required to show their driver's license, vehicle registration certificate, and when appropriate, college registration receipt.~~

~~(b) When to get permits. Application for permits by BOR personnel or classified employees shall be received no earlier than one week prior to the week of student registration or at a time designated by the provost. Students shall apply for permits during registration week or later. Parking permits shall be issued in the order in which the applications are received, except in certain circumstances.~~

~~(c) Only one permit shall be issued to each applicant and such permit shall not be transferable, except as otherwise approved by the provost.~~

~~(d) Permit fees shall not be refunded unless authorized by the provost.] [Eff 6/22/81; R
] (Auth: HRS §§308-1, 304-4, 305-1,
305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-66 **Provost's authority and priorities.**
The provost shall have authority to:~~

- ~~(1) Provide ample reserved stalls for motor vehicles owned or operated by the college;~~
- ~~(2) Provide loading zone areas and visitor areas;~~
- ~~(3) Provide ample reserved stalls or establish priorities in issuing permits to handicapped, BOR personnel, and classified employees;~~
- ~~(4) Establish priorities in issuing permits to BOR personnel, classified employees, and students;~~
- ~~(5) Issue special permits to certain BOR personnel and classified employees whenever the performance of their position depends upon it;~~
- ~~(6) Install traffic control signs;~~
- ~~(7) Relax or modify the rules concerning parking spaces during such hours of the day or night as appears appropriate to the volume of traffic; and~~
- ~~(8) Do such other things necessary or desirable to control traffic and parking.] [Eff
6/22/81; R] (Auth: HRS
§§308-1, 304-4, 305-1, 305-2, 306-2) (Imp:
HRS §308-1)~~

~~[§20-12-67 **General rules.** (a) Area of authority. These rules shall govern parking and operation of motor vehicles on the campus.~~

~~(b) These rules shall be in effect twenty-four hours daily throughout the entire year.~~

~~(c) Signs. All officially posted signs regarding traffic and parking control shall be observed.~~

~~(d) Removal. Any motor vehicle may be removed at the expense of the owner if it is in repeated violation of these rules. Such motor vehicles may be held by the college pending payment of any unpaid fines and removal and storage charges against the vehicle incurred as a result of its operation or parking on the college campus. If the motor vehicle so removed is unclaimed for thirty days, the college shall thereafter sell the motor vehicle at a public auction. The college shall pay all costs of removal and storage and other costs connected with such sale out of the college parking revolving fund. The fund shall be reimbursed for such sale and the remaining balance, if any, shall be paid to the owner of the vehicle; provided that if the proceeds of such sale are not claimed by the owner of the vehicle within sixty days after the date notice thereof is mailed to such owner at his last known address or at the address appearing on the certificate of registration of the vehicle, such proceeds shall belong to the college and shall be deposited in the college parking revolving fund.~~

~~(e) Display of stickers. Upon properly filing an application form and payment of a proper fee, pursuant to sections 20-12-66 and 20-12-69, an applicant shall receive identification stickers which shall be affixed on the left front and left rear bumpers of the automobile or truck. For motorcycles and motor scooters, it shall be affixed on the left handle bar. The location where these stickers are to be placed may be changed by the provost as deemed necessary.~~

~~Failure to properly display identification stickers according to the foregoing is a violation and~~

~~may subject the violator to a fine, disciplinary action, or both.~~

~~(f) A semester permit shall be valid until the beginning of the next semester.~~

~~(g) Persons servicing the college may be allowed access to the campus without paying fees.~~

~~(h) Enforcement. These rules shall be enforced by persons authorized by the committee or by the provost to issue citations.~~

~~(i) All owners and operators of motor vehicles parked or operated on campus shall assume the risk of, and the college shall not be responsible or liable for any loss or damage occasioned by fire, theft, or other casualty to motor vehicles or any contents therein.~~

~~(j) Each such owner and operator of a motor vehicle parked or operated on campus shall indemnify and save harmless the college from and against all claims, demands, costs, and expenses whatsoever arising out of or in connection with parking or operation of such motor vehicle on campus.] [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

~~[§20-12-68 **Parking fees schedule.** (a) Fees for regular parking permits will be set from time to time by the committee at rates not exceeding the schedule set out in "Regular Parking Fees for the Maui Community College Campus (5/20/81)" which is made a part hereof and located at the end of this chapter.~~

~~(b) Other fees. Multi-car or pool permits may be issued to applicants who expect to drive two or more motor vehicles or participate in a car pool for an additional charge of fifty cents per semester per additional vehicle. Such permits will allow only one vehicle at a time to be parked on the campus.~~

~~(c) Should the committee consummate a lease or other agreement with a private concessionaire for the operation of these parking facilities, the fees set forth in this section and in "Regular Parking Fees for the Maui Community College Campus (5/20/81)" shall not~~

~~apply, and the fees established and published by such concessionaire with the board's approval shall apply.]~~
[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §§306-9, 308-1)

~~[§20-12-69 **Violations and penalties.**—(a) Violations and their corresponding penalties shall be as reflected in "Violations and Schedule of Penalties for the Maui Community College Campus (5/20/81)", which is made a part hereof and located at the end of this chapter.~~

~~(b) Violators shall be subject to a fine, or disciplinary action, or revocation or suspension of permit, or any combination of the foregoing. Disciplinary action may consist of reprimand, administrative probation and withholding permission to register.~~

~~(c) Fines shall be paid before thirty days from date of issuance of the citation. After that time, disciplinary action will be taken in addition to the fines.~~

~~(d) Fines imposed shall be over and beyond removal and storage charges, if any.~~

~~(e) The applicant or the registered owner, or the driver of the motor vehicle or any combination of them, shall be liable for any fines for violation of these rules.~~

~~(f) All fines shall be paid at the business office, administration building, or any other office as the provost designates.]~~ [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-70 **Appeals.**— Any person may appeal a citation within thirty calendar days after its issuance. Appeals must be submitted in writing on a form to be provided by the college. Such forms shall~~

~~be made available at the business office, administration building, or any other office as the provost designates.~~

~~All appeals shall initially be reviewed by the college administrative officer who will arrange to have it considered by the appeals board. The appeals board shall consist of three students appointed by the student senate, three faculty appointed by the faculty senate, and one administrator appointed by the provost. This appeals board shall elect its own chairman. The decision of the appeals board shall be final within the college. If the appeal is upheld, the amount of the fine collected shall be refunded.]~~

[Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)

~~[§20-12-71 **Administrative procedures.** (a) The public may obtain information to make submittals or requests relative to parking and traffic matters by addressing a letter to the provost of Maui Community College stating the specific question, submittal or request.~~

~~(b) The following rules of practice on parking and traffic matters, including both formal and informal procedures, are adopted:~~

- ~~(1) Informal procedures. Persons who feel that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the college or who otherwise wish to discuss parking and traffic problems may discuss their complaint or problem in person with the college administrative officer or other authorized person designated to manage the college's parking and traffic program. Such administrative officer may void citations, or waive towing and storage charges, or both, upon review of the facts of each case.~~
- ~~(2) Formal Procedures. Persons appealing a traffic citation or towing and storage~~

~~charges shall file said appeal on an appeal form available at the administration or other designated office, if any, where said forms are available. Reasons for the appeal shall be set forth in writing in order to have the appeal considered as provided in these rules. Appellants whose appeals are upheld will be refunded all of the amount of the fine or fines paid as directed by the reviewing officer. Appellants will be notified of the reviewing officer's action by mailing to the address shown on the appeal form a completed copy of the appeals form or by an attachment as deemed appropriate by the appeals board.~~

~~(c) Petition for the adoption, amendment or repeal of rules shall be in the form of a letter to the committee stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action.]” [Eff 6/22/81; R] (Auth: HRS §§308-1, 304-4, 305-1, 305-2, 306-2) (Imp: HRS §308-1)~~

3. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

4. Additions to update source notes to reflect these amendments and compilations are not underscored.

5. These amendments to and compilation of chapter 20-12, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised

Statutes, which were adopted on November 16, 2017 and filed with the Office of the Lieutenant Governor.

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

University of Hawaii

Carrie K. S. Okinaga, Esq.
Vice President for Legal Affairs and
University General Counsel

Department of the Attorney General

Diane Erickson
Deputy Attorney General

Attachment 1

**VIOLATIONS AND SCHEDULE OF FINES AND PENALTIES FOR
 NON-PAYMENT
 FOR THE UNIVERSITY OF HAWAII CAMPUSES**

Violations and Schedule of Fines and Penalties for
 Non-Payment:

		Original Fine	15-Day Non-Payment Penalty
(1)	Parking in prohibited areas including but not limited to the following: -lawns, planted areas, and grounds under repair; -median strips, sidewalks, driveways, and crosswalks; -No parking areas or along curbs painted red; -(obstructing) fire hydrants or (parking in) fire lanes; -(obstructing) vehicular or pedestrian traffic; -official bus or shuttle stops.	\$40.00	\$50.00
(2)	Parking in an area not designated for that specific type of vehicle.	40.00	50.00
(3)	Operating or parking a vehicle within a university building.	40.00	50.00

		Original Fine	15-Day Non-Payment Penalty
(4)	Double parking or vehicles not placed wholly within the lines or boundaries of the parking space.	40.00	50.00
(5)	Parking in a reserved stall.	50.00	60.00
(6)	Using a disabled placard, but refusing to present a valid identification card issued under Chapter 291, Hawaii Revised Statutes, to an enforcement officer upon request.	260.00	270.00
(6a)	<p>Parking in a space reserved for persons with disabilities and:</p> <p>(i) Failing to properly display a windshield placard or special license plate authorizing use of such parking space in accordance with Part III of Chapter 291, Hawaii Revised Statutes; or</p> <p>(ii) Displaying an invalid windshield placard or special license plate; or</p> <p>(iii) Using a windshield placard or special</p>		

		Original Fine	15-Day Non-Payment Penalty
	license plate that was not issued to the driver or to any passengers occupying the vehicle in the parking space.	260.00	270.00
(6b)	Parking in a space reserved for persons with disabilities by a person who has been issued a valid windshield placard or special license plate that is currently in effect, but failing to properly display the windshield placard or special license plate.	260.00	270.00
(6c)	With or without a valid windshield placard or special license plate: (i) Parking in an access aisle adjacent to a parking space reserved for persons with a disability; or (ii) Obstructing the ingress or egress to a parking space reserved for persons with a disability.	260.00	270.00

		Original Fine	15-Day Non-Payment Penalty
(6d)	Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawaii Revised Statutes, or the rules adopted thereunder to an enforcement officer upon request.	260.00	270.00
(7)	Parking in a loading zone longer than 15 minutes.	50.00	60.00
(8)	Parking in the wrong zone.	40.00	50.00
(9)	Parking without a permit.	40.00	50.00
(10)	Failure to display a permit or displaying it at an improper location.	40.00	50.00
(11)	Failure to pay the hourly or daily parking rate.	40.00	50.00
(12)	Falsifying information on an application.	50.00	60.00
(13)	Displaying or using an invalid permit or pass.	40.00	50.00
(14)	Possessing or using a counterfeit, altered, defaced, illegally transferred, or stolen permit.	100.00	110.00

		Original Fine	15-Day Non-Payment Penalty
(15)	Driving on areas other than streets, roads, or parking areas.	97.00	107.00
(16)	Exceeding the 15 mph or other posted speed limits on campus.	97.00	107.00
(17)	Reckless driving (operating a vehicle in disregard of the safety of persons or property).	97.00	107.00
(18)	Failure to heed the directions of a duly authorized officer.	97.00	107.00
(19)	Failure to heed the directions of an official sign and/or symbols.	97.00	107.00
(20)	Moving violations of the applicable county traffic code not otherwise specified herein.	97.00	107.00
(21)	Parking or operating a bicycle or moped in violation of the applicable county traffic code (not otherwise specified herein).	72.00	82.00
(22)	Failure to make a complete stop at an official stop sign.	97.00	107.00

		Original Fine	15-Day Non-Payment Penalty
(23)	Transporting a bicycle, moped, or motorcycle in an elevator.	40.00	50.00
(24)	Damaging campus signs, parking gates, or parking appurtenances.	100.00 + cost of repair or replacement	110.00 + cost of repair or replacement
(25)	Repeat violation of parking regulations.	100.00	110.00
(26)	Vehicle or its alarm system making excessive or unusual noise (noise in excess of the usual noise which would necessarily result from the operation of a vehicle when reduced to the minimum by a muffler) or causing a disturbance, or both.	72.00	82.00
(27)	Moving any barricade or parking within any barricaded area.	97.00	107.00



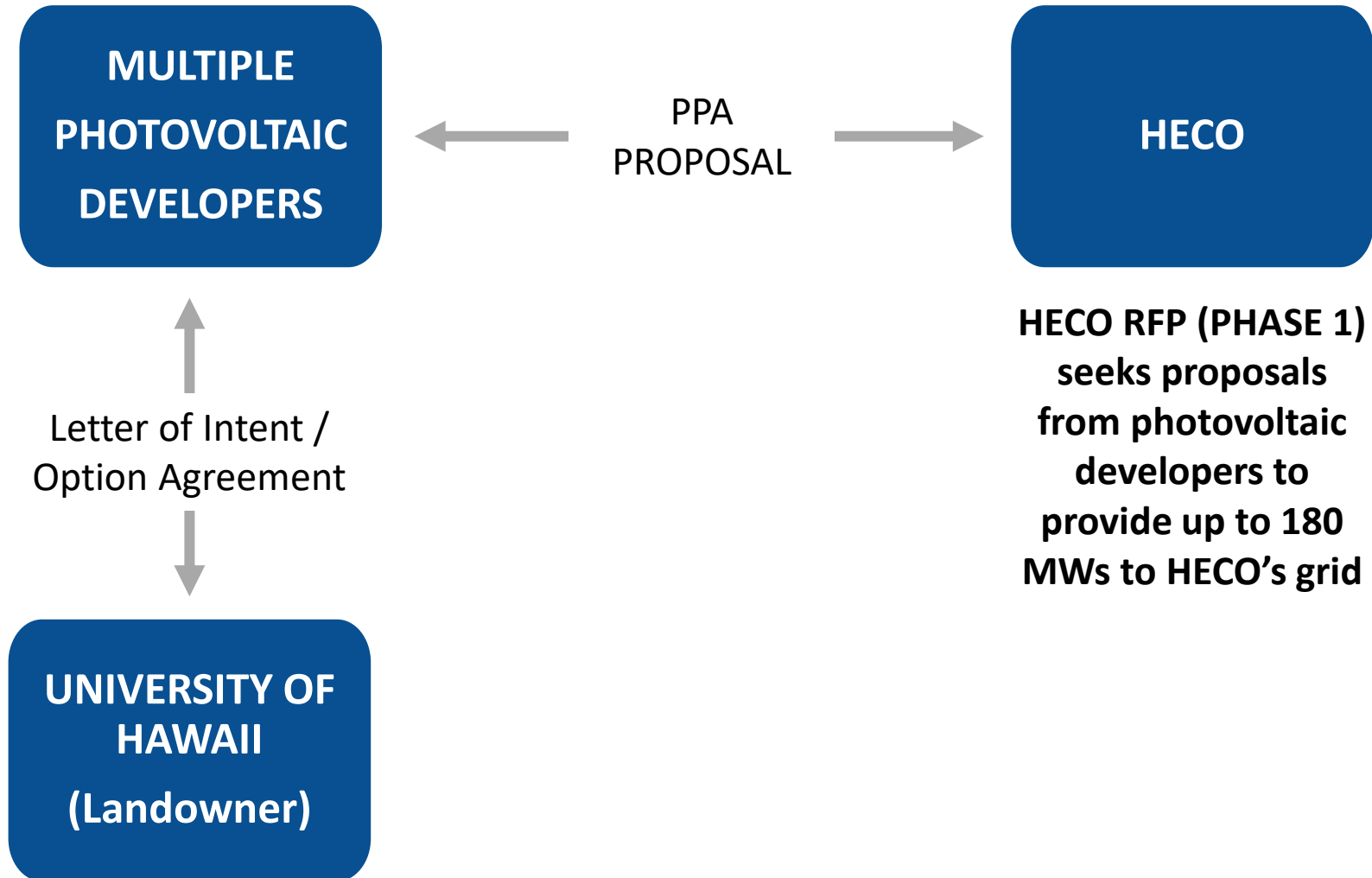
UNIVERSITY *of* HAWAII®

Letters of Intent/Option Agreements Relating to HECO RFP for the Supply of Qualified Renewable Energy

Board of Regents
March 22, 2018

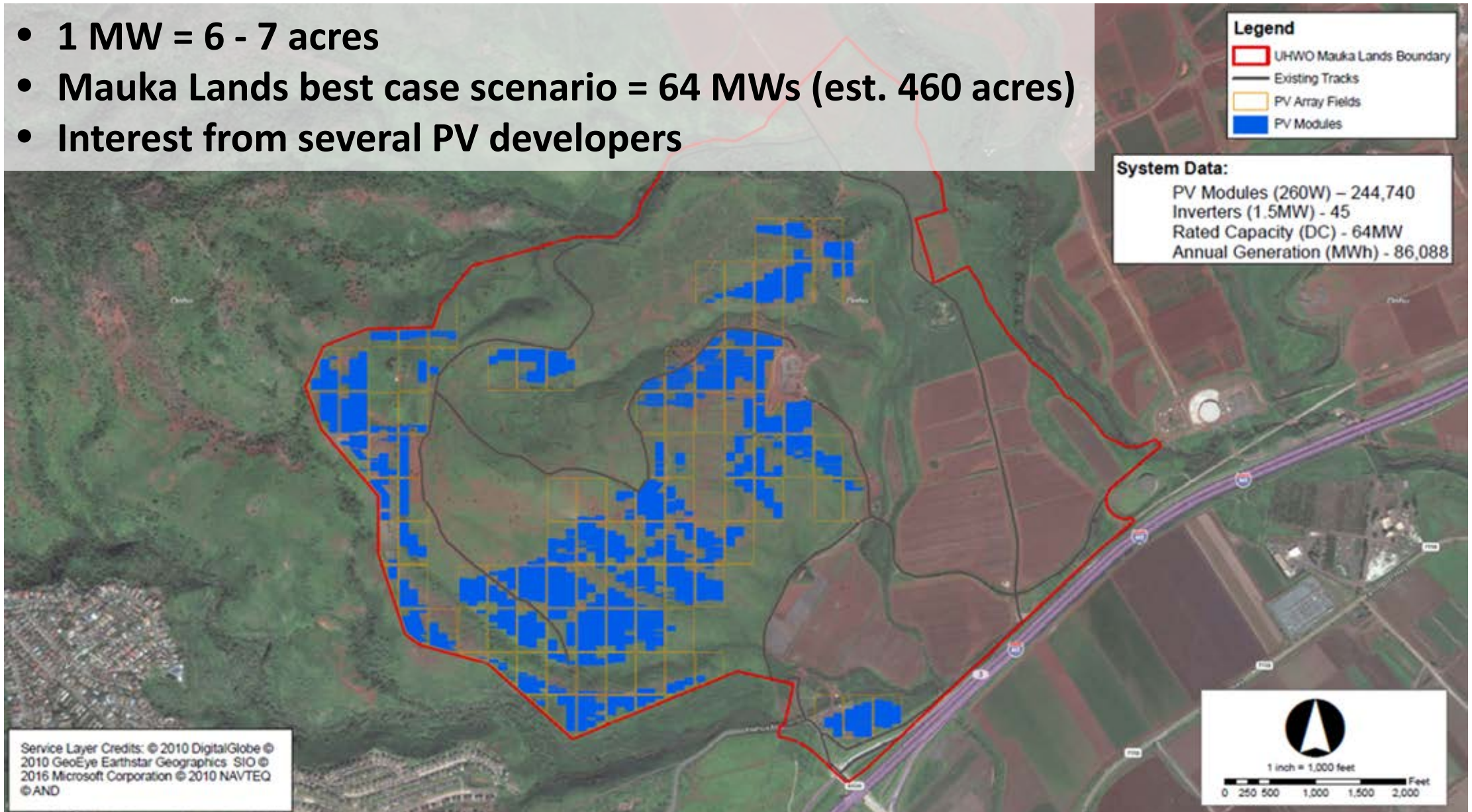


HECO RFP FOR SUPPLY OF QUALIFIED RENEWABLE ENERGY

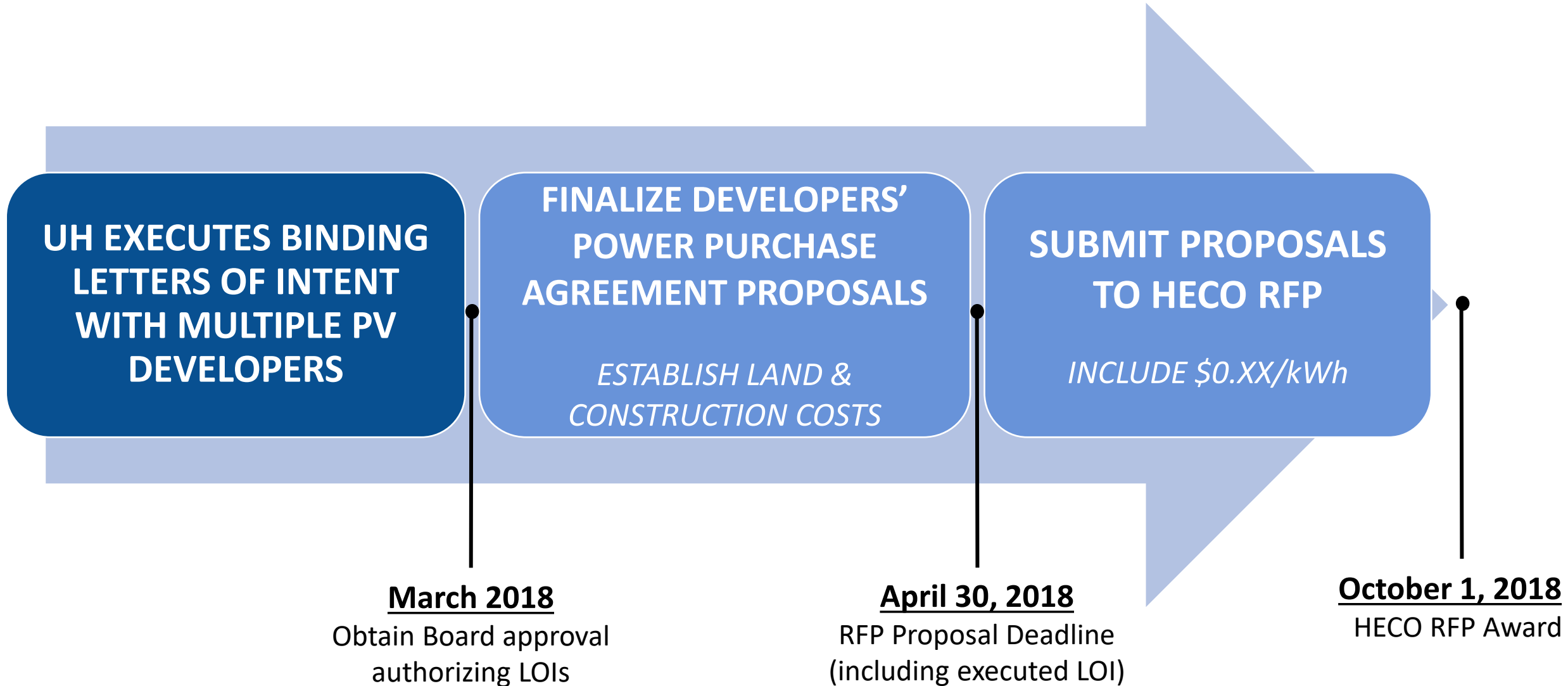


UHWO MAUKA LANDS

- 1 MW = 6 - 7 acres
- Mauka Lands best case scenario = 64 MWs (est. 460 acres)
- Interest from several PV developers



CRITICAL MILESTONES & TIMELINE



BINDING LETTER OF INTENT KEY TERMS

- Guaranteed Annual Base Rate Schedule
- Payments calculated and paid annually
- 20 years with 2 optional 5 year renewal terms
- Developer responsible for all infrastructure, installation, operation and maintenance costs associated with PPA
- Condition of premises is “as is” with no warranties or representations
- Upon award by HECO, the successful PPA Provider will have 60 days to execute long term agreement with UH
- Unsuccessful PPA Providers = LOI with UH is null and void



UNIVERSITY of HAWAI'I®

MAHALO

DJS 18789

Jan S. Gouveia
Vice President for Administration



UNIVERSITY
of HAWAII*
SYSTEM

UNIVERSITY OF HAWAII
BOARD OF REGENTS

18 MAR 19 P3:49

RECEIVED

March 16, 2018

'18 MAR 19 P2:08

TO: Jan N. Sullivan
Chairperson, Board of Regents
University of Hawai'i

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

VIA: David Lassner
President
University of Hawai'i

FROM: Jan S. Gouveia
Vice President for Administration
University of Hawai'i

SUBJECT: Approval of Letters of Intent/Option Agreements and a Long Term Agreement for the Use of UH Lands Relating to Hawaiian Electric Company, Inc. ("**HECO**") Request for Proposals ("**HECO RFP**") for the Supply of Qualified Renewable Energy Under HECO's Renewable Dispatchable Generation Power Purchase Agreement

SPECIFIC ACTION REQUESTED

As more fully detailed herein, and pursuant to Board of Regents Policy 10.201 (Interests in Real Property),¹ the Board of Regents of the University of Hawai'i ("**Board**") is requested to authorize the President and/or the Vice President for Administration to negotiate, finalize, and execute Letters of Intent ("**LOI**") with prospective photovoltaic developers ("**Developers**"), consistent with the terms contained in the Major Term Sheet attached as **Exhibit A**, and execute such other documents and take any further action as they deem necessary to effectuate the LOIs, including eventually finalizing and executing a long term agreement (such as a lease or use and occupancy agreement) with the single Developer selected by HECO ("**HECO Awardee**") to deliver a supply of qualified renewable energy to the HECO system in accordance with the HECO RFP.

¹ Board of Regents Policy 10.201 (B) states in its entirety as follows: The Board of Regents shall review and approve all real property transactions for the disposition or acquisition of real property in fee simple or by lease or equivalent interest with a term exceeding five (5) years, including amendments and extensions thereof; provided, however, the president has the discretion to present to the board for approval any transactions involving real property that may impact a significant public interest.

RECOMMENDED EFFECTIVE DATE

Upon Board approval.

BACKGROUND

A. HECO's RFI

In 2017, HECO issued a Land Request for Information ("**RFI**"), seeking to identify large parcels of land on the island of Oahu that might be suitable for large scale renewable energy generation projects. Given the desire and commitment to renewable energy sources and sustainability, the University responded to this RFI. Among its inventory of lands, the University identified a portion of its approximately 991-acre parcel of land located mauka of the University of Hawaii West Oahu ("**UHWO**") campus that might be suitable for such a project ("**UH Property**"). Attached hereto as **Exhibit B** is a map of the UH Property, with the areas of blue shading indicating what is considered to be the better locations for renewable energy generation projects (i.e., non-Class A Agricultural lands²).

B. HECO's RFP

In January 2018, HECO issued its HECO RFP, seeking proposals for the supply of qualified renewable energy to be delivered to the HECO system in accordance with the HECO RFP, under which about 485,000 megawatt hours of renewable energy power would be supplied annually over a term of 20 years ("**HECO Project**"). The HECO RFP was approved by the State of Hawaii Public Utilities Commission by Order issued on January 12, 2018 (Order No. 35225 – Providing Guidance on the Hawaii Electric Companies' Proposed Requests for Proposals for Dispatchable and Renewable Generation). In its HECO RFP, HECO included the UH Property in its list of identified potential sites for the HECO Project.

Under the HECO RFP, the Developer is responsible for determining the HECO Project's location on the island of O'ahu. The Developer is also responsible for working directly with landowners to secure "site control" with such landowners prior to submitting any proposal to HECO under the HECO RFP. "Site control" under the RFP requires that the Developer provide to HECO: (1) documentation indicating the Developer's ownership of the project site; (2) documentation that the Developer holds a leasehold interest in the project site equal to the term of a 20-year power purchase agreement ("**PPA**"); or (3) an executed option agreement to purchase or lease the project site for a term equal to the 20-year PPA, which option agreement need not be exclusive to the

² While the University prefers not to allow development of the HECO Project on Class A Agricultural land, there is a possibility that some Class A Agricultural land will be utilized in some form in furtherance of the HECO Project. This may not be the best and highest use of Class A Agricultural land, but there are no immediate plans to otherwise utilize those lands. Furthermore, it is ultimately the responsibility of the HECO Awardee to obtain all permits and entitlements required for the HECO Project, including those required for Class A Agricultural land.

Developer and may be contingent upon selection of the Developer as the HECO Awardee. For government- or publicly-owned lands, the Developer must provide a credible and viable plan, including evidence of any steps taken to date, to secure all necessary approvals from the government agency or authorities.

C. University's Process

On or around February 1, 2018, the University used the Hawaii eProcurement System to provide information and serve as a document management system to Developers interested in submitting a proposal to HECO utilizing the UH Property. Each Developer had been referred to UH by HECO. Each Developer was required to certify that it had demonstrated experience and skill in designing, developing, operating, and maintaining electricity generation projects, particularly renewable energy and photovoltaic and solar energy systems, as well as the financial resources and strength to complete and operate such projects.

D. HECO's Selection of Awardee

In order to submit its proposal to HECO for consideration under the HECO RFP, each Developer will need an executed LOI for the UH Property in order to demonstrate the requisite "site control" and steps taken to secure necessary approvals for government-owned land. The deadline to submit proposals to HECO, with executed LOIs, is April 30, 2018.

Thereafter, HECO will evaluate all proposals and select one (1) single Developer as the HECO Awardee of a HECO PPA to install and operate the HECO Project on the UH Property. Note that the University has no involvement whatsoever in HECO's selection process. The University's only role is as landowner of the UH Property, which UH Property may potentially be utilized if HECO, in its sole discretion, selects one (1) of the Developers as the HECO Awardee under the HECO RFP.

HECO's evaluation and selection process is based upon price and non-price factors, including impacts to customers and communities. HECO may also choose not to select any Developer for the UH Property, or it may choose to select Developers whose HECO Projects do not involve the use of the UH Property (i.e., are located elsewhere on the island of Oahu). Upon selection of the HECO Awardee, HECO and the HECO Awardee will execute a PPA under which the renewable energy will be delivered to HECO's system. At or around this time, the HECO Awardee will need to demonstrate "site control" through a fully executed long term agreement (such as a lease or use and occupancy agreement) for the installation and operation of the HECO Project on the UH Property for a 20-year term consistent with the HECO PPA.

E. LOI & Commitment to Long-Term Agreement

As set forth above, the LOI with each Developer will be consistent with the attached Major Term Sheet. Of note, the LOI terminates if the Developer fails to (1)

Chairperson Jan N. Sullivan

March 16, 2018

Page 4 of 4

submit a proposal to HECO under its RFP by the April 30, 2018 deadline, or (2) be selected as the HECO Awardee, among other things. Should the Developer be selected by HECO as the HECO Awardee for the HECO Project on the UH Property, the LOI commits the University to enter into a long-term minimum 20-year agreement for the HECO Awardee's use of the UH Property for the HECO Project, under terms and conditions that are consistent with those set forth in the LOI.

ACTION RECOMMENDED

It is recommended that the Board of Regents authorize the President and/or the Vice President for Administration to negotiate, finalize, and execute binding LOIs with the Developers, consistent with the terms contained in the attached Major Term Sheet, and execute such other documents and take any further action as they deem necessary to effectuate the LOIs, including eventually executing a long term (minimum 20 year) agreement (such as a lease or use and occupancy agreement) with the HECO Awardee of HECO's PPA under the HECO RFP consistent with the terms and conditions contained in the Major Term Sheet and the LOI.

Exhibit A

MAJOR TERM SHEET

SUMMARY OF LETTER OF INTENT AND OPTION AGREEMENT

For Long Term Use Agreement – UH West O‘ahu Mauka Lands

HECO RFP: Hawaiian Electric Company, Inc. (“HECO”) Request for Proposals (“RFP”) for the supply of about 485,000 MWh per year of qualified renewable energy to be delivered to HECO on the island of O‘ahu, State of Hawai‘i under HECO’s renewable dispatchable generation power purchase agreement (“RDGD PPA”). The HECO RFP was approved by the State of Hawai‘i Public Utilities Commission on January 12, 2018.

HECO PPA Award: Under the HECO RFP, HECO plans to award an RDG PPA to one of the photovoltaic energy generating (“PV”) project developers (“Offerors”) seeking to use portions of the UH West O‘ahu mauka lands.

Multiple Offerors: The University of Hawai‘i (“University”) has received inquiries from as many as seven (7) potential Offerors interested in including portions of the UH West O‘ahu mauka lands in the PV project proposals they plan to submit to HECO in response to the HECO RFP.

HECO “Site Control” Requirement: Under the HECO RFP, each Offeror must secure “site control” for the PV project site by obtaining one of the following: (a) fee ownership; (b) a long term lease; or (c) an option agreement to purchase or lease the project site.

Multiple LOIs: The University, with Board of Regents approval, plans to enter into LOIs with multiple Offerors containing template provisions and terms proposed by the Offerors (location, area, and configuration of the project site, minimum rent, percentage rent, University benefits, etc.) that are acceptable to the University.

One Long Term Agreement: Each LOI commits the University to enter into a long term minimum 20-year agreement, such as a lease, use and occupancy agreement, or other long term arrangement (“Agreement”) but only if HECO awards the RDG PPA to the Offeror for the UHWO mauka lands.

LOI Parties: University and each Offeror who proposes LOI terms acceptable to the University.

Premises: Portion of UH West Oahu mauka lands identified as suitable for a PV project, with location, size, and configuration to be proposed by the Offeror, subject to University approval.

Purpose: Develop and operate a PV project to generate electricity pursuant to HECO RDG PPA.

Condition of Premises: As is, with no warranties or representations.

Agreement Subject to Further Approvals: Subject to Board of Regents approval.

Term: 20 years, with two 5-year options to extend.

Rent: Minimum Rent or Percentage Rent, whichever is greater, payable in annual installments and subject to University audit. The amount and percentages of Minimum Rent and Percentage Rent will be proposed by Offeror, subject to University approval.

In-Kind Use Fee: Option of providing non-monetary benefits to the University, such as infrastructure improvements, educational programs, demonstration PV projects, and employment and internship opportunities in lieu of or in addition to rent.

Entry Preconditions: Before entering, using, or taking possession of any portion of the Premises for constructing and installing the PV project, Offeror must satisfy certain pre-entry conditions, including implementing adverse impact mitigation measures, preparing access and traffic management plans, and obtaining all proper government approvals.

Security Deposit: Minimum Rent for Year 1.

Risk Mitigation: Offeror required to indemnify, defend, and hold harmless the University against all claims or actions seeking recovery for injuries, losses, or damages sustained as a result of Offeror's acts or omissions. Offeror required to provide the following insurance coverage naming University as an additional insured: commercial general liability, commercial automobile liability, fire and extended coverage, pollution liability, builder's risk, and workers compensation/employer's liability, all with standard or statutory minimum limits.

Improvements: The University's prior written consent required for placement of and construction plans for the Improvements. Upon termination of the Agreement, University has the option to require Offeror, at Offeror's sole cost, to: (a) transfer title to the Improvements to the University; or (b) remove the Improvements and restore the Premises.

Assignment and Transfer Restrictions: The University's prior written consent is required before Offeror transfers any interest under the Agreement to a third party. Offeror may obtain the University's consent by entering into a separate assignment agreement with its assignee and the University, substantially in a form to be approved by the

University, under which the University consents to the assignment subject to certain conditions and representations/warranties from Offeror and its assignee.

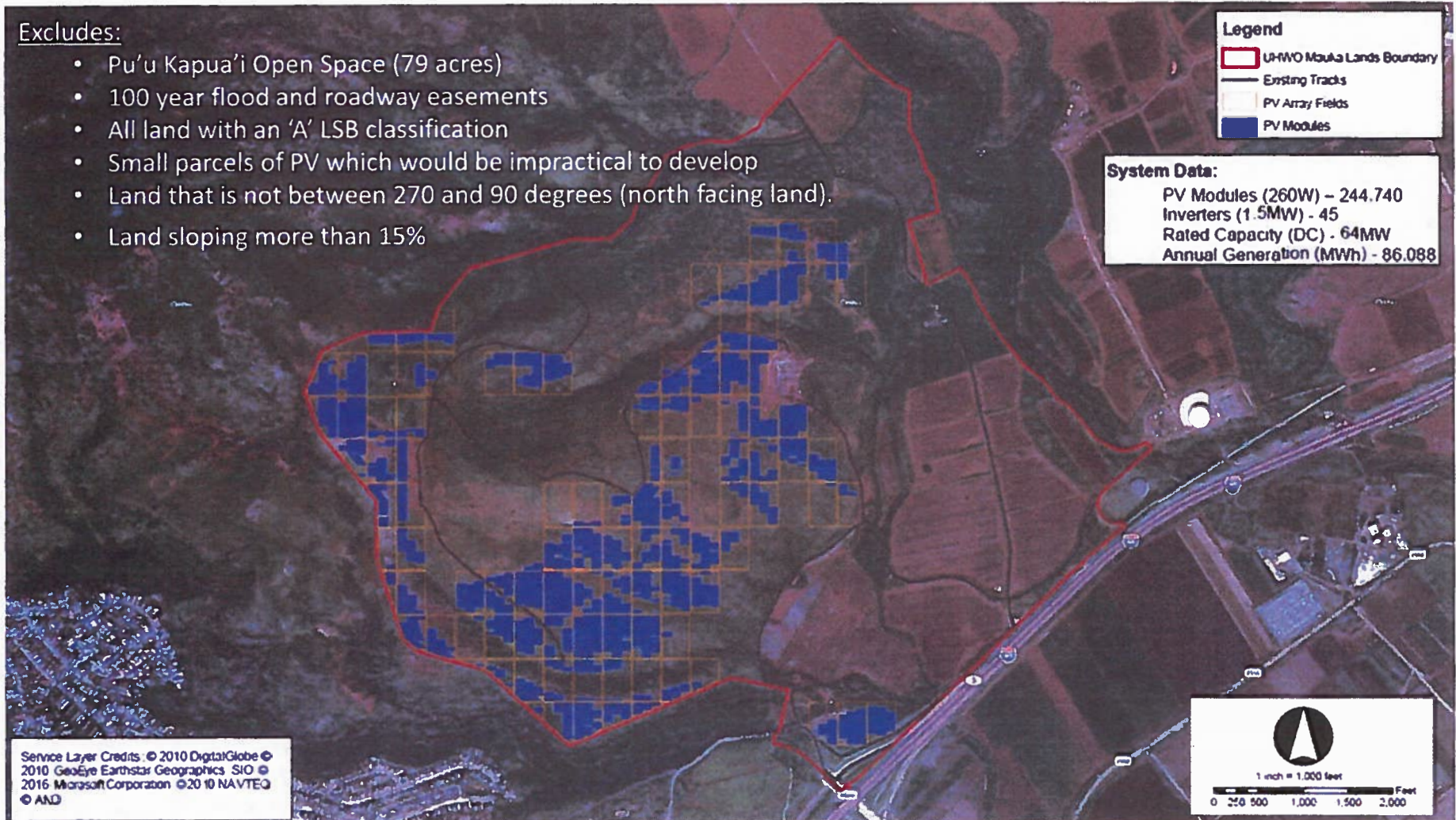
**Negotiation
Period:**

Upon notification by the Offeror to the University that the Offeror has been selected for the RDG PPA, the University and the Offeror will have sixty (60) days to finalize the terms of the Agreement and execute it.

**LOI
Termination:**

Each LOI may be terminated upon: (1) mutual written agreement; (2) failure of the Offeror to submit a timely and complete response to the HECO RFP; (3) failure of the Offeror to be selected for the RDG PPA; (4) the cancellation or withdrawal of the HECO RFP; (5) the withdrawal of the Offeror from the HECO RFP at any time during the HECO RFP process; or (6) the final execution of the Agreement between the University and the Offeror.

Exhibit B



Item V.F.1.
Executive Session –
HECO RFP

ITEM TO BE
DISCUSSED IN
EXECUTIVE
SESSION



UNIVERSITY *of* HAWAII®

2018 University of Hawai'i Legislative Measures of Interest

Update #2
First Crossover
Pending Second Lateral

UH Board of Regents
March 22, 2018



2018 Budget Package Comparison

FY19 Supplemental Budget Request – Operating Comparison of Board-approved budget, Governor’s Request, and House Draft

Campus	Description	UH BOR	Governor	HD1
Mānoa	Facilities Maintenance	\$4,038,848	\$1,500,000	
Mānoa	Student Success Initiative - Veterans, Filipinos, Mental Health	\$575,000	\$400,000	\$300,000
Mānoa	Native Hawaiian Affairs Action Plan	\$700,000	\$500,000	
Mānoa	Student Research & Innovation	\$535,000	\$175,000	
Mānoa	Graduate Student Initiative - Phase I	\$2,850,000	\$621,397	
JABSOM	Alternative Medicine			\$500,000
Hilo	DKICP - Janitorial & Groundskeeping	\$120,495	\$120,495	
Hilo	Native Hawaiian Development	\$260,000	\$200,000	\$79,000
Hilo	Student Workforce	\$200,000		
UHWO	Health & Safety / Utilities / Equipment	\$781,000	\$300,000	
UHWO	Academic Affairs Restructure & Growth	\$680,000	\$400,000	
UHWO	Student Affairs	\$446,364	\$200,000	\$130,000
CCs	Hawai'i's Promise Program	\$700,000	\$700,000	
CCs	Architecture/Engineering for Facilities	\$273,600		
CCs	Additional Positions for Security	\$1,083,264		
CCs	Apprentice Lecturer Costs	\$260,000	\$260,000	
CCs	Filipino Student Support	\$614,920	\$350,000	
CCs	Veterans Support	\$473,108	\$473,108	
CCs	Native Hawaiian Student Support	\$1,729,908	\$500,000	
CCs	Student Services Centers (General Training)			\$750,000
System	Office of Strategic Planning & Development	\$500,000		
	Total	\$16,821,507	\$6,700,000	\$1,759,000



2018 Budget Package Comparison

FY19 Supplemental Budget Request - CIP Comparison of Board-approved budget, Governor's Request, and House Draft

Project Title	UH BOR	Governor	HD1
Mānoa - Renew, Improve, Modernize (RIM) projects	139,500,000		
Mānoa - Sinclair Library Renovation	41,000,000	20,000,000	700,000
Mānoa - Keller Hall Renovations, design phase	1,500,000		
Mānoa - Athletics (budgeted in UOH900)			11,100,000
Hilo - Renew, Improve, Modernize projects	27,900,000		
Hilo - Puako Marine Educational Center, design phase	1,000,000		3,200,000
West O'ahu - Renew, Improve, Modernize projects	3,000,000		
West O'ahu - Relocation of Dental Hygiene Program from UH Mānoa to UH West O'ahu	10,000,000		
CC - Capital Renewal & Deferred Maintenance	25,000,000	12,000,000	6,275,000
CC - Minor Capital Improvement Projects	10,000,000	10,000,000	10,000,000
Hawai'i CC - Campus Development, design phase	2,000,000	2,000,000	
Leeward CC - Repave Fascia & Replace Walkways Campuswide	8,800,000		
Maui - Expansion of Culinary Arts Program to Lahaina			
Hawai'i CC - Palamanui Outdoor Learning Area & Dining Area Improvements			1,173,000
Mauna Kea Cultural and Educational Visitor's Center			3,000,000
UH - Renew, Improve, Modernize (RIM) Projects		76,000,000	56,980,000
Total	269,700,000	120,000,000	92,428,000



2018 Bills of Interest

SUBJECT AREAS

1. 2018 UH Legislative Package (Admin Bills)
2. Hawai'i Promise
3. Board of Regents / Governance
4. UH Operations
5. Mauna Kea



2018 UH Legislative Package

Revenue Bonds

HB 2005 HD1 SD1

RELATING TO UNIVERSITY OF HAWAII REVENUE BONDS

Authorizes the University of Hawai'i to issue revenue bonds for the purpose of financing the construction and maintenance of qualifying capital improvement projects.

Update: Referred to HRE, WAM; HRE passed with amendments on 3/15/18

SB 2833 SD1

RELATING TO UNIVERSITY OF HAWAII REVENUE BONDS

Relating to University of Hawai'i Revenue Bonds

Authorizes the University of Hawai'i to issue \$100,000,000 in revenue bonds for the purpose of financing the construction and maintenance of qualifying capital improvement projects.

Update: Referred to HED, FIN; HED passed with amendments on 3/20/18



2018 UH Legislative Package

Green Fund

HB 1830 HD2

RELATING TO ENERGY AT THE UNIVERSITY OF HAWAII

Allows the deposit of funds appropriated by the Legislature into the University of Hawai'i Green Special Fund (Fund). Requires notice to the Legislature for any expenditure from the Fund.

Update: Referred to TRE/HRE, WAM; TRE passed with amendments on 3/16/18; HRE deferred decision making until 3/22/18

SB 2832 SD2

RELATING TO ENERGY AT THE UNIVERSITY OF HAWAII

Allows funds appropriated by the Legislature to be deposited into the University of Hawai'i Green Special Fund and clarifies the authority to expend funds and the scope of projects that can be funded. Effective 7/1/2050.

Update: Referred to EEP, HED, FIN; failed to meet Triple Referral deadline



2018 UH Legislative Package (cont.)

Procurement

SB 2831 SD2 HD1

RELATING TO PROCUREMENT FOR THE UNIVERSITY OF HAWAII

Reinstates the authority of the University of Hawai'i President as the Chief Procurement Officer for contracts for construction and construction-related professional services furnished by licensees under Chapter 464, Hawai'i Revised Statutes. Requires the University of Hawai'i to submit an annual report to the Legislature detailing all Capital Improvement Projects approved by the Board of Regents no later than 20 days prior to each regular session.

Update: Referred to LAB, HED, FIN; HED deferred decision making until 3/22/18



2018 UH Legislative Package (cont.)

Procurement

HB 424 HD1 SD1*

RELATING TO THE UNIVERSITY OF HAWAII

Reinstates the President of the University of Hawai'i as the chief procurement officer for contracts for construction and construction related professional services furnished by licensees under chapter 464, HRS. Adds to the University of Hawai'i board of regents two ex officio nonvoting members who are faculty at the university. Prohibits the University of Hawai'i board of regents from increasing tuition fees until an unspecified date. Requires the university to report to the legislature regarding tuition increases and the university's repair and maintenance costs. Effective 7/1/2050.

Update: Referred to HRE/GVO, WAM; WAM passed with amendments



2018 UH Legislative Package (cont.)

Indemnification

HB 2299 HD1

RELATING TO INDEMNIFICATION OF COUNTY AGENCIES

Facilitates the process by which the University of Hawai'i obtains approval to indemnify, defend, and hold harmless a county agency, its officers, agents, and employees, for university purposes and university functions on county property.

Update: Re-referred to HRE, JDC/WAM; HRE hearing on 3/22 @ 1:21pm



2018 UH Legislative Package (cont.)

P3

HB 2172 HD2 SD1

RELATING TO UNIVERSITY OF HAWAII PUBLIC-PRIVATE PARTNERSHIPS

Establishes and appropriates funds for an Office of Strategic Partnerships and Development to specifically analyze, evaluate, recommend, coordinate, oversee, and manage public-private partnerships that benefit the University of Hawaii. Establishes a five-year University of Hawai'i public-private partnership pilot project to allow the university to enter into public-private partnerships, under certain conditions. Takes effect 1/1/2050.

Update: Referred to HRE/ETT, WAM; HRE/ETT passed with amendments on 3/13/18



2018 Bills of Interest – Hawai‘i Promise

HB 2501 HD1 SD1

RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGE PROMISE PROGRAM

Establishes the University of Hawai‘i Community College Promise Program to provide scholarships for the unmet direct cost needs of qualified students enrolled at any community college campus of the University of Hawai‘i system. Appropriates funds to establish and implement the program.

Update: Referred to HRE, WAM; HRE passed with amendments on 3/13/18

HB 2165 HD1

RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM

Establishes the University of Hawai‘i Promise Program to provide scholarships for the unmet direct cost needs of qualified students enrolled at any campus of the University of Hawai‘i system or any community college campus.

Appropriates funds to establish and implement the program. Creates a special fund.

Update: Referred to HRE, WAM; HRE deferred decision making until 3/22/18



2018 Bills of Interest – Board of Regents

SB 2316 HD1

PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII

Proposes an amendment to article X, section 6, of the Hawai'i State Constitution to modify the appointment process for the board of regents of the University of Hawai'i. Repeals reference to the candidate advisory council for the board of regents of the University of Hawai'i.

Update: Referred to HED, JUD, FIN; HED passed with amendments on 3/15/18; needs to be heard and passed out of JUD by 3/23



2018 Bills of Interest – Board of Regents

SB 2319 SD2 HD1

RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS

Amends the composition and term limit of the board of regents of the University of Hawai'i. Reestablishes the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents of the University of Hawai'i. Requires the governor to fill a vacancy on the board of regents within 90 days. Pursuant to a proposed constitutional amendment, abolishes the regents candidate advisory council for the board of regents of the University of Hawai'i. Requires the governor to nominate new members to the board of regents by 1/29/2019, and for those new members who are appointed to begin serving terms on 3/1/2019.

Update: Referred to HED, JUD, FIN; HED passed with amendments on 3/15/18; needs to be heard and passed out of JUD by 3/23



2018 Bills of Interest – Operations

Ceded Lands Pro Rata

SB 2136 SD3

RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF PUBLIC LAND TRUST FUNDS

Establishes a committee within the Department of Budget and Finance to recommend the annual amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually. Effective 7/1/2050.

Update: Referred to OMH, FIN; needs to be heard and passed out of OMH by 3/23



2018 Bills of Interest – Operations

Institute for Astronomy

SB 2865 SD1

RELATING TO THE INSTITUTE FOR ASTRONOMY

Transfers administrative authority, personnel, and facilities for the University of Hawai'i Institute for Astronomy currently located at the University of Hawai'i at Mānoa to the University of Hawai'i at Hilo. Renames the University of Hawai'i Institute for Astronomy to the Paul H.I. Coleman Astronomy Center. Takes effect 7/1/2020.

Update: Referred to FIN

SCR 182*

REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I TO RENAME THE UNIVERSITY OF HAWAI'I INSTITUTE FOR ASTRONOMY TO THE PAUL H.I. COLEMAN ASTRONOMY CENTER

Update: Referred to HRE/PSM



2018 Bills of Interest – Operations

Online Educational Resources (OER)

SB 2328 SD2

RELATING TO THE UNIVERSITY OF HAWAII

Establishes the University of Hawai'i open educational resources task force to conduct a comprehensive analysis and evaluation on all general education courses and high attendance courses taught at the University of Hawai'i system to identify open educational resources for those courses. Establishes and appropriates funds for an open educational resources pilot project grant program to incentivize faculty that adopt, develop, and implement open educational resources. Effective 7/1/2050.

Update: Referred to HED, FIN; HED passed with amendments on 3/20/18

HCR 125/HR112*

ENCOURAGING THE FACULTY OF THE UNIVERSITY OF HAWAII SYSTEM TO MAKE GREATER USE OF OPEN EDUCATION RESOURCES AND OTHER LOW-COST OR FREE RESOURCES.

Update: Referred to HED, FIN; HED deferred decision making until 3/22/18



2018 Bills of Interest – Operations

Tuition

SB 2329 SD2

RELATING TO TUITION AT THE UNIVERSITY OF HAWAII

Caps increases in tuition for the University of Hawai'i based on the change in the State's median household income.

Update: Referred to HED, FIN; HED passed with amendments on 3/20/18

Collective Bargaining

SB 2585 SD2

RELATING TO COLLECTIVE BARGAINING

Establishes a collective bargaining unit for graduate student assistants employed by the University of Hawai'i. Effective 7/1/2050.

Update: Referred to LAB, HED, FIN; HED deferred decision making until 3/22/18



2018 Bills of Interest – Operations

Funding

SB 2224 SD2

RELATING TO TOURISM

Renames the convention center enterprise special fund as the convention center operations and maintenance special fund, repeals the allocation of transient accommodations tax revenues to that fund, amends the allowable uses of that fund, and adds a cap to the amount of moneys deposited into the fund. Defines administrative expenses as used in section 201B-11(c), HRS, as office equipment, salaries, and supplies. Caps the amount of money from the tourism special fund that can be used for research and sports marketing expenses. Redistributes transient accommodations tax revenue from the Hawai'i tourism authority to different state agencies for certain purposes.

Update: Referred to TOU, FIN; needs to be heard and passed out of TOU by 3/23



2018 Bills of Interest – Operations

Funding

HB 2010 HD1 Proposed SD1*

RELATING TO TOURISM

Renames the Convention Center Enterprise Special Fund as the Convention Center Operations and Maintenance Special Fund, repeals the allocation of transient accommodations tax revenues to that fund, amends the allowable uses of that fund, and adds a cap to the amount of moneys deposited into the fund. Defines administrative expenses as used in section 201B-11(c), HRS, as office equipment, salaries, and supplies. Caps the amount of money from the Tourism Special Fund that can be used for research and sports marketing expenses. Redistributes transient accommodations tax revenue from the Hawai'i Tourism Authority to different state agencies for certain purposes. Authorizes the Department of Budget and Finance to cancel the reimbursable general obligation bond debt relating to the Convention Center that is owed by the Hawaii Tourism Authority.

Update: Referred to ETT, WAM; ETT hearing scheduled for 3/21/18 @ 1:30pm



2018 Bills of Interest – Operations

Mānoa Innovation Center

SB 48 SD3

RELATING TO TECHNOLOGY

Appropriates moneys to the Hawai'i Technology Development Corporation for its continued operation. Requests that the Department of Accounting and General Services locate a site to which the Corporation may relocate. Effective 7/1/2050.

Update: Referred to EDB, HED, FIN; HED deferred decision making until 3/22/18 @ 2:00pm



2018 Bills of Interest – Mauna Kea

SB 3090 SD2

RELATING TO GOVERNMENT

Establishes the Mauna Kea Management Authority. Limits the number of telescopes that may be authorized on Mauna Kea. Authorizes the renegotiation of leases, subleases, easements, permits, and licenses pertaining to Mauna Kea. Requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs. Excludes Mauna Kea lands from the definition of "public lands." Provides for free access to Mauna Kea for traditional cultural purposes. Establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority. Appropriates funds. Effective 12/31/2033.

Update: Referral to FIN



2018 Bills of Interest – Mauna Kea

SB 757 SD2

RELATING TO THE UNIVERSITY OF HAWAII

Requires the Auditor to conduct a financial, performance, and management audit of the University of Hawai'i's activities related to Mauna Kea. Requires the Auditor to submit a report to the Legislature. Appropriates funds.

Update: Referred to HED, LMG, FIN; failed to meet Triple Referral deadline

SCR 29 SD1

REQUESTING THE STATE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII'S ACTIVITIES RELATED TO MAUNA KEA

Update: Referred to HRE, WAM; WAM passed with amendments on 3/13/18



Notable Dates

- March 23 - Second Lateral
- April 6 - Second Decking
- April 12 - Second Crossover
- April 26 - Final Decking (non-fiscal bills)
- April 27 - Final Decking (fiscal bills)
- May 3 - Adjournment *Sine Die*



Conclusion