

# KEAUKAHA COMMUNITY ASSOCIATION

P.O. Box 5146, Hilo, Hawaii 96720

E-mail address: [elama@hawaiiintel.net](mailto:elama@hawaiiintel.net)

Phone: 981-0950

May 6, 2009

Edmund Haituka, Chairman

Aloha Chairman Haituka and members of the Charter Commission.

I am Patrick L. Kahawaiola'a a native Hawaiian as **defined** under the Hawaiian Homes Commission Act, 1920 as amended July 9, 1921 and the current President of the Keaukaha Community Association, (KCA) which represents according to the 2000 Census, 1457 native Hawaiians in 479 households residing on lands having the status of Hawaiian Home lands in Keaukaha, district of Waiakea, South Hilo.

When a review such as this of the Articles of the County Charter becomes available it provides our community an opportunity to address this body for "**clarifications**" on at least one definition that continues to be one of the "everlasting" issue that numerous County councils before wrestled with and came to no **definitive conclusion** to address the concerns of the native Hawaiians who live and work on "**lands having the status of Hawaiian Home Lands**".

As a beneficiary of these lands that were set aside for use for the express purposes of the Hawaiian Homes Commission Act, 1920 and incorporated into the Hawaii State constitution through the Admissions Act that among other things "... *the encumbrances **authorized** to be placed on Hawaiian Home lands by officers other than those charged with the administration of said Act, shall not be increased, **except with the consent of the United States...***"

The immediate question now is in Article 1-2; the ***geographical limitations*** of the county:

Does that definition encompass lands having the status of Hawaiian Home Lands?

Confused? Article 1-2 intimates that all lands on the island of Hawaii belong to the county of Hawaii. Can the charter be amended to read "...except lands having the status of Hawaiian Home lands..."?

At your last meeting Commissioner Jarman asked for some clarifications on how far around this island can the county of Hawaii claim is under its control.

The final questions lie in:

Article 2-1; **Powers of the county**; in part says: "...the county shall have all powers possible under the constitution and laws of the State of Hawaii..."

Article 2-2; **Exercise of Powers**; *All powers of the county shall be carried into execution as provided by this charter or if the charter makes no provision, by **ordinances** or **resolution** of the county council.*

## KEAUKAHA COMMUNITY ASSOCIATION

P.O. Box 5146, Hilo, Hawaii 96720

E-mail address: [elama@hawaiiantel.net](mailto:elama@hawaiiantel.net)

Phone: 981-0950

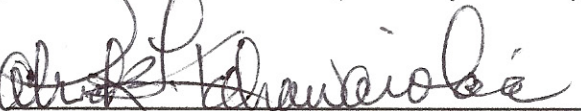
Notwithstanding the Memorandum of Agreement (MOA) between the Mayor Kim and former DHHL Chairman Soon does this county charter through its Articles of Powers and Exercise of the same apply to lands having the status of Hawaiian Home lands? Is the MOA a legal document? and was it approved and adopted by the Hawaii County Council?

On behalf of all the native Hawaiians on Hawaiian Home lands we need clarifications or directions through their county charter (county law book) that you are now the officers charged with the administration of those lands called Hawaiian Home lands and you received that **authority** through the **consent** process of the United States Congress.

If the county concludes that it does have those authorities and powers as the charter says over lands having the status of Hawaiian Home lands than as native Hawaiians we would request the **consent** of the United States giving and/or conveying such **authority** to the county of Hawaii to increase the encumbrances by officers **NOT** charged with the administration of said Act (HHCA, 1920, as amended July 9, 1921).

If any additional information is needed I can be reached at 959-5080.

*'Owau me ka ha'aha'a (I humbly remain)*



Patrick L. Kahawaiola'a