

**THE THIRTIETH LEGISLATURE  
APPLICATION FOR GRANTS  
CHAPTER 42F, HAWAII REVISED STATUTES**

Type of Grant Request:

Operating                       Capital

Legal Name of Requesting Organization or Individual:    Db:

**The Outdoor Circle**

**The Waimea Outdoor Circle**

Amount of State Funds Requested: \$ 505,000.00

Brief Description of Request (Please attach word document to back of page if extra space is needed):

**To design and construct a paved roadway at Ulu La au the Waimea Nature Park, on the existing gravel roadway and install a drainage culvert near the entrance where water often flows across and causes access and maintenance issues.**

Amount of Other Funds Available:

State:            \$ \_\_\_\_\_

Federal:        \$ \_\_\_\_\_

County:        \$ \_\_\_\_\_

Private/Other: \$ \_\_\_\_\_

Total amount of State Grants Received in the Past 5 Fiscal Years:

\$ 0

Unrestricted Assets:

\$ 39,180.16

New Service (Presently Does Not Exist):     Existing Service (Presently in Operation):

Type of Business Entity:

- 501(C)(3) Non Profit Corporation
- Other Non Profit
- Other

Mailing Address: **Waimea Outdoor Circle**

**P.O. Box 6144**

**City: Kamuela**

**State: HI**

**Zip: 96743**

Contact Person for Matters Involving this Application

Name:            **Cheryl Langton**

Title:            **Branch President**

Email:           **clangton@hawaii.rr.com**

Phone:           **(808) 936-1468**

Federal Tax ID#:                     

State Tax ID#                     

Authorized Signature

**Cheryl Langton, Branch President**

Name and Title

Date Signed

**1-16-2019**

**received**  
1/17/19 10:09am JR



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GRANT-IN-AID FOR FISCAL YEAR 2020 (JULY 1, 2019 TO JUNE 30, 2020)

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Ulu La`au the Waimea Nature Park



JANUARY 15, 2019  
WAIMEA OUTDOOR CIRCLE  
P.O. Box 6144 Kamuela, HI 96743

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## Application Submittal Checklist

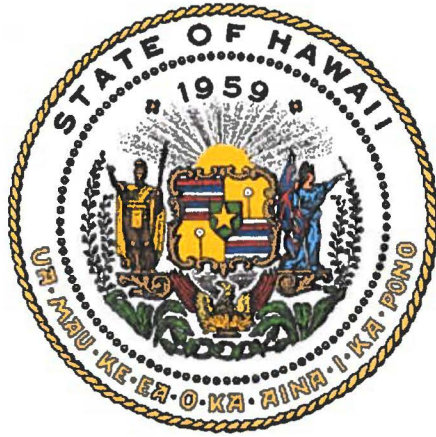
*The following items are required for submittal of the grant application. Please verify and check off that the items have been included in the application packet.*

- 1) Certificate of Good Standing (If the Applicant is an Organization)
- 2) Declaration Statement
- 3) Verify that grant shall be used for a public purpose
- 4) Background and Summary
- 5) Service Summary and Outcomes
- 6) Budget
  - a. Budget request by source of funds ([Link](#))
  - b. Personnel salaries and wages ([Link](#))
  - c. Equipment and motor vehicles ([Link](#))
  - d. Capital project details ([Link](#))
  - e. Government contracts, grants, and grants in aid ([Link](#))
- 7) Experience and Capability
- 8) Personnel: Project Organization and Staffing

  
AUTHORIZED SIGNATURE

Cheryl Langton, Present  
PRINT NAME AND TITLE

1.16.2019  
DATE



## Department of Commerce and Consumer Affairs

### CERTIFICATE OF GOOD STANDING

I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, do hereby certify that

#### THE OUTDOOR CIRCLE

was incorporated under the laws of Hawaii on 09/22/1949 ; that it is an existing nonprofit corporation; and that, as far as the records of this Department reveal, has complied with all of the provisions of the Hawaii Nonprofit Corporations Act, regulating domestic nonprofit corporations.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Commerce and Consumer Affairs, at Honolulu, Hawaii.

Dated: January 15, 2019

Director of Commerce and Consumer Affairs





**DECLARATION STATEMENT OF  
APPLICANTS FOR GRANTS PURSUANT TO  
CHAPTER 42F, HAWAII REVISIED STATUTES**

The undersigned authorized representative of the applicant certifies the following:

- 1) The applicant meets and will comply with all of the following standards for the award of grants pursuant to Section 42F-103, Hawaii Revised Statutes:
  - a) Is licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant is awarded;
  - b) Complies with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
  - c) Agrees not to use state funds for entertainment or lobbying activities; and
  - d) Allows the state agency to which funds for the grant were appropriated for expenditure, legislative committees and their staff, and the auditor full access to their records, reports, files, and other related documents and information for purposes of monitoring, measuring the effectiveness, and ensuring the proper expenditure of the grant.
- 2) If the applicant is an organization, the applicant meets the following requirements pursuant to Section 42F-103, Hawaii Revised Statutes:
  - a) Is incorporated under the laws of the State; and
  - b) Has bylaws or policies that describe the manner in which the activities or services for which a grant is awarded shall be conducted or provided.
- 3) If the applicant is a non-profit organization, it meets the following requirements pursuant to Section 42F-103, Hawaii Revised Statutes:
  - a) Is determined and designated to be a non-profit organization by the Internal Revenue Service; and
  - b) Has a governing board whose members have no material conflict of interest and serve without compensation.

Pursuant to Section 42F-103, Hawaii Revised Statutes, for grants used for the acquisition of land, when the organization discontinues the activities or services on the land acquired for which the grant was awarded and disposes of the land in fee simple or by lease, the organization shall negotiate with the expending agency for a lump sum or installment repayment to the State of the amount of the grant used for the acquisition of the land.

Further, the undersigned authorized representative certifies that this statement is true and correct to the best of the applicant's knowledge.

**Waimea Outdoor Circle**

(Typed Name of Individual or Organization)



(Signature)

1.16.2019

(Date)

**Cheryl Langton**

**President**

(Typed Name)

(Title)

**AMENDED AND RESTATED**  
**ARTICLES OF INCORPORATION**  
**THE OUTDOOR CIRCLE**  
(A Hawaii nonprofit corporation)

**ARTICLE I**

**CORPORATE NAME**

The name of the Corporation will be The Outdoor Circle (referred to herein as the "Corporation").

**ARTICLE II**

**OFFICES; REGISTERED AGENT; INCORPORATORS**

Section 2.1 Mailing Address of Principal Office. The mailing address of the Corporation's principal office is 1314 South King Street, Suite 306, Honolulu, Hawaii 96814.

Section 2.2 Registered Agent and Street Address For Service of Process. The Corporation shall have and continuously maintain in the State of Hawaii a registered agent who shall have a business address in this State. The agent may be an individual who resides in this State, or a domestic or foreign entity authorized to transact business in this State.

(1) The name of the Corporation's registered agent in the State of Hawaii is Martha Townsend.

(2) The street address of the place of business of the person in the State of Hawaii to which service of process and other notice and documents being served on or sent to the entity represented by the person may be delivered to is 1314 South King Street, Suite 306, Honolulu, Hawaii 96814.

Section 2.3 Incorporators. The names of the incorporators are as follows: Leilani M. Richards, Alice Spalding Bowen, Eva P. Abel, Eleanor R. Dickinson, and Hazel M. Scott.

## ARTICLE III

### CORPORATE PURPOSES AND FORM OF ORGANIZATION

Section 3.1 Purposes. The Corporation is organized exclusively for charitable, literary, or educational purposes under Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provision of any future federal tax code, including for such purposes to conserve and enhance the natural beauty and resources of our islands for future generations by providing and promoting environmental education and activities that cultivate respect and appreciation for Hawai'i's unique natural environment and advocating for public policies that protect Hawai'i's unique natural beauty, all of which shall be accomplished exclusively within the meaning of Section 501(c)(3) of the Internal Revenue Code.

#### Section 3.2 Nonprofit Form of Organization.

(1) The Corporation is not organized for profit and it will not authorize or issue shares of stock. No part of the net earnings of the Corporation shall inure in whole or in part to the benefit of, or be distributable to, private shareholders or individuals, except as allowed by law. The Corporation may pay a reasonable compensation to its directors or officers for services rendered to the Corporation in furtherance of its purposes; provided, that no such payment shall be deemed to be a dividend or a distribution of income or profit.

(2) No substantial part of the activities of the Corporation shall be lobbying activities or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

(3) Notwithstanding any other provision in the Articles of Incorporation, the Corporation shall not carry on any other activity not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future federal tax code) or by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future federal tax code).

## ARTICLE IV

### CORPORATE POWERS

The Corporation shall have and possess all the powers permitted to nonprofit corporations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provision of any future federal tax code, as allowed under the laws of the State of Hawaii and the Internal Revenue Code.

## ARTICLE V

### CORPORATE LIFE

The Corporation shall have perpetual duration.

## ARTICLE VI

### DIRECTORS AND OFFICERS

Section 6.1 Board of Directors. The Board of Directors shall consist of not less than eleven (11) nor more than twenty-one (21) individuals. The number of directors shall be fixed and the directors selected in accordance with the bylaws. The Board shall have and may exercise all the powers of the Corporation except as otherwise provided by the Articles of Incorporation, Bylaws or law.

Section 6.2 Officers. The Corporation shall have the officers described in the Bylaws. The officers shall have the powers, perform the duties, and be elected at such time, in such manner, and for such terms according to the Bylaws.

## ARTICLE VII

### LIABILITY AND INDEMNIFICATION OF DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS

Section 7.1 Limitation of Liability to Corporation and Members. No director of the Corporation shall be personally liable to the Corporation or the members for monetary damages because of a breach of the director's duties to the Corporation and the members; provided, that such liability shall not be eliminated in the following circumstances:

- (1) For breach of the director's duty of loyalty to the Corporation;
- (2) For acts or omissions not made in good faith or that involve intentional misconduct or knowing violation of the law;
- (3) For transactions from which a director derived an improper personal economic benefit;
- (4) For any improper conflict of interest transaction with the Corporation in which a director had a direct or indirect interest;
- (5) For any transaction in which a director received a loan or guaranty of obligation from the Corporation; or



(6) For any transaction where a director votes for or assents to an unlawful distribution.

Section 7.2 Indemnification.

(1) Definitions. The following definitions contained in the Hawaii Nonprofit Corporations Act (HRS 414D-159) apply to this Section 7.2:

(a) "Director" means an individual who is or was a director of the Corporation.

(b) "Expenses" includes counsel fees.

(c) "Official capacity" means with respect to a director, the office of director in the Corporation and with respect to an officer, employee, or agent of the Corporation who is not a director, the office in the Corporation held by the officer or the employment or agency relationship undertaken by the employee or agent on behalf of the Corporation.

(d) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative and whether formal or informal.

(e) "Party" includes an individual who was, is, or is threatened to be made a named defendant or respondent in a proceeding.

(f) "Liability" means the obligation to pay a judgment, settlement, penalty, fine, or reasonable expenses actually incurred with respect to a proceeding.

The Corporation may indemnify and advance expenses to an officer, employee, or agent of the Corporation who is not a director under this Section to the same extent as a director. An officer of the Corporation who is not a director is entitled to mandatory indemnification under Section 7.2(3) and is entitled to apply to the court for court-ordered indemnification under Section 7.2(5) to the same extent as a director.

(2) Authority to Indemnify in General. The Corporation may indemnify a former or current director made a party to a proceeding against liability if the individual (a) acted in good faith and (b) in a manner the individual reasonably believed in the case of conduct in an official capacity, that the conduct was in the Corporation's best interests and in all other cases, that the conduct did not oppose the Corporation's best interests, and (c) with respect to a criminal proceeding, that the individual had no reasonable cause to believe the conduct was unlawful. The Corporation may not indemnify a director's liability where such liability has been determined in a proceeding brought by the Corporation, where the Corporation had the right to bring the proceeding, or if the director is found to have received an improper personal benefit, except as otherwise allowed by law.

(3) Mandatory Indemnification. To the extent that a director seeking indemnification has been successful in the defense of a proceeding, the Corporation shall indemnify the director against reasonable expenses incurred in connection with the proceeding.

(4) Advancement of Expenses. Before a final decision is made in a proceeding, the Corporation may advance funds to pay for or reimburse the reasonable expenses of a director, provided that (a) the director states in writing the director's good faith belief that the director has met the standard of conduct described in Section 7.2(2), (b) agrees in writing to repay the advance if it is ultimately determined that the director did not meet the standard of conduct, and (c) the facts then known to those making the determination do not preclude indemnification. Such determinations and authorizations shall be made in the manner described in Section 7.2(6), below.

(5) Court-Ordered Indemnification. A director made a party to a proceeding may ask the court for indemnification. Upon receipt of the application, the court may order indemnification in an amount it considers proper if it determines (a) that the director is entitled to mandatory indemnification under Section 414D-161 of the Hawaii Nonprofit Corporations Act, Hawaii Revised Statutes, (as summarized in Section 7.2(3)) or (b) the director is fairly and reasonably entitled to indemnification under all the relevant circumstances, whether or not the director met the standard of conduct set forth in Section 7.2(2), above, or was found liable in connection with a proceeding by or in the right of the Corporation, or in connection with any other proceeding whether or not involving action in an official capacity, in which the director was found liable on the basis of the director's improper receipt of a personal benefit.

(6) Determination/Authorization of Indemnification. The Corporation shall make indemnification payments under Section 7.2(2) only if authorized in the specific case upon a determination that the director seeking indemnification has met the standard of conduct set forth in that Section. Such determination shall be made (a) by the Board of Directors by majority vote of a quorum consisting of directors who are not at the time parties to the proceeding, or (b) if such quorum is not obtainable, by majority vote of a committee duly designated by the Board (in which designation directors who are parties may participate) consisting solely of two or more directors not at the time parties to the proceeding, or (c) if a committee cannot be designated, by special legal counsel selected by the Board or its committee in the manner prescribed in Subsections (a) or (b), or a majority vote of the full Board (in which selection directors who are parties may participate). Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if special legal counsel makes the determination, authorization of indemnification and evaluation as to reasonableness of expenses shall be made by those entitled under Subsection (c) to select counsel.

(7) Other Right to Indemnification and Non-Exclusivity. This Section 7.2 shall not be deemed exclusive of any other right to which those seeking indemnification are entitled under the law.

(8) Insurance. The Corporation may purchase insurance on behalf of an individual who is or was a director, officer, employee, or agent of the Corporation against liability asserted against or incurred by the individual in that capacity.

(9) Effectiveness. This Section 7.2 shall be effective with respect to those persons covered by this Section and in respect to proceedings pending on or after the effective date of the Articles of Incorporation, as allowed by law.

## **ARTICLE VIII**

### **MEMBERSHIP**

The Corporation will have members. All members in good standing shall be entitled to the benefits of membership and have the right to vote on matters submitted to a vote of the members in accordance with the Bylaws and as required by law.

## **ARTICLE IX**

### **CORPORATE LIABILITY**

The property of the Corporation shall alone be liable in law for the debts and liabilities of the Corporation. The directors and officers of the Corporation shall incur no personal liability for said debts and liabilities by reason of such positions, except as otherwise provided by law.

All checks and other orders for the payment of money, notes, contracts, and all other instruments shall be signed by such individual or individuals as the Board of Directors shall designate by resolution. Unless authorized by the Board, no person shall have any power or authority to bind the Corporation by any contract or other instrument or to pledge its credit or to render it liable for any purpose or amount.

## **ARTICLE X**

### **CORPORATE DISSOLUTION**

After appropriate notice provided to the attorney general and upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes of the Corporation within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the

corresponding section of any future federal tax code, or shall be distributed to the federal government or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located exclusively for such purposes or to such organization or organizations, as the court shall determine, which are organized and operated exclusively for such purposes.

## **ARTICLE XI**

### **ADOPTION AND AMENDMENT OF ARTICLES AND BYLAWS**

The Articles of Incorporation may be amended or restated from time to time in the manner provided by the Bylaws and the Hawaii Nonprofit Corporations Act, Chapter 414D of the Hawaii Revised Statutes, as amended. The Bylaws may be altered, amended, or repealed or new Bylaws may be adopted in the manner provided by the Bylaws.

(05-02-13)



STATE OF HAWAII  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
Business Registration Division  
335 Merchant Street  
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810  
Phone No. (808) 586-2727



AMENDED AND RESTATED ARTICLES OF INCORPORATION  
(Section 414D-184, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, duly authorized officers of the corporation submitting these Amended and Restated Articles of Incorporation, certify as follows:

1. The name of the corporation is:  
**The Outdoor Circle**

2. The Amended and Restated Articles of Incorporation adopted is attached.

3. The Amended and Restated Articles of Incorporation was adopted on: May 31, 2013  
(Month Day Year)

(Check one)

at a meeting of the **members**:

Designation (class) Of membership	Total Number of Memberships (votes) outstanding	Total Number of Votes Entitled to be Cast By each Class	Number of Votes Cast by each class For Amendment	Number of Votes Cast by each class Against Amendment
Active	1500	1500	114	1

OR

by written consent of the **members** holding at least eighty per cent of the voting power.

OR

by a sufficient vote of the **Board of Directors or incorporators** because member approval was not required.

4. Check one:

The written approval of a specified person or persons named in the articles of incorporation was obtained.

The written approval of a specified person or persons is not required.

5. The attached Amended and Restated Articles of Incorporation supersedes the original Articles of Incorporation and all amendments thereto.

The undersigned certifies under the penalties of Section 414D-12, Hawaii Revised Statutes, that the undersigned has read the above statements, I/we are authorized to make this change, and that the statements are true and correct.

Signed this 29 day of June, 2013

Susan Bright Spangler, Secretary  
(Type/Print Name & Title)

Martha Townsend, Executive Director  
(Type/Print Name & Title)

Susan Bright Spangler  
(Signature of Officer)

[Signature]  
(Signature of Officer)



# THE OUTDOOR CIRCLE

## BOARD OF DIRECTORS EXECUTIVE COMMITTEE

Kathy Whitmire  
*President*

Betsy Connors  
*1st Vice President*

Alan Fujimori  
*2nd Vice President*

Pete Dyer  
*3rd Vice President*

Chris Dacus  
*4th Vice President*

Denise Soderholm  
*Treasurer*

Mike Curtis  
*Assistant Treasurer*

Jean Campbell  
*Secretary*

Irma Cunha  
*Advisor*

Lester H. Inouye  
*Advisor*

Stephen F. Meder  
*Advisor*

Marcy Fleming  
Bradley Totherow  
*ance*

## BRANCH PRESIDENTS

Kathy Martin  
*Kane'ohe (O'ahu)*

Jackie Ralya  
*Kapolei (O'ahu)*

Julia Neal  
*Ka'u (Hawai'i)*

Margreen Murphy  
*Kaua'i*

Estela Halverson  
*Kona (Hawai'i)*

Paula Riss  
*Lani-Kailua (O'ahu)*

Warren McCord  
*Maui*

Keoni Mackillop  
*North Kohala (Hawai'i)*

Judi Bramlett  
*North Shore (O'ahu)*

June Kaya  
*Wai Momi (O'ahu)*

Susan Bright Spangler  
*Wai'anae Kahala (O'ahu)*

Jan Reardon  
*Nihoa Village (Hawai'i)*

Victor Obrastoff  
*Waimea (Hawai'i)*


ATTACHMENT C

## CORPORATE RESOLUTION

I, Jean K. Campbell, Secretary, of The Outdoor Circle, do hereby certify that the following is a full, true and correct copy of a resolution duly adopted by the Board of Directors of said Corporation, at its meeting duly called at The Outdoor Circle at 1314 S. King St. #306 Honolulu, Hawaii 96814, on the 25th day of January, 2007, at which a quorum was present and acting throughout; and that said resolution has not been modified, amended or rescinded and continues in full force and effect;

RESOLVED that the person(s) holding position(s) of President and/or Treasurer, is(are) hereby authorized to execute on behalf of the Corporation any bid, proposal or contract for the sale or rental of the products of the Corporation or for services performed by the Corporation, and to execute any bond required by any such bid, proposal or contract with the United States Government, or the State of Hawai'i or the City and County of Honolulu or County of Hawai'i or County of Kauai or County of Maui or any department or subdivision of any of them.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporation seal of said The Outdoor Circle, this 25<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
Jean K. Campbell  
Secretary

FEB 23 1976

Person to Contact:  
Mr. Charles E. McLaughlin  
Telephone Number:  
(202) 964-6197

Refer Reply to:  
E:EO:O:R

Date:  
February 17, 1976  
Group Exemption Number:

29-0085044  
OUTDOOR CIRCLE CENTRAL ORGANIZATION  
200 NORTH VINEYARD HM 508  
HONOLULU HI 96817

1216

Dear Officer or Trustee:

We are contacting all group central organizations because the 1975 Form 990 and instructions require each central organization and its subordinates to show their group exemption number (GEN) in Part I, item 18(b), of Form 990.

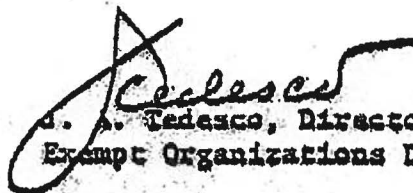
Your group exemption number is shown above. Please advise any of your subordinates that are required to file an annual information return, Form 990, to place your group exemption number on their return.

Church central organizations are not required to file an annual information return. However, any of their subordinates that do not qualify as "integrated auxiliaries" of a church are required to file an information return, Form 990, and should include on that return the appropriate group exemption number. We are preparing a proposed amendment to the Income Tax Regulations which will define an integrated auxiliary of a church. When that amendment is published, we will send an information copy to holders of group exemption rulings under section 501(c)(3) of the Internal Revenue Code. (Organizations exempt under other provisions will not receive a copy.)

If you have any questions, please contact the person whose name and telephone number are shown above.

Thank you for your help in this matter.

Sincerely yours,

  
J. A. Tedesco, Director  
Exempt Organizations Division

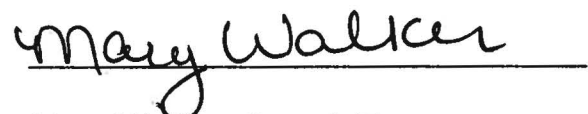
**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE WAIMEA OUTDOOR CIRCLE  
A BRANCH OF  
The OUTDOOR CIRCLE  
ADOPTED BY UNANIMOUS CONSENT**

The Board of Directors of the Waimea Outdoor Circle, a Branch of the Outdoor Circle, established as a Hawaii nonprofit corporation herewith adopts the following resolution by unanimous written consent.

**RESOLVED**, that the corporation established a policy that prohibits nepotism as defined by: **Nepotism** is defined as: appointing persons on the basis of their blood or marital relationship to the appointing authority, rather than on merit or ability.

This resolution is adopted this 5<sup>th</sup> day of February, 2018 in Kamuela, Hawaii.

  
Cheryl Langton, Branch President

  
Mary Walker, Branch Treasurer



## **Application for Grants**

### **I. Certification**

- 1. See attached**
- 2. See attached**

### **3. Public Purpose**

This grant will be used to improve access to Ulu La`au the Waimea Nature Park, which is located on 10 acres of land leased by the Waimea Outdoor Circle in Kamuela, Hawaii from the State of Hawaii. The park is open to the public free of charge every day.

### **II. Background and Summary**

- 1. See attached**
- 2. The goals and objectives related to the request**

The anticipated goals and objectives we expect to achieve are to improve the access to Ulu La`au by constructing a paved roadway on the existing gravel roadway and install a drainage culvert near the entrance, where water from the stream often flows across and causes access and maintenance issues. On many occasions, during the rainy season, it is impossible to drive into the park.

### **3. The public purpose and need to be served**

Ulu La`au is the only Outdoor Circle project of its kind in the entire state of Hawaii. Created by Waimea Outdoor Circle and community volunteers over nineteen years ago, this little gem in the heart of Waimea continues to be supported and maintained entirely by volunteers and donations. Ulu La`au is not just a nature park, it is a living classroom filled with Native Hawaiian plants for everyone to see, enjoy and learn from. It is open to the public every day and is family and pet friendly. Due to its central location, students from at least five public and private schools frequently visit the park to perform community service, build trails and conduct learning projects, such as studying both native plants and best stream management practices. Waimea Outdoor Circle is committed to protecting this valuable community resource and believes that exposure to our Native Hawaiian Plants cannot be optional.

**4 & 5. Describe the target population to be served; and describe the geographic coverage.**

At least 200,000 Hawaii Island residents (the entire island population) and especially our 30,000+ plus South Kohala residents. This does not include visitors who are increasingly stopping by the park to enjoy the natural beauty and sometimes even participate in our volunteer workdays.

Ulu La`au is located in the heart of Waimea in South Kohala, on Hawaii Island.

**III. Service Summary and Outcomes**

**1. Describe the scope of work, tasks and responsibilities;**

Working with an engineering firm on the planning and design of the project along with a contractor to construct the paved roadway.

**2. Provide a projected annual timeline for accomplishing the results or outcomes of the service.**

Twelve months to completion from the release of funding.

**3. Describe its quality assurance and evaluation plans for the request. Specify how the applicant plans to monitor, evaluate, and improve their results.**

Okahara and Associates, Inc. Engineering Consultants includes in its Engineering Services Fee Proposal responding to RFIs, on-site observations and preparing a final punch list. (Please see attached proposal.)

**4. List the measure(s) of effectiveness that will be reported to the State agency through which grant funds are appropriated (the expending agency). The measure(s) will provide a standard and objective way for the State to assess the program's achievement or accomplishment. Please note that if the level of appropriation differs from the amount included in this application that the measure(s) of effectiveness will need to be updated and transmitted to the expending agency.**

The measure of effectiveness will be reported to the State agency as an improvement to access and the ability to accommodate more visitors to the park.

#### **IV. Financial**

##### **Budget**

- 1. See attached**
- 2. The applicant shall provide its anticipated quarterly funding requests for the fiscal year 2020.**

This grant is for a one-time, all-inclusive project.

- 3. The applicant shall provide a listing of all other sources of funding that they are seeking for fiscal year 2020.**

n/a. There are none at this time.

- 4. The applicant shall provide a listing of all state and federal tax credits it has been granted within the prior three years. Additionally, the applicant shall provide a listing of all state and federal tax credits they have applied for or anticipate applying for pertaining to any capital project, if applicable.**

n/a. Applicant has not been granted any federal or state tax credits and has not applied for, or anticipate applying for any.

- 5. The applicant shall provide a listing of all federal, state, and county government contracts, grants, and grants-in-aid it has been granted within the prior three years and will be receiving for the fiscal year 2020 for program funding.**

- County Memorandum of Understanding for Water and Irrigation Expenses at Waimea Nature Park for FY 2015-16      Amount \$6,500.00
- County of Hawaii Nonprofit Grant for FY 2018-19 Ulu La`au Waimea Nature Park tree removal, pruning and chipping      Amount \$5,175.00

**6. The applicant shall provide the balance of its unrestricted current assets as of December 31, 2018.**

Please see attached.

**V. Experience and Capability**

**1. Necessary Skills and Experience**

**The applicant shall demonstrate that it has the necessary skills, abilities, knowledge of and experience relating to the request. State your experience and appropriateness for providing the service proposed in this application. The applicant shall also provide a listing of verifiable experience of related projects or contracts for the most recent three years that are pertinent to the request.**

Applicant is relying on the necessary skills, abilities, knowledge of and experience of Okahara and Associates, Inc. Engineering Consultants.

**2. Facilities**

**The applicant shall provide a description of its facilities and demonstrate its adequacy in relation to the request. If facilities are not presently available, describe plans to secure facilities.**

n/a. There are no facilities in relation to this request and applicant has no plans to secure facilities.

**VI. Personnel: Project Organization and Staffing**

**1. Proposed Staffing, Staff Qualifications, Supervision and Training**

**The applicant shall describe the proposed staffing pattern and proposed service capacity appropriate for the viability of the request. The applicant shall provide the qualifications and experience of personnel for the request and shall describe its ability to supervise, train and provide administrative direction relative to the request.**




**Waimea Outdoor Circle  
Balance Sheet  
As of December 31, 2018**

	<u>Dec 31, 18</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Greenhouse Expansion Grant	10,157.63
Nature Park	3,068.37
Park Furniture	342.27
Petty Cash	1,418.84
Tree Fund	192.67
Unrestricted	37,761.32
<b>Total Checking/Savings</b>	<u>52,941.10</u>
<b>Total Current Assets</b>	<u>52,941.10</u>
<b>TOTAL ASSETS</b>	<u><u>52,941.10</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Equity</b>	
Opening Balance Equity	83,990.00
Unrestricted Net Assets	-38,776.24
Net Income	7,727.34
<b>Total Equity</b>	<u>52,941.10</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>52,941.10</u></u>

## BUDGET REQUEST BY SOURCE OF FUNDS

Period: July 1, 2019 to June 30, 2020

Applicant: Waimea Outdoor Circle

BUDGET CATEGORIES	Total State Funds Requested (a)	Total Federal Funds Requested (b)	Total County Funds Requested (c)	Total Private/Other Funds Requested (d)
<b>A. PERSONNEL COST</b>	n/a			
1. Salaries				
2. Payroll Taxes & Assessments				
3. Fringe Benefits				
<b>TOTAL PERSONNEL COST</b>				
<b>B. OTHER CURRENT EXPENSES</b>	n/a			
1. Airfare, Inter-Island				
2. Insurance				
3. Lease/Rental of Equipment				
4. Lease/Rental of Space				
5. Staff Training				
6. Supplies				
7. Telecommunication				
8. Utilities				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
<b>TOTAL OTHER CURRENT EXPENSES</b>	n/a			
<b>C. EQUIPMENT PURCHASES</b>				
<b>D. MOTOR VEHICLE PURCHASES</b>				
<b>E. CAPITAL</b>				
<b>TOTAL (A+B+C+D+E)</b>				
<b>SOURCES OF FUNDING</b>	Budget Prepared By:			
(a) Total State Funds Requested	Cheryl Langton		(808)936-1468	
(b) Total Federal Funds Requested	Name (Please type or print)		Phone	
(c) Total County Funds Requested			1-15-2019	
(d) Total Private/Other Funds Requested	Signature of Authorized Official		Date	
<b>TOTAL BUDGET</b>	Cheryl Langton Branch President		Name and Title (Please type or print)	

**BUDGET JUSTIFICATION - PERSONNEL SALARIES AND WAGES**  
 Period: July 1, 2019 to June 30, 2020

Applicant: Waimea Outdoor Circle

POSITION TITLE n/a	FULL TIME EQUIVALENT	ANNUAL SALARY A	% OF TIME ALLOCATED TO GRANT REQUEST B	TOTAL STATE FUNDS REQUESTED (A x B)
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
<b>TOTAL:</b>				\$ -

**JUSTIFICATION/COMMENTS:**  
 There are no personnel salaries or wages paid. All volunteers.

**BUDGET JUSTIFICATION - EQUIPMENT AND MOTOR VEHICLES**

Waimea Outdoor Circle    Period: July 1, 2019 to June 30, 2020

Applicant: \_\_\_\_\_

DESCRIPTION EQUIPMENT	NO. OF ITEMS	COST PER ITEM	TOTAL COST	TOTAL BUDGETED
n/a			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
<b>TOTAL:</b>				

**JUSTIFICATION/COMMENTS:**    Equipment purchase is not a part of this budget.

DESCRIPTION OF MOTOR VEHICLE	NO. OF VEHICLES	COST PER VEHICLE	TOTAL COST	TOTAL BUDGETED
n/a			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
<b>TOTAL:</b>				

**JUSTIFICATION/COMMENTS:**    Motor vehicles purchase is not a part of this budget.

**BUDGET JUSTIFICATION - CAPITAL PROJECT DETAILS**

Period: July 1, 2019 to June 30, 2020

Applicant: Waimea Outdoor Circle

FUNDING AMOUNT REQUESTED						
TOTAL PROJECT COST	ALL SOURCES OF FUNDS RECEIVED IN PRIOR YEARS		STATE FUNDS REQUESTED	OTHER SOURCES OF FUNDS REQUESTED	FUNDING REQUIRED IN SUCCEEDING YEARS	
	FY: 2017-2018	FY: 2018-2019	FY:2019-2020	FY:2019-2020	FY:2020-2021	FY:2021-2022
PLANS						
LAND ACQUISITION						
DESIGN		\$ 50,000				
CONSTRUCTION		\$455,000				
EQUIPMENT						
<b>TOTAL:</b>		\$505,000				
<b>JUSTIFICATION/COMMENTS:</b> Please see attached proposals from Good Fellow Bros. Inc. and Okahara and Associates, Inc. Engineering Consultants.						

**GOVERNMENT CONTRACTS, GRANTS, AND / OR GRANTS IN AID**

Applicant: Waimea Outdoor Circle

Contracts Total: n/a -

	<b>CONTRACT DESCRIPTION</b> n/a	<b>EFFECTIVE DATES</b>	<b>AGENCY</b>	<b>GOVERNMENT ENTITY</b> (U.S. / State / Haw / Hon / Kau / Mau)	<b>CONTRACT VALUE</b>
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
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21					
22					
23					
24					
25					
26					
27					
28					
29					
30					



# GOODFELLOW BROS. INC.

ESTABLISHED 1921

JUNE 15, 2018

CHERYL LANGTON, PRESIDENT  
WAIMEA OUTDOOR CIRCLE

PSP-WM-1160

PHONE: 808-936-1468  
EMAIL: [clangton@hawaii.rr.com](mailto:clangton@hawaii.rr.com)

RE: Outdoor Circle – Nature Park Driveway Improvements

## BUDGETARY PRICING ONLY

Dear Ms. Langton,

We appreciate the opportunity to provide preliminary budgetary pricing for your project.

### BASIS of BUDGET

- ✓ Verbal description of the contemplated work / area.
- ✓ Mutually agreeable schedule and notice to proceed date.
- ✓ Pricing is based on the work being put under contract and executed during the same time frame as GBI's work on the Mamalahoa Highway in the vicinity of this driveway effort.
- ✓ SCOPE OF WORK: 15,000 square feet of driveway and parking area improvements. The surfacing will be a 2-inch thick layer of County-of-Hawaii Driveway Hot Mix Asphaltic Cement Concrete pavement over a 6-inch thick layer of 1 ½-inch Aggregate Base. This layer of rock will be placed, finegraded, and compacted to industry standards; this aggregate layer is limited to a total amount of rock not to exceed 600 tons. The existing drainage swale at the entrance will be accommodated during surface grading – a swale will be formed to route drainage across the driveway; each edge thickened to help resist erosive forces by storm water flows during rain events. If a culvert is desired we can excavate the trench for volunteers to install.
- ✓ Excludes all issues and costs associated with design-engineering, permitting, contaminated soils, archaeological, historic, UXO (Unexploded Ordinance), grading of any kind, utility improvements of any kind, drainage improvements of any kind (i.e. ditches, culverts, etc.), and/or other unforeseen improvements that could not be reasonably anticipated.

### BUDGETARY PRICING

No.	Description	Amount
1	Mobilization	\$5,000
2	Driveway and Parking Improvements [As described above]	\$150,000
3	Possible Non-Profit Discount [actual to be determined once final pricing is established]	(\$15,000)

Goodfellow Bros., Inc. reserves the right to review and negotiate all contracts resulting from this proposal. Cost escalations may apply (within reason) should circumstances beyond GBI control occur over unusually extended periods of time.

Sincerely,

**GOODFELLOW BROS., INC.**

Jim Foss  
Regional Engineer

C: John Makoff, Regional Manager  
File

P.O. Box 383729, Waikoloa, HI 96738  
88-1244 Waikoloa Rd., HI 96738  
P 808 \ 887 \ 6511 | F 808 \ 887 \ 6522  
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GOODFELLOWBROS.COM



**Okahara and Associates, Inc.**  
ENGINEERING CONSULTANTS

VIA E-MAIL: [clangton@hawaii.rr.com](mailto:clangton@hawaii.rr.com)

January 16, 2019

Letter No. 66410

Reference No. 219-715

Ms. Cheryl Langton, President

Waimea Outdoor Circle

P.O. Box 6144

Kamuela, Hawaii 96743

Subject: **Ulu La`au Nature Park**  
**Waimea Outdoor Circle**  
**Engineering Services Fee Proposal**

Thank you for considering Okahara and Associates, Inc. (OAI) for engineering services for the above referenced project. This proposal is based on a site visit with you on January 15, 2019. The general scope of work for OAI will be to provide all the civil design work to construct a paved roadway on the existing gravel roadway and install a drainage culvert near the entrance where water often flows across and causes access and maintenance issues.

**Project Description**

Location: Kamuela, Hawaii Island  
Use: Ulu La`au Nature Park  
Client: Waimea Outdoor Circle

**Scope of Work**

Provide civil engineering consultant services for the Nature Park. The site is located at 66-1246 Mamalahoa Highway, TMK (3) 6-6-003:007. Design services will include preparation of drawings and supporting documents to be used for construction. Construction phase services will include responding to RFIs, on-site observations, and preparing a final punch list report. Detailed engineering scope of work is as follows:

**Civil Design and Construction Support**

1. Design a new paved roadway, drainage culvert under the roadway into the park, and erosion control measures. The new road will be single lane and be on the

200 Kohola Street • Hilo, HI 96720-4323 • (808) 961-5527 • fax (808) 961-5529 • email: [hilo@okahara.com](mailto:hilo@okahara.com)  
677 Ala Moana Blvd., Suite 703 • Honolulu, HI 96813-5415 • (808) 524-1224 • fax (808) 521-3151 • email: [oahu@okahara.com](mailto:oahu@okahara.com)

***Ranked as one of Hawaii's Best Places to Work in 2018 by HawaiiBusiness magazine***

existing roadway. Additionally, this proposal includes designing the paved parking area and other minor miscellaneous improvements.

2. Apply for and obtain the County of Hawaii Grading Permit. The permit fee will be paid for by the Contractor based on the total earthwork volume. This is included in case the earthwork exceeds 100 cubic yards. Should it not be necessary, OAI will not charge for this.
3. With additional impervious surfaces that comes with paving work, the County requires that the additional drainage runoff due to this impervious surface be calculated and retained onsite. This proposal includes the drainage calculations and the design of a sump for retainage.
4. Assist in finding a contractor.
5. Assist the contractor by responding to requests for information (RFI's), attend two site visits during construction, and conduct one final punchlist inspection.

#### **Assumptions**

1. Design will be based on applicable Federal, State and County Codes.
2. The topographic mapping will be provided by the Outdoor Circle.
3. The total disturbed area will be less than one acre. Therefore, an NPDES permit will not be required.
4. Two submittals will be made, Prefinal (90% Design), and Final (100% Design).

#### **Work Not Included**

1. Anything not specifically mentioned in the scope of work.
2. Assistance with any legal or contractual documents.
3. Permit application fees and permit fees.
4. NPDES and UIC permits.
5. Landscape architecture.

Page 3  
January 16, 2019  
Letter No. 66410  
Reference No. 219-715

**Construction Cost Opinion**

We understand that Goodfellow Bros provided a cost estimate that did not include any grading and the drainage culvert installation. We estimate this to cost about \$300,000.

**Fees**

The Civil Engineering fee for the above work is \$50,000.

If for any reason the work is not completed in one (1) year, fees will be renegotiated. Additional requested services will be billed based on the following standard rates:

Principal	\$ 217.00 / hour
Senior Engineer	\$ 173.00 / hour
Engineer	\$ 137.00 / hour
Senior CAD Operator	\$ 125.00 / hour
Clerical	\$ 79.00 / hour

**Payment**

Method of billing will be on a percentage basis for work completed.


We appreciate the opportunity to be of service to you. Should you have any questions in reference to the above, please contact Bruce Meyers at 961-5527 or (808) 524-1224.

Sincerely,  
**Okahara and Associates, Inc.**



Bruce K. Meyers, P.E.  
President

BKM:njw

Approved By: 

Date: 1.16.2019

Applicant is relying on the qualifications, experience and abilities of Okahara and Associates, Inc. and on those of the licensed contractor relative to this request.

## **2. Organization Chart**

**The applicant shall illustrate the position of each staff and line of responsibility/supervision. If the request is part of a large, multi-purpose organization, include an organization chart that illustrates the placement of this request.**

n/a. There are no staff members and the request is not a part of a large, multi-purpose organization.

## **3. Compensation**

**The applicant shall provide an annual salary range paid by the applicant to the three highest paid officers, directors, or employees of the organization by position title, not employee name.**

n/a. There are no paid officers, directors, or employees.

## **VII. Other**

### **1. Litigation**

**The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgement. If applicable, please explain.**

n/a

### **2. Licensure or Accreditation**

**The applicant shall specify any qualifications, including but not limited to licensure or accreditation that the applicant possesses relevant to this request.**

n/a

### **3. Private Educational Institutions**

**The applicant shall specify whether the grant will be used to support or benefit a sectarian or non-sectarian private educational institution.**

n/a

**4. Future Sustainability Plan**

The applicant shall provide a plan for sustaining after fiscal year 2019-20 the activity funded by the grant if the grant of this application is:

- (a) Received by the applicant for fiscal year 2019-20, but
- (b) Not received by the applicant thereafter.

n/a. There will be no ongoing activity other than regular maintenance performed by Waimea Outdoor Circle and community volunteers.