

The Auditor
State of Hawaii

In planning and performing our audit of the financial statements of the State of Hawaii, Department of Accounting and General Services, STATE PARKING REVOLVING FUND (the "Fund") as of and for the year ended June 30, 2012, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, we considered the Fund's internal control over financial reporting as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Fund's internal control.

However, during our audit we became aware of deficiencies in internal control other than significant deficiencies and material weaknesses and matters that are opportunities for strengthening internal controls and operating efficiency. The following summarizes our comments and suggestion regarding those matters. We previously reported on the Fund's internal control in our report dated December 24, 2012. This letter does not affect our report dated December 24, 2012, on the financial statements of the Fund.

Prior Years' Findings and Recommendations

I. Capital Assets

Fixed Assets and Depreciation Records

The Fund maintains its fixed assets and depreciation records on both the AMD-Fixed Assets System and the FAMIS MDB system. We noted during the prior audits that records on both systems were not adjusted for prior audit adjustments and did not reflect all current year acquisitions and dispositions. It was also noted that the AMD-Fixed Assets and the FAMIS MDB systems were not reconciled to each other and were updated separately.

We recommended in the prior audits that the Fund use the FAMIS MDB system to maintain its fixed assets and depreciation records. The FAMIS MDB system provides both an Annual Inventory Report and a Report of Capital Asset and Depreciation in accordance with GASB 34 and the State's capitalization policy. We also recommended that the Fund update this system at least quarterly in accordance with the State's capitalization policy and reconcile all additions and dispositions to the quarterly Summary of Inventory Report submitted to DAGS.

Status and recommendation:

This situation still exists. The Fund's personnel have continued to make efforts in reconciling the AMD-Fixed Assets and the FAMIS MDB systems, however they did not complete the reconciliation. We once again recommend that the Fund complete the reconciliation of the fixed assets and depreciation records. Once completed, the Fund should maintain only one system and keep it updated at least quarterly in accordance with the State's capitalization policy.

II. Liabilities

Due to State of Hawaii General Fund

We noted during the prior audits that the Fund's financial statements included a liability "Due to the State of Hawaii General Fund" for \$140,962. This liability occurred during the fiscal year ended June 30, 1992, when expenditures for the Makai parking garage project exceeded the bond revenues issued for the project. No action has been taken to pay or write-off this amount.

We recommended that the Fund settle this obligation with the State Comptroller.

Status

This situation has been resolved. The Fund settled this obligation in FYE 6/30/12 with the State Comptroller and the Department of Budget and Finance.

This report is intended solely for the information and use of the Office of the Auditor, management of the Fund, the Department of Accounting and General Services and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.



Honolulu, Hawaii
December 24, 2012

State of Hawaii
Department of Accounting and General Services
State Parking Revolving Fund
Financial and Compliance Audit
June 30, 2012

Submitted By
The Auditor
State of Hawaii

TABLE OF CONTENTS

	<u>Page</u>
PART I - TRANSMITTAL	1
PART II - MANAGEMENT'S DISCUSSION AND ANALYSIS	3
PART III - FINANCIAL SECTION:	
Independent auditors' report	7
Financial statements	
Statement of Net Assets	9
Statement of Revenues, Expenses and Changes in Net Assets	10
Statement of Cash Flows	11
Notes to Financial Statements	13
PART IV - INTERNAL CONTROL AND COMPLIANCE SECTION:	
Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	31
PART V - SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS	33
PART VI - CORRECTIVE ACTION PLAN	34

PART I
TRANSMITTAL

The Auditor
State of Hawaii

We have completed our financial audit of State of Hawaii, Department of Accounting and General Services, State Parking Revolving Fund (the “Fund”) as of and for the year ended June 30, 2012. The audit was performed in accordance with our agreement with the Auditor, State of Hawaii, dated June 29, 2010.

OBJECTIVES

The primary purpose of our audit was to form an opinion on the fairness of the presentation of the Fund’s financial statements as of and for the fiscal year ended June 30, 2012. More specifically, the objectives of our audit were as follows:

1. To provide a basis for an opinion on the fairness of the financial statements of the Fund.
2. To ascertain whether or not expenditures have been made and all revenues and other receipts to which the Fund is entitled have been collected and accounted for in accordance with the laws, rules and regulations, and policies and procedures of the State of Hawaii and the Federal Government.
3. To ascertain the adequacy of the financial and other management information reports in providing officials at the different levels of the State and the Fund the proper information to plan, evaluate, control and correct program activities.
4. To evaluate the adequacy, effectiveness and efficiency of the systems and procedures for financial accounting, operational and internal controls, and to recommend improvements to such systems and procedures.

SCOPE OF THE AUDIT

Our audit was performed in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The scope of our audit included an examination of the transactions and accounting records of the Fund for the fiscal year ended June 30, 2012.

ORGANIZATION OF THE REPORT

This report is organized into six parts:

PART I - presents the transmittal letter.

PART II - presents management's discussion and analysis.

PART III - presents the financial section which includes the Fund's financial statements and the auditors' report on such statements.

PART IV - contains the report on internal controls over financial reporting and compliance.

PART V - presents the schedule of audit findings and questioned costs.

PART VI - contains the corrective action plan.

At this time, we wish to thank the Fund's personnel for their cooperation and assistance extended to us. We will be happy to respond to any questions that you may have on this report.

COPY

Original document signed by
Egami & Ichikawa CPAs, Inc.

Honolulu, Hawaii
December 24, 2012

PART II

MANAGEMENT'S DISCUSSION AND ANALYSIS

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2012

This section of the annual financial report presents an analysis of the Fund's financial performance during the fiscal year ended June 30, 2012. Please read it in conjunction with the financial statements which follow this section.

2012 FINANCIAL HIGHLIGHTS

- The Fund's net assets decreased by \$1,587,000 or 7.11%, as compared to 2011. This decrease was primarily due to funds transferred out to the State's General Fund totaling \$414,000 and depreciation of capital assets totaling \$1,560,000.
- The Fund's investment in capital assets was \$19,617,000, which decreased by \$1,690,000 or 7.93%, as compared to 2011.
- The Fund's operating revenues decreased by \$28,000 or 0.76%, as compared to 2011. The decrease was due to reduced parking assessment revenues.

OVERVIEW OF ANNUAL REPORT

This annual report consists of six parts: Transmittal letter; management's discussion and analysis; financial section; internal control and compliance; schedule of audit findings and questioned costs; and corrective action plan.

REQUIRED FINANCIAL STATEMENTS

The Financial Statements of the Fund present information about the Fund as a whole and its activities and uses the accrual basis of accounting. The accrual basis which is similar to the accounting basis used by private sector companies recognizes revenues and expenses regardless of when cash is paid or received.

The Statement of Net Assets provides both short-term and long-term information about the Fund's financial position, which reflects the Fund's economic condition at the end of the year.

The Statement of Net Assets provides, over time, indicators of the Fund's financial position. The Statement of Net Assets includes all the Fund's assets and liabilities, and provides information about the nature and the amounts of investment in resources (assets) and obligations (liabilities) of the Fund.

The Statement of Revenues, Expenses and Changes in Net Assets reflect the Fund's current year's revenues and expenses regardless of when cash is received or paid.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
JUNE 30, 2012

REQUIRED FINANCIAL STATEMENTS (Continued)

The Statement of Cash Flows reflects the flow of cash of the Fund in four categories or activities: operating, investing, capital, and noncapital.

Tables 1 and 2 present a comparative view of net assets and revenues, expenses, and changes in net assets as of June 30, 2012 and 2011.

TABLE 1
NET ASSETS
(Rounded to nearest \$1,000)

	<u>2012</u>	<u>2011</u>
ASSETS		
Current	\$ 2,261,000	\$ 2,221,000
Capital assets, net of depreciation	<u>19,617,000</u>	<u>21,307,000</u>
TOTAL ASSETS	<u>\$ 21,878,000</u>	<u>\$ 23,528,000</u>
LIABILITIES		
Current	\$ 153,000	\$ 197,000
Long-term	<u>976,000</u>	<u>995,000</u>
TOTAL LIABILITIES	<u>1,129,000</u>	<u>1,192,000</u>
NET ASSETS		
Invested in capital assets, net of related debt	19,538,000	21,162,000
Unreserved	<u>1,211,000</u>	<u>1,174,000</u>
TOTAL NET ASSETS	<u>20,749,000</u>	<u>22,336,000</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 21,878,000</u>	<u>\$ 23,528,000</u>

Net assets of the Fund decreased by 7.11% in 2012. Investment in capital assets (i.e., land, construction in progress, structures and improvements, and equipment, furniture and fixtures), net of the related debt used to construct the assets represent a large portion of the Fund's assets; \$19,538,000 or 94.16% in 2012 and \$21,162,000 or 94.74% in 2011. Capital assets are used to provide parking for employees, contractors with state related business and the public. The Fund's investment in its capital assets is reported net of debt. The resources needed to repay this debt must be provided by other sources, since the capital assets, mainly the parking structures, cannot be used to liquidate these liabilities. The remaining unreserved assets may be used to finance day to day operations without any constraints established by debt or other legal requirements.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
JUNE 30, 2012

TABLE 2
REVENUES, EXPENSES, AND CHANGES IN NET ASSETS
(Rounded to nearest \$1,000)

	<u>2012</u>	<u>2011</u>
OPERATING REVENUES		
Parking assessments	\$ 2,480,000	\$ 2,580,000
Parking meter collections	958,000	912,000
Traffic fines	217,000	193,000
Other income	<u>3,000</u>	<u>1,000</u>
TOTAL OPERATING REVENUES	<u>3,658,000</u>	<u>3,686,000</u>
OPERATING EXPENSES		
General operating and administrative	3,267,000	2,961,000
Depreciation	<u>1,560,000</u>	<u>1,728,000</u>
TOTAL OPERATING EXPENSES	<u>4,827,000</u>	<u>4,689,000</u>
LOSS FROM OPERATIONS	(1,169,000)	(1,003,000)
NET NONOPERATING (EXPENSES) REVENUES	(4,000)	26,000
OPERATING TRANSFER	<u>(414,000)</u>	<u>(748,000)</u>
CHANGE IN NET ASSETS	(1,587,000)	(1,725,000)
NET ASSETS, BEGINNING OF YEAR	22,336,000	23,345,000
PRIOR PERIOD ADJUSTMENT	<u>-</u>	<u>716,000</u>
NET ASSETS, END OF THE YEAR	<u>\$ 20,749,000</u>	<u>\$ 22,336,000</u>

The Fund's parking assessment fees and rates are established by the Comptroller, as Chief of the Department of Accounting and General Services or the Comptroller's designated representative, the division head of the Automotive Management Division. The decrease in operating revenues of 0.76% or \$28,000 in 2012 was due to reduced parking assessment revenues.

The increase in general operating expenses of 2.94% or \$138,000 in 2012 was primarily due to increases in personnel expenses and repair and maintenance expenses, as well as an increase in the cost of utilities during the current year.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

The Fund's investment in capital assets amounted to \$19,617,000 and \$21,307,000 at June 30, 2012 and 2011 (net of accumulated depreciation of \$51,657,000 in 2012 and \$50,098,000 in 2011). Capital assets include land, structures and improvements, and equipment, furniture and fixtures. Structures and improvements represent 84.53% in 2012 and 84.38% in 2011, of the total capital assets.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
JUNE 30, 2012

CAPITAL ASSET AND DEBT ADMINISTRATION (Continued)

Capital Assets (Continued)

Net capital assets (Rounded to the nearest \$1,000) are accounted for as follows:

	<u>2012</u>	<u>2011</u>
ASSETS		
Capital assets not being depreciated:		
Land	\$ 10,271,000	\$ 10,271,000
Construction in progress	<u>615,000</u>	<u>746,000</u>
Total capital assets, not being depreciated	<u>10,886,000</u>	<u>11,017,000</u>
Capital assets being depreciated, net of accumulated depreciation:		
Structures and improvements	<u>8,731,000</u>	<u>10,290,000</u>
CAPITAL ASSETS, AT COST, LESS ACCUMULATED DEPRECIATION	<u>\$ 19,617,000</u>	<u>\$ 21,307,000</u>

Debt Administration

The Fund had long-term debt of \$79,000 and \$144,000, at June 30, 2012 and 2011, respectively, which is comprised of a General obligation bond and General obligation refunding bonds. See Note 7 of the Fund's financial statements for additional information on the General obligation bond and General obligation refunding bonds:

Bonds payable (Rounded to the nearest \$1,000) are accounted for as follows:

	<u>2012</u>	<u>2011</u>
Current	\$ 14,000	\$ 65,000
Noncurrent	<u>65,000</u>	<u>79,000</u>
Total bonds payable	<u>\$ 79,000</u>	<u>\$ 144,000</u>

The Fund's total debt decreased by \$65,000 in 2012.

CURRENTLY KNOWN DECISIONS AND FACTS

None

PART III
FINANCIAL SECTION

INDEPENDENT AUDITORS' REPORT

The Auditor
State of Hawaii

We have audited the accompanying financial statements of the State of Hawaii, Department of Accounting and General Services, State Parking Revolving Fund (the "Fund") as of and for the year ended June 30, 2012, as listed in the table of contents. These financial statements are the responsibility of the Fund's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Fund and do not purport to, and do not, present fairly the financial position of the State of Hawaii, or any other segment thereof, as of June 30, 2012, and the changes in its financial position, or, its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Fund, as of June 30, 2012, and the changes in financial position, and, cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 24, 2012, on our consideration of the Fund's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 - 6, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

This report is intended solely for the information and use of the Office of the Auditor, management of the Fund, the Department of Accounting and General Services and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.

COPY

Original document signed by
Egami & Ichikawa CPAs, Inc.

Honolulu, Hawaii
December 24, 2012

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
STATEMENT OF NET ASSETS
JUNE 30, 2012

CURRENT ASSETS

Cash and cash equivalents	\$ 2,174,152
Accounts receivable, net	74,605
Interest receivable	617
Inventories	11,894
TOTAL CURRENT ASSETS	<u>2,261,268</u>

NONCURRENT ASSETS

Capital assets, at cost, less accumulated depreciation	19,616,466
TOTAL ASSETS	<u>\$ 21,877,734</u>

CURRENT LIABILITIES

Accounts payable	\$ 54,287
Accrued liabilities	84,276
General obligation bonds payable-current	14,317
TOTAL CURRENT LIABILITIES	<u>152,880</u>

NONCURRENT LIABILITIES

Security card deposits	27,590
Accrued liabilities	181,239
General obligation bonds payable, less current portion	64,560
Net OPEB obligation	702,937
TOTAL NONCURRENT LIABILITIES	<u>976,326</u>
TOTAL LIABILITIES	<u>1,129,206</u>

NET ASSETS

Invested in capital assets, net of related debt	19,537,589
Unreserved	1,210,939
TOTAL NET ASSETS	<u>20,748,528</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 21,877,734</u>

See accompanying notes to financial statements.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS
YEAR ENDED JUNE 30, 2012

OPERATING REVENUES

Parking assessments	\$ 2,479,728
Parking meter collections	958,339
Traffic fines	216,620
Other income	2,974
TOTAL OPERATING REVENUES	<u>3,657,661</u>

OPERATING EXPENSES

Depreciation	1,559,684
Personnel services	1,343,987
Repairs and maintenance	1,120,358
Others	803,237
TOTAL OPERATING EXPENSES	<u>4,827,266</u>

LOSS FROM OPERATIONS	<u>(1,169,605)</u>
----------------------	--------------------

NONOPERATING REVENUES (EXPENSES)

Interest income	10,024
Other income	16,520
Gain on investments in State Treasury	5,638
Interest expense	(1,913)
Assessment on ceded land revenues	(33,805)
TOTAL NONOPERATING REVENUES (EXPENSES)	<u>(3,536)</u>

LOSS BEFORE TRANSFERS	(1,173,141)
-----------------------	-------------

OPERATING TRANSFER	<u>(414,496)</u>
CHANGE IN NET ASSETS	(1,587,637)
NET ASSETS, BEGINNING OF THE YEAR	22,336,165
NET ASSETS, END OF THE YEAR	<u>\$ 20,748,528</u>

See accompanying notes to financial statements.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
STATEMENT OF CASH FLOWS
YEAR ENDED JUNE 30, 2012

CASH FLOWS FROM OPERATING ACTIVITIES

Receipts from parking assessments	\$ 2,481,440
Receipts from parking meter collections	947,936
Receipts from traffic fines	216,620
Other receipts	2,974
Payments for personnel services	(1,203,094)
Payments for repairs and maintenance	(1,109,635)
Other administrative payments	(810,839)
NET CASH PROVIDED BY OPERATING ACTIVITIES	<u>525,402</u>

CASH FLOWS FROM INVESTING ACTIVITIES

Interest from pooled funds	10,864
Other receipts	16,520
Gain on investments in State Treasury	5,638
NET CASH PROVIDED BY INVESTING ACTIVITIES	<u>33,022</u>

CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES

Construction in progress additions, net of completed repairs	130,438
Ceded land payment	(33,805)
Principal paid on general obligation bonds	(65,541)
Interest paid on general obligation bonds	(1,913)
NET CASH PROVIDED BY CAPITAL AND RELATED FINANCING ACTIVITIES	<u>29,179</u>

CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES

Operating transfer out to general fund	(555,458)
NET CASH USED BY NONCAPITAL FINANCING ACTIVITIES	<u>(555,458)</u>
NET INCREASE IN CASH AND CASH EQUIVALENTS	32,145
CASH AND CASH EQUIVALENTS, BEGINNING OF THE YEAR	2,142,007
CASH AND CASH EQUIVALENTS, END OF THE YEAR	<u><u>\$ 2,174,152</u></u>

See accompanying notes to financial statements.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
STATEMENT OF CASH FLOWS (Continued)
YEAR ENDED JUNE 30, 2012

RECONCILIATION OF LOSS FROM OPERATIONS TO NET
CASH PROVIDED BY OPERATING ACTIVITIES:

Loss from operations	\$ (1,169,605)
Adjustments to reconcile loss from operations to net cash provided by operating activities:	
Depreciation	1,559,684
(Increase) decrease in assets:	
Accounts receivable	(8,691)
Increase (decrease) in liabilities:	
Accounts payable	3,122
Accrued wages payable	(125)
Accrued vacation payable	(38,400)
Net OPEB obligation	179,417
	<u>1,695,007</u>
NET CASH PROVIDED BY OPERATING ACTIVITIES	\$ <u><u>525,402</u></u>

See accompanying notes to financial statements.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The State Parking Revolving Fund (the "Fund") was established by an appropriation of \$50,000 from the State's General Fund pursuant to Act 161, Session Laws of Hawaii 1963 (Section 107-11 of the Hawaii Revised Statutes). The Fund is responsible for the assessment and collection of reasonable parking fees, installation of parking meters, and the restriction and control of parking on all State lands within the State Comptroller's jurisdiction. All fees, charges and other revenue collected are deposited into this Fund. The funds are to be expended, as necessary, to defray the cost of paving parking areas as well as the purchase and installation of parking meters on State lands within the State Comptroller's jurisdiction.

The accompanying financial statements are prepared in accordance with accounting principles generally accepted in the United States of America (GAAP), as applicable to governmental units. The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for State and Local Governments through its pronouncements (Statements and Interpretations). Governments are required to follow the pronouncements of the Financial Accounting Standards Board (FASB) issued through November 30, 1989 (when applicable) that do not conflict with or contradict GASB pronouncements. The more significant accounting policies established by GAAP and used by the Fund are discussed below.

Basis of Accounting - The Fund is an enterprise fund (proprietary fund type) as defined by the Governmental Accounting Standards Board (GASB), which uses the flow of economic resources measurement focus and accrual basis of accounting, as generally applied to commercial enterprises. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

Proprietary Funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a Proprietary Fund's principal ongoing operations. Revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Reporting Entity - The financial statements reflect only the Fund's financial activities. The State Comptroller maintains the central accounts for all State funds and publishes financial statements for the State of Hawaii (State) annually, which include the Fund's financial activities.

Net Assets - Net assets are reported into two categories: net assets invested in capital assets, net of related debt and unreserved net assets.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Use of Estimates - The preparation of financial statements in conformity with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the basic financial statements and accompanying notes. Actual results could differ from those estimates.

Special Assessments - HRS Section 36-27 requires that the Fund be assessed its pro rata share of central service expenses of government in relation to other special funds based on a percentage of the Fund's receipts. HRS Section 36-30 requires that the Fund be assessed its pro rata share of administrative expenses incurred by the Department of Accounting and General Services (DAGS), based on the ratio of the general administrative service expenses to DAGS' net departmental expenses. There was no HRS Section 36-27 or HRS Section 36-30 assessment in 2012.

Operating Transfers - Operating transfers between funds occur when a fund receiving revenues transfers resources to a fund where the resources are to be expended or when nonrecurring or nonroutine transfers of equity between funds occur. For the fiscal year ended June 30, 2012, the Fund transferred to the General Fund, \$555,458. The Fund also had an amount payable to the General Fund of \$140,962 that was written off after receiving authorization from the Department of Budget and Finance and the Comptroller. Net transfers as of June 30, 2012 totaled \$414,496.

Risk Management - The Fund is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors or omissions; and workers' compensation. As part of the State Department of Accounting and General Services, the Fund is insured under the State of Hawaii (the State) as follows: The State generally retains the first \$1 million per occurrence of property losses, the first \$4 million with respect to general liability claims, and the first \$500,000 of losses due to crime. Losses in excess of those retention amounts are insured with commercial insurance carriers. The limit per occurrence for property losses is \$225 million, except for flood and earthquake which individually is \$225 million aggregate loss, and terrorism which is \$50 million per occurrence. The annual aggregate for general liability losses and losses due to crime per occurrence is \$15 million each. The State also has an insurance policy to cover medical malpractice risk in the amount of \$25 million per occurrence and \$29 million in the aggregate. The State is generally self-insured for workers' compensation and automobile claims.

The estimated reserve for losses and loss adjustment costs includes the accumulation of estimates for losses and claims reported prior to fiscal year-end, nonincremental estimates (based on projections of historical developments) of claims incurred but not reported, and nonincremental

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

estimates of costs for investigating and adjusting all incurred and unadjusted claims. Amounts reported are subject to the impact of future changes in economic and social conditions. The State believes that, given the inherent variability in any such estimates, the reserves are within a reasonable and acceptable range of adequacy. Reserves are continually monitored and reviewed, and as settlements are made and reserves adjusted, the differences are reported in current operations. A liability for a claim is established if information indicates that it is probable that a liability has been incurred at the date of the basic financial statements and the amount of the loss is reasonably estimated.

Compensated Absences - It is the Fund's policy to permit employees to accumulate earned but unused vacation and sick leave benefits. There is no liability for unpaid accumulated sick leave since sick leave is not convertible to pay upon termination of employment. All vacation pay is accrued when incurred. A liability for these amounts is reported only if they have matured, for example, as a result of employee resignations and retirements.

Deferred Compensation Plan - The Fund offers its employees a deferred compensation plan (Plan) created in accordance with Internal Revenue Code Section 457. The Plan, available to all Fund employees, permits employees to defer a portion of their compensation until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

All plan assets are held in a trust fund to protect them from claims of general creditors. The Fund has no responsibility for loss due to the investment or failure of investment of funds and assets in the plan, but does have the duty of due care that would be required of an ordinary prudent investor. Accordingly, the assets and liabilities of the Fund's deferred compensation plan are not reported in the accompanying basic financial statements.

Cash and Cash Equivalents - Cash and cash equivalents include all cash, repurchase agreements, and U.S. government securities with original maturities of three months or less, and all time certificates of deposit. For purposes of the statement of cash flows, the Fund has defined cash equivalents to be all highly liquid investments with a maturity of three months or less when purchased.

Investments - Investments in U.S. government securities and time certificates of deposit are carried at fair value based on quoted market prices. Investments in repurchase agreements are carried at cost. Investments in student loan auction rate securities are reported at fair value, which is generally calculated using the present value of projected cash flows methodology.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Inventories - Inventories, principally supplies, are stated at the lower of cost or market with cost being determined by the first-in, first-out method (FIFO).

Capital Assets - Capital assets of the Fund include parking structures and improvements, and equipment, furniture and fixtures with estimated useful lives greater than one year and acquisition costs greater than the following amounts:

Structures and improvements	\$100,000
Equipment, furniture and fixtures	5,000

Capital assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at their estimated fair market value at the date of donation. Transfers are recorded at cost, net of the depreciation which would have been charged had the asset been directly acquired by the Fund. Maintenance and repairs are charged to operations when incurred. Betterments and major improvements which significantly increase values, change capacities, or extend useful lives are capitalized. When assets are retired or otherwise disposed of, the cost and related accumulated depreciation are removed from the respective accounts, and any resulting gain or loss is recognized in the statement of revenues, expenses and changes in net assets.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

	<u>Useful Lives</u>
Structures and improvements	15 - 30 years
Equipment, furniture and fixtures	5 - 12 years

Traffic Fines - Traffic fines are reported as revenue when received.

2. CASH AND CASH EQUIVALENTS AND INVESTMENTS

The Director of Finance is responsible for the safekeeping of all monies deposited into the State Treasury. The Director of Finance pools and invests any monies of the State, which in the Director of Finance's judgment, are in excess of the amounts necessary for meeting the specific requirements of the State. Investment earnings are allocated to the Fund based on its equity interest in the pooled monies. Legally authorized investments include obligations of or

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

2. CASH AND INVESTMENTS (CONTINUED)

guaranteed by the U.S. government, obligations of the State, federally-insured savings and checking accounts, time certificates of deposit, auction rate securities, and repurchase agreements with federally insured financial institutions. In 2012, the Fund's allocated share of investment losses decreased by \$5,638. The cumulative net loss on investments was \$14,734 as of June 30, 2012.

3. CAPITAL ASSETS

Capital assets activity for the year ended June 30, 2012, was as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
<u>Capital assets not being depreciated:</u>				
Land	\$ 10,271,053	\$ -	\$ -	\$ 10,271,053
Construction in progress	<u>745,491</u>	<u>650,913</u>	<u>781,351</u>	<u>615,053</u>
Total capital assets not being depreciated	<u>11,016,544</u>	<u>650,913</u>	<u>781,351</u>	<u>10,886,106</u>
<u>Capital assets being depreciated:</u>				
Structures and improvements	60,250,817	-	-	60,250,817
Equipment, furniture & fixtures	<u>136,765</u>	<u>-</u>	<u>-</u>	<u>136,765</u>
Total capital assets being depreciated	<u>60,387,582</u>	<u>-</u>	<u>-</u>	<u>60,387,582</u>
Total capital assets	71,404,126	650,913	781,351	71,273,688
<u>Less accumulated depreciation for:</u>				
Structures and improvements	(49,960,774)	(1,559,683)	-	(51,520,457)
Equipment, furniture & fixtures	<u>(136,765)</u>	<u>-</u>	<u>-</u>	<u>(136,765)</u>
Total accumulated depreciation	<u>(50,097,539)</u>	<u>(1,559,683)</u>	<u>-</u>	<u>(51,657,222)</u>
Total capital assets, net of depreciation	<u>\$ 21,306,587</u>	<u>\$ (908,770)</u>	<u>\$ 781,351</u>	<u>\$ 19,616,466</u>

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES

In 1898, the Republic of Hawaii transferred certain lands to the United States. Upon Hawaii's admission to the Union in 1959, the United States reconveyed title to those lands (collectively, the "Ceded Lands") back to the State, and the Ceded Lands are to be held as a public land trust for five purposes: (1) public education; (2) betterment of the conditions of native Hawaiians; (3) development of farm and home ownership; (4) making of public improvements; and (5) provision of land for public use. In 1978, the State Constitution was amended expressly to provide that the Ceded Lands were to be held as a public trust for native Hawaiians and the general public, and to establish OHA to administer and manage the proceeds and income derived from a pro rata portion of the Ceded Lands to better the conditions of native Hawaiians.

In 1979, the Legislature adopted HRS Chapter 10 ("Chapter 10"), which, as amended in 1980, specified, among other things, that OHA expend 20% of all funds derived by the State from the Ceded Lands for the betterment of native Hawaiians.

In 1987, in *Trustees of the Office of Hawaiian Affairs v. Yamasaki*, 69 Haw. 154 (1987) ("Yamasaki"), the Hawaii Supreme Court concluded that Chapter 10 was insufficiently clear regarding the amount of moneys OHA was entitled to receive from the public trust lands.

In 1990, in response to *Yamasaki*, the Legislature adopted Act 304, SLH 1990, which (i) defined "public land trust" and "revenue," (ii) reiterated that 20% of the now defined "revenue" derived from the "public land trust" was to be expended by OHA for the betterment of native Hawaiians, and (iii) established a process for OHA and the Director of Finance to jointly determine the amount of monies which the State would pay OHA to retroactively settle all of OHA's claims for the period from June 16, 1980 through June 30, 1991. Since fiscal year 1992 and until the first quarter of fiscal year 2002, the State, through its departments and agencies, paid 20% of "revenues" to OHA on a quarterly basis.

In 1993, the State Legislature enacted Act 35, SLH 1993, appropriating \$136.5 million to pay the amount determined to be OHA's claims, with interest, for the period from June 16, 1980 through June 30, 1991.

In January 1994, OHA and its Board of Trustees (the "Plaintiffs") filed suit against the State (*OHA, et al. v. State of Hawaii, et al.*, Civil No. 94-0205-01(1st Cir.) ("OHA I")), claiming that the amount paid to OHA was inadequate and that the State had failed to properly account for and fully pay the pro rata share of proceeds and income derived from the public land trust. Among other things, the Plaintiffs sought an accounting of all proceeds and income, funds and

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

revenue derived from the public land trust since 1978, and restitution for damages amounting to 20% of the proceeds and income derived from the public land trust, as well as interest thereon. In its answer to OHA's complaint, the State denied the Plaintiffs' substantive allegations, and asserted its sovereign immunity from suit and other jurisdictional and claim-barring defenses.

The Plaintiffs, thereafter, filed four motions for partial summary judgment as to the State's liability to pay OHA 20% of monies it receives from (i) the Department of Transportation Airports Division's in-bound duty-free airport concession (including receipts from the concessionaire's off-airport sales operations); (ii) the State-owned and operated Hilo Hospital; (iii) the State's public rental housing projects and affordable housing developments, and (iv) interest income, including investment earnings (collectively, the "Sources"). In response, the State filed a motion to dismiss on the basis of sovereign immunity and opposed Plaintiffs' four motions on the merits and raised several affirmative defenses.

On October 24, 1996, the Circuit Court filed an order denying the State's motion to dismiss and rejecting its affirmative defenses. Also on October 24, 1996, the Circuit Court filed an order granting the Plaintiffs' four motions for partial summary judgment with respect to the State's liability to pay OHA 20% of the monies it receives from each of the Sources, and deferred establishing amounts owed from those Sources for further proceedings or trial. The State's motion for leave to file an interlocutory appeal from both the order denying its motion to dismiss and the order granting the Plaintiffs' four partial summary judgments was granted, and all proceedings in the suit were stayed pending the Hawaii Supreme Court's disposition of the State's appeal.

On September 12, 2001, the Hawaii Supreme Court concluded *OHA I* by holding in *OHA v. State of Hawaii*, 96 Haw. 388 (2001) that Act 304 was effectively repealed by its own terms, and that there was no judicially manageable standard i.e. legal standard, by which to determine whether OHA was entitled to the revenues it sought from the Sources because the repeal of Act 304 revived the law which the Court in *Yamasaki* had previously concluded was insufficiently clear to establish how much OHA was entitled to receive from the Ceded Lands. The Court dismissed *OHA I* for lack of justiciability, that is, that the case was not appropriate for review by the Court, noting that it was up to the Legislature to enact legislation to give effect to the right of native Hawaiians to benefit from the Ceded Lands under the State Constitution. Immediately thereafter, agencies ceased paying OHA any receipts from the Ceded Lands.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

The Legislature took no action during the 2002, 2003, and 2004 legislative sessions to establish a new mechanism for establishing how much OHA was entitled to receive from the Ceded Lands. On January 10, 2003, and pending legislative action to establish such a mechanism, the Governor issued Executive Order No. 03-03 directing state agencies to resume transferring 20% of receipts from leases, licenses, and permits indisputably paid for the use of improved or unimproved parcels of Ceded Lands to OHA, if federal or state law did not preclude all or any portion of the receipt from being used to better the conditions of native Hawaiians and the transfer of all or any portion of the receipt to OHA would not cause the agency to renege on a preexisting pledge, rate covenant, or other preexisting obligation to holders of revenue bonds or other indebtedness of the State or the agency. In Act 34, SLH 2003, the Legislature appropriated monies from the various funds into which Ceded Lands receipts had been deposited after the decision in *OHA I* was issued and agencies ceased making payments to OHA, and directed the agencies to pay them to OHA.

OHA continues to pursue its claims for a portion of the revenues from the Sources and other Ceded Lands that it made in *OHA I*. On July 21, 2003, OHA filed a new lawsuit, *OHA, et al. v. State of Hawaii, et al.*, Civil No. 03-1-1505-07 ("*OHA II*"). In September 1996, the Office of the Inspector General of the U.S. Department of Transportation ("DOT") issued a report (the "IG Report") concluding that payments to OHA between 1992 to 1995 of \$28.2 million by the Hawaii Department of Transportation was a "diversion of airport revenues in violation of applicable federal law as OHA provided no airport services in return. The Attorney General of Hawaii disagreed with the IG Report's conclusion, stating in November 1996 that the payments to OHA were an operating cost of the Airports and not a diversion of airport revenues. In May 1997, the Acting Administrator of the FAA concurred in writing (the "FAA Memorandum") with the IG Report and opposed the Hawaii Attorney General's position. In support of its appeal of the Circuit Court's *OHA I* decision to the Hawaii Supreme Court, but differing with the original position of the Attorney General, the State noted in its May 1997 amended opening brief that "unless the federal government's position set forth in the IG Report changes, Act 304 prohibits the State from paying OHA airport-related revenues." In its June 1997 reply brief, the State stated that the "DOT Inspector General's determination shows that the federal government is on its way to finding such payments illegal and requiring the State to reimburse past payments of airport-related revenues to OHA." In November 1997, the Department of Transportation and Related Agencies Appropriation Act, 1998, PL 105-66, 1997 HR 2169 ("DOT Appropriation Act") was enacted into federal law. Section 340 of the DOT Appropriation Act (Section 340) essentially provides that in exchange for there being no further payments of airport revenues for claims related to Ceded Lands, any such payments received prior to May 1, 1996 need not be repaid. The Hawaii Attorney General submitted enactment of Section 340 to the Hawaii

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

Supreme Court in December 1997, “for the Court’s use” in conjunction with the *OHA I* appeal, whereupon the Court requested the parties to submit supplemental briefs to address whether Section 340 affected the Court’s interpretation of Act 304. The State, in its March 1998 supplemental brief, stated, inter alia, that paying OHA a pro rata share of airport moneys violated federal law, and that there was no live, ripe controversy regarding those payments because the DOT Appropriation Act relieved the State and OHA of any obligation to return improper past payments.

Despite the adverse *OHA I* decision, the Plaintiffs in *OHA II* sued the State for alleged breaches of fiduciary duties as purported trustee of the Ceded Lands public trust, alleged violations of Act 304, Chapter 10, and Article XII, Sections 4, 5, and 6 of the Hawaii Constitution, violations of the Contract Clause of the U.S. Constitution, and misrepresentation and non-disclosure, by the following alleged acts (but not limited to these acts): (1) failing to oppose positions set forth in the FAA Memorandum; (2) resolving its dispute with the FAA by obtaining a forgiveness of the prior \$28.2 million payments in exchange for a promise not to make future airport revenue payments to OHA and not to appeal the positions set forth in the FAA Memorandum; (3) breaching the trust duty of impartiality by not opposing the positions set forth in the FAA Memorandum in order to use as a sword in *OHA I*; (4) failing to timely advise OHA that the State was not going to continue to oppose the positions set forth in the FAA Memorandum or IG Report, and that it was planning to settle with the federal government, in order to provide OHA with a fair opportunity to take measures to step into the State’s position to oppose the FAA; and (5) failing to obtain instructions from the Court on how to proceed given the State’s conflict between defending the State against OHA in *OHA I*, and having a duty to oppose the positions set forth in the FAA Memorandum.

OHA further alleges that these alleged “breaches, errors, and omissions” were substantial factors that resulted in the passing of Section 340 and the issuance of the Hawaii Supreme Court’s opinion in *OHA I*. Plaintiffs claim that, accordingly, the State is liable to OHA for damages including, but not limited to: (1) the damages alleged by OHA in *OHA I*, and (2) amounts payable under Act 304 that have not been paid, including but not limited to, airport landing fees. Plaintiffs also seek declaratory and injunctive relief ordering the State to reinstate Act 304, pay airport-related revenues to OHA from sources other than airport revenues (and enjoining the State and its agents, employees, and officials from opposing any of the above), and sought appointment of an independent trustee to replace the State as trustee of the native Hawaiian public trust with respect to matters relating to reinstatement of Act 304 and the payment of airport-related revenues to OHA from the sources other than airport revenues. On December 26, 2003, the court granted the State’s motion to dismiss OHA’s complaint in *OHA II*. The court

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

entered a final judgment on May 19, 2004, encompassing the order dismissing the complaint and several procedural orders. On June 8, 2004, OHA filed a notice of appeal from the portions of the May 19, 2004 judgment dismissing its complaint in *OHA II*, denying leave to amend the complaint and denying a request for bifurcation of OHA's claims for liability and damages. The Hawaii Supreme Court affirmed the circuit court's order dismissing OHA's complaint in a decision issued September 9, 2005; granted OHA's motion for reconsideration in an order filed on December 23, 2005; and affirmed the circuit court's final judgment again in an opinion entered on April 28, 2006.

On January 17, 2008, OHA and the Governor signed a settlement agreement to finally and completely resolve and settle any and all claims and disputes relating to OHA's portion of income and proceeds from the lands of the Ceded Lands public trust under article XII, sections 4 and 6 of the Hawaii Constitution between November 7, 1978 and July 1, 2008, and to fix prospectively, the minimum amount of income and proceeds from the lands of the Ceded Lands public trust, OHA is to receive per fiscal year, under those same provisions of the Hawaii Constitution, at \$15.1 million. The settlement was contingent on passage of a bill prepared jointly by OHA and the Attorney General without material changes, or, if the bill was changed, with the written approval of OHA and the Governor. The Legislature did not pass two bills for such purpose during its 2008 regular session, and directed instead that OHA and the Attorney General resume negotiations on the payment to be made by the State to resolve the dispute with OHA concerning the sum OHA should have received from November 7, 1978 to June 30, 2008, pursuant to article XII, sections 4 and 6 of the Hawaii Constitution.

On June 2, 2010, OHA filed a petition for writ of mandamus in the Hawaii Supreme Court which asked the court to compel the members of the Twenty-Sixth Legislature (which convened in January 2011) to enact legislation to pay OHA what OHA believes represents unpaid portions of the income and proceeds derived from the ceded lands between 1978 or 1980 through 2008, i.e., approximated at \$200,000,000. The court entered an order denying the petition on August 18, 2010. It was reported on November 17, 2011, that the State had reached an agreement in principle, subject to approval of the Legislature, to resolve the amount the State owes OHA through 2012 by providing OHA approximately 25 acres of land worth an estimated \$200,000,000. No prediction can be made as to whether an agreement will be finalized and, if so, what form it may take.

In November 1994, OHA and four individuals also filed complaints for declaratory and injunctive relief on November 4, 1994, and November 9, 1994 (*OHA v. Housing Finance and Development Corporation, et al.*, Civil No. 94-4207-11 (1st Cir.)) to enjoin the State from

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

alienating any Ceded Lands and extinguishing any rights native Hawaiians may have in Ceded Lands that may be alienated. Alternatively, OHA sought a declaration that the amounts paid to OHA by the Housing Finance and Development Corporation (the “HFDC”, since succeeded by the HHFDC, as described below) and the State for Ceded Lands that the HFDC planned to use to develop and sell housing units pursuant to Act 318, SLH of 1992, were insufficient. Act 318 established a separate process for valuing the Ceded Lands the HFDC used for its two housing developments at Kealahou and Lahaina, and quantifying the amounts of income and proceeds from the Ceded Lands that the HFDC and State were required to pay to OHA for conveying and using the parcels for the Corporation’s two projects.

In December 2002, following a trial on the issues, the trial court confirmed the State’s authority to sell Ceded Lands, denied the declaratory ruling that the sale of Ceded Lands did not directly or indirectly release or limit Hawaiians’ claim to those lands which the plaintiffs requested, and ordered that judgment be entered in the State’s and the HFDC’s favor as to Counts I, II, and III of the Amended Complaint. The plaintiffs moved for and were granted leave to file immediate appeals from the court’s rulings to the Hawaii Supreme Court.

On January 31, 2008 the Hawaii Supreme Court issued an opinion vacating the circuit court’s judgment in favor of the State and HFDC, and “remanded the case to the circuit court with instructions to issue an order granting the plaintiff’s request for an injunction against the defendants from selling or otherwise transferring to third parties (1) the parcel of ceded land on Maui and (2) any ceded lands from the public lands trust until the claims of the native Hawaiians to the ceded lands have been resolved.” In accordance with the instructions of the Hawaii Supreme Court, the circuit court issued its order on June 4, 2008 granting plaintiff’s request for such injunction. Seeking a reversal of the January 31, 2008 decision of the Hawaii Supreme Court, the State filed a Petition for Writ of Certiorari on April 29, 2008 with the United States Supreme Court. The United States Supreme Court granted the petition for certiorari, and on March 31, 2009, unanimously reversed the Hawaii Supreme Court’s decision, and remanded the case to the Hawaii Supreme Court for further proceedings not inconsistent with its opinion. The United States Supreme Court concluded that the State holds “absolute fee” title to the lands conveyed to it by the United States at statehood; that federal law did not prevent the Legislature from deciding, as it had, to sell a portion of the Ceded Lands for the HFDC’s two housing developments; and that the Supreme Court of Hawaii erred in reading the federal Apology Resolution “as recognizing claims inconsistent with the title held in ‘absolute fee’ by the United States...and conveyed to the State of Hawaii at statehood.” By orders filed on May 15, 2009, the Hawaii Supreme Court re-opened the appeal in that court “for further consideration in light of the United States Supreme Court’s mandate.”

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

4. CEDED LAND REVENUES (Continued)

On July 15, 2009 all but one of the plaintiffs filed a motion to dismiss their appeal, and all of their claims without prejudice, and the Attorney General filed a motion to dismiss all remaining claims, namely the claims of the plaintiff who did not join the rest of the plaintiffs' motion to dismiss.

By a judgment on appeal filed on December 14, 2009 that referred to an opinion filed on October 27, 2009, the Hawaii Supreme Court vacated the January 31, 2003 judgment, and remanded the case to the Circuit Court for entry of a judgment dismissing plaintiff Osorio's claims against the State without prejudice. In the Circuit Court, the Attorney General filed a motion to dismiss plaintiff Osorio's claims without prejudice, and a motion to dissolve the injunction entered on June 4, 2008. Two orders were filed in the Circuit Court on March 9, 2010, one dismissing plaintiff Osorio's claims without prejudice, and the other dissolving the June 4, 2008 injunction.

OHA also filed suit against the Hawaii Housing Authority (the "HHA", since succeeded by the HPHA, as described below), the executive director of the HHA, the board members of the HHA and the Director of Finance on July 27, 1995 (*OHA v. HHA, et al.*, Civil No. 95-2682-07 (1st Cir.)) to secure additional compensation and an itemized accounting of the sums previously paid to OHA for five specifically identified parcels of Ceded Lands which were transferred to the HHA for its use to develop, construct and manage additional affordable public rental housing units under HRS Chapter 201G. On January 11, 2000, all proceedings in this suit were stayed pending the Hawaii Supreme Court's decision in the State's appeal in *OHA I*. OHA disagrees that the repeal and revival of the pre-*Yamasaki* law by the Hawaii Supreme Court's September 12, 2001 decision in *OHA I* should also require dismissal of the claims OHA makes in *OHA v. HHA* and the case remains pending.

The HFDC and HHA were merged into the HCDCH after the suits against them described above were filed. HCDCH was subsequently bifurcated into the HHFDC and the HPHA.

The State intends to vigorously defend against all of OHA's claims. It is currently unable to predict with reasonable certainty the magnitude of its potential liability, if any, for such claims. Resolution of all of OHA's claims in OHA's favor could have a material adverse effect on the State's financial condition.

The Fund has recorded ceded land payments of \$33,805 for 2012, to OHA representing OHA's entitlement to revenues derived from the Fund's use of Ceded Lands. All monies due prior to October 1, 2002, were transferred to a trust fund pending resolution of OHA's claim against the State. Included in accounts payable is \$5,172 for ceded land payments due as of June 30, 2012.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

5. ACCRUED LIABILITIES

Accrued liabilities consist of the following:

Accrued vacation payable	\$ 202,679
Accrued wages payable	49,736
Accrued workers' compensation	<u>13,100</u>
	265,515
Less current portion	<u>(84,276)</u>
Total accrued liabilities, net of current portion	\$ <u>181,239</u>

6. WORKERS' COMPENSATION RESERVE

The Fund is fully self-insured for workers' compensation and disability claims which are expensed when incurred. The Fund pays a portion of wages, medical bills, and judgments as stipulated by the Department of Labor and Industrial Relations, and other costs for injured workers. During the year ended June 30, 2012, there were no payments for workers' compensation claims and disability expenses. The Fund has recorded a reserve of \$13,100 for the expected cost of open reported claims based on historical cost information for closed and open claims as of June 30, 2012.

7. GENERAL OBLIGATION BONDS PAYABLE

The following are a general obligation bond and general obligation refunding bonds allocated to the Fund under acts of various Session Laws of Hawaii. Repayments of allocated bonds are made to the State's General Fund. Details of the allocated bonds payable at June 30, 2012 are as follows:

3.40% - 5.50% General obligation refunding bonds, Series CW, of \$1,254 issued in August 2001 under Act 3, Session Laws of Hawaii 2001; annual principal payments of \$89 beginning August 1, 2005 and increasing incrementally to \$146 through August 1, 2015; semi-annual interest payments due February 1 and August 1; maturing on August 15, 2015.	\$ 499
--	--------

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

7. GENERAL OBLIGATION BONDS PAYABLE (Continued)

3.60% - 5.25% General obligation refunding bonds, Series CY, of \$2,394 issued in February 2002 under Act 3, Session Laws of Hawaii 2002; annual principal payments of \$216 beginning February 1, 2007 and increasing incrementally to \$326 through February 1, 2015; semi-annual interest payments due February 1, and August 1; maturing on August 15, 2015. \$ 927

2.80% - 5.00% General obligation refunding bonds, Series DB, of \$124,267 issued in September 2003 under Act 116, Session Laws of Hawaii 2003; annual principal payments of \$11,307 beginning September 1, 2008 and increasing incrementally to \$16,764 through September 1, 2016; semi-annual interest payments due March 1 and September 1; maturing on September 1, 2016. 75,818

5.00% General obligation refunding bonds, Series DG, of \$2,283 issued in June 2005 under Act 42, Session Laws of Hawaii 2004; annual principal payments of \$206 beginning July 1, 2009 and increasing incrementally to \$307 through July 1, 2017; semi-annual interest payments due January 1 and July 1; maturing on July 1 2017. 1,633

Total bonds payable	78,877
Less current installments	<u>(14,317)</u>
Bonds payable, net of current installments	<u>\$ 64,560</u>

Debt service requirements to maturity on general obligation bonds payable are as follows:

Years ending June 30:	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2013	\$ 14,317	\$ 312	\$ 14,629
2014	15,061	249	15,310
2015	15,843	183	16,026
2016	16,292	112	16,404
2017	17,057	44	17,101
2018	<u>307</u>	<u>5</u>	<u>312</u>
	<u>\$ 78,877</u>	<u>\$ 905</u>	<u>\$ 78,782</u>

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

8. CHANGES IN NON-CURRENT LIABILITIES

Changes in non-current liabilities were as follows:

	Beginning <u>Balance</u>	<u>Increases</u>	<u>Decreases</u>	Ending <u>Balance</u>	Due within <u>one year</u>
Security card deposits	\$ 27,590	\$ -	\$ -	\$ 27,590	\$ -
Accrued liabilities	304,038	49,746	88,269	265,515	84,276
Due to State of Hawaii	140,962	-	140,962	-	-
Net OPEB obligation	523,520	245,650	66,233	702,937	-
General obligation bonds payable	<u>144,418</u>	<u>-</u>	<u>65,541</u>	<u>78,877</u>	<u>14,317</u>
Total non-current liabilities	<u>\$1,140,528</u>	<u>\$ 295,396</u>	<u>\$ 361,005</u>	<u>\$1,074,919</u>	<u>\$ 98,593</u>

9. RETIREMENT BENEFITS

Employees' Retirement System

All eligible employees of the Fund are required by HRS Chapter 88 to become members of the Employees' Retirement System of the State of Hawaii (ERS), a cost-sharing multiple-employer defined benefit public employee retirement plan. The ERS provides retirement benefits, as well as death and disability benefits and is governed by a Board of Trustees. All contributions, benefits and eligibility requirements are established by HRS Chapter 88 and can be amended by legislative action. The ERS issues a comprehensive annual financial report that is available to the public. The report may be obtained by writing to the ERS at 201 Merchant Street, Suite 1400, Honolulu, Hawaii 96813.

Prior to June 30, 1984, the plan consisted of only a contributory plan. In 1984, legislation was enacted to add a new non-contributory plan for members of the ERS who are also covered under Social Security. Persons employed in positions not covered by Social Security are precluded from the non-contributory plan. The non-contributory plan provides for reduced benefits and covers most eligible employees hired after June 30, 1984. Employees hired before that date were allowed to continue under the contributory plan or to elect the new non-contributory plan and receive a refund of employee contributions. All benefits vest after five and ten years of credited service under the contributory and non-contributory plans, respectively.

Both plans provide a monthly retirement allowance based on the employee's age, years of credited service, and average final compensation (AFC). The AFC is the average salary earned during the five highest paid years of service, including the vacation payment, if the employee

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

9. RETIREMENT BENEFITS (Continued)

became a member prior to January 1, 1971. The AFC for members hired on or after that date is based on the three highest paid years of service, excluding the vacation payment.

On July 1, 2006, a new hybrid contributory plan became effective pursuant to Act 179, SLH of 2004. Members in the hybrid plan will be eligible for retirement at age 62 with 5 years of credited service or age 55 and 30 years of credited service. Members will receive a benefit multiplier of 2% for each year of credited service in the hybrid plan. The benefit payment options are similar to the current contributory plan. Most of the new employees hired from July 1, 2006 will be required to join the hybrid plan.

Most covered employees of the contributory plan are required to contribute 7.8% of their salary. The funding method used to calculate the total employer contribution requirement is the Entry Age Normal Actuarial Cost Method. Effective July 1, 2005, employer contribution rates are a fixed percentage of compensation, including normal cost plus amounts required to pay for the unfunded actuarial accrued liability.

The State's contribution requirement as of June 30, 2011, 2010 and 2009, based on the most recent information available, was approximately \$388,242,000, \$398,724,000, and \$387,748,000 respectively. The State contributed 100% of its required contributions for those years. The Fund's covered payroll was approximately \$896,099 in 2012. The retirement plan contributions charged to the Fund's operation was \$124,742 in 2012.

Post-Retirement Health Care and Life Insurance Benefits

The State provides certain health care and life insurance benefits to all qualified employees. Pursuant to Act 88, SLH of 2001, the State contributes to the Hawaii Employer-Union Health Benefits Trust Fund (EUTF), an agent multiple-employer defined benefit plan that replaced the Hawaii Public Employees Health Fund effective July 1, 2003. The EUTF was established to provide a single delivery system of health benefits for state and county workers, retirees, and their dependents. The EUTF currently provides medical, prescription drug, dental, vision, chiropractic, and group life insurance benefits. The EUTF issues an annual financial report that is available to the public. That report may be obtained by writing to the EUTF at 201 Merchant Street, Suite 1520, Honolulu, Hawaii 96813.

For employees hired before July 1, 1996, the State pays the entire monthly contribution for employees retiring with 10 years or more of credited service, and 50% of the base monthly

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

9. RETIREMENT BENEFITS (Continued)

contribution for employees retiring with fewer than 10 years of credited service. A retiree can elect a family plan to cover dependents.

For employees hired after June 30, 1996 but before July 1, 2001, and who retire with less than 10 years of service, the State makes no contributions. For those retiring with at least 10 years but fewer than 15 years of service, the State pays 50% of the base monthly contribution. For those retiring with at least 15 years but fewer than 25 years of service, the State pays 75% of the base monthly contribution. For those retiring with at least 25 years of service, the State pays 100% of the base monthly contribution. Retirees in this category can elect a family plan to cover dependents.

For employees hired on or after July 1, 2001, and who retire with less than 10 years of service, the State makes no contributions. For those retiring with at least 10 years but fewer than 15 years of service, the State pays 50% of the base monthly contribution. For those retiring with at least 15 years but fewer than 25 years of service, the State pays 75% of the base monthly contribution. For those employees retiring with at least 25 years of service, the State pays 100% of the base monthly contribution. Only single plan coverage is provided for retirees in this category. Retirees can elect family coverage but must pay the difference.

Effective July 1, 2006, the EUTF implemented GASB Statement No. 43, *Financial Reporting for Postemployment Benefit Plans Other than Pensions* (GASB 43). GASB 43 establishes accounting and financial reporting standards for plans that provide other postemployment benefits (OPEB) other than pensions. GASB 43 requires defined benefit OPEB plans that are administered as trust or equivalent arrangements to prepare a statement of plan assets and a statement of changes in plan assets.

The reporting of active and retiree (including their respective beneficiaries) healthcare benefits provided through the same plan should separate those benefits for accounting purposes between active and retiree healthcare benefits. Accordingly, the EUTF reports the retiree healthcare benefits as OPEB in conformity with GASB 43 and the active employee healthcare benefits as risk financing in conformity with GASB Statement No. 10, *Accounting and Financial Reporting for Risk Financing and Related Insurance Issues* (GASB 10), as amended.

Effective July 1, 2007, the State of Hawaii adopted GASB Statement 45, *Accounting and Financial Reporting by Employer for Postemployment Benefits Other Than Pensions* (GASB 45), which requires reporting the OPEB liability on an accrual basis. Because the Statement was implemented on a prospective basis, the OPEB liability at transition was zero.

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
NOTES TO THE FINANCIAL STATEMENTS (Continued)
JUNE 30, 2012

9. RETIREMENT BENEFITS (Continued)

The State is required by GASB 45 to obtain an actuarial valuation every other year, therefore, an actuarial valuation was performed for July 1, 2009.

The State's base contribution levels to EUTF are established by statutes. The retiree is responsible to pay the difference if the base contribution is less than the cost of the monthly premium.

The State's base contribution levels are currently tied to the pay-as-you-go amount necessary to provide current benefits to retirees. The State's annual OPEB cost for each plan is calculated based on the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters in GASB 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and to amortize any unfunded actuarial liabilities over a period not to exceed 30 years. The Fund's contribution for the years ended June 30, 2012, 2011, and 2010 were \$66,234, \$52,760, and \$55,623, respectively.

For the year ended June 30, 2012, total annual required contribution of \$992,821,000 was recognized for post-retirement health care and life insurance benefits by the State of which \$271,800,000 was paid in 2012 and a net OPEB obligation of \$721,021,000 remained as of June 30, 2012. The Fund's share of the total annual required contribution was \$245,650, of which \$66,234 was paid in 2012. A net OPEB obligation of \$702,937 is presented in the statement of net assets at June 30, 2012.

10. COMMITMENTS AND CONTINGENCIES

Accumulated Sick Leave Pay

Sick leave accumulates at the rate of one and three-quarters working days for each month of service without limit, but may be taken only in the event of illness and is not convertible to pay upon termination of employment. However, an employee who retires or leaves government service in good standing with 60 days or more of unused sick leave is entitled to additional service credit in the ERS. As of June 30, 2012, accumulated sick leave was approximately \$605,751.

PART IV

INTERNAL CONTROL AND COMPLIANCE SECTION

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING
STANDARDS*

The Auditor
State of Hawaii

We have audited the financial statements of State of Hawaii, Department of Accounting and General Services, State Parking Revolving Fund (the "Fund") as of and for the year ended June 30, 2012, and have issued our report thereon dated December 24, 2012. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the Fund is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the Fund's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Fund's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Fund's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Fund's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and agreements, including applicable provisions of the Hawaii Public Procurement Code (Chapter 103D of the Hawaii Revised Statutes) and procurement rules,

directives and circulars, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we have reported to governance of the Fund, in a separate letter dated December 24, 2012.

This report is intended solely for the information and use of the Office of the Auditor, management of the Fund, the Department of Accounting and General Services and others within the organization and is not intended to be and should not be used by anyone other than these specified parties.

COPY

Original document signed by
Egami & Ichikawa CPAs, Inc.

Honolulu, Hawaii
December 24, 2012

PART V

SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS
YEAR ENDED JUNE 30, 2012

SECTION I - SUMMARY OF AUDITORS' RESULTS

FINANCIAL STATEMENTS:

Type of auditors' report issued:	<u>Unqualified</u>
Internal control over financial reporting:	
Material weaknesses identified?	<u>No</u>
Reportable condition identified that is not considered to be material weakness	<u>None reported</u>
Noncompliance material to financial statements noted?	<u>No</u>

SECTION II - FINANCIAL STATEMENT FINDINGS

Status of Prior Year's Comments

No matters were reported.

Current Year's Comments

No matters were reported.

PART VI
CORRECTIVE ACTION PLAN

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE PARKING REVOLVING FUND
CORRECTIVE ACTION PLAN
YEAR ENDED JUNE 30, 2012

A corrective action plan is not required since there were no audit findings and questioned costs reported for the year ended June 30, 2012.