



BOARD OF TRUSTEES
 Carmen. Hulu Lindsey, *Chairperson*
 Leina'ala Ahu Isa, *Vice Chairperson*
 Dan Ahuna, Trustee Kaua'i & Ni'ihau
 Kalei Akaka, Trustee O'ahu
 Keli'i Akina, Trustee At-Large
 Luana Alapa, Trustee Moloka'i & Lāna'i
 Brendon Kalei'āina Lee, Trustee At-Large
 Keola Lindsey, Trustee Hawai'i Island
 John Waihe'e IV, Trustee At-Large

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, July 1, 2021
TIME: 10:00 am
PLACE: Virtual Meeting
 Viewable at www.oha.org/livestream OR
 Listen by phone: (213) 338-8477,
 Webinar ID: 973 0140 5947

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 973 0140 5947

AGENDA

- I. Call to Order**
- II. Approval of Minutes**
 - 1. June 2, 2021**
- III. Public Testimony on Items Listed on the Agenda*** (Please see page 1 & 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- IV. Community Concerns and Celebrations***(Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- V. New Business**
 - A.** Approval of the Ad Hoc Committee on the CliftonLarsonAllen (CLA) Report entitled "OHA & LLCs Contract and Disbursement Review"
- VI. Executive Session‡**
 - 1.** Consultation with Board Counsel Robert G. Klein and Randall Sakumoto, Esq. OHA External Counsel re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(4)
- VII. Announcements**
- VIII. Adjournment**

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email rainag@oha.org no later than three (3) business days prior to the date of the meeting.

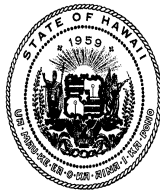
Meeting Materials will be available to the public on Monday, June 28, 2021 and posted to OHA's website at:

www.oha.org/bot

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.** Hawai'i Revised



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Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

****Notice:** Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting materials at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs

Testimony can be provided to the OHA Board of Trustees either as: (1) *written testimony* emailed at least 24 hours prior to the scheduled meeting, or (2) live, *oral testimony online* during the virtual meeting.

(1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via *email* to BOTmeetings@oha.org at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**

(2) Persons wishing to provide *oral testimony online* during the virtual meeting must first register at:
https://zoom.us/webinar/register/WN_NtDby9CLSfSy4vfu-cSKng

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>

Trustee Carmen Hulu Lindsey
 Chairperson, Board of Trustees

6/25/2021

Date

Office of Hawaiian Affairs
Meeting of the Board of Trustees
July 1, 2021
10:00 A.M.

IV. Approval of Minutes

1. June 2, 2021

DRAFT
To be approved on
July 1, 2021

STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspend parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
June 2, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Luana Alapa
Trustee Brendon Kalei‘āina Lee
Trustee Keola Lindsey
Trustee John Waihe‘e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Kalani Fronda, Land Assets Director
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hink, CFO
Ryan H. Lee, Invest. Mngr.
Kevin Chak, IT Support
Erin Nakama, IT Support
Tiger Hu Li, IT Support
Robert Klein, Board Counsel
Hinaleimoana Wong, Comm. Outreach Advocate

GUEST:

Sam Chung

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Wednesday, June 2, 2021 at 6:30 p.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA		Excused
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E		Joins Mtg. at 6:32 p.m.
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			7	

At the Call to Order, **seven (7)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Calls upon Hinaleimoana Wong to share oli and mo'olelo on the island Lāna'i.

Hinaleimoana Wong 0:00:14.6 shares an Oli and mo'olelo. These are the names of the most well known beloved mountains and peaks, we find the name Maunaloa, Mauna kea, Hualālai, Kohala. We find Kamaehu the youngest of our islands rising within the sea and we find Haleakalā. Behold Kamakou as well as beloved Kaulahea on Lāna'i island. Moa'ula nu and moa'ula iki there upon Kanaloa o Kaho'olawe and we find Ka'ala as well as Wai'aleale and of course Mauna pānī'au. I selected this mele because it serves to not only honor Kaulahea o lai hale but it honors all of the rest of the mountains and this meeting brought to you by the Office of Hawaiian Affairs, the Trustees gathering and holding the conversations the most meaningful and relevant to the people of all of our islands. In opening this meeting, I chose this particular mele, for this meeting focuses on the island of Lāna'i it also serves to unite all of us no matter where in the islands we come from. We never forget, if we live on the largest island or the smallest island, we are all ka pae 'āina. Mahalo to our Trustees and our PouHana, Sylvia Hussey for allowing me the honor to open this meeting tonight and to share with these names. Maopopo nō iā kakou, we understand the way of our people. I ka 'ōlelo nō o ke ola i ka 'ōlelo nō ka make, in our words there is life in our words there is death. So, these words call upon life not only to all of the islands and all of these wahi pana but especially tonight to the island of Lāna'i. Aloha.

Chair Hulu Lindsey Thank you so much, you always do a good job Hina. Aloha Kākou everyone and welcome to our Lāna'i Community meeting. As a reminder, please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Nineteenth Supplementary Proclamation dated April 9, 2021 that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Joining the Trustees today is our Board Counsel – Judge Klein, CEO-Sylvia Hussey, Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua.

I will now call on Sylvia to announce our administrative staff joining us this evening.

Sylvia Hussey, CEO Thank you Chair. Aloha ahiahi, we have COO-Casey Brown, CFO-Ramona Hink, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, and our IT Staff for support. Mahalo Chair.

Chair Hulu Lindsey I would also like to ask each Trustee to introduce themselves. I would also like to acknowledge the Trustee of this island Trustee Luana Alapa. Please introduce yourself and say a few words.

Trustee Alapa Aloha everyone, my name is Luana Alapa and I am the Moloka‘i/ Lāna‘i island Trustee. I am honored and privilege to represent two beautiful islands. I do my best as I begin my new journey into this world to be able to serve the people is my number one priority, to help and do as much as I can to improve the lives of our Native Hawaiians is another one of my priorities. I am excited to begin opening up our Molokai Board of Trustees meeting in the month of July. I am looking forward for everyone being there. I hop and pray we have the opportunity to do this in person. I would enjoy meeting everyone. I believe we will have so much to do for our people, to give them the hope and have them realize their dreams. And we are able to afford the improving the conditions of their lives, for the betterment of their families, their kupuna, and their children and grandchildren. This is a wonderful way we can work together as one. For me, it is always about putting others first. My father would always stress this to me and my sisters and the importance of giving of yourself and serving others in your life time. I beleieve my calling is here and I am very proud to be an OHA Trustee.

Trustee Ahuna Aloha mai kākou and with that I would like to thank our host, our Trustee for the islands of Moloka‘i and Lāna‘i. My name is Dan Ahuna, I represent the island of Kaua‘i and Ni‘ihau. I want to mahalo everyone being here tonight and mahalo the people of Lāna‘i. I can not wait to hear from them. Mahalo.

Trustee Akaka Mahalo Trustee Alapa for hosting this evening and especially to all of the staff for your kokua. I want to give a fond aloha to the people on the island of Lana‘i. We are saddened that we not able to be there physically with you this evening. However, we look forward to the time where we can join together again. Once again, I look forward to hearing your concerns and your sharing on how we can improve things for our people there. And if we are able to hear from you on things we are doing right, so that we may continue to do so. Again, our aloha goes out to you and we look forward to hearing what your have to share this evening. Mahalo.

Trustee Akina Aloha ahiahi kākou and mahalo to Chair Hulu Lindsey and our Island Trustee, Luana Alapa. I just want to say aloha to all that are joining us tonight especially from the island of Lāna‘i. I wish we could be there but unfortunately we can’t all be there right now. Although Lana‘i is the sixth largest island in he Hawaiian chain it is an island of mighty spirited people and I respect that greatly. I look forward to visiting you

in the near future and I look forward to hearing your mana‘o today. My name is Keli‘i Akina and I am a Trustee at-large serving all of you. Mahalo.

Trustee Lee Aloha Chair, my name is Brandon Kalei‘āina Lee and I am Trustee at-Large and I am deeply saddened that for the second year we are unable to be on island to meet with you folks in person. We look forward to our trip every year to Lāna‘i. I am a little saddened that we do not have any community presentations this evening so I am hoping there is a bunch of you signed up for public testimony or community concerns so we can hear from our beneficiaries on Lana‘i. I‘m hoping to hear from all of you folks, aloha.

Trustee K. Lindsey Aloha, my name is Keola Lindsey. It is my tremendous honor to represent the island of Hawai‘i on this board and serve all of our people through Hawai‘i and across the world. Mahalo to the people of Lāna‘i for hosting us virtually tonight and the Chair’s office for organizing our meeting and of course Trustee Alapa for hosting us. I look forward to hearing from you folks from Lāna‘i. We know that covid has created many challenges and you folks have many things going on and you’re pushing through. The example we hear tonight will kind of ground us push us through our work as we move forward. Mahalo

Trustee Waihee Thank you to our friend and colleague, Trustee Alapa for hosting us tonight. I want to say, I am deeply saddened that we can not be there in person. All of us have a lot of aloha for Lāna‘i and we love being there in person. I am John Waihe‘e IV *inaudible* I look forward to hearing your mana‘o and everyone testifying, I am grateful for your participation. We thank you and we look forward to hearing from you.

Chair Hulu Lindsey I am Trustee Carmen Hulu Lindsey, your Maui Trustee and Lāna‘i is very close to me. I always look after Moloka‘i and Lāna‘i because both are under the Maui County. We miss meeting with you physically and we hope to be back next year. If ever you need anything you can call either one of the Trustees and our administration and you can call your Trustee. We are here to help you to improve the conditions of your life. We are happy to be here this evening. I am now going to call upon our CEO, Sylvia to provide OHA’s updates and activities.

Sylvia Hussey, CEO I will keep it brief. In our Ka Wai Ola (KWO), June issue, the landmark case of the Clarabal; regarding Hawaiian language is featured there. We want to mahalo all of the advocates who have advocated for ‘ōlelo and immersion on Lāna‘i and the Clarabal ‘ohana for bringing this matter to our attention. It is the featured story in our education section.

The second update is the Kawailele emergency assistance program that was launched yesterday through Hawaii Community Lending opened yesterday and they already have fielded over 222 applications in the system. 65 have been qualified and 67 are waiting for documents to finalize for rewarding. That is a fantastic start for the emergency financial assistance.

Lastly, administration will start our community presentations and discussions regarding the fiscal biennium 22/23 preliminary draft budgets that you had an opportunity to review in a work shop last week. We will let you know what those public meeting schedules will be so that you can be aware of that and encourage our beneficiaries to participate. We will also make a data table available if beneficiaries want to actually take the numbers and start to manipulate the data tables, they‘ll be able to do that. We will open a one to two week time period for data gathering for that particular item before we bring it back to the Trustees. That is for this agenda item.

Chair Hulu Lindsey We will move on to the approval of minutes.

Approval of Minutes

Chair Hulu Lindsey May I get a motion to approve the minutes for May 5 and May 6, 2021.

Trustee Ahuna Moves to approve the minutes.

Trustee Akina Seconds the motion.

Chair Hulu Lindsey Is there any discussion?

Trustee Lee Are we taking both minutes up concurrently?

Chair Hulu Lindsey Yes.

Trustee Lee Okay, I have one question and one correction for the May 6th minutes. My question is on page 18, where I asked about a report from the Ad Hoc Committee on sponsorships. You agreed that a report from that committee would be helpful to the Trustees and that we could be expecting that report. I am asking for an update on that.

Sylvia Hussey, CEO Administration will be providing the draft report to Chair Hulu and Trustee Waihe'e as the Ad Hoc committee members for their review and then distribute

Trustee Lee So, no timeline? Do we just wait for it?

Sylvia Hussey, CEO Before the end of the fiscal year.

Trustee Lee Okay, I didn't realize it was going to take three months. The request was made the beginning of May, it has been one month. The correction Chair is on page 21 of 22, the motion to recuse ourselves into executive session. The vote shows Trustee Ahu Isa voted aye and it shows that she was also excused. On the bottom it shows 9 aye votes and no excused votes. So, I am not sure which one is incorrect.

Board Secretary I will make the correction Trustees.

Trustee Lee Okay, Thank you.

Chair Hulu Lindsey Okay we will take a roll call vote for both minutes according to the corrections made by Trustee Lee.

Roll Call vote is taken for May 5, 2021 meeting minutes. Roll call is also taken for May 6, 2021 meeting minutes as amended.

Minutes: May 5, 2021 and May 6, 2021						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI						Excused
AHU ISA						

TRUSTEE DAN	AHUNA	X		X		
TRUSTEE KALEI	AKAKA			X		
TRUSTEE KELI'I	AKINA		X	X		
TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E			X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				8		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

Public Testimony

There is no Public Testimony.

New Business

A. Committee on Resource Management

- 1. Action Item RM#21-06: Approval of FY21 Budget Realignment #3 – Core (Personnel and Non-Personnel) and Non-Core Budgets**

Chair Hulu Lindsey I will call on Trustee Waihe'e.

Action One

Trustee Waihee Thank you Madam Chair. Your Committee on Resource Management, having met on May 25, 2021 and after full and free discussion, recommends approval of the following two actions to the Board of Trustees:

To approve OHA's Total Fiscal Budget Realignment #3 for Fiscal Biennium Periods 2019-2020 (FY 20) and 2020-2021 (FY 21) as outlined in ATTACHMENT 1, with the exception of the \$5,000 additional event sponsorship (total \$15,000) for the Prince Lot Hula Festival, an event sponsored by the Moanalua Gardens Foundation.

Trustee Akaka Seconds the motion.

Trustee Waihe'e moves

To approve OHA's Total Fiscal Budget Realignment #3 for Fiscal Biennium Periods 2019-2020 (FY 20) and 2020-2021 (FY 21) as outlined in ATTACHMENT 1, with the exception of the \$5,000 additional event sponsorship (total \$15,000) for the Prince Lot Hula Festival, an event sponsored by the Moanalua Gardens Foundation.

Trustee Akaka Seconds the motion.							
		1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA						Excused
TRUSTEE DAN	AHUNA			X			
TRUSTEE KALEI	AKAKA		X	X			
TRUSTEE KELI'I	AKINA			X			
TRUSTEE LUANA	ALAPA			X			
TRUSTEE BRENDON	LEE			X			
TRUSTEE KEOLA	LINDSEY			X			
TRUSTEE JOHN	WAIHE'E	X		X			
CHAIRPERSON HULU	LINDSEY			X			
TOTAL VOTE COUNT				8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED							
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.							

Action Two

Trustee Waihee Madame Chair, I would like to move to approve the additional \$5,000 event sponsorship (total \$15,000) for the Prince Lot Hula Festival, sponsored by the Moanalua Gardens Foundation.

Trustee Alapa Seconds the motion.

Trustee Lee all though I have resigned from the Board of the Moanalua Garden's Foundation, the request came for these funding's while I was still on the Board. Out of an abundance of caution I will be recusing myself from this vote. Thank you, Madam Chair.

Chair Hulu Lindsey Thank you, Trustee Lee. Roll call vote.

Trustee Waihe'e moves							
to move to approve the additional \$5,000 event sponsorship (total \$15,000) for the Prince Lot Hula Festival, sponsored by the Moanalua Gardens Foundation.							
Trustee Alapa Seconds the motion.							
		1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA						Excused
TRUSTEE DAN	AHUNA			X			

TRUSTEE KALEI	AKAKA			X		
TRUSTEE KELI'I	AKINA			X		
TRUSTEE LUANA	ALAPA		X	X		
TRUSTEE BRENDON	LEE					Recused
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E	X		X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				7		1 Recused
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes, one (1) EXCUSED vote, and one (1) RECUSED.						

Trustee Waihee Madam Chair I would like to move to

Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:

1. **(1) \$5,000 to the Association of the Hawaiian Civic Clubs, as fiscal sponsor, in support of the Native Hawaiian serving organizations travel and activities to Washington, D.C., in July 2021, to mark the 100th anniversary of the signing into law of the Hawaiian Homes Commission Act and the legacy of Delegate Jonah Kūhiō Kalaniana'ole Pi'ikoi;**
2. **(2) \$2,000 to Lokahi Pacific, as fiscal sponsor, in support of the Kamehameha Day Celebration on Moloka'i through its 2021 theme - Nā 'Āina Ho'opulapula: Celebrating a Century of Prince Kūhiō's Legacy.**

Chair Hulu Lindsey Do I have a second?

Trustee Alapa Seconds the motion.

Chair Hulu Lindsey Is there any discussion?

Trustee Lee I need clarification of the first item in this action item. The Association of the Hawaiian Civic Clubs does not have a tax status that allows them to be fiscal sponsor which is why the Association itself has to go and have fiscal sponsors for events. So, is this a typo or is this correct that the Association of Hawaiian Civic Club is seeking to be a sponsor, even though that violates their tax status?

Chair Hulu Lindsey I will call on our Pou Hana, Sylvia.

Sylvia Hussey, CEO The designation of the Association of Hawaiian Civic Club was not an ask made of them. It was administration determination based on a very specific nature of the sponsorship, and as a pass-through entity. We have provided sponsorship in the past for convention related matters and administration felt it was consistent. Whatever the same mechanism we have done, it was not intended to violate any tax status, it was just to be consistent with our previous sponsorship.

Trustee Lee I would like to make a motion to amend the main motion.

Chair Hulu Lindsey What is your amendment?

Trustee Lee To strike out Association of Hawaiian Civic Clubs and insert ‘Ahahui Siwila, which is the parallel organization of the Association that does in fact have a tax status to the fiscal sponsor. I have also seen the letter that was forwarded to me by Kamehameha Schools for this event going to Washington DC and the letter makes the request of ‘Ahahui Siwila not from the Association.

Chair Hulu Lindsey Pouhana, any comments?

Sylvia Hussey, CEO No comments but I’m wondering if this is the motion to take the waiver then take the motion to amend the subsequent action.

Trustee Lee The motion we are trying to waive would say the Association of Hawaiian Civic Club.

Trustee Waihee Seconds.

Chair Hulu Lindsey It has been moved and second that we amend the waiver from the Association of Hawaiian Civic Clubs to ‘Ahahui Siwila. Any further discussion?

Trustee K. Lindsey Both events and organizations seem worthy in my opinion. My question is where did the \$7000 come from? I apologize if I missed it, I tried to find that in the material. I just want to understand if any other organizations are going to be impacted by the awards.

Sylvia Hussey, CEO Trustee, it is in attachment C of the memo as well as in the budget realignment. In the budget realignment there is a reduction of sponsorships of \$18,500 and this would be a restoration of \$7,000. The budget realignment reduction in sponsorships will now go to the difference. This is a restoration of \$7,000 and there isn’t any that didn’t get.

Trustee K. Lindsey Thank you, I knew it was in there somewhere.

Chair Hulu Lindsey Any questions? Roll call vote.

Trustee Waihe’e moves

To amend the waiver:

Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:

1. (1) \$5,000 to the ~~Association of the Hawaiian Civic Clubs~~ ‘Ahahui Siwila, as fiscal sponsor, in support of the Native Hawaiian serving organizations travel and activities to Washington, D.C., in July 2021, to mark the 100th anniversary of the signing into law of the Hawaiian Homes Commission Act and the legacy of Delegate Jonah Kūhiō Kalaniana‘ole Pi‘ikoi;
2. (2) \$2,000 to Lokahi Pacific, as fiscal sponsor, in support of the Kamehameha Day Celebration on Moloka‘i through its 2021 theme - Nā ‘Āina Ho‘opulapula: Celebrating a Century of Prince Kūhiō’s Legacy.

Trustee Alapa Seconds the motion.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA		X	X			
TRUSTEE BRENDON LEE						
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

Chair Hulu Lindsey Next vote is on the

Trustee Lee moves						
To approve the waiver as amended						
Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:						
<ol style="list-style-type: none"> (1) \$5,000 to the Association of the Hawaiian Civic Clubs 'Ahahui Siwila, as fiscal sponsor, in support of the Native Hawaiian serving organizations travel and activities to Washington, D.C., in July 2021, to mark the 100th anniversary of the signing into law of the Hawaiian Homes Commission Act and the legacy of Delegate Jonah Kūhiō Kalaniana'ole Pi'ikoi; (2) \$2,000 to Lokahi Pacific, as fiscal sponsor, in support of the Kamehameha Day Celebration on Moloka'i through its 2021 theme - Nā 'Āina Ho'opulapula: Celebrating a Century of Prince Kūhiō's Legacy. 						
Trustee Waihe'e Seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE KEOLA LINDSEY			X			

TRUSTEE JOHN	WAIHE'E		X	X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				8		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

Trustee Lee I would like to move to

Approve the event sponsorship awards (56560 Grants-in-Aid-Sponsorships) of: (1) \$5,000 to the 'Ahahui Siwila, as fiscal sponsor, in support of the Native Hawaiian serving organizations travel and activities to Washington, D.C., in July 2021, to mark the 100th anniversary of the signing into law of the Hawaiian Homes Commission Act and the legacy of Delegate Jonah Kūhiō Kalaniana'ole Pi'ikoi; and (2) \$2,000 to Lokahi Pacific, as fiscal sponsor, in support of the Kamehameha Day Celebration on Moloka'i through its 2021 theme - Nā 'Āina Ho'opulapula: Celebrating a Century of Prince Kūhiō's Legacy.

Trustee Waihe'e Seconds the motion.

Chair Hulu Lindsey Roll call vote. Any discussion?

Trustee Lee The \$5,000 we are giving for all of these events that are listed in attachment A, who from OHA is going? I am hoping either the Chair, Ka Pou Hana or both; given that every Ali'i Trust is going. To my recollection none of the Ali'i Trust have travelled together all at once ever or in an extremely long time as one group to attend something.

Chair Hulu Lindsey We haven't decided, we were having a discussion today. We do not see the Ali'i trust going.

Trustee Lee Attachment A shows Kamehameha, Lunalilo, and Lili'uokalani is all going.

Chair Hulu Lindsey We have not decided yet. We have only been invited and received our invitation recently.

Trustee Lee I do understand the date of return of the itinerary is the same day as the Moloka'i community meeting.

Chair Hulu Lindsey We would not miss Moloka'i.

Trustee Lee Correct. I've already looked up flights and so almost every flight that would come home from DC would put who ever is traveling back on Oahu by 2:45 in the afternoon which plenty of time to get to Moloka'i for the 6:30 meeting. Mokulele has a 4:45 pm flight to Molokai assuming they do not cancel or get delayed.

Chair Hulu Lindsey Thank you so much Trustee Lee.

Trustee Lee moves							
Approve the event sponsorship awards (56560 Grants-in-Aid-Sponsorships) of: (1) \$5,000 to the ‘Ahahui Siwila, as fiscal sponsor, in support of the Native Hawaiian serving organizations travel and activities to Washington, D.C., in July 2021, to mark the 100th anniversary of the signing into law of the Hawaiian Homes Commission Act and the legacy of Delegate Jonah Kūhiō Kalaniana‘ole Pi‘ikoi; and (2) \$2,000 to Lokahi Pacific, as fiscal sponsor, in support of the Kamehameha Day Celebration on Moloka‘i through its 2021 theme - Nā ‘Āina Ho‘opulapula: Celebrating a Century of Prince Kūhiō’s Legacy.							
Trustee Waihe‘e Seconds the motion.							
		1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA						Excused
TRUSTEE DAN	AHUNA			X			
TRUSTEE KALEI	AKAKA			X			
TRUSTEE KELI‘I	AKINA			X			
TRUSTEE LUANA	ALAPA			X			
TRUSTEE BRENDON	LEE	X		X			
TRUSTEE KEOLA	LINDSEY			X			
TRUSTEE JOHN	WAIHE‘E		X	X			
CHAIRPERSON HULU	LINDSEY			X			
TOTAL VOTE COUNT				8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED							
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.							

Executive Session

- A. Executive Session: Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(a)(4)**

Trustee Akaka Moves to recuse into Executive Session.

Trustee Waihe‘e Seconds the motion.

The Board recuses into Executive Session at 7:16 p.m.

Motion to recuse into executive session pursuant to HRS Section 92-5							
		1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA						X
TRUSTEE DAN	AHUNA			X			

TRUSTEE KALEI	AKAKA	X		X		
TRUSTEE KELI'I	AKINA			X		
TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E		X	X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				8		1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED vote.						

The Board returns to open session at 7:51 p.m

Community Concerns and Celebrations

There are none

Announcements

Chair Hulu Lindsey I have a great announcement, the Governor signed our budget bill today, act 29 and he didn't veto any line items. We got all of our money that the legislature passed so, mahalo ke akua.

Trustee Akaka I want to thank you and our staff and our BAE team for all your work, it's paying off and this is really good news that you are sharing with us. Mahalo.

Adjournment

Chair Hulu Lindsey I would like to entertain a motion for adjournment.

Trustee Waihe'e moves to adjourn the meeting.

Trustee Ahuna Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			X
DAN	AHUNA		X	X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			

KEOLA	LINDSEY			X			
JOHN	WAIHE'E	X		X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				8			1

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 7:54 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on July 1, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

DRAFT

Office of Hawaiian Affairs
Meeting of the Board of Trustees
July 1, 2021
10:00 A.M.

V. New Business

- A. Approval of the Ad Hoc Committee on the CliftonLarsonAllen (CLA) Report entitled “OHA & LLCs Contract and Disbursement Review”**

MEMORANDUM

DATE: June 27, 2021

TO: Board of Trustees

RE: Memo to Create an Ad Hoc Committee and Permitted Interaction Group to Determine the Scope of the Contract and Disbursement Review of the CLA Audit Report Dated December 4, 2019 Pursuant to Section 11 of Act 29 (2021) and to Provide A Process to Address and Comply With Those Requirements.

FROM: Colin Kippen, Chief of Staff

SUBJECT: Formation of an Ad Hoc Committee and Permitted Interaction Group Pursuant to the OHA By Laws and HRS 92-2.5.

Background.

- 1. Act 37 (OHA's 2019 Budget Bill) Requires Completion of a State Audit Before OHA's FY 2020-2021 General Funds May Be Released to OHA.**

Act 37 (2019), OHA's Legislative and Governor approved budget bill for FY 2019-2020 and FY 2020-2021, mandated that OHA spend up to \$500,000 to . . . "conduct or contract for a financial and management audit of the Office of Hawaiian Affairs." A deadline for submitting a report of the findings and recommendations to the Legislature and the Governor . . . "no later than twenty days prior to the convening of the regular session of 2020" was imposed. The legislature conditioned the release of FY 2020-2021 general funds to OHA on its receipt of this completed financial and management audit.

2. State Auditor Kondo Requests Privileged Communications As A Condition of Being Able to Complete the Required OHA Audit and Informs OHA That Without This Information He Will Not Complete the OHA Audit.

Shortly thereafter, State Auditor Kondo informed OHA that he would be auditing the limited liability companies (LLCs) associated with OHA and requested 26 categories of information.

OHA and its associated LLCs fully cooperated with the State Auditor, providing him with 937 documents, totaling many thousands of pages, within weeks of receiving his requests. OHA submitted all documents requested, including the minutes of 21 executive session Board meetings that included redactions to shield privileged legal advice from the OHA board attorney to the OHA trustees, which is protected from disclosure by State law.

On December 30, 2019, just around the time the audit report was due to the Legislature, Mr. Kondo announced that he was suspending the audit indefinitely until OHA provided him with the unredacted executive committee meeting minutes he requested. OHA filed a lawsuit against the auditor in February of 2020 for his actions in suspending the audit based upon OHA's withholding of the legal advice provided by board counsel to the OHA trustees in executive session.

3. First Circuit Court Judge Crabtree Upholds OHA's Attorney-Client Privilege.

In April, 2020, State Auditor Kondo filed a motion asking the First Circuit Court to dismiss OHA's lawsuit. He argued that the court lacks jurisdiction over the case because there is nothing the court could do to resolve the issues between OHA and the State Auditor. Auditor Kondo further represented that whether the court found the material to be protected by attorney-client privilege or not, he could or would not finish his audit without being allowed to examine the OHA Board's redacted executive meeting minutes.

In September, 2020, First Circuit Judge Jeffrey P. Crabtree denied Auditor Kondo's motion to dismiss and ruled that the redacted portions of the minutes of the executive sessions of OHA Board meetings are protected by the OHA trustee's attorney client privilege.

4. The Legislature Addresses the Potential Lapsing of FY 2020-2021 General Funds to OHA Contained in Act 37 (2019), Through Act 29 (2021), Sections 9 and 11.

Through Act 29 (2021), OHA's budget bill for FY 2021-2022 and FY 2022-2023, the Hawaii legislature addressed the completion of the audit requirement imposed by the 2019 legislature through the terms of Act 37 (2019). In Section 9 of Act 29 (2021), OHA was directed to tender to the Legislature the audit completed for the OHA by the CLA on December 4, 2019 to partially satisfy the earlier requirement that OHA complete an audit under the terms of Act 37 (2019). In Section 11 of Act 29 (2021), OHA was provided \$200,000 for fiscal year 2021-2022 to do a follow up contract and disbursement review of the CLA Audit report dated December 4, 2019.

Recently, the OHA Administration tendered the CLA Audit completed on December 4, 2019 to the Legislature per the requirements of Act 29 (2021) of the Hawaii State Legislature.

No guidance was provided by the legislature to OHA as to what the scope of the proposed \$200,000 follow up review of the December 4, 2019 CLA report should contain or entail. That issue remains unresolved and is the reason an Ad Hoc Committee and Permitted Interaction Group is being created.

Creating an Ad Hoc Committee and Permitted Interaction Group to Determine the Scope of the Contract and Disbursement Review of the CLA Audit Report Dated December 4, 2019 and to Create a Process to Address and Comply With Those Requirements.

1. An Ad Hoc Committee and Permitted Interaction Group is being formed to determine the scope of the Contract and Disbursement Review of the CLA Audit Report Dated December 4, 2019 pursuant to Section 11 of Act 29 of the Hawaii State Legislature (2021) and to create a process to address and comply with those requirements.

2. Name of the Ad Hoc Committee and Permitted Interaction Group:

The Act 29 (2021) CLA Audit Review Ad Hoc Committee and Permitted Interaction Group

3. Members of the Ad Hoc Committee and Permitted Interaction Group are:

- Chair, Trustee Akina**
- Vice Chair, Trustee Alapa**
- Colin Kippen, Chief of Staff**
- Casey Brown, Chief Operating Officer**
- Amber Kalua, Trustee Aide**
- Maria Calderon, Trustee Aide**

4. Ad Hoc Committee Term and Duration:

- The Ad Hoc Committee and Permitted Interaction Group shall serve until their work is completed, or until May of 2022, or as their time may be extended or shortened as OHA BOT Chair Lindsey may at her discretion direct.**

5. Ad Hoc Committee Scope of Work:

- **Review Act 29's (2021) provisions contained in section 9 and section 11;**
- **Review Act 37's (2019) provisions relating to conducting a financial and management audit of the OHA;**
- **Review the findings of the OHA's December 4, 2019 CLA Audit;**
- **Determine an appropriate scope of work given the time and budget constraints set by the legislature in section 11 of Act 29 (2021) as well as by OHA's by laws and personnel policies and relevant State and Federal laws;**
- **Establish a plan, timeline, scope of services, budget, method of procurement, and contract to hire an auditor or other third party business or other professional as necessary to perform the defined scope of services in a timely and ethical fashion consistent with OHA's existing by laws and personnel policies as well as with relevant State and Federal laws, particularly HRS 92-2.5. The report and documents generated by the Ad Hoc Committee and Permitted Interaction Group will be reported to the Board of Trustees for appropriate action as the Board of Trustees may decide and direct.**

Office of Hawaiian Affairs
Meeting of the Board of Trustees
July 1, 2021
10:00 A.M.

VI. Executive Session

1. Consultation with Board Counsel Robert G. Klein and Randall Sakumoto, Esq. OHA External Counsel re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(4)