

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Highway, Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, March 5, 2020
10:30 am**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE BRENDON KALEI'ĀINA LEE
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI'I AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE ROBERT K. LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT KLEIN, BOARD COUNSEL

ADMINISTRATION STAFF:

SYLVIA HUSSEY, CEO
RAINA GUSHIKEN, CC
LISA WATKINS-VICTORINO, ICOO
JOCELYN DOANE, PP
DANIEL SANTOS III, IT
KEOLA LINDSEY, CA

BOT STAFF:

CAROL HO'OMANAWANUI
DAYNA PA
LAURENE KALUAU-KEALOHA
KAUIKEAOLANI WAILEHUA
KAMA HOPKINS
ALYSSA-MARIE KAU
MARK WATANABE
MARIA CALDERON
ANUHEA PATOC
BRANDON MITSUDA
NATHAN TAKEUCHI
PAUL HARLEMAN
BETHANN AHSING

GUESTS:

BO KAHUI

I. CALL TO ORDER

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:37 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present, constituting a quorum.

I would like to acknowledge the 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

V. New Business

- A. Committee on Beneficiary Advocacy and Empowerment
 - 2. 2020 OHA Legislative Positioning – Matrix 2, March 4, 2020
 - 3. Action Item BAE #20-02: Approval of Nominee(s) for the Moloka'i Burial Council
- C. Action Item BOT #20-02: Approval of a Scope of Services for a professional consultant to assist the Board of Trustees in conducting its performance appraisal of OHA's CEO pursuant to Section V of Contract 3356

With that said we will move on to II. for the approval of the minutes.

II. APPROVAL OF MINUTES

A. February 20, 2020

Trustee Brendon Kalei‘āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei‘āina Lee moves to approve the Board of Trustees meeting minutes of February 20, 2020.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado –Is there any discussion? Hearing none, roll call vote please.

Trustee Brendon Kalei‘āina Lee moves to approve the Board of Trustees meeting minutes February 20, 2020. Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X		X – 1 st .	
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion unanimously passes with nine (9) yes votes.						

III. PUBLIC TESTIMONY

Chair Colette Machado – Before we move on to public testimony. Were we able to verify?

Dayna Pa – That was not on the matrix.

Chair Colette Machado – We will now move on to unfinished business V. I will call on the CEO.

IV. UNFINISHED BUSINESS

A. OHA CEO’s 15-Minute Update on Ho‘oulu Lāhui Aloha and OHA Activities

Sylvia Hussey – Good morning Trustees. A recent announcement, jus this morning the cancellation of the CommonFund event. A number of large events on the continent as well as locally have been cancelled. This impacts Trustees and staff travel for both of the investment training events. Travel services are already working on cancellations. Operationally that has already been taken care of. As it relates to our commercial and out property management pieces. We have plans in place so we look forward to bring that to Trustees long term plans for Na

Lama Kukui as well as our continuing discussion for Kakaako Makai. We had a number of workshops scheduled to bring forward, now with some resourcing we will bring back to the Resource Committee a new schedule of information to bring back to you in workshops before a final decision is discussed. That is it Chair.

Trustee Carmen Hulu Lindsey – Madame Chair.

Chair Colette Machado – Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey – In the light of the four of us are still going to be here now, do we reschedule meetings that were cancelled next week?

Chair Colette Machado – I believe the notice to schedule has passed already because you need at least 7 days.

Trustee Carmen Hulu Lindsey – We could have it on a Thursday?

Trustee John Waihe'e IV – We could do it. We should try.

Chair Colette Machado – I will leave that up to the Chairs to determine if they want to file an agenda timely to accommodate meetings for next week.

Trustee Leina'ala Ahu Isa – I will not be here.

Chair Colette Machado – You folks work that out with the two chairs and just notify us when you are ready to file. That would be the best Trustee Hulu. I have one person that would like to address the Board. But he is comments are for community concerns. So I would like to take him out of order and move Community Concerns to accommodate Bo Kahui. Are you still here?

VII. COMMUNITY CONCERNS

Chair Colette Machado – Bo since you are the only person signed up for Community Concerns you would like to address the Trustees you can come now. We are in Community Concerns to allow you to address the Board.

Bo Kahui – Good morning Trustees, thank you Chairman Machado for this consideration in making this accommodation for me to present before the Trustees. I provided you a letter and basically there was a letter requesting support for Senate Bill 2113 related to the Department of Hawaiian Home Lands, and HRS 171 that is the procurement law. We feel that the Department has used this as a cloak to provide the open public process. And really, really prohibits us the opportunity, our Native Hawaiian people to do economic development. Case in point, in October of last year we had a \$30 million PV project, we were prepared to finance, we were doing this project and we had asked the Department for a right of entry. And they denied our request because of the, William Aila felt that they needed to put it out for bid. Under the Act it doesn't say, we made a case under this Senate Bill, which died last Friday. So we are trying to create a resolution to have further discussion at the Senate and the House about the nature of the Act, how the Act is supposed to be employed for the beneficiaries. As a Native owned and controlled corporation, both as a nonprofit and for profit entity we should be given these opportunities if we can show we have the capacity, if we show we have the money, if we show we have the plan and if we show. I have to quarrel with the Department saying no if you cannot do that. I was pretty set a back over not giving us that opportunity. The resolution will be posted hopefully tomorrow afternoon, I'll be forwarding that to the Board.

I think one of the things that concerns me is that former Commissioner of Hawaiian Home Lands and staff member of Trustee Lindsey, Kama Hopkins, we have been in communication. Kama and I have agreed to disagree, quite frankly. He did not like the bill. But I had hoped that the policy committee, your legislative branch would have made an opinion on it. I don't know if it reached, or it got to that point. I think given the chance maybe the opportunity will have other sets of eyes on this. Maybe there could be a broader discussion on that. As a former Commission I respect Kama. I respect him as a Hawaiian, I respect him his candor and honesty. But for us on the

ground doing the heavy lifting, doing the ground work, spending huge amounts of resources, free, all manawai, we need results. We need to find a way to help our people. This is not just for La'i'Ōpua Community Development Corporation, certainly not just for our village. But it's intended to serve all of our beneficiaries across the State. Maui County supported the bill, they came in in support of the bill. Looking at the record I did not see any opinion by the Board. Of course Kama Hopkins as an individual opposed it but as a former commission I can understand so. The Commission felt the use of its land was best use highest return that is their policy. That's the Department's policy that is not what the Act says. The Act says beneficiaries first, then the public. So beneficiaries go ask for the land, they got to give us a chance first and if we cannot demonstrate that we can deliver then they should put it out for public bid. I am ok with that. But just saying no, not even have a hearing, not even look at the substance of our project. Our 100 acre PV project that would yield substantial income, reduce the rates for our villages. What was the problem? What the highest return, for who, the Department? We see the need to build more houses, quite frankly there were going to get a return on that lease. But we didn't even get a chance for that discussion. I share this with OHA because as time moves on, soon enough OHA and Hawaiian Homes got to speak from the one vessel, one mind, got to kōkua. I don't know how that is going to work. Again I am open to any discussion outside of this board about our attempts to create economic independence, self-sufficiency, self-determination, self-reliance through our own project. Lastly,

Chair Colette Machado – Bo your time is up so quick, wrap it up.

Bo Kahui – One more. I created a water project four years ago for the homesteads, for Hawaiian Homes, they finally gave a million dollars this year. After 4 years it got a million dollars. Going to the Legislature and going to the Department to deliver 2 million dollars. Now I may need to come back to this Board to seek monies for support that initiative. This will build 800 more homes in our community of which the Department cannot build any more homes it has no more water. We can do our economic development initiative to include a community center facilities development as well as our PV project and our commercial centers. We need your help with this in respect because the Department given this procurement process, the policy all the stuff might take two years. Where was our nonprofit corporation if given a loan we can purchase the two or three acres on a loan until the funding falls then we can pay back. But it's intended to secure the water for our beneficiaries. Thank you, I'll take any questions.

Chair Colette Machado – We are not permitted to ask questions in Community Concerns.

Bo Kahui – Thank you, Mahalo.

Chair Colette Machado – Thank you Bo. I would also suggest that you talk to Jocelyn.

Jocelyn Doane – Or Keola.

Chair Colette Machado – And get that information to them because they meet weekly to take positions. So if you are talking about the upcoming reso, talk to them. Members we will now move on to V. New Business A.

V. NEW BUSINESS

Chair Colette Machado - We will be reviewing two action items I will call on Trustee John Waihe'e IV as the BAE Chair. Positioning on February 26, 2020 followed by March 4, 2020.

A. Committee on Beneficiary Advocacy and Empowerment

1. 2020 OHA Legislative Positioning – Matrix 2, February 26, 2020

Trustee John Waihe'e IV moves to approve Administration's recommendations on:

NEW BILLS (Items 1 - 3) and BILL POSITIONS FOR RECONSIDERATION (Items 4 - 8), along with the following revision:

CHANGE item:

- **24, HB1821, from ~~Monitor~~ to OPPOSE;**

on the OHA Legislative Positioning Matrix dated February 26, 2020, as amended.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – It has been moved and seconded. Any further discussion, hearing none roll call vote.

Trustee John Waihe'e IV moves to approve Administration's recommendations on: NEW BILLS (Items 1 - 3) and BILL POSITIONS FOR RECONSIDERATION (Items 4 - 8), along with the following revision: CHANGE item: • 24, HB1821, from Monitor to OPPOSE; on the OHA Legislative Positioning Matrix dated February 26, 2020, as amended. Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY					XX	
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8		1 abstention	
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes with eight (8) yes votes and one (1) abstention.						

2. 2020 OHA Legislative Positioning – Matrix 2, March 4, 2020

Chair Colette Machado – Trustee Waihee.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:

NEW BILLS (Items 1 - 14) and where BILL POSITIONS FOR RECONSIDERATION

Items are changed as follows:

- **15; HB2297 from ~~Comment~~ to OPPOSE**
- **16; SB2036 from ~~Comment~~ to OPPOSE**
- **17; SB2308 from ~~Monitor~~ to COMMENT**
- **18; SB2648 from ~~Monitor~~ to OPPOSE**
- **19; SB3104 from ~~Comment~~ to OPPOSE;**

along with the following revision:

- **ADD both SCR70 and SR37 as SUPPORT**

on the OHA Legislative Positioning Matrix dated March 4, 2020, as amended.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – It has been moved and seconded members. If there is no further discussion I will call for the roll.

Trustee John Waihe‘e IV moves to approve Administration’s recommendations on: NEW BILLS (Items 1 - 14) and where BILL POSITIONS FOR RECONSIDERATION Items are changed as follows: <ul style="list-style-type: none"> • 15; HB2297 from Comment to OPPOSE • 16; SB2036 from Comment to OPPOSE • 17; SB2308 from Monitor to COMMENT • 18; SB2648 from Monitor to OPPOSE • 19; SB3104 from Comment to OPPOSE; along with the following revision: <ul style="list-style-type: none"> • ADD both SCR70 and SR37 as SUPPORT on the OHA Legislative Positioning Matrix dated March 4, 2020, as amended.						
Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA					X- 1st. X-2nd	
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI‘I AKINA					X- 1st. X-2nd	
TRUSTEE BRENDON KALEI‘ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY					X- 1st. X-2nd	
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6		3-abstentions	
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes with six (6) yes votes and three (3) abstentions.						

3. Action Item BAE #20-02: Approval of Nominee(s) for the Moloka‘i Burial Council

Chair Colette Machado – Trustee Waihee before you proceed with Action Item #20-02. I would like to thank public policy for wiping off my tears and my whining by providing one name that will eventually get to the Moloka‘i Burial Council so that they can conduct business. The Chief Advocate Keola Lindsey, I’d like to thank him and his staff very much for finding a suitable nominee that applied and met all the criteria for consideration so that now we can have an operating island burial council for the island of Moloka‘i. Thank you so much. Trustee John Waihe‘e IV.

Trustee John Waihe‘e IV moves to approve the Office of Hawaiian Affairs’ 2020 Nomination of Ms. Frances “Makanani” Cobb-Adams for immediate appointment to the Moloka‘i Island Burial Council.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – It has been moved and seconded.

Trustee Brendon Kalei‘āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei‘āina Lee – I would like it noted that should it pass, that the Board is so approving, me and Trustee Ahuna's friend from High School, Frannie, on her 50th Birthday. Today is Frannie’s birthday.

Chair Colette Machado – With that said roll call vote please.

Trustee John Waihe‘e IV moves to approve the Office of Hawaiian Affairs’ 2020 Nomination of Ms. Frances “Makanani” Cobb-Adams for immediate appointment to the Moloka‘i Island Burial Council.						
Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion unanimously passes with nine (9) yes votes.						

Trustee Carmen Hulu Lindsey – I wanted to say that I am really grateful for the people that serve on these Burial Councils because it’s very difficult to get people that qualify and are interested into serve. Many, many councils have gone without meetings because they are not able to have quorum. Because people don’t want to serve on it. That goes to the note that I made about the person that is willing to serve on the Maui Council from Kona, if we can have follow up on that.

Chair Colette Machado – Yes, so noted. I will call on the Vice Chair Lee.

B. Action Item BOT #20-01: Approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws, 2nd Reading

Chair Colette Machado – We will review for second reading the PIG By-Laws recommendation. Trustee Lee.

Trustee Brendon Kalei‘āina Lee moves to approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws as amended.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Any discussion members, hearing none, roll call vote please.

Trustee Brendon Kalei‘āina Lee moves to approve the Office of Hawaiian Affairs, Board of Trustees’ Updated By-Laws as amended.						
Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion unanimously passes with nine (9) yes votes.						

Chair Colette Machado – How about a big hand for the committee and the oversight manger which is Sylvia. We are now going to roll right into, I would like Carol to come to the table.

C. Action Item BOT #20-02: Approval of a Scope of Services for a professional consultant to assist the Board of Trustees in conducting its performance appraisal of OHA’s CEO pursuant to Section V of Contract 3356

Carol Ho’omanawanui – Madame Chair, Trustees and Ka Pouhana, Good morning. Real quick Action Item BOT #20-02 is basically asking the Trustees to approve the scope of services that is attached noted as Attachment A. This is for a professional service consultant, or actually I should say a professional consultant to assist the Board of Trustees in conducting the performance appraisal of the CEO. When the Board hired Sylvia for a 5 year contract, the contract did stipulate that the board will do an annual performance appraisal so this is helping the Board to actually fulfill its contractual obligation. This is similar, the scope of services is similar to the services that we put out for procurement last year. The only difference is that we do have one of the items in there, item number 6 is basically having the professional consultant assist you in coming up with performance goals or metrics on how you want to measure the performance of the CEO. So that’s basically the difference.

The other difference in your approval of this action is that you would be doing it for a two year period and then also approving an extension of an additional 36 months. The idea there is typically we do one year, or 24 months to go with the Biennium period when you approve the funds. But because the contract is for 5 years and the Trustees need to do at least 5 annual performance appraisals, the idea is to have the professional consultant contract coincide with that. That would help with the continuity in the performance appraisal. It also minimizes the amount of time you have to go out for procurement for this professional consultant. If you do approve it. This will go through a procurement process, if you do approve the multi-year, what they call multi-term contract that would have to be in the solicitation as well. And the first term is for 245 months, it is actually following what the Board has approved in the Biennium budget for the funding. Currently there is \$40,000 for each fiscal year, fiscal year 20 and then fiscal year 21 both have \$40,000 budgeted for this purpose. It is \$80,000 total that the Board had already approved.

Trustee Carmen Hulu Lindsey - But we don’t have to spend it all, right?

Carol Hoomanawanui – Yes, you don’t have to spend it all. In fact when the Board did, last year the performance appraisal, the contract was awarded to Marie Kumabe and the contract was for \$26,700 so it was under \$30,000. We did ask out of courtesy, we had Ka Pouhana look at this and she made minor changes. I am not sure if she wanted to

add anything. That's basically it. Any questions that Trustees had? If you wondering why we are looking at this early is because it does need to go through a procurement process, we do want to encumber the funds for this fiscal year and it's also an election year so the assumption is the current board would be in the best position to evaluate the CEO so you want to have that completed before elections. The idea is to have at least the 1st year performance appraisal completed by October 30th, no later than.

Chair Colette Machado – Questions members?

Carol Hoomanawanui – Madame Chair, I do apologize, I caught this because we are asking the Trustees to approve a multi-term contract. When we look at the motion we have there, I would like to suggest that where we see “not to exceed \$40,000” that we include “for each 12 month period”. This is to clarify that the \$40,000 does not cover the 24 months or the full 5 years. I apologize for that having that done early. But I just wanted to make that clear that the \$40,000 would be an annual basis versus the full term of the contract.

Trustee Brendon Kalei'āina Lee moves to approve the Scope of Services in Attachment A for a professional consultant in an amount not to exceed \$40,000 for each 12 month period to assist the Board of Trustees in conducting its annual performance appraisal of the OHA CEO, Sylvia M. Hussey, Ed.D., pursuant to Section V of Contract 3356; and to approve a 24-month contract with an option to extend the contract for an additional 36 months, subject to availability of funds.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Any further discussions?

Trustee Carmen Hulu Lindsey – I have a question.

Chair Colette Machado – Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey – Didn't we sign Sylvia up for 5 years?

Trustee Brendon Kalei'āina Lee – That is the extension of 36 months to make the 5 years.

Trustee Carmen Hulu Lindsey – I wouldn't call that an extension I guess that is the point I am trying to make. She has a 5 year contract. This review that we are going to do, a performance review is maybe for 24 months but it's not for an extension, it's just for 24 months. She had a 5 year contract. This looks like she only has a 24 month contract. We know she had a 5 year contract.

Trustee Brendon Kalei'āina Lee – I am assuming that it is done this way because the contract isn't for Sylvia it's for the people that we are going to hire to evaluate her. The reason why I am assuming its done for only 2 years is because if the Board isn't happy with the job they are doing then we can hire someone else to do the evaluation.

Trustee Kalei Akaka – Based on the election cycle.

Trustee Brendon Kalei'āina Lee – It has nothing to do with the election cycle. It's just the two year that will fall out of election cycle. If we are not happy with the job that the evaluators are doing we don't like the job they are doing then after two years we can tell them we are done with you we will hire someone else. If we like what they are doing we can extend them out for the whole 5 years. It has nothing to do with Sylvia's contract.

Trustee Carmen Hulu Lindsey – I see. That's fine, another set of eyes look at it at different way.

Carol Hoomanawanui – That is correct, thank you. Trustees just to clarify, the reason why it is 24 months the first term is because that is what is approved. The funds available is approved for that 24 months. So when you do a multi-term contract you can only do it for the first term has to be for the time period that you have funds

available. Which is why we did 24 and extended, you have the option to extend. You don't have to but you have the option to extend subject to availability of funds to actually coincide with the remainder of Sylvia's contract. That is correct. I apologize Trustee.

Trustee Carmen Hulu Lindsey – Mahalo.

Chair Colette Machado – Robert Klein, Board Counsel.

Robert Klein, Board Counsel – Not to add confusion but hopefully clarity. I think if your contractor is not doing a good job after one year on the first review, there is no reason you can't terminate the contract. So this is more about the funding and budgeting then it is about performance. I don't want it left on the table that we cannot terminate somebody because of that job, we have to wait two years, pay \$80,000 before we can terminate a contract.

Chair Colette Machado – Members are we ready to take vote?

Trustee Carmen Hulu Lindsey – Yes.

Chair Colette Machado – Roll call vote please.

Trustee Brendon Kalei'āina Lee moves to approve the Scope of Services in Attachment A for a professional consultant in an amount not to exceed \$40,000 for each 12 month period to assist the Board of Trustees in conducting its annual performance appraisal of the OHA CEO, Sylvia M. Hussey, Ed.D., pursuant to Section V of Contract 3356; and to approve a 24-month contract with an option to extend the contract for an additional 36 months, subject to availability of funds.						
Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	ĀE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion unanimously passes with nine (9) yes votes.						

Chair Colette Machado – Members thank you for moving all of our action items.

VI. EXECUTIVE SESSION

Chair Colette Machado – We are not moving to Executive Session. The Chair would like to entertain a motion to recuse ourselves subject to HRS § 92-5(a)(4).

Trustee Brendon Kalei'āina Lee moves to recuse into executive session pursuant to HRS § 92-5(a)(4).

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado – It has been moved and seconded. Roll call vote please.

Trustee Brendon Kalei‘āina Lee moves to recuse into executive session pursuant to HRS § 92-5(a)(4). Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion unanimously passes with nine (9) yes votes.						

Chair Colette Machado – We are in executive session, prepare the room.

The Board resolved into Executive Session at 11:07 am

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. Pursuant to HRS § 92-5(a)(4).
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities regarding Petitioner’s Writ of Certiorari in Makekau v. OHA, State of Hawai‘i, et al. Pursuant to HRS § 92-5(a)(4).
- C. Approval of Minutes
 - 1. February 6, 2020
 - 2. February 20, 2020

The Board reconvenes in open session at 11:52 am.

Chair Colette Machado – Members we are now in open session. Do we have any community concerns?

VII. COMMUNITY CONCERNS

None

VII. ANNOUNCEMENTS

11:53 am Trustee Keli‘i Akina returns to the meeting.

Chair Colette Machado - Members we have one Trustee who would like to make an announcement. I’ll call on Trustee Lee.

Trustee Brendon Kalei‘āina Lee – Mahalo Madame Chair. Pursuant to HRS § 92-2.5e, I need to announce to the Board of Trustees that on February 26th in the Joint Senate Committee Hearing of Ways and Means and Judicial. Myself, Trustee Waihee, and Trustee Carmen Hulu Lindsey were all in attendance. Thank you Madame Chair.

Chair Colette Machado – Thank you. Anyone else has an announcement? We are waiting on the two Chairs to try and schedule a meeting for next week, either Wednesday or Thursday.

IX. ADJOURNMENT

Chair Colette Machado – With that said is there a motion to adjourn.

Trustee Carmen Hulu Lindsey – Madame Chair.

Chair Colette Machado – Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting.

Trustee Robert K. Lindsey seconds the motion.

Chair Colette Machado – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting Trustee Robert K. Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion unanimously passes with nine (9) yes votes.						

The meeting was adjourned at 11:54 am.

Respectfully submitted,

Dayna Pa, Board Secretary

As approved by the Board of Trustees on _____.

Colette Y. Machado, Chairperson
Board of Trustees