

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 Proclamation Related to the COVID-19 Response, dated August 5, 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.

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

**Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
September 8, 2021**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Leina‘ala 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, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Ka Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hinck, CFO
Kalani Fronda, Land Director
Ryan H. Lee, Interim Investment Manager
Daniel Santos, IT Support
Tiger Li, IT Support
Robert Klein, Board Counsel

GUEST:

Sam Chung, Financial Advisor to the Board
Randall Sakumoto, OHA Attorney

Germaine Meyers

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Wednesday, September 8, 2021, at 10:00 a.m. Before I ask for the roll call, I would like to read an announcement. As part of Governor Ige’s emergency proclamation dated, August 5, 2021 (Exhibit C), there are new requirements for how public boards and commissions, including OHA’s BOT and Standing Committees, must conduct their remote meetings under the Sunshine Law. As your name is called for roll call, please identify if anyone is present with you in the room. So Board Secretary, please take roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA’ALA	AHU ISA	X	
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 meeting at 10:10 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Thank you. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation related to COVID-19 Response dated August 5, 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 Some quick announcements-please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my staff Colin Kippen-COS, Lehua Itokazu-Board Secretary, my Aides-Kanani Iaea and Amber Kalua, and Judge Klein. We also have Randall Sakumoto-OHA Attorney, Sam Chung-Financial Advisor, and our CEO-Sylvia Hussey. Sylvia, please announce who is joining us from your staff.

Sylvia Hussey, CEO Good morning, Trustees, Chair, we have COO-Casey Brown, CFO-Ramona Hink, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Ryan Lee-Interim Invest. Mngr., as well as Tiger and Dan-our IT staff, who will supporting us this morning. Thank you.

Approval of Minutes

Chair Hulu Lindsey Moving on to item II on the agenda, can I get a motion accept these minutes?

- A. July 1, 2021
- B. July 14, 2021 – Kealopiko Site Visit
- C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit
- D. July 14, 2021 – Moloka‘i Community Meeting
- E. July 15, 2021

Trustee Akaka Moves to accept the minutes.

Trustee Ahu Isa Seconds the motion.

Chairperson Hulu Lindsey Is there any discussion? Roll call vote.

Minutes:						
A. July 1, 2021						
B. July 14, 2021 – Kealopiko Site Visit						
C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit						
D. July 14, 2021 – Moloka‘i Community Meeting						
E. July 15, 2021 – Moloka‘i BOT Meeting						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA		X	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						
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and Zero (0) NO votes.						

Public Testimony

Chair Hulu Lindsey We will now move on to Public Testimony. We have only one person signed up who is Germaine Meyers. She also signed up for community concerns. We will ask Germaine to do her public testimony and community concerns back-to-back.

Germaine Meyers Good morning, I will start with my public testimony. Aloha Chair Hulu, Ka Pouhana and Lāhui, my name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli Hawaiian Homestead Lessee. Thank you for the opportunity to share my data, views and arguments regarding today's agenda item 5-A, regarding the OHA Ad Hoc Committee and PIG that determined the scope of the contract and disbursement review of the CLA Audit Report, pursuant to Section 11 of Hawaii State Legislative Act 29 (2021) and to provide a process to address and comply with those requirements to the BOT. First and foremost, I extend my sincerest mahalo to Committee Chair Trustee Keola Lindsey and Trustee Luana Alapa, BOT Chief of Staff Colin Kippen, and OHA Chief Operating Officer Casey Brown. I read your report, which was included in today's BOT meeting packet folder. I mahalo you for your 4 recommendations, as follows:

1. Plan: The follow up directed by Act 29 specific to existing information in the 2019 CLA report should be conducted via an OHA contract with an independent third party vendor.

2. Timeline: The estimated term of this contract should be four months.

3. Scope of Services. To competitively procure and engage a professional services firm that has experience in forensic services to conduct a follow up contract and disbursement review of the CLA – OHA & LLCs contract and disbursement review report, dated December 4, 2019 (which was 21 months ago) specifically on 38 test items flagged for possible fraud, waste and abuse. The purpose of this RFP is to hire a professional services firm to determine, for each of the 38 red flag issues, whether cause to a reasonable certainty exists to believe that fraud, waste, or abuse or some combination of each of these three classifications, exists. Offerors must have experience with forensic, accounting, audit and related type engagements utilizing standards in accordance with the Statement on Standards for Forensic Services, established by the American Institute of Certified Public Accountants (AICPA) Council, Forensic and Valuation Services Executive Committee, which provides guidance and establishes enforceable standards for members performing certain forensic and valuation services, and

4. Budget: \$200,000 for the hiring of an independent professional services firm that has experience in forensic services to conduct a follow up contract and disbursement review as set forth in the scope of services.

Trustees, I humbly ask you to support the (4) recommendations of the Ad Hoc Committee and PIG. I sincerely believe your actions will truly show the Lāhui, whether OHA's defined Purpose and Strategic Plan was created to support and protect the Lāhui (all Hawaiians) or a Hui (a small special group of Hawaiians). Ke Akua Pū, God bless all of you.

Germaine gives her Community Concerns Testimony

Aloha Chair Hulu, Ka Pouhana and Lāhui, my name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nānākuli Hawaiian Homestead Lessee. I'm here before you as an advocate of the Covid Vaccine. Early on, when the vaccine became available, my ohana and I spoke of protecting our kūpuna. But also, of protecting our own health and wellbeing. It's for these reasons, my parents, siblings and I got the vaccine shot as soon as they were made available to our age group. I thought everyone felt the same way in my community. However, I found out that was untrue. Some people, even on my neighborhood board, have been spreading confusion about the vaccine and its' efficacy. They focus on a narrative that the vaccine is unsafe to put into your body. While doing this, they remove the focus from the TRUTH, that the VIRUS, COVID-19, is unsafe if it gets into your body, and proven worldwide that it's also fatal for many. This is not the first pandemic or endemic our people have experienced. Please ask yourself, do you want restaurant food preparers and servers to stop taking TB tests to ensure they don't contaminate your food with tuberculosis? Do you want pilots and school or city bus drivers to stop taking drug tests to ensure they don't have drugs in their systems while they're flying your family in an airplane or driving your children to school? Do you want the City to stop enforcing driver's license test to ensure everyone driving on the road understands the rules of driving on public roadways? Trustees, I'm a non-smoker. Years ago, our society determined that if

nicotine got into our body, from inhaling it from cigarettes, we could get cancer and die from it. That’s why we created laws to protect non-smokers from smokers. Yes, it’s about freedom of choice. Your choice should not harm me. Therefore, we created laws to stop allowing smokers to spread nicotine through the air. We no longer allow people to smoke in restaurants and hotels, in taxi cabs, the airport, the airplanes, in businesses and buildings. In Hawaii, effective November 16, 2006, smoking is prohibited in all enclosed or partially enclosed areas open to the public in order to ensure a consistent level of basic protections statewide from exposure to secondhand smoke. This is how I view the Covid 19 Virus. It’s no different than exposure to secondhand smoke. Trustees, please support Hawaii’s Covid Safety rules and mandates for all public spaces. Ke Akua Pū, God Bless all of you.

Chair Hulu Lindsey Thank you Germaine. Okay, moving on to item five new business, I am in receipt of a report from the Chair of the OHA Ad Hoc Committee Permitted Interaction Group, Trustee Keola Lindsey. This report is to determine the scope of the contract and disbursement review of the CLA audit report dated December 19, 2019, pursuant to section 11 of Act 29 2021 and to provide a process to address and comply with those requirements to the Board of Trustees pursuant to HRS§ 92 2.5, we will have no discussion today, but it will be agendized on next week's agenda.

Executive Session

Executive Session‡

- A. Consultation with Board Counsel Robert G. Klein, Randall Sakumoto, Esq. and Everett Ohta, OHA Assistant Senior Legal 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(a)(3) and (4)**
- B. Action Item BOT #21-10: Approve Retention of Legal Representation for Sylvia Hussey, Ed.D, in her Official Capacity; Consultation with Board Counsel Robert G. Klein, Esq. and OHA Senior Legal Counsel Raina Gushiken, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to Price v. Securitas Security Services USA, Inc. et al, Civil No. 1CCV-21-0000060, pursuant to HRS§92-5(a)(4).**

Chair Hulu Lindsey Can I get a motion to recuse ourselves into Executive Session pursuant to HRS§92-5.

Trustee Waihe’e Moves to recuse into Executive Session.

Trustee Akaka Seconds the motion.

The Board recuses into Executive Session at 10:16 a.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			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Board returns to open session at 12:07 p.m.

Announcements

Chair Hulu Lindsey I would like to announce that in Executive Session, the Board of Trustees took an action by a vote of eight yes and one abstention to approve retention of legal representation for Sylvia Hussey, Ed.D in her official capacity.

Our next meeting will be our Hawai'i Island Community Meeting held virtually on Wednesday evening, September 15th at 6:30pm. This meeting will be viewable at oha.org/livestream and our Hawai'i Island Board of Trustees Meeting will be the following morning, Thursday, September 16 at 10am virtually as well.

Adjournment

Trustee Waihe'e Moves to adjourn the meeting.

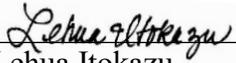
Trustee Akaka Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		X	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				9		

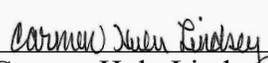
Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 12:11 p.m.

Respectfully submitted,



 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on November 4, 2021.



 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments:

1. Testimony – Germain Meyers (Public Testimony and Community Concerns)

Community Concerns of Germaine Meyers, BOT meeting Wednesday, September 8, 2021 at 10 am

Aloha Chair Hulu, Ka Pouhana and Lahui,

My name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

I'm here before you as an advocate of the Covid Vaccine. Early on, when the vaccine became available, my ohana and I spoke of protecting our kupuna. But also, of protecting our own health and wellbeing. Its for these reasons, my parents, siblings and I got the vaccine shot as soon as they were made available to our age group.

I thought everyone felt the same way in my community. However I found out that was untrue.

Some people, even on my neighborhood board, have been spreading confusion about the vaccine and its' efficacy. They focus on a narrative that the vaccine is unsafe to put into your body.

While doing this, they remove the focus from the TRUTH, that the VIRUS, COVID-19, is unsafe if it gets into your body, and proven worldwide that its also fatal for many.

This is not the first pandemic or endemic our people have experienced.

Please ask yourself, do you want restaurant food preparers and servers to stop taking TB tests to ensure they don't contaminate your food with tuberculosis?

Do you want pilots and school or city bus drivers to stop taking drug tests to ensure they don't have drugs in their systems while they're flying your family in an airplane or driving your children to school?

Do you want the City to stop enforcing driver's license test to ensure everyone driving on the road understands the rules of driving on public roadways?

Trustees, I'm a non-smoker. Years ago, our society determined that if nicotine got into our body, from inhaling it from cigarettes, we could get cancer and die from it.

That's why we created laws to protect non-smokers from smokers. Yes, it's about freedom of choice. Your choice should not harm me.

Therefore we created laws to stop allowing smokers to spread nicotine through the air.

We no longer allow people to smoke in restaurants and hotels, in taxi cabs, the airport, the airplanes, in businesses and buildings.

In Hawaii, effective November 16, 2006, smoking is prohibited in all enclosed or partially enclosed areas open to the public in order to ensure a consistent level of basic protections statewide from exposure to secondhand smoke.

This is how I view the Covid 19 Virus. It's no different than exposure to secondhand smoke.

Trustees, please support Hawaii's Covid Safety rules and mandates for all public spaces.

Ke Akua Pu,

God Bless all of you

Bcc: Beneficiaries on my bcc list