

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 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

**Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
September 23, 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:

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
Erin Nakama, IT Support
Tiger Li, IT Support
Robert Klein, Board Counsel

GUEST:

Sam Chung, Financial Advisor to the Board

Germaine Meyers

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, September 23, 2021 at 10:06 a.m.

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	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

At the Call to Order, **nine (9)** 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. We are in the process of connecting with our Board Counsel, Judge Klein. I would like to turn the time over to our COO, Casey Brown to announce who is joining us from our administration staff.

Casey Brown, COO Good morning Chair and Trustees, joining us today we have CFO-Ramona Hinck, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Assistant Legal Counsel-Everett Ohta, Ryan Lee-Interim Invest. Mngr., and our IT staff – Erin and Kevin. Thank you.

Approval of Minutes

1. August 5, 2021
2. August 12, 2021

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

Trustee Akaka Moves to accept the minutes.

Trustee Akina Seconds the motion.

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

Minutes:						
A. August 5, 2021						
B. August 12, 2021						
	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	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			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and Zero (0) NO votes.						

Community Concerns and Celebrations

Chair Hulu Lindsey We do not have anyone signed up for public testimony but we do have one person signed up for community concerns. As a reminder, you will be given five (5) minutes to share your mana‘o. Your name will be called and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted and the next testifier will be called. Your name will be called again before the conclusion of the public testimony and the community concern section.

Germaine Meyers Good morning 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 community concerns with you today. Chair and Trustees, last week I shared with you my concerns of Trustee Brendon Lee’s silence in his conflict of interest regarding a CLA red flag contract for \$2,598,000 that CLA classified as waste of funds. Today, I'd like to share with you another document of the Na‘i Aupuni website titled fiscal sponsorship agreement between Akamai Foundation and Na‘i Aupuni. Specifically, this document, this sponsorship agreement includes two conditions I have concerns about, conditions number five and number six. Condition number five states the following verbatim, termination in consultation with OHA, this agreement shall terminate if Edwin sponsor and OHA determine the objectives of the project can no longer be reasonably accomplished upon 30 days written notice to the Akamai Foundation by OHA and Na‘i Aupuni. Condition number six states verbatim, unclaimed funds, the manner of disposition of any restricted funds received under this agreement that are not used for project purposes shall be returned to OHA. I would like to repeat condition number six again verbatim. The manner of disposition of any restricted funds received under this agreement that are not used for project purposes shall be return to OHA.

What is the project purposes? Of course, it's a scope of services. Trustees, this sponsorship agreement consists of six pages and page six of this agreement is titled attachment A, President and Director Na'i Aupuni projected budget. What is the projected budget? It is the detail costs to fulfill the projected purposes. The projected budget on page six consists of six categories. This is the order of the categories from highest cost to lowest, rounded to thousands of dollars.

1. \$1,457,000 for governance 'Aha contract.
2. \$726,000 for additional attorney fees, any other consultants, or if any category above needs additional funding.
3. \$256,000 for a portion of election contract.
4. \$117,000 for referendum contract.
5. \$20,000 for independant election monitoring contract.
6. \$20,000 for independant referendum contract.

All six categories total the grant agreement of \$2,590,000. Let's go back to the highest cost category \$1,457,000 for governance 'Aha contract. What does the details say about this category? It says verbatim assume 62 working days, 40 delegates, 5 facilitators, 10 staff. Includes convention site and meals, stipend and travel costs, and includes 10% scaling. That's it, that's all it says for \$1.457 million: 40 delegates, four zero, 40. Trustee Brendon Lee spoke of being the Chairman of the governance 'Aha of 120 participants, he wasn't the Chairman of a 40 elected delegates 'Aha but the Chairman of 120 participants. When I looked into the 'Aha 120 participants it incurred over a four week period, I don't recall it happened on the weekends. Therefore, I calculated and assumed 20 working days. When you compare that and see instead of 62 working days of 40 elected delegates, what really happened was 20 working days of 120 participants. A waste of OHA trust funds. Again, a waste of OHA trust funds. If I do the math that comes to \$12,000 per participants for each of the 120 participants. Is that how much Trustee Lee was paid for 20 days to Chair 120 participants?

Executive Session‡

- A. Action Item BOT #21-12: Board Resolution Related to Acquisition Financing for 500 N. Nimitz Highway and 501 Sumner Street. Consultation with Board Counsel Robert G. Klein and Everett Ohta, OHA Assistant Senior Legal Counsel re: questions and issues pertaining to the boards powers, duties, privileges, immunities, and liabilities, pursuant to HRS 92-5(a)(4); Deliberations on the authority of persons designated by the board to conduct negotiations on the acquisition of public property, pursuant to HRS 92-5(a)(3).**
- B. Approval of Executive Session Minutes**
 1. **August 5, 2021**
 2. **September 16, 2021**

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

Trustee Ahu Isa Moves to recuse into Executive Session.

Trustee Akaka Seconds the motion.

The Board recuses into Executive Session at 10:18 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		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			
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 11:35 a.m.

Announcements

Chair Hulu Lindsey Okay, our next BOT meeting will be held on October 7th at 10 am.

Adjournment

Trustee Ahuna Moves to adjourn the meeting.

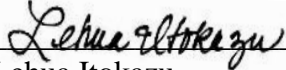
Trustee Akaka Seconds the motion.

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

LUANA	ALAPA			X		
BRENDON KALEI'ĀINA	LEE			X		
KEOLA	LINDSEY			X		
JOHN	WAIHE'E			X		
CHAIR CARMEN HULU	LINDSEY			X		
TOTAL VOTE COUNT				9		

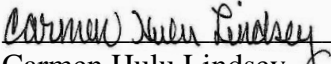
Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 11:37.m.

Respectfully submitted,



 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on December 9, 2021.



 Carmen Hulu Lindsey
 Chairperson, Board of Trustees