



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

COMMITTEE ON RESOURCE MANAGEMENT
Dan Ahuna, Chairperson
Robert K. Lindsey, Jr., Vice Chairperson
Leina'ala Ahu Isa, At-Large
Kalei Akaka, O'ahu
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Colette Y. Machado, Moloka'i/Lāna'i
John Waihe'e IV, At-Large

COMMITTEE ON BENEFICIARY ADVOCACY
AND EMPOWERMENT
John Waihe'e IV, Chairperson
Kalei Akaka, Vice Chairperson
Leina'ala Ahu Isa, At-Large
Dan Ahuna, Kauai/Ni'ihau
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Colette Y. Machado, Moloka'i/Lāna'i
Robert K. Lindsey, Jr., Hawai'i Island

**JOINT MEETING OF THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT AND
THE COMMITTEE ON RESOURCE MANAGEMENT**

DATE: Wednesday, May 29, 2019
TIME: 10:00 am
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA (Amended)

- I. Call to Order
- II. Public Testimony*
- III. New Business
 - A. Action Item BAE-RM #19-05: To approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Joint BAE-RM Committees for the recruitment and selection of a Chief Executive Officer.
 - B. Action Item BAE-RM #19-06: To approve and authorize the disbursement of \$40,500 from the fiscal year 2020 Core operating budget (Object code 56530) and \$40,500 from the Fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund Ahupua'a O Moloka'i.
- IV. Executive Session†
 - A. Consultation with Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the board's duties, liabilities, privileges, and immunities regarding Action Item BAE-RM #19-05: to approve the Scope of Work and Qualifications and Requirements defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Joint BAE-RM Committees for the recruitment and selection of a Chief Executive Officer, pursuant to HRS § 92-5(a)(2),(4).
 - B. Consultation with OHA attorney Everett Ohta, Esq. and Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding H. B. 172 HD1 SD2 CD1 (2019), relating to the budget of the Office of Hawaiian Affairs, pursuant to HRS §92-5(a)(4).
- V. Announcements
- VI. 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 at: rainag@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

† 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.



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

Dan Ahuna

Trustee Dan Ahuna
Chairperson, Committee on Resource Management

05/23/19

Date

John Waihe'e IV

Trustee John Waihe'e IV
Chairperson, Committee on Beneficiary Advocacy
and Empowerment

05-23-2019

Date

Transmission Report

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PHONE (808) 594-1868

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Colette Y. Muehade, Moloka'i/Lāna'i
John Walhe'e IV, At-Large



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Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**JOINT MEETING of the COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT and
the COMMITTEE ON RESOURCE MANAGEMENT
MINUTES**

May 29, 2019 10:00 a.m.

ATTENDANCE:

BAE Chairperson John Waihe'e, IV
BAE Vice-Chairperson Kaleihikina Akaka
RM Chairperson Dan Ahuna
RM Vice-Chairperson Robert Lindsey
Trustee Lei Ahu Isa
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee Carmen Hulu Lindsey
Trustee Colette Machado

BOT STAFF:

Alyssa-Marie Kau
Carol Ho'omanawanui
Claudine Calpito
Crayn Akina
Kama Hopkins
Kauikeaolani Wailehua
Lei-Ann Durant
Löpaka Baptiste
Maria Calderon
Melissa Wennihan
Nathan Takeuchi
Paul Harleman
Priscilla Nakama
Ron Porter
Zuri Aki

LEGAL COUNSEL:

Robert G. Klein, Esq.
Kurt W. Klein, Esq.

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Sylvia Hussey, Ka Pou Nui
Charmaine Matsuura
Everett Ohta
Gloria Li
Jim McMahan
Jocelyn Doane
Maile Luuwai
Mehana Hind
Miles Nishijima
Phyllis Ono-Evangelista
Raina Gushiken
Raymond Matsuura
Sterling Wong

GUESTS:

Germaine Meyers

I. CALL TO ORDER

BAE Chair Waihe'e calls the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management for Wednesday, May 29, 2019 to order at **10:01 a.m.**

BAE Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:01 a.m.)	TIME ARRIVED
BAE CHAIR	JOHN	WAIHE'E, IV	PRESENT	
BAE VICE-CHAIR	KALEIHIKINA	AKAKA	PRESENT	
RM CHAIR	DAN	AHUNA	PRESENT	
RM VICE-CHAIR	ROBERT	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	

At the Call to Order, **NINE (9) Trustees are PRESENT**, thereby constituting a quorum.

Chair Waihe'e would like the record to show that some materials were received more recently than 72 hours ago, and that deadline, per practice, has been duly-waived.

II. PUBLIC TESTIMONY*

Germaine Meyers: Aloha, I would first like to Mahalo Trustee Brendon Lee for coming out to our Hawaiian Affairs Committee Meeting in Nānākuli – Mā'ili Neighborhood Board last night.

Trustee Lee: Thank you for having me.

Germaine Meyers: I'd like to speak to my data view and arguments in regards to today's Items III. A., IV. A. and IV. B. – I think all of them, the budget as well as the administrative position, all coincide together. One is telling us how we're going to use the money and the other one is telling us who is going to be managing the money.

What I would like to provide on the upcoming Administrative contract and in such that I have brought up in the past to OHA Trustees some of the discrepancies, and so I am hoping as a beneficiary that the new Administrator will look at this Board as nine trustees of equal measure. I am a beneficiary who has been voting and I have vocalized that in the past. I participate in our neighborhood board as Trustee Lee saw last night and that I feel that the powers in this Board and that everyone on this board has equal say; and should be respected equally.

At our neighborhood board, I look at every board member to be of equal measure and that is how I would like the Administrator to look at each of us, giving each of us the opportunity to speak. I feel that Education is very important; education, truth and knowledge are very, important and the Budget is speaking to that. My concern is that I would like an Administrator that does not circumvent the system or negates the power of all nine trustees. The Administrator position impacts a lot of us. I would like OHA to consider changing the title from Chief Executive Officer to Administrator; the original intent of the Hawai'i Revised Statutes. This is why I say this; do not stand in front of me and think you are a corporation; you are not a corporation. You are a government, a governance agency, you are part of an electoral process. I do not elect a for-profit corporation's executive officers. It's a profit and loss issue; and their intent is being profitable money-wise. At OHA we look at land and people. People and land have nothing to do with a corporation in the dynamics that we're talking about. Chief Executive Officer does not belong as a title when it comes to the Office of Hawaiian Affairs. E Hana Kākou, Ke Akua Pū.

III. NEW BUSINESS

- A. Action Item BAE-RM #19-05: To approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a Professional Executive Search and Consulting firm to assist Joint BAE-RM Committees for the Recruitment and Selection of a Chief Executive Officer.**

BAE Chair Waihe'e turns it over to Ka Pouhana Kamana'opono Crabbe.

Ka Pouhana Crabbe: Aloha Kakahiaka Kākou, Good Morning Trustees. Before you in your folder, you have the Joint BAE-RM Action Item #19-05. I believe the Action Item refers to the consideration of scope of work and qualification and requirements as defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Joint Committees on BAE and RM for the recruitment and selection of a Chief Executive Officer.

BAE Chair Waihe'e: It looks like this was prepared by the RM Committee, so we will have the RM Chair read the motion.

MAIN MOTION

RM Chair Ahuna moves to approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Committees on Beneficiary Advocacy and Empowerment (BAE) and Resource Management (RM) for the recruitment and selection of a Chief Executive Officer;

Trustee Machado seconds the motion.

BAE Chair Waihe'e: *Is there any discussion?*

Trustee Lee: Yes, I have questions as to the Scope of Work. Item #8 and Qualifications and Requirements, Item #4. I've done quite a bit of research since taking office in November as to what it takes to recruit for a qualified CEO and that takes upwards of six months. According to this on Item #8, whoever we retain is being to provide OHA with finalist names of five candidates in 2-4 weeks; I do not believe that is anywhere-near-sufficient time for us to get someone who is qualified. The same concern is for qualifications and requirements, Item #4; it says the same thing, that whoever signs this RFQ contract with us is being required to provide us with five candidates in 2-4 weeks.

Trustee Hulu Lindsey: I want to bring to the Board's attention, the PIG group that worked on the description of a CEO. That group was made up of Judge Klein, Trustee Peter Apo and myself; and I wondered whether that PIG recommendation was even considered in the qualifications of the next CEO. That's what I want to know, *who wrote up the qualifications?*

Trustee Lee: I may be mistaken, I thought that these were just about the qualifications for the firm that was going to find the CEO, not actually for the CEO itself.

Trustee Hulu Lindsey: That's what it is, but they need guidance from us as to the qualifications of what they're looking for.

Trustee Machado: *How would you integrate the kind of changes that you would like to see?*

Trustee Hulu Lindsey: *Who wrote this up?*

BAE Chair Waihe'e: According to the Action item it was prepared by Ron Porter, if the only change to the Scope of Work is the amount of time, we should be able to amend it.

Trustee Hulu Lindsey: *Is the CEO job description attached at this time?*

Trustee Lee: Trustee Lindsey is correct; I do not see an attachment. I do believe that it does say IV. Discussion: SCOPE OF WORK 4. "Assist to develop an accurate and attractive job description. See Attachment 1 – CEO job description." That speaks to me, that whoever we select from the RFQ that they're going to have to consult with the Board as to Job Description, Qualifications, etc. With that said Mr. Chair, I would like to offer an amendment.

AMENDMENT

Trustee Lee moves to amend the motion to Strike IV. Discussion: SCOPE OF WORK 8. "Prepare a written summary of five (5) candidates with the most promising qualifications for the position within two (2) to four (4) weeks from execution of contract. As well as IV. Discussion: QUALIFICATION AND REQUIREMENTS 4. The Successful Offeror shall have an extensive network of contacts, are able to work discretely and maintain a database or list of qualified candidates and can usually provide an immediate list of the best candidates available within two (2) to four (4) weeks of their retainment.

RM Vice-Chair Robert Lindsey seconds the motion.

BAE Chair Waihe'e asks if there is any discussion.

Trustee Lee: I speak in favor of the amendment, although now it does not have a timeline in here I would have to believe that whoever is qualified to 1- submit for an RFQ and 2- be selected from an RFQ is well-aware of what it takes to search for a CEO. Otherwise, this Board would not select them. So, I don't believe not having a timeline to get qualified candidates to this Board is a hindrance in getting somebody that's qualified. I don't believe that's an absolute necessary thing to have in this.

BAE Chair Waihe'e: I agree, I recommend supporting the amendment.

Trustee Hulu Lindsey: I have a question about the amendment. Is it ok to leave ‘8’ in, but just remove “within two (2) to four (4) weeks from execution of contract” because I think it’s a good idea for the company to “prepare a summary of five (5) candidates with the most promising qualifications for the position.”

Trustee Lee: Yah, I don’t see anything wrong with that, but like I said I believe anyone who’s qualified enough to be selected by this Board for an RFQ has enough background in doing this type of work. So, I would have to imagine that they know what is expected. If it pleases Trustee Lindsey, I will amend my amendment to only strike out the timeline.

Trustee Akina: *Does the Board want to consider a deadline for the submission, or just leave it open-ended?*

BAE Chair Waihe’e: I don’t see a problem with leaving it open-ended.

BAE Chair Waihe’e asks if there is any further discussion. There is none.

BAE Chair Waihe’e calls for a Roll Call Vote.

AMENDMENT							AMENDMENT MOTION: 10:18 a.m. AMENDMENT VOTE: 10:22 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
BAE VICE-CHAIR KALEIHIKINA	AKAKA			X			
	KELI'I			X			
BRENDON KALEI'AINA	LEE	1		X			
CARMEN HULU	LINDSEY			X			
RM VICE-CHAIR ROBERT	LINDSEY		2	X			
	COLETTE MACHADO			X			
RM CHAIR DAN	AHUNA			X			
BAE CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

MAIN MOTION, AS AMENDED

RM Chair Ahuna moves to approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Committees on Beneficiary Advocacy and Empowerment (BAE) and Resource Management (RM) for the recruitment and selection of a Chief Executive Officer; along with the following two revisions to Action Item BAE-RM #19-05:

a) **Scope of Work; Item 8 now reads as;**

8. Prepare a written summary of five (5) candidates with the most promising qualifications for the position.

b) **Qualifications and Requirements; Item 4 is fully stricken from the document.**

Trustee Machado seconds the motion.

BAE Chair Waihe'e asks if there is any further discussion. There is none.

BAE Chair Waihe'e calls for a Roll Call Vote.

MAIN MOTION, AS AMENDED							MAIN MOTION: 10:11 a.m. MAIN MOTION, AS AMENDED VOTE: 10:23 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
BAE VICE-CHAIR KALEIHIKINA	AKAKA			X			
	KELI'I			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY			X			
RM VICE-CHAIR ROBERT	LINDSEY			X			
	COLETTE MACHADO		2	X			
RM CHAIR DAN	AHUNA	1		X			
BAE CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

B. Action Item BAE-RM #19-06: To approve and authorize the disbursement of \$40,500 from the Fiscal Year 2020 Core Operating Budget (Object Code 56530) and \$40,500 from the Fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund Ahupua‘a O Moloka‘i.

BAE Chair Waihe‘e turns it over to Ka Pouhana Kamana‘opono Crabbe.

Ka Pouhana Crabbe: Thank you Chair Waihee. If you recall the Grants presentation last week in terms of one of the awardees who was the Waipā Foundation from the Island of Kauai had their award rescinded because they had received funding from another granting agency. So, the Board had approved at the time that we would come back and reallocate the funds, so this is what this action item is referring to. It requires a Joint BAE-RM Committee vote then approval by the Board to redistribute those funds.

BAE Chair Waihe‘e: So, before we have any discussion, I want to have the motion put on the table please.

Trustee Machado moves to approve and authorize the disbursement of \$40,500 from the fiscal Year 2020 Core Operating Budget (Object Code 56530) and \$40,500 from the fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund Ahupua‘a o Moloka‘i; a fiscal Biennium 2020-2021 Community Grant recommendation.

RM Chair Dan Ahuna seconds the motion.

BAE Chair Waihe‘e asks if there is any discussion.

Trustee Hulu Lindsey: *Could you just describe what Ahupua‘a o Moloka‘i is please?*

Trustee Machado: I think it is a consortium of Hawaiian Homes Associations on Moloka‘i representing at least four organizations, I believe this is a peer-to-peer grant trying to increase farmers to make their lands more productive on the homestead. Many of them have already gone through a series of certification with the CTAHR program and they’re considered Start-up Subsistence Farmers; just looking at what the description is. I haven’t talked to anybody, as you know we’re not permitted to do that if they’re an applicant.

Trustee Hulu Lindsey: Thank you.

Trustee Machado: When we go to Moloka‘i, I’m sure we could get a site visit.

Trustee Robert Lindsey: I would like to thank the preparers of the Action Item; I thought they did a nice job with it. I would also like to commend the folks on Moloka‘i. I know at our table when we talk about self-determination and sovereignty; we’re usually approaching it from a political perspective. Yet, on Moloka‘i, they’re approaching it from an economic perspective. I do think that we need more of this approach across our State. People being economically-sovereign, being able to do for themselves so that they can be able to be successful in the society in which we live today.

BAE Chair Waihe‘e asks if there is any further discussion. There is none.

BAE Chair Waihe'e calls for a Roll Call Vote.

							MOTION: 10:24 a.m. VOTE: 10:27 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
BAE VICE-CHAIR KALEIHIKINA	AKAKA			X			
	AKINA			X			
BRENDON KALEI'ĀINA	LEE					X	
CARMEN HULU	LINDSEY			X			
RM VICE-CHAIR ROBERT	LINDSEY			X			
	COLETTE MACHADO	1		X			
RM CHAIR DAN	AHUNA		2	X			
BAE CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	1	0

MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

IV. EXECUTIVE SESSION[‡]

- A. Consultation with Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the Board's duties, liabilities, privileges, and immunities regarding Action Item BAE-RM #19-05: To approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a Professional Executive Search and Consulting firm to assist Joint BAE-RM Committees for the Recruitment and Selection of a Chief Executive Officer Pursuant to Hawai'i Revised Statute §92-5(a)(2),(4).**
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BAE Chair Waihe'e asks for a motion to resolve into Executive Session pursuant to HRS § 92-5(a)(4).

RM Chair Ahuna moves to resolve into Executive Session.

Trustee Lee seconds the motion.

BAE Chair Waihe'e asks if there is any discussion. There is none.

BAE Chair Waihe'e calls for a Roll Call Vote.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	10:28 a.m. EXCUSED
LEINA'ALA	AHU ISA			X			
BAE VICE-CHAIR KALEIHIKINA	AKAKA			X			
	KELI'I			X			
BRENDON KALEI'ĀINA	LEE		2	X			
CARMEN HULU	LINDSEY			X			
RM VICE-CHAIR ROBERT	LINDSEY			X			
	COLETTE MACHADO			X			
RM CHAIR DAN	AHUNA	1		X			
BAE CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

BAE Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES**.

The committee resolved into Executive Session at 10:28 a.m. to discuss:

IV. EXECUTIVE SESSION**

- A. Consultation with Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the Board's duties, liabilities, privileges, and immunities regarding Action Item BAE-RM #19-05: To approve the Scope of Work and Qualification and Requirements as defined in the proposed RFQ in selecting a Professional Executive Search and Consulting firm to assist Joint BAE-RM Committees for the Recruitment and Selection of a Chief Executive Officer Pursuant to Hawai'i Revised Statute §92-5(a)(2),(4).**
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The committee returned to Open Session at 11:12 a.m.

V. ANNOUNCEMENTS

None

VI. ADJOURNMENT

RM Chair Ahuna moves to adjourn the BAE meeting.

RM Vice-Chair Robert Lindsey seconds the motion.

BAE Chair Waihe'e asks if there is any discussion. There is none.

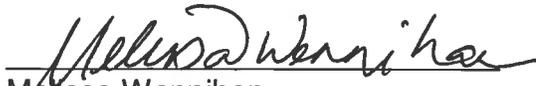
BAE Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	11:13 a.m. EXCUSED
LEINA'ALA	AHU ISA			X			
BAE VICE-CHAIR KALEIHIKINA	AKAKA			X			
	KELI'I			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY			X			
RM VICE-CHAIR ROBERT	LINDSEY		2	X			
	COLETTE MACHADO			X			
RM CHAIR DAN	AHUNA	1		X			
BAE CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

BAE Chair Waihe'e adjourns the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management at 11:13 a.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Joint Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management on August 21, 2019.



Trustee John Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment



Trustee Dan Ahuna
Chair
Committee on Resource Management

ATTACHMENT(s):

- Community Concerns Sheet (1)