

**State of Hawai'i
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Thursday, July 30, 2015, 10:30 am**

I. CALL TO ORDER

Chair Robert K. Lindsey, Jr. called the meeting of the Office of Hawaiian Affairs Board of Trustees to order at 10:33 am. Those present were as follows:

Attendance

Trustee Robert K. Lindsey, Jr., Chair	Trustee S. Haunani Apoliona
Trustee Dan Ahuna, Vice Chair	Trustee Colette Machado
Trustee Lei Ahu Isa (arrived 10:38 am)	Trustee John Waihe'e IV
Trustee Peter Apo	

Excused

Trustee Rowena Akana	Trustee Carmen Hulu Lindsey
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Staff Present

Dr. Kamana'opono Crabbe, Ka Pouhana/CEO	Lady Garrett
Robert G. Klein, Board Counsel	Liana Pang
Harold Nedd, Chief of Staff	Davis Price
Capsun M. Poe, Board Secretary	Ernest Kimoto
Jeremy Kama Hopkins	Momilani Lazo
Kauikeaolani Wailehua	Sterling Wong
William Arenivas	Jocelyn Doane
Lehua Itokazu	Wayne Tanaka
U'i Tanigawa	Derek Kauano
Claudine Calpito	Joseph Lewis
Louise Yee Hoy	Jeannin Jeremiah
Reynold Freitas	Kamaile Maldonado

Others Present

Vanessa Mauricio

VI. EXECUTIVE SESSION

Chair Lindsey announced that he would take Item VI. Executive Session of the agenda first, then proceed with the rest of the agenda.

Motion

At 10:34 am, Trustee Apoliona moved, seconded by Trustee Ahuna, that the Board go into Executive Session to consider the following:

- A. Consultation with Paul Alston, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding *Akana v. Machado et. al.*, Civil No. ICC13-1-002485. 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 the Recommendation of the Ad Hoc Committee on Trustees’ Responsibilities. Pursuant to HRS 92-5(a)(4).

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	1		X			
TRUSTEE HULU LINDSEY						X
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			7	0	0	2

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with seven (7) YES votes, no (0) NO votes, no (0) abstentions, and two (2) excused.

The Board went into Executive Session at 10:34 am and exited Executive Session at 11:22 am.

II. APPROVAL OF MINUTES

Chair Lindsey announced that the draft minutes of the July 23, 2015 meeting were distributed and asked if there were any changes.

At 11:25 am, Trustee Apoliona moved, seconded by Trustee Machado, to approve the minutes of July 23, 2015, as presented.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	1		X			
TRUSTEE HULU LINDSEY						X
TRUSTEE COLETTE MACHADO		2	X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			7	0	0	2

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

Motion passed with seven (7) YES votes, no (0) NO votes, no (0) abstentions, and two (2) excused.

III. COMMUNITY CONCERNS

There were no Community Concerns.

IV. UNFINISHED BUSINESS

Chair's Updates on Board Activities

Chair Lindsey had no updates.

CEO's Update on Ho'oulu Lāhui Aloha and OHA Activities

Dr. Crabbe asked if Trustees have not yet sent an RSVP for the upcoming Pa'a Ke Aupuni screening, that they submit those. He also asked Jerome Yasuhara of Compliance to share information about the work he has been doing with Mr. Ron McComber that were highlighted at the Board's Lāna'i meeting.

Mr. Yasuhara reported that Mr. McComber asked OHA to look into certain MOAs OHA may have had. After review of those MOAs, they have found that OHA has no duty on the affordable housing issue. What it boils down to is Lanaians for Sensible Growth and Pulama have the duty to engage the community groups in discussions. He added that he has received emails from other LSG board members that feel Mr. McComber's comments were in frustration for a slow process, not necessarily that OHA would be able to do anything.

Chair Lindsey noted that Mr. Klein is working with Public Policy on legal options regarding Mauna Kea emergency rules and that will be reported later.

V. NEW BUSINESS

Consideration of the Recommendation of the Ad Hoc Committee on Trustees' Responsibilities

Motion

At 11:32 am, Trustee Apo moved, seconded by Trustee Machado, to terminate the tenure of Trustee Rowena Akana as Chairperson of the Committee on Asset and Resource Management, effective immediately.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO	1		X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY						X
TRUSTEE COLETTE MACHADO		2	X			
TRUSTEE JOHN WAIHE'E				X		
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			6	1	0	2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with six (6) YES votes, one (1) NO votes, no (0) abstentions, and two (2) excused.						

Chair Lindsey thanked the Ad Hoc Committee members and staff for their efforts and shared the following:

- The Ad Hoc Committee's judgment is that its recommendation serves the best interest of OHA.
- We cannot allow emotions to cloud our judgment about the recommended disciplinary action.
- A breach of confidentiality is a serious violation of Trustee responsibility.
- We must always act for the good of the organization, without placing OHA under unnecessary risk.
- The situation (with Trustee Akana) requires a remedy.
- HR has documented at least 33 employee complaints against Trustee Akana.
- The written complaints range from oppressive to harassing treatment by Trustee Akana.
- This behavior is a legal risk to OHA, exposing us to workers' compensation claims; EEOC claims; as well as Hawaii Civil Rights Commission penalties and claims.
- At the same time, Administration reports that Trustee Akana's behavior is doing tremendous harm to workplace morale, increasing the potential for stress-related and hostile-work environment claims.
- I am urging my colleagues to support my effort to deal with this potential employee morale issue head on and immediately remove Trustee Akana as Chairperson of the ARM Committee.

Trustee Apoliona thanked Chair Lindsey for his statement.

Chair Lindsey noted that with the leadership void, he will look immediately at filling this leadership role.

BOT #15-03: Reorganization of the Standing Committee Structure of the OHA Board of Trustees to Create the Committee on Resource Management – First Reading

Chair Lindsey announced that the action being brought will help the Board be more efficient and effective, while enjoying cost and time savings. The action item proposes amendments to the OHA Board of Trustees Bylaws and require at least six affirmative votes on two readings to pass. If it receives six yes votes today, second reading will be scheduled for the August 27 Board meeting.

Motion

At 11:37 am, Trustee Waihe'e moved, seconded by Trustee Ahuna, to approve First Reading of BOT #15-03, Reorganization of the Standing Committee Structure of the OHA Board of Trustees to Create the Committee on Resource Management.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY						X
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			7	0	0	2

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

Motion passed with seven (7) YES votes, no (0) NO votes, no (0) abstentions, and two (2) excused.

Mr. Ernie Kimoto reported that because this is a Bylaws amendment, it requires six votes at both first and second reading. Annually, the BOT with Administration's assistance, reviews the Bylaws. This change is not associated with the annual review.

Trustee Machado asked what the name of the committee would be. Mr. Kimoto responded Committee on Resource Management.

VII. BENEFICIARY COMMENTS

There were no Beneficiary Comments.

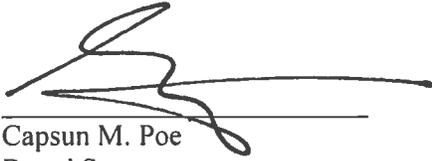
VIII. ANNOUNCEMENT

Chair Lindsey announced the next Board meeting will be on Thursday, August 20, 2015, at 9:30 am on Maui.

IX. ADJOURNMENT

Having no further business, Chair Lindsey adjourned the meeting at 11:42 am.

Respectfully Submitted,



Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on August 20, 2015:



Trustee Robert K. Lindsey, Jr.
Chair, Board of Trustees