

# It's A Matter of Truth

(Comments to Trustee Rowena Akana from Winona Ellis Rubin)

This ad is a response to an offensive December Ka Wai Ola article by Trustee Rowena Akana. While internal memos correcting her misinformation may occur within OHA, the Chairperson, Administrator, and other Trustees of the OHA Board of Trustees certainly should not be lured into Akana's effort to incite vitriolic public exchanges among public officials during this election year. I, and probably the rest of the electorate, expect Trustees to maintain the dignity of their public leadership positions. However, Akana's carelessly erroneous public statements must be answered in the same public arena she chose. So, I have decided to voice a response in the same KWO medium.

I am an OHA beneficiary and a Hawaiian who has probably a better understanding of the internal OHA operations than many in the general community. Therefore, I am astonished and offended by the December KWO article written by Trustee Rowena Akana which slanders the Chairperson directly, which insults the other Trustees indirectly by innuendos that they countenanced past board and administrator's actions, and which tries to excuse publishing slanderous statements as self-righteous actions supported by a biblical quote.

Her article's title, "It is a matter of Trust..." is basically distorted by its contents. Let this response be entitled, "It's a matter of Truth".

**Fact No. 1.** The By-Law amendment, passed in two separate readings in OHA's public Board of Trustees meetings on November 1 and November 8, was approved by a majority vote of Trustees present with only one dissenting vote by Trustee Akana. She claims that the Trustees are "gagged by the new policy". She fails to indicate that the amendment was proposed by Board Counsel Robert Klein to protect the attorney-client privilege of advisement during executive sessions from being breached or "waived" by a single Trustee against the interests of the

remaining Trustees and to protect, through the Board, the interests of OHA's beneficiaries.

Akana uses the word "transparency", which already guides OHA's daily actions, but this is not the crux of the matter. Akana's accusation of intentional secrecy appears to be excessively simplistic. Her naive suggestion of "blacking out confidential matter" and releasing the rest fails to acknowledge that there is no recognized "partial waiver of privilege." Once waived or disclosed, all matters discussed become public. In today's litigious climate, the Trustees wisely voted on the side of caution. They chose to protect the beneficiaries in matters that are legally sensitive. No single Trustee has the right to ignore the welfare of all other Trustees, individually and collectively, nor the beneficiaries who are protected by Trustee decisions.

**Fact No. 2.** Prior to the action on OHA attorney contracts being taken at the November 8 Lana'i BOT executive session, OHA's senior staff counsel sought and received a legal advisory from the State Procurement Office regarding the matter. Based upon that advice, the relevant discussion and action on extending appropriations for these attorneys occurred in executive session. Akana's attempt to distort the motives and actions taken by all Board members is not a responsible action of any agency policy maker, nor is it a positive reflection on the constituency that elected the person.

**Fact No. 3.** By statute, the OHA Administrator has full responsibility for hiring and firing of all staff and management of all operations consistent with implementing policies of the Board of Trustees. All OHA staff serves at the pleasure of the Administrator.

As a former administrator for a statewide non-profit organization and for a major state department responsible for thousands of employees, I suggest that you not be deceived by the number 36 Akana used in her attempt to discredit the administration. Instead, look at the reasons for the number.

I understand that 16 of the vacancies were due to newly created positions awaiting hiring of staff. Also, other vacancies reflected staff departures for a variety of reasons: higher salary and position upgrade elsewhere; health and personal family circumstances; a move to another island or out of state; heavy job demands/stress; inability to perform job functions; and other reasons. In 2007, none went to Kamehameha nor Hawaiian Home Lands. In the current environment of high stress and challenges to OHA as an agency with a mandate to improve conditions for Hawaiians, OHA is proud of former dedicated employees and the current staff who remain committed to its awesome mission and challenges. Akana should count OHA's blessings and accomplishments, rather than knowingly distort the truth for the uninformed public.

**Fact No. 4.** OHA's biennial budget is subject to community meetings and detailed Board scrutiny and approval. Successful audits confirm accountability for OHA's funds. If there has been any delay in responding to Akana's requests for fiscal information, it is possible the information requested required time-consuming special staff extractions of fiscal information with little relevance to fiscal matters for larger fiduciary decision-making. Ongoing accounting priorities must come before special requests.

**Fact No. 5.** Regarding OHA's security system, Trustee Akana has forgotten that when in 1999 she was for one year the Chairperson of the Board, she insisted on installing the current security system to protect the Chair and Trustees from unexpected access by critical community advocates. She even hired special security guards to stand by at Board meetings during that year. Since then, the need for increased security for all staff has become demanding for the courts, public agencies, private entities, airports, as well as OHA. The new security system at OHA will prohibit persons who obtain a lost or stolen card from gaining access to

OHA's offices and to ensure the safety of employees who work into the evening or on weekends; and it curbs those who have vandalized public restrooms in the building. Additionally, staff time accountability is facilitated. The matter of staff safety far overrides any reasons asserted by Trustee Akana hinged on staff distrust.

**Fact No. 6.** Individuals who are unfamiliar with management and operations protocol and staff responsibilities may mislead themselves into negative misinterpretations of normal line/staff relations. Apparently, this is the case with Trustee Akana.

The OHA Administrator is the chief executive officer and "boss" of all OHA staff. Through his managers, he oversees the functions they perform and the priorities of time devoted to each assignment in implementing Board policies. While he administers OHA operations through his managers and staff, every Trustee has a Trustee Aide and Secretary to perform those functions they consider their own specific priority. The Administrator hires but does not instruct Trustee staff. That is each Trustee's kuleana. Also, Trustees are not expected to instruct the Administrator's staff without his knowledge and his re-assignment, if needed, of the time priorities of staff. This is normal business protocol and courtesy. If a Trustee wishes to know more about an OHA operational matter, each Trustee has ready access to the Administrator for a direct answer; and there is no need for trying to access staff information directly on any matter. The matter of trust, courtesy and respect are part of this common operational practice.

**Fact No. 7.** The compressing of five Board Standing Committees into two was instituted in December 2002 to reduce beneficiary obstacles and increase BOT efficient use of meeting time. The two committee system has reduced the necessity for beneficiaries (sometimes from neighbor islands) to attend a committee meeting of 3, 4 or 5 Trustees for a preliminary discussion of their proposal or

issue; then attend a full Board meeting at which the rest of the board asked repeated and additional questions which sometimes extended deliberations into the early evening hours and sometimes ended with rescheduling a board meeting for a final vote on another date. The latter resulted in another trip for neighbor island beneficiaries. This excessive time and beneficiary expense for doing business as a convenience for the board (having five committee Chairs and vice-chairs, rather than two each) was unfair to beneficiaries and inefficient for the BOT. Additionally, the two committee system allows the full board to discuss a matter completely at the committee level before it comes to the BOT for brief efficient decision-making. Efficient board meetings and fewer demands on beneficiaries have resulted. The vote of every board member is needed for decisions by the BOT. Accusations by Akana may possibly disguise her inability to obtain support from other Trustees for some of her issues.

**Commentary -** Trustee Akana should publicly acknowledge that the current Chairperson, Administrator and Board of Trustees, particularly over the past six years, have moved OHA into a position of leadership and significant achievements far beyond its nearly 30 years of history. Instead, unfortunately Trustee Akana, who has expressed her viewpoint vocally on numerous occasions at prior board meetings and in her KWO columns, now chooses to malign and slander others to make her position one for public divisive discourse. It is a sad commentary of disrespect and disdain for the Chair, the Administrator, fellow elected Trustees, the OHA staff and beneficiaries and all of Hawai'i who have participated in and seen positive outcomes in and through OHA over the recent decade.

Let us hope that Trustee Akana leaves the opala behind in 2007 and joins us all in a New Year's resolution for UNITY not divisiveness. Imua!