

BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*  
 Leina'ala Ahu Isa, *Vice Chairperson*  
 Dan Ahuna, Trustee Kaua'i & Ni'ihau  
 Kalei Akaka, Trustee O'ahu  
 Keli'i Akina, Trustee At-Large  
 Luana Alapa, Trustee Moloka'i & Lāna'i  
 Brendon Kalei'aina Lee, Trustee At-Large  
 Keola Lindsey, Trustee Hawai'i Island  
 John Waihe'e IV, Trustee At-Large



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE BOARD OF TRUSTEES**  
**ISLAND OF MAUI MEETING**

**DATE:** Thursday, May 26, 2022  
**TIME:** 9:30 am  
**PLACE:** UH Maui College  
 Cafeteria, Pa'ina Building  
 310 W. Ka'ahumanu Ave.  
 Kahului, HI. 96732  
 Also Virtual Meeting  
 Viewable at [www.oha.org/livestream](http://www.oha.org/livestream)  
 Listen by phone: (213) 338-8477, Webinar ID: 831 3246 9064

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: 831 3246 9064. All members of the public that wish to access the physical meeting location must wear a mask and follow all applicable COVID-19 requirements of the meeting venue.**

**AGENDA-AMENDED\*\***

- I. Call to Order
- II. Approval of Minutes
  - A. March 24, 2022
  - B. May 11, 2022
- III. Public Testimony\* on Items Listed on the Agenda\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- IV. Community Concerns and Celebrations\*\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- V. Status of OHA Activities: Ka Pouhana/CEO's Maui Island Community Report and Update on OHA's activities – Island Community Report: Maui Executive Summary
- VI. Announcements
- VII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email [everetto@oha.org](mailto:everetto@oha.org) no later than three (3) business days prior to the date of the meeting. Meeting Materials will be available to the public 72 hours prior to the meeting and posted to OHA's website at: [www.oha.org/bot](http://www.oha.org/bot)

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID listed at the beginning of this agenda. Meeting recordings are available upon request to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) until the written meeting minutes are posted to OHA's website

†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.

## BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i &amp; Ni'ihau

Kalei Akaka, Trustee O'ahu

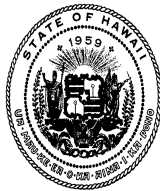
Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i &amp; Lāna'i

Brendon Kalei'aina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



# STATE OF HAWAII

## OFFICE OF HAWAIIAN AFFAIRS

- \* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda.**  
 \*\* **Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.**

Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony emailed** at least 24 hours prior to the scheduled meeting, (2) **written testimony mailed** and received at least two business days prior to the scheduled meeting, or (3) live, oral testimony online or at the physical meeting location during the virtual meeting.

- (1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least **24 hours prior** to the scheduled meeting or via **postal mail** to Office of Hawaiian Affairs, Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817 **to be received at least two business days prior** to the scheduled meeting. Any testimony received after these deadlines will be late testimony and will be distributed to the Board members after the scheduled meeting.
- (2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:  
 \*\* [https://us06web.zoom.us/webinar/register/WN\\_xP2QFXcuQ\\_Ky3MZtwfNV3A](https://us06web.zoom.us/webinar/register/WN_xP2QFXcuQ_Ky3MZtwfNV3A)

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will closed once the Public Testimony or Community Concerns agenda items have concluded.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes.

Oral testimony by telephone/landline **will not** be accepted at this time.

Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>

A handwritten signature in cursive script that reads "Carmen Hulu Lindsey".

Trustee Carmen Hulu Lindsey  
 Chairperson, Board of Trustees

5/19/2022

Date

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
May 26, 2022  
9:30 A.M.

**II. Approval of Minutes**

**A. March 24, 2022**

**B. May 11, 2022**

# DRAFT

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. Pursuant to Governor Ige's January 26, 2022 Emergency Proclamation Related to COVID-19 (Omicron Variant), there will be no in-person location for this meeting that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or can be listened to by phone via the phone number and Webinar ID listed at the beginning of this agenda.

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**March 24, 2022**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee John Waihe'e, IV

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Robert Klein, Board Counsel  
Everett Ohta, Interim General Counsel  
Na'u Kamali'i, Chief Advocate  
Kevin Chak-IT Support  
Daniel Santos-IT Support

**BOT STAFF:**

Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary

**GUEST:**

Kamealoha Hanohano Pa-Smith  
Kihei Fernandes  
Kimo Fernandes  
Benjamin Fernandes  
Noa Mau Espiritu  
Nawai Waipa-Rivera

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, March 24, 2022, at 10:00 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	Excused	
TRUSTEE	DAN	AHUNA	Excused	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
TRUSTEE	MILILANI	TRASK	Excused	
TRUSTEE	JOHN	WAIHE‘E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			6	

At the Call to Order, **six (6)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** The Board of Trustees and standing committees will hold virtual meetings until further notice pursuant to Governor Ige’s January 26, 2022 Emergency Proclamation related to COVID-19 (Omicron Variant), there will be no in-person location for this meetings that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream)

Before we begin, let me note that items V.A.1 and V.B. 1 - 4 were received under the 72 hour deadline. Let me go over 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 Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. Also with us today is Robert Klein, our Board Counsel, and Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our Administration staff who is joining us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning Trustees, we have our COO-Casey Brown, CFO-Ramona Hinck, Interim General Counsel-Everett Ohta, and we supported by Dan and Kevin in our IT department. We also have our Chief Advocate, Na‘u Kamali‘i, and additional counsel that will join us if needed.

## **Public Testimony**

**Chair Hulu Lindsey** Moving on to public testimony. In order to allow time for everyone to testify, you will be given 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. Before the end of public testimony, any testifiers that were unavailable when their names were called or those who were in audible will be called on again to offer public testimony. Please call our first speaker.

**Kamealoha Hanohano Pa-Smith** Aloha everyone, I just want to say that although I'll be testifying, I hope to finish my testimony in under five minutes. I want to yield my time to other beneficiaries here on Kaua'i that will be testifying on the same situation on Kamokila Village. Mahalo for giving me the opportunity to share my mana'o. I am from Anahola, Kaua'i. I am here in my capacity as a community advocate and work for local nonprofit focused on economic development projects. A few weeks ago, I had the opportunity to sit down with the Ohai Fernandes 'ohana, from Wailua, Kaua'i, and hear firsthand the 'ohana losing their DLNR lease on lands that their 'ohana has steward for over sixty years. In reviewing the facts of the lease termination, I found the following: there were allegations made by DLNR about noncompliance, tenant misconduct, and the family feels what was said in those reports are totally inaccurate. Number two, the 'ohana was never allowed the opportunity to address what they and the community believes to be false allegations and making it appear that the 'ohana was involved in some type of illegal business activity. We also believe the 'ohana was targeted, primarily because they are a successful Hawaiian business and there are others who desire to take the land away from this 'ohana. The termination of the lease also seems to be politically motivated and the terms of the eviction indicate that some people in DLNR want the family to destroy important cultural artifacts and dismantle mounds of pōhaku that serve as the foundation for important cultural items. There is a canoe hale, hale lā'au, imu, and many pōhaku that are used to protect the Hawaiian artifacts. The family maintains all of this and with the support of the community. They have been exemplary stewards, portrayed the Hawaiian culture in the manor that is respectful and humble. They have been good neighbors to everyone in the community and they have gone out of their way to provide access to restrooms to visitors. They are the only place along the river there is an actual bathroom. They have gone above and beyond to kōkua others during times of natural disasters. In the next few testimonies, the 'ohana will be able to provide more important details with the impacts of this lease termination. I sat with the 'ohana and if I may summarize their requests today:

1. They would like the opportunity to meet with Native Hawaiian Legal Corporation (NHLC) and have their situation reviewed.
2. They would like OHA to assist with convening a meeting with DLNR, specifically the Parks and Recreation Department, so that they can properly address the allegations. Perhaps, some thought can be put towards reversing the decision and/or to create a pathway forward so the 'ohana in partnership with the Hawaiian community for Kūlana Kauhale or the Hawaiian Village;
3. They would also like some assistance from OHA so that they can obtain a *Stay of Eviction* that could be implemented, then they do not have to participate in destroying or desecrating any of the important historical artifacts and Hawaiians would not be put in a position to displace culturally significant pōhaku placed at various sites at the village.

The impact of the DLNR decision has devastated the 'ohana and the community culturally, spiritually and destroyed the family their ability to provide for their 'ohana and community. I would like to pass it on to Kihei.

**Kihei Fernandes** Aloha, my name is Kihei Fernandes, I am a Native Hawaiian from the ahupua'a of Wailua on the island of Kaua'i. Mahalo for taking the time to address this ongoing mis-just treatment by the DLNR Parks Division. I represent Kamokila Hawaiian Village, we are a cultural museum, a traditional Hawaiian village recreated on an authentic site on the Wailua river. For five generations, over 60 years, my 'ohana has dedicated their lives to maintaining and perpetuating the Hawaiian culture, language and history. Through the field trips of over 20 schools from Kaua'i, Oahu, and the Big Island, literally, thousands of keiki have enjoyed this cultural heritage. We have found artifacts that include medicine rocks, birthing stones, spell stones, foundations of houses and petroglyphs. It was first restored in 1979 and the spot was ideal for a fishing village. Men would use their canoes to fish in the river and ocean, and the mountains and valleys around supply essentials to be the perfect village. In our ongoing efforts to revitalize and promote the Native

Hawaiian culture, Kamokila is continuously evolving and growing to accommodate the needs of the Hawaiian people as well as our visitors and friends accross the sea. We are being unfairly treated and discriminated against by the division of state parks, specifically, Alan Carpenter who falsified a report which has denied us of being considered for any kind of extensions. We would like to opportunity to continue the right to practice and live our culture. Alan Carpenter claims in his report that we have no means of disposing the human waste which is a lie because I have invoices that prove we have porta potties and A/C restroom trailers. He claims that we are subleasing which is another lie. We are not subleasing. He forced kayak permits upon us which we didn't need because with the lease comes the use of the river, canoe, paddle boards, and surfboards. He promised me that he would give me these permits and he never gave me the permits. In 2020, Alan Carpenter asked to meet at the Hawaiian Village to grant a third party access to the village to go up the river and build a boardwalk trail to the secret falls. He instructed me and directed me to rent these contractors canoes, as he calls them kayaks, and now he wants say that we are noi in compliance because we are renting out canoes and kayaks. I don't understand, how can he allow us to rent out the boats to his people but we can not rent it out to our guest? Because of this, he is saying that we are not in compliance. I have an invoice from the contractors that show they rented boats from us. -Pause-

**Kimo Fernandes** Aloha, I'm Kimo Fernandes. I'd like to give testimony. We, my family, always believe that if you work hard at something, then you can achieve it. With our family's dedication and perseverance, our vision of a Hawaiian cultural village appeared to be in reach. In 1978, the Kamokila Cultural Hawaiian Village becomes a reality. Fast forward to today, the recent decision of State Parks do not allow any type of extensions to our lease and the removal of all improvements to destroy Kamokila Village was made in violation of our rights as Hawaiians by depriving us our due process under the law. No one should be denied life, liberty of property without due process. The State is causing unjust enrichment of others at our expense. I am here to ask if OHA can make this right. Our families are very hurt by the decisions that have been made. Kamokila is not just a Hawaiian Village, it is family to us. We've taken care of her and she has taken care of us for sixty-one years. If OHA can help us in any way, we want to continue to maintain Kamokila, we love her. Thank you very much.

**Benjamin Fernandes** Aloha everyone, I want to add we have all kinds of hale down there. We have a canoe house, birthing house, menstrual house, sleeping house, warriors house and more. We do numerous Hawaiian field trips for the kids. We do hula, maika, tug-of-war, we do crafts, poi pounding, we have drum house, we have different fruit and native trees. It is a shame they want to take away everything we have grown. Alan Carpenter has definitely not been treating us right and we just want to make it right. That's all, thank you.

**Chair Hulu Lindsey** Is Mr. Carpenter in Kaua'i?

**Kamealoha Hanohano Pa-Smith** He is in the Honolulu office. He works for the Department of Land and Natural Resources in the State Parks. He works under Curt Cottrell. I have had a number of meetings with him about a number of issues here on Kaua'i. He has always come to me and other members in the community to help facilitate discussions so this comes as such a shock. He is primarily based on the island of O'ahu.

**Noah Mau** I reside and occupy on my family's Land Commission Award to Kamoali'i down the road from Kamokila Village. I just wanted to bring up that the Fernandes family, I've seen their geneology and they come from Kamehameha II and I have with me an act related to the lands of Kamehameha III and the Government so, this is the will of Kamehameha III and it says Wailua ahupua'a is to be private lands of its Majesty Kamehameha III to have and to hold to himself, his heirs and successors forever. It says lands will be regualted and disposed according to this will and pleasure subject only to the rights of the tenants of the

ahupua'a. With that being said, the Fernandes family comes from Kamehameha II which would make them according to the will Kamehameha III, fall under as heirs and they have an interest in that land that they are on. I would highly suggest that Office of Hawaiian Affairs do their best to keep heirs of Kamehameha III on top of the crown lands. I would like to bring up the fact that Alan Carpenter has already done dirty stuff at State parks where he sold the Kaihenui Family Kuleana Lands to Greg Allen right up the road from the Kamohoali'i family land that I am on. I would highly encourage you guys to help this Kamehameha II family be in control and steward this crown lands in Wailua. Thank you.

**Nawai Waipa Reveira** I am from Wailua ahupua'a; also, I'm an heir to a Land Commission Award and I grew up in Kamokila; and I'm best friends with the guys that have been taking care of this place since we were kids. I had the opportunity to learn my culture here, access to wa'a, see all the different hales and artifacts. Throughout the years growing up, they always gave us access to the place for the kānaka. It was always free for us to go and gather 'ōlena and any native plants that are hard to find. Everything there taught me what to do, practice my culture and restore the land. Mahalo.

**Kamealoha Hanohano Pa-Smith** I want to say thank you very much to the Board for allowing the 'ohana to come forward with their concern. If I could just end with a summary, the 'ohana would really like to meet with someone from the NHLHC to have their situation reviewed. We are hoping OHA can facilitate that. We would also like to ask OHA to convene a meeting with DLNR so that they can properly address the allegations and perhaps, a thought to reverse this decision or create a pathway so that community can come together and assist the 'ohana and have some level of steward ability going forward. We would also like assistance from OHA to stay the current eviction. There are a lot of Hawaiian artifacts and pōhaku that were built around these artifacts to protect them. There are literally thousands of pōhaku in this area that is suppose to be moved in the next few days. They are supposed to be out by the 31<sup>st</sup> of March. I know they did approach the Office of Hawaiian Affairs before to discuss this situation but, for whatever reason, it did not come to this point where they had the opportunity to fully share with you folks what's going on. Lastly, I want to share with you, the decision by DLNR to terminate the lease has devastated the 'ohana and the community, culturally and spiritually. It has also destroyed the opportunity for these families to have meaningful work that they went to everyday so that they could provide for their families. If there is anymore information that you folks need from the 'ohana, please let us know. Myself and various community members are coming together to help them. I am hoping we can hear from either Administration or a Trustee really soon. Thank you so much, aloha.

**Chair Hulu Lindsey** Thank you Kihei for your number. Is your phone always on? Because Trustee Ahuna's staff tried to reach you and no one answered the phone and the mailbox was full so they could not leave a message.

**Kihei Fernandes** I think it was my dad, Kimo, who reached out to Dan and he waited by his phone the whole day and didn't receive any phone calls. He did receive an email, but my dad is a kupuna and he's not ma'a to the technology. My number is a better number to reach us at.

**Chair Hulu Lindsey** I will have our Administration reach out to you.

**Kihei Fernandes** Okay, thank you so much. One more thing to mention, the State parks Division is giving us until the end of this month to wipe the village off of the map so if there is any way we could postpone it.

**Chair Hulu Lindsey** Okay, yes, we will have Administration call you. Thank you Kihei and Kamealoha



## Approval of Minutes

### A. February 23, 2022

**Chair Hulu Lindsey** Moving on to approval of minutes, can I get a motion to approve the minutes?

**Trustee Akaka** Madame Chair, I have edits. *Trustee Akaka states her edits to be made.*

**Trustee Akaka** Moves to approve the February 23, 2022 minutes as amended.

**Trustee Waihe'e** Seconds the motion.

**Trustee Akina** Madame Chair, I will abstain, as I had to leave the meeting before adjournment.

<b>MINUTES:</b> <b>A. February 23, 2022</b>						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						Excused
TRUSTEE DAN AHUNA						Excused
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA					X	
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK						Excused
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>5</b>		<b>1</b>	<b>3</b>
<b>MOTION:</b> [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with five ( 5 ) YES votes, zero (0) NO votes, one ( 1 ) ABSTENSION and three ( 3 ) EXCUSED</b>						

## New Business

### V.A. Committee on Resource Management

**1. Action Item RM #22-04: Approval of the OHA Financial Statements with Independent Auditor's Report for the Year ended June 30, 2021; and the OHA Report of Independent Certified Public Accountants in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2021†**

**Chair Hulu Lindsey** Next up, under new business, the RM committee, Trustee Waihe'e.

**Trustee Waihe'e** Thank you Madame Chair, Your Committee on Resource Management, having met on March 22, 2022, and after full and free discussion, recommends approval of the following action to the Board of Trustees:

**Action**

- Approve the draft Office of Hawaiian Affairs Financial Statements with Independent Auditor's Report for the Year Ended June 30, 2021 at Attachment A;
- Approve the draft Office of Hawaiian Affairs Report of Independent Public Accounts in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2021, at Attachment B; and
- Authorize the OHA Chief Executive Officer and Administration to take all other reasonable actions necessary and appropriate to complete, issue, file and distribute the reports.

**Trustee Akaka** Seconds the motion.

**Chair Hulu Lindsey** The approval of the financial statement is part of the action item that Trustee Waihe'e just read?

**Board Secretary** This is the action item that the Board voted on at the March 22<sup>nd</sup> RM meeting, I believe you have an excused memo for that meeting.

**Chair Hulu Lindsey** That is why I am asking the questions. Why did we repeat number 1? Lets have a roll call vote for this action that was moved and seconded.

Trustee Waihe'e Moves						
<b>Action</b> <ul style="list-style-type: none"><li>• Approve the draft Office of Hawaiian Affairs Financial Statements with Independent Auditor's Report for the Year Ended June 30, 2021 at Attachment A;</li><li>• Approve the draft Office of Hawaiian Affairs Report of Independent Public Accounts in Accordance with Government Auditing Standards and Uniform Guidance, Year Ended June 30, 2021, at Attachment B; and</li><li>• Authorize the OHA Chief Executive Officer and Administration to take all other reasonable actions necessary and appropriate to complete, issue, file and distribute the reports.</li></ul>						
<b>Trustee Ahuna</b> Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						Excused
TRUSTEE DAN AHUNA						Excused
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			

TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK						Excused
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY					X	
<b>TOTAL VOTE COUNT</b>			<b>5</b>		<b>1</b>	<b>3</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>  <b>Motion passes with five (5) YES votes, zero (0) NO votes, one (1) ABSTENTION, &amp; three (3) EXCUSED</b>						

**Chair Hulu Lindsey** Okay moving on to the next item, new business B.

**A. Committee on Beneficiary Advocacy and Empowerment**

**Trustee Akaka** Madame Chair, Your Committee on Beneficiary Advocacy and Empowerment, having met on March 22, 2022 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

**Move to approve Administration's recommendations on: NEW BILLS (Items 46 - 65) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 22, 2022, along with the following revisions:**

**BILL POSITION CHANGES:**

- **SB2021 from SUPPORT to SUPPORT with Amendments**

**Trustee Waihe'e** Seconds the motion.

**Trustee Waihe'e** Madame Chair, I'm just wondering because we already spoke and testified on this bill and at this point, it seems that we are taking an official Board position for the record. Would it affect everyone's ability to advocate on whatever they have planned if, at this point, we change the position from support with amendments to comment? I don't want to cause trouble, but I am just wondering. If not, I will not bother with it. I just felt nauseated that we have a Board position that supports a bill that had the "net" word in it on record.

**Chair Hulu Lindsey** Yes, I agree with you and we will go more into depth in discussing this on Tuesday. Nothing will happen between now and Tuesday, we will take this up in Trustee Akaka's meeting. Is that good?

**Trustee Waihe'e** That would be good.

**Trustee Lee** To Trustee Waihee's point, I believe that the position OHA took with the amendments that we made, were made in the House Committee, was that OHA was against the net. Even though we are taking this position in support of what the Committee did, in the BAE Committee meeting, the Trustees made it clear that we were against the net. By the Board affirming this position today, it is not changing our position and our Chief Advocate and our attorney made that clear when they testified in front of the legislature that we were not in favor of the net. I don't believe its legal, but that's a whole other argument.

**Chair Hulu Lindsey** Roll call vote.

<b>Trustee Akaka Moves</b>						
<b>Move to approve Administration's recommendations on: NEW BILLS (Items 46 - 65) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 22, 2022, along with the following revisions:</b>						
<b>BILL POSITION CHANGES:</b>						
· SB2021 from SUPPORT to SUPPORT with Amendments						
<b>Trustee Waihe'e</b> Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						Excused
TRUSTEE DAN AHUNA						Excused
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE					X	
TRUSTEE MILILANI TRASK						Excused
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>5</b>		<b>1</b>	<b>3</b>
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with five ( 5 ) YES votes, zero (0) NO votes, one ( 1 ) ABSTENTION vote, &amp; three (3) EXCUSED.</b>						

## Announcements

**Chair Hulu Lindsey** The next BOT meeting will be on Thursday, April 7<sup>th</sup> at 10:00 am.

**Trustee Lee** In accordance with Sunshine Law, I need to disclose that myself, Chair Hulu Lindsey, Trustee Alapa, Trustee Akina, Trustee Waihe'e, and Trustee Akaka all attended a financial education conference in Orlando, Florida from March 15 – 18<sup>th</sup>. Thank you Madame Chair.

**Chair Hulu Lindsey** Thank you.

### **Adjournment**

**Trustee Akaka** Moves to adjourn the meeting.

**Trustee Waihe'e** Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						Excused
DAN	AHUNA						Excused
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK						Excused
JOHN	WAIHE'E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>6</b>			<b>3</b>

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 10:42 a.m.

Respectfully submitted,

\_\_\_\_\_  
Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on May 26, 2022.

\_\_\_\_\_  
Carmen Hulu Lindsey  
Chairperson, Board of Trustees

### **Attachements:**

*Any attachments will be attached with final approved minutes.*

# DRAFT

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: 849 3303 5630 A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.**

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**May 11, 2022**

**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 Mililani Trask  
Trustee John Waihe'e, IV

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Erin Nakamura-IT Support  
Arlene Aguinaldo-IT Support

**BOT STAFF:**

Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary  
Melissa Wennihan, Trustee Aide  
Anuheia Diamond, Trustee Aide  
Kauikeaolani Wailehua, Trustee Aide  
Ruben Sierra, Trustee Aide  
Evalani Canto, Trustee Aide  
Nathan Takeuchi, Trustee Aide  
Pohai Ryan, Trustee Aide

**GUEST:**

Marie Kumabe  
Kimberly Miyashiro  
  
Pono Tuinei  
Jerry Anderson  
Karen Schuber  
Suzie Aki  
Bob Benham  
Chrissy Grove

### **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Wednesday, May 11, 2022 at 10:00 a.m. Board Secretary, please do a 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	MILILANI	TRASK	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** Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream)

Let me go over 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, Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu; also, Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our Administration staff who is joining us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning Trustees, before I introduce our staff, I want to say thank you for this morning’s participation in the blessing of our Nā Lama Kukui spaces. We appreciate Kahu Hailama Farden who came and provided blessing for all of our work spaces here, so thank you Trustees for supporting that and for participating in that. We have our COO-Casey Brown, CFO-Ramona Hinck, Interim General Counsel-Everett Ohta, Interim Senior Legal Counsel-Nietzsche Ozawa. Today, we are supported by our IT staff, Arlene and Erin.

### **Approval of Minutes**

#### **A. April 28, 2022**

**Chair Hulu Lindsey** We are now on the approval of minutes, item II. Can I get a motion to approve the minutes?

**Trustee Akaka Moves to approve the minutes.**

**Trustee Ahu Isa Seconds the motion.**

<b>MINUTES:</b> <b>A. April 28, 2022</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>		X	X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI‘I <b>AKINA</b>			X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE MILILANI <b>TRASK</b>			X			
TRUSTEE JOHN <b>WAIHE‘E</b>			X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION:</b> [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with nine ( 9 ) YES votes, zero (0) NO votes and zero (0) ABSTENSION votes.</b>						

### **Public Testimony & Community Concerns and Celebration**

*There were no sign-ups for testimony*

### **New Business**

#### **V. Action Item BOT#22-06: Resolution Honoring the Life of Former Office of Hawaiian Affairs Trustee At-Large, Roy Leonard Benham**

**Chair Hulu Lindsey** We are now on new business item V. I will call on Trustee Lee.

**Trustee Lee** Thank you, Madame Chair I’d like to move to approve

**A Resolution of the Office of Hawaiian Affairs Honoring the Life and Contributions of former Office of  
Hawaiian Affairs Trustee At-Large, Roy Leonard Benham**

**Trustee Ahuna** Seconds the motion.



**Trustee Lee reads the following resolution.**

**RESOLUTION HONORING THE LIFE OF FORMER OFFICE OF HAWAIIAN AFFAIRS TRUSTEE AT-LARGE, ROY LEONARD BENHAM**

**WHEREAS**, on April 19<sup>th</sup>, 1923, Roy Leonard Benham was born to William and Rachel Benham of Kahuku, O‘ahu; and

**WHEREAS**, in 1935 Roy was accepted to the Kamehameha School for Boys as a boarder; and

**WHEREAS**, during Roy’s senior year at Kamehameha, he was appointed to the Big Six, a group of six cadet leaders that provided oversight of activities, behavior and conduct within the corps of cadets; and

**WHEREAS**, as a student at Kamehameha School for Boys Roy served on the staff of Ka Mo‘i, the school newspaper; and

**WHEREAS**, Roy was a graduate of the Kamehameha School for Boys Class of 1941; and

**WHEREAS**, after attending three colleges in three locales, Roy graduated from the University of California Berkeley in 1949; and

**WHEREAS**, upon returning to Hawai‘i Roy taught Art and was a class advisor at the Kamehameha School for Boys while continuing his education earning his teaching certificate from the University of Hawai‘i in 1955; and

**WHEREAS**, Roy utilized his teaching education to help educate keiki in the Department of Education Hawaiian Studies and Kūpuna Programs; and

**WHEREAS**, on January 26, 1952, Roy married Jacqueline Booth and go on to have two daughters, Sarah Kaniaulono and Christine Kalanikapu; and

**WHEREAS**, Roy was a proud tūtū kāne of Christopher Kalaniana‘ole Little, Makena Francis Kaniaulono Gove, and Olivia Jacqueline Ho‘oilinaaulono Gove; and

**WHEREAS**, Roy joined the Hawaiian Civic Club movement in 1977 by becoming a member of Prince Kūhiō Hawaiian Civic Club, of which he would serve as President in 1984 and again in 2006; and

**WHEREAS**, while living in California Roy established the first Hawaiian Civic Club outside of Hawai‘i, the Kalākaua Hawaiian Civic Club; and

**WHEREAS**, Roy was a loyal member of Mamaka ‘Aialo, a men’s club focused on preserving the preparation and eating of Hawaiian foods, for over 40 years; and

**WHEREAS**, Roy began the first garden at Lunalilo Home, provided fresh flower arrangements for the residents and would continue to volunteer there before becoming a resident; and

**WHEREAS**, Roy’s other community and civic endeavors include the Polynesian Voyaging Society, Bishop Museum Association, Kawaiaha‘o Church, Friends of ‘Iolani Palace, Kamehemeha Schools Advisory Council,

Na Pua a Pauahi, Kamehameha Schools Alumni Association serving as its President, Kapi‘olani Community College, Democratic Party of Hawai‘i, Japanese Chamber of Commerce and American Cancer Society; and

**WHEREAS**, Roy was elected to an at-large seat in the very first election for Trustees of the Office of Hawaiian Affairs in 1980; and

**WHEREAS**, Roy was renowned across the pae‘aina for his lei hala; and

**WHEREAS**, on February 11, 2020, Roy Leonard Benham joined his kūpuna, Ua hui aku ‘o ia i kona mau kūpuna i ka poli aloha o ka Makua;

**NOW, THEREFOR, BE IT RESOLVED**, that the OHA Board of Trustees honors the life of former Office of Hawaiian Affairs Trustee At-Large, Roy Leonard Benham; and

**BE IT FURTHER RESOLVED**, that the OHA Board of Trustees sends it heartfelt appreciation to Roy Leonard Benham’s ‘ohana for sharing his wisdom, time, and energy with the OHA Board of Trustees, Administration, staff, Native Hawaiian beneficiaries, and all the people of Hawai‘i; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be transmitted to the ‘ohana of Roy Leonard Benham, Senator Brian Schatz, Senator Mazie Hirono, Congressman Ed Case, Congressman Kai‘ali‘i Kahele, Hawai‘i State Governor David Ige, and Lieutenant Governor Josh Greene

**adopted**, this 11th day of May 2022, island of O‘ahu, State of Hawai‘i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

**Thank you, Madame Chair.**

**Chair Hulu Lindsey** Thank you Trustee Lee, I will ask our Board Secretary to take the vote first.

<b>Trustee Lee Moves</b>						
<b>to approve a Resolution of the Office of Hawaiian Affairs Honoring the Life and Contributions of former Office of Hawaiian Affairs Trustee At-Large, Roy Leonard Benham</b>						
<b>Trustee Ahuna</b> Seconds the motion.						
	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			<b>X</b>			
TRUSTEE DAN <b>AHUNA</b>		X	<b>X</b>			
TRUSTEE KALEI <b>AKAKA</b>			<b>X</b>			
TRUSTEE KELI‘I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRENDON <b>LEE</b>	X		<b>X</b>			
TRUSTEE MILILANI <b>TRASK</b>			<b>X</b>			

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, zero (0) NO votes and zero ( 0 ) ABSTENTION votes.						

*Chair Hulu Lindsey calls upon Trustee Lee.*

**Trustee Lee** I would like to call upon Chrissy to say a few words and introduce any family members that are join us this morning.

**Chrissy Gove** Thank you all, I just want to say what a wonderful honor this is for my father. This gives us all so much love in our hearts. I want to say that my father's work over the years, above all, was committed to serving his community and the people of his beloved Hawai'i; that was real and came from deep within him. As the last of the Benham family, we are going to miss him. My cousins and I were talking this morning and we now have some pretty big shoes to fill. One of my cousins said it is now our turn to step up. Thank you so much for honoring him. My cousin Pono, Jerry, Suzie, and Bob are on.

**Chair Hulu Lindsey** Thank you for being present at the Board of Trustees meeting. It was our honor for honoring him because he has done so much for our communities in Hawai'i.

**Trustee Ahuna** I would like to remember him as that same person. Mr. Benham was a great person and I am very glad we were able to honor him here at the Office of Hawaiian Affairs. Thank you so much.

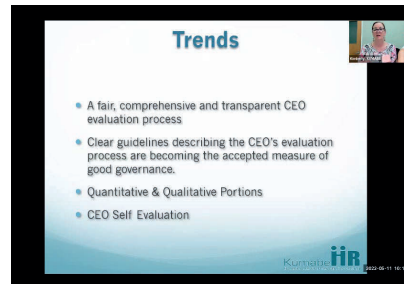
**Bob Benham** Thank you so much for the acknowledgement. Uncle Roy's life has been a wonderful example for all of us and in our community. As Uncle Roy might say, "to good ah that guy".

**Pono Tuinei** Aloha, this is Pono. I was with him in his passing and I know this would make him feel so thrilled to be acknowledged. From our family to the Office of Hawaiian Affairs, I thank you ever so kindly for this honor to our Uncle Roy. Thank you, aloha.

#### **B. Consultation with Kumabe HR LLC to discuss the upcoming process and next steps in the performance appraisal of OHA's Chief Executive Officer.**

**Chair Hulu Lindsey** Mahalo nui and again, mahalo for being with us this morning and you all have a great day. We will move on to the next item on our agenda, item B of new business, consultation with Kumabe to discuss the upcoming process and next steps in the performance appraisal of OHA's Chief Executive Officer (CEO) pursuant to section (5) of contract #3356. Marie and Kim are here in one of conference rooms and will be sharing a power point presentation.

**Marie Kumabe, KUMABE** Good morning everyone, thank you Chair and aloha Trustees. For those of you who we have not met before, KUMABE HR have partnered with various clients, really, to implement strategic HR solutions that assist them meeting their goals. We have over 30 years of experience in Human Resources in Hawai'i at the executive level and certainly, really enjoy working with the Office of Hawaiian Affairs, so thank you for having us again.



For those of you who have not worked with us before, feel free to delve in; and for those who do know us, we will keep moving. The executive evaluation we are looking at definitely a fair and comprehensive transparency CEO evaluation process. We are looking for clear guidelines, looking at the CEO's evaluation as far as an accepted measure for good Governance. We recommend two components: quantitative and qualitative portions, and incorporating a CEO self evaluation to ensure that your leadership has a chance to understand both sides of the equation.

It should be framed as a very positive event for the organization, recognizing successes of the previous time frame and delving into the areas that we want to focus on in the future. Values, like transparency of vision and executive leadership collaboration can be affirmed, in other words, clarifying what the expectations are moving forward and again recognizing success in the past. Participation in this process can further cement various constituencies, support for the direction of the institution and the process can really quantify and qualify goals, both past goals as well as moving forward future expectations. We believe in collecting data, whether it be when we evaluate what type of data should be collected or the quantitative side versus qualitative. We traditionally use surveys and, often times, we supplement with interviews to make sure we get the reasons behind the trends. We are looking at a timeframe to make sure that everybody's on board and the accomplishments are clear. I know because of covert, a lot of organizations have really just been on, you know, survival mode trying to, you know, deal with the new reality so we recommend the review timeframe, the base from inception of the CEO's employment contract, which was November 2019, and then through May 1<sup>st</sup> of this year. Topics to take a look at things like leadership, communications, and operating performance as assessed, as well as performance and goals. When we talk about which specific topics, those are drawn from the competencies. We are taking a look at the CEO's contract and job description. The importance of the Board and their buying, obviously, we want to get consensus on the goals moving forward and, as well as, the criteria for assessment and again, you folks have nine bosses, for lack of a better word, for our CEO and to make sure that we incorporate the trends and the feedback of each and every person.

Generally, organizations engage a third party to make sure that you know it's confidential and to assist with the CEO performance assessment. It also brings external expertise and can be perceived as an objective. How do we handle feedback that we received? That's the single most important component of the entire assessment process. Who will we share feedback with? What are the confidentiality requirements? Under what conditions and what settings? How will the feedback turn into action? And lastly, consensus versus integrated feedback, we generally take a look at both. Finally, making sure we train the nine Trustees so that they are comfortable and familiar with process, as well as the CEO. This is just quickly our timeframe as we try to keep up with your schedule.

Today, we recommend to you our timeline in the most critical at this point, following that we will work with your team to schedule individual meetings with each of the Trustees. These meetings will be to discuss or answer any specific questions. For those of you who maybe, this is the first time, you know we would spend

more time, you know, making sure you're comfortable with, you know, what's going to happen and how it works. We will take some of this and bring it back into our meeting on May 26 where we will show you the final recommendation for the method, the process, and the instrument as well as the final timeline. With your approval on the 26<sup>th</sup>, we will move forward with the assessment of our CEO. Subsequent to your approval at the next meeting, we will meet with Dr. Hussey to communicate the method, process instrument and timeline and answer any questions, etc.; and subsequent to that again, we would start with our surveys to the current constituent groups. We're recommending specific direct reports to the CEO, the employees, as a group, the CEO self-evaluation. Once these are completed, this is kind of what we refer to as the voice, not the votes during the evaluation process, we would provide that feedback directly to the Trustees so that they have access to that information. We will meet with the Board again on June 23<sup>rd</sup> to present the data to the Board as a group. Following that, we will also send actual data to help the Board as they complete their surveys. The Board would have until July 1<sup>st</sup> to review, digest, give feedback, and give their own thoughts and recommendations onto paper. We would then take it over to compile specifically, the feedback and data of the Board and integrate that into the final instrument of the actual CEO evaluation. You would get a draft of that by July 19<sup>th</sup> and move forward for Board approval or changes. In that timeframe of July 19<sup>th</sup>, being able to really cement the goals for the CEO moving forward, culminating on August 4 with the actual performance review session with the Board of Trustees and our CEO. At that point, our CEO, Dr. Hussey, would be able to provide feedback based on her assessment to the Board, specifically to the Chair's Office to complete the process. Some key decisions moving forward is involving various stakeholders, specifically for this round, our recommendation is obviously the CEO, herself, our OHA leadership, the OHA staff, and of course, those are all the voices with, obviously, the Board of Trustees with the final decision. Quantitatively, again, there's objective and measurable goals, qualitatively incorporating trends specifically to leadership and more subjective measures. We talked about the voice in the vote. Voices to give and make sure there's a transparency of the process that you know, for lack of a better word, no stone is left unturned; then, next steps would be for our Board to approve the timeline today. Subsequent to that, we would be able to do individual meetings with each Trustee to discuss and evaluate the options and answer any specific questions. The final part would be recommendations from us to the Board of Trustees for the May 26 meeting to make final recommendations on the method and process for the evaluation, as well as the proposed final timeline.

I know that quick and we have not done this for a bit, but I want to make sure that we left time to answer any questions.

**Trustee Ahu Isa** Timelines and deadlines on the bottom, you have August 4, the CEO will provide her comments by Monday, August 12, I'm looking at my calendar and it's Friday.

**Marie Kumabe, KUMABE** We can definitely amend that. After the August 4<sup>th</sup> meeting, that would be Dr. Hussey's time to look at everything and provide any formal comment for the purpose of the record.

**Trustee Trask** I noticed in your documents that you disclose you previously served other clients, one of them was Kamehameha Schools. I would like to know what contract you had with them and the timeframe?

**Marie Kumabe, KUMABE** With Kamehameha Schools, we worked with them on their staffing side and we still have an active contract so we provide employees and leadership to Kamehameha Schools.

**Trustee Trask** You know, for many years she was a part of Kamehameha schools, that is why I am requesting to know when you did your work and now you have an ongoing contract. Did you perform services for Kamehameha School when Sylvia Hussey was there and part of the admin. team?

**Marie Kumabe, KUMABE** I believe Sylvia was there when the contract started but we never directly worked with her and when she was there, the extent of our work was providing temporary associates on our staffing side so, nothing in this realm directly or any conflict of interest. I appreciate the question.

**Trustee Trask** When I look at your documents, I see we are looking at the stakeholders here. Beneficiaries, who are certainly stakeholders of the work that we do in this office, are not included on the sheet that you have repeat decisions. We are looking at stakeholders, board members, CEO, OHA, and our staffers, but all of our work is uplifting of our beneficiaries so I would like to know if there is any process or procedure to provide some additional input on this matter. I don't have recommendations but I do think that there should be some process. I see you are doing surveys, did you consider possibly using that or perhaps an article in Ka Wai Ola that could direct beneficiaries if they want to participate? I just feel that key stakeholders are not included in your documents, I am wondering if you see that as a deficiency or what we might do to correct it?

**Marie Kumabe, KUMABE** That is an excellent point. We generally do a component that includes external community feedback. We have never done it directly to the beneficiaries but what we have done is put together a merged list. Ten recommended by Dr. Hussey, CEO, and ten recommended by the Trustees to get a perspective of external perception of the CEO's leadership. We have been recommending to our clients at this time, being that Covid has existed in the last two years, that we don't do that piece of it because most people have not been able to participate as much as they would like to in their community. To your point, it is an absolutely important piece of getting transparency feedback. For instance, because of COVID, if we ask *do you feel like you had access?* It is not necessarily fair to look at that evaluating performance. Possibly at the next CEO performance review, we could look at external perception and feedback but this time around, due to Covid, we omitted that, who is a normal group that we recommend because of all the different issues surrounding Covid and access to really any organization.

**Trustee Trask** I understand the response but it isn't efficiency.

**Marie Kumabe, KUMABE** It is definitely different, than we normally do, and I know Kim and I have spent a long time talking about what's really in the best interest but because of the Covid issues at this time, we recommend not doing that because its difficult to really see if that's the real feedback verses normal operating mode. To be honest we have not done beneficiaries specifically, we have done leaders of other organizations that represent Native Hawaiians in the State as part of the input that goes to the Trustees. Certainty again, with the Covid issues, we try to be fair and balance in the assessment and that piece of it due to last year and the access was so limited, and people really could not get out into their communities. We are recommending at this point, that group may not be the right addition for this time.

**Trustee Trask** I understand it, I feel that it is inefficiency though. I have another question, when I look at the documents and I understand we are assessing the CEO in her capacity as the CEO of this office, I want to ensure and request now that when you propose the questions or the discussion to formulate the discussion you will have with us, that you will not limit yourself to the exposure that we have in this office. For example: I was only sworn in on March 10<sup>th</sup> so I have not been here for very long to observe things that occurred in this office; however, for two years prior to my coming here, significant issues arose on my island relating to the Office, some of which I had to interface with the CEO and staff. I am requesting now that when KUMABE comes in and does this assessment, your inquiry is not limited but has occurred from the time we took the oath. How the CEO relates to the community and addresses community issues is a very critical thing. I understand what you said that we are not going to look now to get the input from the stakeholder beneficiaries so I am requesting that when you proceed to evaluate our CEO, you ensure that the

scope of your inquiry that covers your service is not restricted by the timeframe that the Trustees have had here on the Board level. Do you understand what I am saying?

**Marie Kumabe, KUMABE** Yes, and to clarify our recommendation, evaluation timeframe is from the inception of the contract which is November 2019 through May 1<sup>st</sup>. There is definitely review of the job description and the contract is what we put together the competencies from and there is a clear responsibility to the Community, so the evaluation instrument will most likely include the community outreach perspective. All nine Trustees will give an informed opinion on, you know, things that have gone well and things that you know they'd like to see improvement on. You are completely correct; we'll see the actual evaluation instrument at the next Board of Trustees meeting after we speak with each of the Trustees. To your point, we'll be able to say okay we're incorporating anything that we maybe have missed, but those would be the final evaluation instrument. You folks would see it, vote on it, and then decide if we need to amend anything.

**Trustee Trask** I have one more request for some clarification. The ability of the CEO of any department or agency will depend on whether or not that agency is staffed and staffed with capable people. In that instance the CEO is orchestrating and overseeing but working with a team. This office is significantly understaffed. This office has significant employee vacancies. When you assess the performance of the CEO, how are you taking this into consideration? I say this having served it previously as an OHA Trustee myself, it is one thing to have a whole staff that you can orchestrate and move an agenda with at multi levels. Very challenging to do it when you're missing 20% of your staff positions or any amount even if it's 10%, but this is a reality in this office and I just would like to get your reflections on it.

**Marie Kumabe, KUMABE** Great question and again, we will be able to talk to you individually and there is a component on the CEO. There is one for direct reports or leadership, things that have gone well, where could there be improvement and there's also a component for the employee perspective. There is definitely ample area to discuss. We want to be balanced when we evaluate performance, what individuals do well in the important competency areas, and then where's the consensus with the Board. The idea is to really direct your leader, your one employee, about what you folks as a group want to see more of and less of. I know that any CEO wants to understand the different priorities and know where you want her to focus, that is the beauty of the performance review. This process helps the Board to drive clarity on what is most critical and where do you want the CEO to focus on the next year.

**Trustee Trask** Thank you, I have no further questions.

**Chair Hulu Lindsey** There are no more questions. Thank you for sharing and we will expect you to contact us separately to set up appointments.

**Marie Kumabe, KUMABE** Thank you, we are accommodating to your busy schedules so please let us know if you prefer Zoom or in person. Thank you again for your time and the amazing work that you do. We look forward to partnering with you.

### **Announcements**

**Chair Hulu Lindsey** I am excited that Maui will be kicking off our first outer island meeting with our community meeting on May 25<sup>th</sup> and then our BOT meeting on May 26<sup>th</sup>. Both meeting will be held at UH Maui Campus - Pā'ina building. Our Board Secretary will be sending final emails by next week.

## Adjournment

**Trustee Ahuna** Moves to adjourn the meeting.

**Trustee Waihe'e** 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			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9			

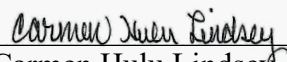
**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 10:44 a.m.

Respectfully submitted,



Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on May 11, 2022.



Carmen Hulu Lindsey  
Chairperson, Board of Trustees

## **Attachments:**

*Any attachments will be posted with final minutes.*



Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
May 26, 2022  
9:30 A.M.

**II. Status of OHA Activities: Ka Pouhana/CEO's Maui Island  
Community Report and Update on OHA's activities – Island  
Community Report: Maui Executive Summary**

# Island Community Report: Maui

## Executive Summary



### Current Native Hawaiian Conditions in Maui



#### Educational Pathways Data

- 24.2% of Maui DOE students are Native Hawaiian (4,743/19,567). Maui currently does not have any Hawaiian Focused Charter School campuses on island.



#### Health Outcomes Data

- Vaccine data are reported by county only. As of July 23, 2021: 184,676 vaccines are administered, with 62% of Maui County residents receiving at least one (1) dose (102,200) and 54% receiving two (2) doses (88,992). 20% of those vaccinated (at least one (1) dose) are Native Hawaiian or Pacific Islander, compared to 29% of the total Maui County resident population.



#### Quality Housing Data

- Homeownership rate data are reported by total population only. There are 48,494 total households on the island of which 59% own their housing units, 41% rented, and 0.9% unclassified.
- 9,155 Native Hawaiians are listed on the DHHL Maui Island Wait List for Residential, Agricultural, and Pastoral lots.



#### Economic Stability Data

- Income data are reported by county only. In Maui County, Native Hawaiian median household income is \$60,945 or 92% of the countywide median income (\$66,476).

### Current Issues in Maui

**New Maui Complex Area Superintendent:** Dr. Rebecca Winkie fills Complex Area Superintendent (CAS) position for the Hāna-Lahainaluna-Lānaʻi-Molokaʻi Complex. (See Full Report, page 8)

**East Maui Revocable Permits Ruled Invalid:** First Circuit Judge Crabtree ruled that the Board of Land and Natural Resources (BLNR) violated the Sierra Club's due process rights when it denied Sierra Club's request for a contested case hearing over BLNR's issuance of four water revocable permits to Alexander & Baldwin (A&B) for the diversion of streams in East Maui. OHA's Advocacy Paia has long opposed the continual reissuance of these month-to-month revocable permits which have enabled A&B to continue diverting stream water from East Maui with little accountability or oversight for impacts to diverted streams and the communities and public trust purposes that they benefit. (See Full Report, page 13)

**ʻĀina Kūpuna Tax Relief:** OHA continues to work with council member Keani Rawlins-Fernandez on the development of a tax relief proposal for Native Hawaiians who have retained their 'ohana lands for generations (referred to as 'āina kūpuna), but whose ability to do so may be threatened by massive increases in property taxes from land speculation and development in surrounding areas. (See Full Report, page 22)

**DHHL Proposals in the Maui County Council:** Relating to the Department of Hawaiian Home Lands (DHHL), three measure of note have been introduced and referred to committee in the Maui County Council: 1) a bill to require DHHL representation on the county board of water supply, to ensure that DHHL's rights and interests are adequately considered; 2) a bill to exempt DHHL from the "Show me the water" ordinance; and 3) a resolution to support the "undivided interest awards policy" of DHHL and to encourage timely county action to facilitate the development of homestead lots. These bills and resolution have yet to be heard in committee. (See Full Report, page 23)

### Current Grantees Serving Maui

Boys & Girls Clubs of Maui, Inc. • Maui Family Support Services, Inc. • Maui Nui Botanical Gardens • Hana Arts • Ma Ka Hana Ka 'Ike • Malama Na Makua a Keiki, Inc. • Ke Ao Hali'i • The Hawaiian Church of Hawaii Nei • Hawaiian Islands Land Trust • Ke Ao Hali'i • Maui Economic Opportunity, Inc. • Pā'ūpena Community Development, Inc. • KUPU • (Statewide: Moanalua Culture Project • Bishop Museum • Papahāna Aloha 'Āina Hawai'i • Hawai'i Community Foundation • Ho'oulu Lahui • Moanalua Gardens Foundation • Hawaiian Community Assets • Council for Native Hawaiian Advancement • Hawai'i Community Lending)

### Maui Lending

43 active Native Hawaiian Revolving Loan Fund/ Consumer Micro Loan Program loans; \$654,588 total dollar amount