

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**DATE:** Wednesday, September 8, 2021**TIME:** 10:00 am**PLACE:** Virtual MeetingViewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477, Webinar ID: 851 0612 9421

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 851 0612 9421

AGENDA**I. Call to Order****II. Approval of Minutes**

A. July 1, 2021

B. July 14, 2021 – Kealapiko Site Visit

C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit

D. July 14, 2021 – Moloka'i Community Meeting

E. July 15, 2021

III. Public Testimony on Items Listed on the Agenda* (Please see page 1 & 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. New Business**

A. Report of the OHA Ad Hoc Committee and Permitted Interaction Group to determine the scope of the Contract and Disbursement Review of the CLA Audit Report dated December 4, 2019, pursuant to Section 11 of Act 29 (2021) and to provide a process to address and comply with those requirements to the Board of Trustees. Pursuant to HRS S 92-2.5(b)(1)(B). *No discussion*

VI. Executive Session‡

- A. Consultation with Board Counsel Robert G. Klein, Randall Sakumoto, Esq. and Everett Ohta, OHA Assistant Senior Legal Counsel, re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§ 92-5(a)(3) and (4)
- B. Action Item BOT #21-10: Approve Retention of Legal Representation for Sylvia Hussey, Ed.D, in her Official Capacity; Consultation with Board Counsel Robert G. Klein, Esq. and OHA Senior Legal Counsel Raina Gushiken, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Price v. Securitas Security Services USA, Inc. et al, Civil No. 1CCV-21-0000060, pursuant to HRS§92-5(a)(4).

VII. Announcements**VIII. Adjournment**

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STATE OF HAWAII OFFICE OF HAWAIIAN AFFAIRS

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email rainag@oha.org no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Sunday, September 5, 2021 and posted to OHA's website at:

www.oha.org/bot In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

† 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.

* **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, or (2) live, **oral testimony online** 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 at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**
- (2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at: https://us06web.zoom.us/webinar/register/WN_U6-VKA0VQvOpvyqCW5exPw

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 close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

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 will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. 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/>

Trustee Carmen Hulu Lindsey
Chairperson, Board of Trustees

9/2/2021

Date

**Office of Hawaiian Affairs
Meeting of the Board of Trustees
September 8, 2021
10:00 A.M.**

II. Approval of Minutes

- A. July 1, 2021**
- B. July 14, 2021 - Kealopiko Site Visit**
- C. July 14, 2021 - Hānai ā Ulu Native Crop Program Site Visit**
- D. July 14, 2021 – Moloka‘i Community Meeting**
- E. July 15, 2021**

DRAFT

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

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
July 1, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'āina Lee
Trustee Keola Lindsey
Trustee John Waihe'e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hink, CFO
Kalani Fronda, Land Director
Alice Silabanuz
Kevin Chak, IT Support
Erin Nakama, IT Support
Robert Klein, Board Counsel

GUEST:

Germaine Meyers
Kaniloa Kamaunu

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, July 1, 2021 at 10:01 a.m. Chair Hulu Lindsey calls for 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	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE‘E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

Chair Hulu Lindsey Joining the Trustees today is our Board Counsel – Judge Klein, CEO-Sylvia Hussey, Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua. Sylvia, please announce who is joining us from your staff.

Sylvia Hussey, CEO Good morning Chair and good morning Trustees. We have COO-Casey Brown, CFO-Ramona Hink, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, and Alice Silabanuz – Interim Community Engagement Director, and our IT support – Kevin and Erin. Mahalo Chair.

Approval of Minutes

Trustee Ahu Isa Moves to approve the minutes for June 2, 2021.

Trustee Akina Seconds the motion.

Chair Hulu Lindsey Roll call vote.

Minutes: June 2, 2021						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA	X		X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			

TRUSTEE KELI'I	AKINA		X	X		
TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E			X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				9		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and zero () EXCUSED vote.						

Public Testimony and Community Concerns and Celebrations

Chair Hulu Lindsey Public testimony should be limited to matters listed on the meeting agenda and will occur during the public testimony portion of the agenda. Once the public testimony section on the agenda has concluded oral testimony online will no longer be accepted. Your name will be called and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted and the next testifier will be called. Your name will be called again before the conclusion of the public testimony section. State your name, organization if applicable, agenda items, you are testifying on, and your position on each of the agenda items. If you begin to address other issues not on the meeting agenda, I will call you out of order and direct you to limit your testimony to items listed on the agenda. Oral testimony online will be limited to 5 minutes, a timer will be on the screen to countdown the time. Your mic will automatically be muted once you have completed your oral testimony or if your allotted time for testimony expires, you will be asked to disconnect from the meeting unless you are also signed up for oral testimony during community concerns. 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 live stream. Also, any late testimony will be distributed after the BOT meeting. I will now call on staff to call on the list of Testifiers.

Germaine Meyers Aloha Chair Hulu, Vice Chair Ahu Isa, Trustees, Ka Pouhana, and Lāhui. My name is Germaine Meyers and I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Hawaiian homestead Nanakuli lessee. Thank you for the opportunity today to speak about the agenda items. Trustees, yesterday I attended the RM Committee meeting. I was totally shocked to see that a trustee waited to the meeting to challenge the agenda item and motion that was already written in the packet. Knowing that without an approved budget, over 100 people would not be able to come to work today and for the next 6 days until a budget was approved. Native Hawaiians would not be served, everything would come to a complete halt. Challenging the motion instead of approaching the RM committee chair prior to yesterday to discuss his concerns so that progress would be made towards a solution instead of a confrontation but most of all the insistence that parliamentary rules, Robert's Rules of Order be followed and be honored. Why would a trustee insist on Robert's Rules of Order be followed at a meeting, but after receiving the CLA report 2 years ago, never insisted on rules and laws be followed when spending millions of OHA trust funds. Please allow me to share with you some of the things I read in the CLA report that caused me deep and unsettling concerns. I wonder why did it matter to some of you that read the report to take a stance of idleness instead of assertiveness? In the executive summary of contracts and disbursements highlights required signature were not always present on a procurement document. Required means shall, must that's what my public education taught

me. OHA was unable to produce some or all of the deliverables required by the contracts. My understanding of deliverable is receiving something you paid for. Would any of you with your own money order something on Amazon, pay for it with your debit card and if you didn't receive it in the mail, if it wasn't delivered, would you just let it go? Would you just tell your family I ordered it, I bought it, I paid for it, and just deal with it, it's not here? Under OHA contracts, it stated the following conflicts of interest. CLA observed several potential financial conflicts of interests. Then it goes on to note several contracts in the following amounts of \$150,000.00, \$500,000.00, \$150,000.00, \$2,598,000.00, and \$200,000.00. Several grantees did not have a complete grant application or a letter requesting funding. Grant applications are a specific requirement and this is a law. HRS means this is a law Hawaii Revised Statutes 10-17 (a). Several grant files did not contain sufficient evidence that OHA monitored or evaluated the grant activities which is a specific requirement of Hawaii Revised Statutes 10-17 (d). Separate grant files did not contain the BOT or ARM/BAE action item attached that indicated that the BOT or the RM/BAE was specifically approving the application and award amount. I see that my time is up and I honor your the system. Thank you chair. Thank you all for hearing me.

Kaniloa Kamaunu Mahalo for scheduling a meeting. I am sharing under community concerns. One of the items is water and what is happening on Maui. As far as our water rights is concerned, I think OHA needs to engage especially the kuleana rights. The big issue with East Maui is the contested case. They're making a statement that there was a settlement with water in the Na Wai 'Ehā area. I have a problem with that. They are only looking at one entity that seems to be representing all voices for the use of water with Mahi Pono and that is outweighing Na Wai 'Ehā. I think its inappropriate for myself. I represented myself in that case as kuleana heir to our property. We know Hui Na Wai 'Ehā's contention was not kuleana water rights. They were more into the science and what impact it would have upon aquatic life of the streams. As for me, it was more important on the impact that was actually being put upon by the kuleana. We have vested rights. We are recognized as having superior rights of water. That settlement was made after twenty years with Na Wai 'Ehā and they're only engaging with that party is inappropriate. Not all parties were involved. Not all parties that went into this contested case gave the approval for such settlement. Just because Na Wai 'Ehā have been going to their case much longer than Waihe'e and Wai'ehu doesn't diminish that we weren't part of it and that we fought for the kuleana rights and that we got recognized for kuleana. For us not to be in that discussion of what settlement are agreeing to. I would hope that OHA would help us investigate that. The voices that fought for the water rights of kuleana need to all be heard not just certain ones that are recognized in the news but those that actually fought for their water rights such as myself and my family. The other things is about the iwi. OHA needs to engage itself more into protection of our iwi. The contested case of Grand Wailea that we are in, it is a known fact that many of our iwi were taken from there. It is a known fact there are preservation sites and it's appalling to think that the County is going to allow construction and SHPD is going to allow construction to known burial site. Not just one burial but many burials that were desecrated. OHA needs to join in with us to discuss the matter with Pu'uone, Phase six. They went from finding four in the data recovery then coming out to almost 200 burials. Yet, SHPD doesn't want to recognize the site as a burial site. Even though we have a case coming up in November, the Judge has allowed these people to build without the case going through. Thank you.

Germain Meyers Aloha, it was upsetting and unsettling to read the CLA report and that some of you have said a lot of some things while not saying anything about the numerous items on the outline CLA report. It's clear to me that the grants department continues to not have a fair and comprehensive process. And it's clear to me that there's still some things that are broken. I'm looking forward to hearing the deliberations today regarding the agenda item as it concerns to the CLA report. Ke akua pū. God bless all of you. Have a beautiful weekend. Love on your family, keiki's and kupuna's matter to us. I don't look at them as a word, they're actually humans with heartbeats. They're my mother, my nieces, nephews, friends, families. Their futures matter to me and so I

will continue to come to OHA to express that their future and present lives matter to me. I thank all of you for embracing me and allowing me to share with you my mana'o. Thank you Chair.

New Business

A. Approval of the Ad Hoc Committee on the CliftonLarsonAllen (CLA) Report entitled "OHA & LLCs Contract and Disbursement Review"

Chair Hulu Lindsey As the trustees know in our last budget from the Legislature we were given \$200,000.00 to update our CLA audit. And in its scope recommended the contract and disbursement review of the CLA audit report dated December 4, 2019, pursuant to section 11 of Act 29 of the Hawaii State Legislature and to provide a process to address and comply with those requirements. The Ad Hoc committee shall serve until their work is completed or until May of 2022 or as their time may be extended or shortened as I may direct. The scope of the Ad Hoc committee is to review 29 2021 provisions contained in Section 9 and Section 11; review Act 37 2021 provisions relating to conducting a financial and management audit of the OHA; review the findings of OHA's December 4, 2019, CLA audit determine an appropriate scope of work given the time and budget constraints sent by the legislature in Section 11 of Act 29 2021; as well as OHA's bylaws and personnel policies and relevant state and federal laws; and to propose a plan timeline, scope of services, and budget to hire an auditor or other 3rd party, business, or other professional as necessary to perform the defines scope of services in a timely and ethical fashion consistent with OHA's existing Bylaws and personal policies; as well as with relevance State and Federal laws subject to approval and BOT. At this time I will name the Committee members:

Keli'i Akina – Chair
Luana Alapa – Vice Chair
Casey Brown – COO
And
Colin Kippen – Board Chief of Staff

Trustee Ahu Isa Can I amend this or add someone on here? Pohai Ryan, Aide to Luana Alapa.

Chairperson Hulu Lindsey She can serve Trustee Alapa but this is the decision of the Chair to name these four people. But she can serve and Maria will serve Trustee Akina.

Trustee Ahu Isa I see Maria's name and Amber's name.

Chairperson Hulu Lindsey I did not name them. There are four members on this committee.

Trustee Ahu Isa Okay, so they are just listed?

Chairperson Hulu Lindsey Yes.

Trustee Ahu Isa I have a question. When I read Colin's letter it says no guidance was provided with the legislation to OHA as to what scope of section line proposed \$200K follow up. Did we ever talk to the Legislature? Did we talk to the Senate to say what is supposed to be included in this? If we are going to create an Ad Hoc or a PIG without talking to them, I think Sterling would have or should have or maybe he did already and couldn't come up with any guidance and that's why we are creating this PIG.

Chairperson Hulu Lindsey That's right. They left the discretion up to OHA.

Trustee Ahu Isa Are we going to spend more money to hire a third party consultant if we can not do this?

Chairperson Hulu Lindsey Trustee, the Legislature gave us \$200K to do this. There shouldn't be any money coming out of OHA.

Trustee Ahu Isa I just heard you say that we might have to hire a consultant.

Chairperson Hulu Lindsey Yes, but the \$200K will pay the consultant.

Trustee Ahu Isa Oh okay. Thank you. I thought the charge was coming to OHA from our beneficiaries. I got it mixed up. Okay, thank you.

Trustee Keola Lindsey I just wanted to clarify and confirm that the action item before us today is just to form the PIG, define the scope, and identify the members. The time to discuss some of the issues we identify in the CLA will be once the PIG produces the reports under Trustee Akina's guidance? So, we have a limited agenda item and things we can focus on. Is that correct Madame Chair?

Chairperson Hulu Lindsey That's right. This committee will bring it to the board for recommendations.

Trustee Lee I want to clarify something for some of the trustees. There seems to be a little bit of confusion. This action item is not to form a Permitted Interaction Group this action item is to form an Ad Hoc committee. There is a big difference between the two. An Ad Hoc committee can report back to the board as many times as it wants, whereas the PIG can only report back to the board once. I'm following up on what Trustee Ahu Isa said, given that we received no guidance from the State Legislature and that they just want some sort of follow up report on the CLA have we offered the follow up report that was completed by administration? I mean that was a very comprehensive report. Have we offered that to the to the Legislature?

Chairperson Hulu Lindsey Not yet. We did not offer it to them yet but a few of the legislators that were responsible for passing this have read our CLA audit and they did not put it down in writing, but they specifically asked for investigation on the red flags.

Trustee Lee Sylvia correct me if I am wrong, I believe (*gets cut off*) I am not saying don't form the Ad Hoc committee but maybe present that report to the State Legislature and see if that satisfies their requirements for Act 29 Section 11. If they do accept it then that's \$200K of tax payer money we can give back to the legislature. I'm sure they can use it.

Chairperson Hulu Lindsey I can have the Ad Hoc committee review all those things because not all of us saw the answers to the to the legislature. Not all of us saw what administration did in response to the CLA audit. I haven't seen it.

Trustee Lee You haven't seen what administration has done in response to the CLA audit. That's not true Madam Chair, the report and the continuous follow up on that report done by administration was sent and reviewed by this Board since we received the CLA audit. You have it in your possession. Many follow ups from administration because it came to the BOT. Like I said, I am not against forming an Ad Hoc committee but maybe let's try the easy thing first and take the very extensive follow up report that administration did and give it to the legislature. In this report by administration, they look into the red flags, it also has administrations

corrections to those red flags. It shows what administration has done to address all of those issues from CLA. To me, it sounds like over and above what the legislature was asking for. That sounds like something that they would take as a report from us.

Trustee Akina While the administration did respond to the CLA report that was not an independent response. Neither was it a fraud investigation into the matters that the CLA determined were red flags. If you recall there were at least 32 items, which the CLA labeled as red flags, meaning that they were potentially the result of fraud, waste reviews. Those items totaled \$7.8 million and yes, the administration did respond to the board in terms of its interpretation of the CLA review. That did not constitute an independent follow through. So, I think what we would like to do is to make sure that we have an independent follow through that indeed does satisfy the intention of the Legislature. It's also an opportunity for us to exercise our own opportunity or us to exercise our own fiduciary duty to look into this matter as much as possible. One of the benefits would be if we do discover that there is some funding that could be recovered, that could be a benefit to the beneficiaries. In any case, I think it's an opportunity for us to really build our reputation back to the highest levels.

Trustee Lee Thank you for that clarification Trustee Akina I must have missed that part about independent. I missed that Act 29 Section 11 requires an independent review. Am I understanding that correctly, they're requiring an independent?

Chairperson Hulu Lindsey Yes.

Trustee Lee Okay, thank you for that clarification. I do have another question. If it's mandated by Act 29. Section 11 that we get an independent reviewer, and that independent reviewer took the report from administration and reviews it. Sorry, I am trying to think of the timeline.

Chairperson Hulu Lindsey yes you are correct.

Trustee Akina I do want to clarify that while I pointed out what the administration did is not an independent review. I am not familiar enough with Act 29. I don't have it in front of me from 2021 to say that it requires an independent review so I'm not making that claim. I was the Audit Advisory Committee chair when the CLA scope of the CLA work was crafted and that was to be an independent report so I mainly point this out to indicate that it would be of that value to have an independent audit, but I'm not making the claim as to what the law says. I just don't have it in front of me. I just wanted to clarify.

Trustee Lee Okay, so then that being said, Madam Chair, now that Trustee Akina has further clarified. Can someone inform the board does Act 29 Section 11 in fact say that this has to be an independent review?

Chairperson Hulu Lindsey The money is preceded upon an independent review. It was in my discussions with the Senate.

Trustee Lee Just because the legislature appropriates money to us for an independent review, doesn't necessarily mandate that we do an independent review. It could be they're appropriating the money for us if we choose to get an independent review. I don't know, I'm not saying that's what they did. I'm just asking a question. So, if it's not requiring us to do an independent review can we not submit the very comprehensive report done by administration along with all their follow ups addressing the red flags from the CLA audit and see if the legislature accepts that? If they do, then we get to return \$200K of taxpayer money to the legislature.

Chairperson Hulu Lindsey Trustee Lee, I happen to have the bill in front of me and it says, provided that of the general funds appropriated for beneficiary advocacy, OHA 175 the sum of \$200K for fiscal year 2021-2022 shall be expended to conduct or contract for a follow up contract and disbursement review of the CLA OHA and LLC's Contract and Disbursement Review Report dated December 4, 2019.

Trustee Lee At no point did I hear the word independent.

Chairperson Hulu Lindsey No, but it's a set contract. We don't contract each other within OHA.

Trustee Ahu Isa It's a married contract.

Trustee Lee That's correct Trustee Ahu Isa.

Trustee Ahu Isa I have another question. Say we find another fault or red flag, what if it's criminal? We are already being investigated by the FBI, the State Attorney General's office. What are we going to do about it? What happens? So, we'll go out and figure out our former CEO is guilty? What is the legislature going to do? Give us more money? Trustee Akina, it's taking us into another realm that we don't want to deal with. We've got other issues on our plate. In Collin's letter, I was thinking why not just talk to them? What is this forming a PIG or Ad Hoc? I've been in the Legislature, and you know what they do with those reports they give us? It's all filed and dumped away. They never read it. We read some of it, but not all of it. Maybe our staff reads it but let me tell you I've been in the last eight years, and we get all these minute detail reports come in and there is no way we're going to sit and read through everything. That's my humble opinion.

Trustee Lee The CLA audit was conducted by a former Federal Bureau of Investigative forensic auditor. He said it himself when he came and presented their report, that had actual fraud being found or laws being broken, he would have immediately halted the audit and informed the Board of Trustees. Even though he's no longer with the Federal Bureau of Investigations, as long as he is in his professional career he held to that standard and he could lose his license if he did not. I'm confident that had fraud or laws been broken, as he stated to the Board of Trustees, he would have halted the audit and brought it to the attention of the Board of Trustees, which never happened.

Chairperson Hulu Lindsey Okay, so we have nothing to worry about.

Trustee Lee I believe so.

Trustee Akaka Can we please have Corporation Counsel to clarify on this?

Chairperson Hulu Lindsey To clarify what?

Trustee Akaka With all the discussions back and forth, does it makes sense to move forward on this?

Chairperson Hulu Lindsey I don't think it's Corporation Counsel's prerogative, but I'll let Raina speak if she's on board.

Raina Gushiken, Sr. Legal Counsel The memo that was part of the board packet was prepared by the Chief of Staff, Colin Kippen, to inform the Board about the purpose of the Ad Hoc and the scope. As Chair Hulu has indicated, this is the prerogative of the board. So to the extent that Chief of Staff, Colin, can enlighten the board further, I defer to Chief of Staff.

Colin Kippen Good morning Trustees, I'm not sure what the question is that I'm being asked to answer.

Chairperson Hulu Lindsey Trustee Akaka, would you like to propose a question?

Trustee Akaka Yes, if we can just have more clarification to specify that it makes sense that we move forward on this.

Colin Kippen Okay, well, what happened is the Legislature in two sections of Act 29 Section 9 and Section 11 directed the Office of Hawaiian Affairs to accomplish certain things. In Section 9, you were supposed to tender the CLA report which you received in December of 2019. In Section 11, you were supposed to go and review what occurred and what that report did. You were appropriated \$200K to accomplish that work. If you look at the bill itself, it does not have any additional information in it other than what Chair Lindsey indicated to the board. The purpose of the Ad Hoc Committee was to try to flesh that out and what Chair provided you earlier was a list of the things that need to be looked at. The \$200K will be spent appropriately and so that the board knows what they're going to be getting for that \$200K. There is a series of specific things this Ad Hoc Committee needs to look at so, that they can inform the board as to how they need to proceed.

Trustee Akina At the heart of this discussion is the importance of following through on the CLA review. We invested and we produced. That was a great thing that was done. CLA gave us a report and there are two reasons why we need to follow through on it. The first reason we need to do it is that we are now required by law in Act 29 to follow through in whatever form that means. If what we have done already before they gave us \$200K was sufficient, if that constituted sufficient follow through, the Legislature would not have ordered us to follow through further. It would not have given us \$200K so no matter what we interpret that follow through to be we are under obligation by law to follow through on the CLA review and it is your committee that will determine what the best form of that follow through will be and report back to the board. That is the first reason. The second reason we should follow through is that it's what we should have done in the first place. The CLA leaders pointed out very clearly that the purpose of the CLA review was not to prove or indicate or determined that fraud, waste, and abuse had taken place and therefore they made it clear over and over in their report that what they were presenting was only red flags, only indicators. They drew a line between indicating red flags and actually determining fraud, waste, and abuse because the very purpose of the CLA review was not to go that far. It was really our responsibility after receiving the review to determine whether we would go forth and do further research into it. Whether we would assign it to a fraud investigative firm. Whether we would hand anything over to law enforcement; whether we would try to recruit money that were in the suggested red flags category. I think just to sum up what I'm saying we have a legal responsibility to follow through and whatever had been done prior to that is not sufficient to have satisfied this. Secondly, we have a moral obligation to take the work that was indicating potential fraud, waste, and abuse and determine whether there actually was the commission of this. This is a great opportunity.

Trustee Ahuna Thank you Chair and Trustees. Because of what Trustee Akina said, he is speaking outside of the scope and saying whatever he wants, I will be voting no. I don't like what I heard and I don't believe what he said. Thank you.

Trustee Akina Madam Chair, may I encourage Trustee Ahuna to read the minutes and try to understand what I said.

Trustee Lee Just for Trustee Ahuna. There is nothing before the board right now so there is nothing for us to vote on yet. I take exception Chair to what Trustee Akina just said that we have a legal obligation to follow

through. So is it Trustee Akina's claim that OHA has not followed through? I will point out again that Chair and I was just discussing there was a very comprehensive follow through not only of analysis of the red flags, but actions taken by administration to address those red flags so for him to claim that OHA has not done a follow through is a flat out lie. Then to say what we should have done, we have done it. To say the legislature is requiring us to do a further review of the review that we've already done. Then the legislature when they want something that specific, they say so. Nowhere in what I've heard read so far by yourself, Chair, and as explained by Chief of Staff, Colin Kippen, I have not heard the word further. I am not aware that the state leads you and correct me if I'm wrong Chair, I don't believe that Chair is aware if the legislature is aware of our follow through or has even seen it. Which is why I made the suggestion of us presenting it to them and see if that satisfies the information that the State legislature is looking for.

Trustee Ahuna To support my comments, he talked about follow through. He talked about in whatever form that is. He also mentioned no matter how we interpret those are too broad and I'm so sorry it doesn't make sense.

Trustee Ahu Isa Chair, with all due respect to my colleague Trustee Akina, the real reason the leg. is doing this is because Les Kondo, the State Auditor, refuses to do it. He said he's not going to do it, yet they're holding up \$3M so this is a way out, and I think Chair and Ka Pouhana went to see the Senators, then they came up with this \$200K for us to do it, so they can give us the money, the \$300M, so I don't know how we're delving back into the CLA audit again and bringing this up. You are going to find more things in there. I know Sylvia worked hard and she gave us all the recommendations that came out of this audit. I read it. I was shocked when I saw we were going to do a PIG and now its an Ad Hoc Committee. You are going to find stuff and we will have more lawsuits. You're going to present that report to us before we go to the legislature and the beneficiaries will get all involved. There are other factions that are against us and you can read my Ka Wai Ola article. They are going to use this CLA audit against us. That is why I am saying the Trustees have a fiduciary duty to protect our people. Trustee Akina, we have spent half a million on this CLA report already. Thank you Chair.

Trustee Akina With all due respect to my colleagues, Trustee Ahuna and Trustee Lee, I do think we have to get to the facts. The basic fact is stated very well by Colin Kippen in his memorandum to us. I'm going to read a couple of lines from it. Through Act 29 (2021) OHA budget bill for fiscal 2021-22 and 2022-23, the Hawaii Legislature addressed the completion of the audit requirement imposed by the 2019 Legislature through the terms of Act 37. In Section 9 of Act 29 OHA was directed to tender to the Legislature the audit completed for the OHA by the CLA on December 4th, 2019 to partially satisfy the earlier requirement that OHA complete an audit under the terms of Act 37. In Section 11 of Act 29, OHA has provided \$200K for fiscal year 2021 to 22 to do a follow up contract and disbursement review of the audit reported dated December 4, 2019. What I have just read to you is the fact that we are under legal obligation to do a follow up contract and disbursement review of the CLA audit report dated December 4, 2019. It will be the duty of the committee that has been appointed to recommend to the board the way in which that should be done. Thank you.

Chairperson Hulu Lindsey I just want to add that Ka Pouhana said the report that administration did was submitted to the legislature. It was after this report was given they asked for this follow up.

Trustee Lee Okay, thank you Madame Chair. I also want to clarify something that Trustee Akina just read. Thank you for pointing that out for us. Section 11 is not directing us by law to execute a contract. That is not what its saying. For other trustees to follow, it is on page 3 of the memorandum and it's in the third paragraph, this is where Trustee Akina was reading from. I won't read the entire paragraph it is quite long, but if you go to the last section of the paragraph where it disperses the money, after the comma, it says OHA was provided \$200K for fiscal year 2021-2022 to do a follow up contract and disbursement review. That's a review of

contracts and disbursements, that is not a follow up contract. If it was, the sentence would've read *to do a follow up contract to review disbursements*. It says a follow up contract and disbursement review. In other words, please go and review contracts and disbursements. If Ka Pouhana is saying that we did provide this to them and they're still asking for something, can we at the very least take the simple step of asking the legislature if OHA's follow up report suffice for ACT 11 or do you want us to do more? I don't think that's too much to ask Madame Chair because it cost everybody zero dollars to do that.

Chairperson Hulu Lindsey I would like to add that where Keli'i read from and where you read from is not exactly as the bill was written. The bill specifically said shall be expended to conduct or contract for a follow-up contract and disbursement review of the CLA OHA and LLCs contract.

Trustee Lee I'm sorry Madam Chair, if you would indulge me, could you please read that again? Sorry 'cause I don't have that in front of me.

Chairperson Hulu Lindsey Okay, it says the sum of \$200K for fiscal year 2021-2022 shall be expended to conduct or contract for a follow up contract and disbursement review of the CLA OHA and LLCs contract and disbursement review report dated December 4, 2019 so expended means spent we have to spend it.

Trustee Lee I won't argue the point anymore Chair. If we want to spend \$200K of taxpayer money for this then I won't be later this.

Chairperson Hulu Lindsey I'm only doing what I thought we were mandated to do so.

Trustee Lee And my opinion, who the hell am I right? I'm just another trustee I'm not an attorney or anything. In my opinion, I don't believe we need to but if it is the will of the Board to spend \$200K of taxpayer money when I don't believe we have to by asking a simple question. It seems since everyone else is silent we are not even willing to try so spend the money.

Trustee Akaka Madam Chair, In accordance with Article VIII, Section E. 1 of the Office of Hawaiian Affairs Board of Trustees By Laws, and HRS 92-2.5(b)(1), I move to approve Chair Hulu Lindsey appointment of "The Act 29 (2021) CLA Audit Review Ad Hoc Committee," which shall have as its members:

Trustee Keli'i Akina, Chair
Trustee Luana Alapa, Vice Chair
Casey Brown
Colin Kippen

Trustee Akina Seconds the motion.

Trustee Lee I will yield the floor to anyone who would like to discuss this before I bring up my point.

Trustee K. Lindsey Will the scope of that Ad Hoc committee be discussed to the subsequent motion or is there more to the motion or are we just appointing the members today with out defining the scope?

Chairperson Hulu Lindsey As Trustee Lee said, the Ad Hoc committee can come back to the board as many times as we want so if it is the Board's desire to discuss the scope, I'll be happy to direct the Ad Hoc Committee to come back to the board.

Trustee Lee Point of clarification Madame Chair, this is for Trustee Keola Lindsey's benefit. In the memorandum sent out by Chief of Staff Colin Kippen under item five which starts on page four and continues on to page five, it addresses the Ad Hoc committee scope of work. Although its not in the motion, the scope of work thats being laid out for the Ad Hoc committee has been provided fo the Trustees.

Trustee K. Lindsey Yes, I saw that but given the discussion thats gone back and forth, I don't know how much requirements are being placed on the committee to follow. If we are going to say follow the memo then that answers my question. I did not see us formalizing that in the motion.

Chairperson Hulu Lindsey I think when they get into discussions, they may deviate from this scope of work and they'll have to come before us and have that discussion.

Trustee Ahuna Chair, isn't the Ad Hoc's duty to propose a scope and a timeline, thats it?

Chairperson Hulu Lindsey Yes.

Trustee Ahuna Thank you.

Chairperson Hulu Lindsey Anything else? I am going to call for the question.

Trustee Lee Madame Chair, I would like to offer an amendment to the motion. I would like to amend the motion to add in *Ad Hoc committee scope of work*.

Chairperson Hulu Lindsey Is it the five I read earlier?

Trustee Lee Yes, it is so that is my amendment to add on to what the scope is and gives direction to the committee.

Chairperson Hulu Lindsey Okay, that sounds good.

Chairperson Hulu Lindsey calls for a five-minute recess. Everyone returns at 11:05 am

Chairperson Hulu Lindsey Trustee Lee would you read the amendment?

Trustee Lee Madame Chair, that is different then what I have in front of me. It is the last paragraph that is different. Well, it's pretty much the same so that's fine. I would be happy to.

I move to amend the main motion to now **To add The scope of the Ad Hoc Committee is to:**

- Review Act 29's (2021) provisions contained in section 9 and section 11;
- Review Act 37's (2019) provisions relating to conducting a financial and management audit of the OHA;
- Review the findings of the OHA's December 4, 2019 CLA Audit;
- Determine an appropriate scope of work given the time and budget constraints set by the legislature in section 11 of Act 29 (2021) as well as by OHA's by laws and personnel policies and relevant State and Federal laws;
- Propose a plan, timeline, scope of services, and budget to hire an auditor or other third-party business or other professional as necessary to perform the defined scope of services in a timely and ethical fashion consistent with OHA's existing by laws and personnel policies as well as with relevant State and Federal laws, subject to approval by the BOT.

Trustee Waihee Seconds the motion.

Trustee Akina I wanted to ask Colin to give us some input to the changes in that final paragraph.

Chair Hulu Lindsey It is Colin who wrote it.

Trustee Akina So Colin you wrote what's on the board now with intentional differences from your memorandum. I notice two in the first sentence, one was you're using the word proposed rather than established; the second is the first sentence doesn't have a method of procurement which you put in originally in the memorandum. It also looks shorter in the last sentence. The reported documents generated by the Ad Hoc Committee and Permitted Interaction Group will be reporting to the BOT for appropriate action and the BOT must sign and direct, that's missing.

Colin Kippen I only see 1-4 on my screen. Now I see them

Chairperson Hulu Lindsey Trustee Akina, are you reading from the screen?

Trustee Akina No, I am reading from the Colin's memorandum.

Chairperson Hulu Lindsey That is not the amendment. The amendment is what's on the screen.

Trustee Akina I thought the amendment was to carry over the scope of work from Colin's memorandum, so that's why I am asking Colin if he is satisfied with the changes that were made to the fifth item.

Colin Kippen Yes, I am satisfied with what's on the screen.

Trustee Akina Alright, thank you.

Trustee K. Lindsey To Trustee Akina's point, the last sentence in bullet five in the memo, the reporting documents generated will be reported to the Board of Trustees for appropriate action as the BOT may decide and direct. That's something that is important and I am wondering why all of that coming back to the board is now being dropped out of the scope.

Trustee Lee Trustee Keola Lindsey, to answer your question, it says fast and consistent with OHAs existing bylaws so in the bylaws, it directs Ad Hoc Committees to report to the board. So although we don't explicitly say it here, it does say we have to conform to our bylaws. Ad Hocs have to report to the board. They are formed by the board.

Trustee K. Lindsey I appreciate that clarification. We might know this but for those outside of OHA reviewing it they might not understand it. If that is what we are going to rely on, then okay. Thank you.

Sylvia Hussey, CEO Chair, I just want to point out for Trustees that ACT 37 is a 2019

Trustee Lee Madame Chair, I speak in favor of my motion at this time and I also would like to point out to the Trustees that the last bullet point number five, it says to hire an auditor or third party business or other professional as necessary. That term right there is extremely important. It does not say must or shall, it says as

necessary. I want the Trustees to be aware of that. I am not against us hiring one but I want us to hire one if its necessary not because we just want to. Thank you, Madame Chair.

Trustee Ahu Isa I want say I will vote kanalua. This has happen to me before with the CEO, grassroots. When I tried to say something and Hawaii Freepress denied me, that's why I feel funny with him being Chair. It will make feel not to comfortable so I am going to vote kanalua.

Chairperson Hulu Lindsey Any other discussion? If not, we will vote on the amendment. Roll call vote

Trustee Lee moves						
I move to amend the main motion to now To add The scope of the Ad Hoc Committee is to:						
<ul style="list-style-type: none"> • Review Act 29's (2021) provisions contained in section 9 and section 11; • Review Act 37's (2019) provisions relating to conducting a financial and management audit of the OHA; • Review the findings of the OHA's December 4, 2019 CLA Audit; • Determine an appropriate scope of work given the time and budget constraints set by the legislature in section 11 of Act 29 (2021) as well as by OHA's by laws and personnel policies and relevant State and Federal laws; • Propose a plan, timeline, scope of services, and budget to hire an auditor or other third-party business or other professional as necessary to perform the defined scope of services in a timely and ethical fashion consistent with OHA's existing by laws and personnel policies as well as with relevant State and Federal laws, subject to approval by the BOT. 						
Trustee Waihe'e Seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			2 - X		1 - Kanalua	
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and one (0) EXCUSED vote.						

Trustee Lee Chair, I would like to offer another amendment to the main motion.

I would like **To remove Trustee Akina as Ad Hoc Chair and add Trustee Keola Lindsey as the Chair of the Ad Hoc Committee.**

Trustee Ahu Isa Seconds the motion.

Chairperson Hulu Lindsey Any discussion?

Trustee Lee I understand that Trustee Akina was the Chair of the original audit committee. At that time, Trustee Akina had a certified CPA working for him. That was extremely valuable to the work that they did. Given that Trustee Keola Lindsey's aide is Kama Hopkins and he was the contract manager at the completion of the CLA audit I think that knowledge and understanding of the CLA audit and that contract would be extremely valuable to this Ad Hoc Committee. For these reasons Madam Chair, I made the motion to put Trustee Keola Lindsey on as the Chair. I like the idea of having Trustee Luana Alapa on as the Vice Chair, not only does she bring business experience to the committee but her aide Pohai Ryan, a former Senator will bring valuable insight as this is addressing a legislative matter to the Ad Hoc committee. Thank you.

Chairperson Hulu Lindsey Any discussion? Roll call vote for the amendment.

Trustee Lee moves						
To remove Trustee Akina as Ad Hoc Chair and add Trustee Keola Lindsey as the Chair of the Ad Hoc Committee.						
Trustee Ahu Isa Seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA		X	X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA				X		
TRUSTEE KELI'I AKINA				X		
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY				X		
TOTAL VOTE COUNT			6	3		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with six (6) YES votes and one (0) EXCUSED vote.						

Chairperson Hulu Lindsey I will now take a roll call vote on the main motion as amended.

Trustee Akaka I would just like to ask if Trustee Keola Lindsey feels comfortable. I voted in that manner because I was not sure if he would feel comfortable serving in that position. I understand he voted yes but perhaps at the spur of the moment he felt to do so. I just wanted to get his mana'o on that.

Trustee K. Lindsey I voted yes because I am comfortable with serving in this position. I realize I do not have as much of a background as other Trustees do on this issue of the CLA audit but all requirements and critical issues I see as issues that need to be resolved and move forward on. As Trustee Lee mentions I will be relying heavily on my staff who does have extensive experience and familiarity on this topic. As a committee we can come back to you and the full board. The key for me is the report that the committee is going to produce to the board for further action. The scope of the committee is not to take any action or expend any monies or execute any contracts on their own. It's to provide that information back to the board for further discussion. I appreciate the confidence the board indicated. If the motion passes, I look forward to getting to work and getting that report back to you for our Board and beneficiaries.

Chairperson Hulu Lindsey Thank you Trustee Lindsey.

Main Motion as Amended						
	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (X) YES votes and one (0) EXCUSED vote.						

Trustee Lee Our agenda says that we are going into executive session to discuss privileges, immunities, and liabilities with respect to updates by administration regarding potential acquisition of commercial properties. Is that not going to happen?

Chair Hulu Lindsey No, that is not going to happen. Administration has no updates. I’m sorry I didn’t announce that. Any announcements?

Announcements

Chair Hulu Lindsey If there are none, Happy 4th of July.

Alice Silabanuz shares a short video about two upcoming films that OHA has produced and will be airing in the next couple days, Mana I Maui Ola film and Our Voices of Papahānaumokuākea film. The Mana I Maui Ola film is on our strategic plan. With this film, we are partnering up with our community partners. It is a

thirty minute film and the common theme throughout is the intergration of partnerships and the intention of partnering with other organizations to create positive change. The premiere for this film will be tomorrow following the Hula Kahiko Merrie Monarch night approximately at 10:30 pm. We will then have three more repeats of the show. The second film will be the one hour, Our Voices of Papahānaumokuākea, produced a couple years ago before the pandemic. This captures the stories of eight different Hawaiians involved in the establishment of Papahānaumokuākea, one of the largest protective areas in the world. Prior to the pandemic, we planned to share the film in the community by sharing mele and having speakers panels afterward. We've adjusted that plan just a little bit and we're doing a TV broadcast. Mele and Mana'o format is shared via this broadcast and people can tune in starting on July 10, we will have the very first premiere broadcast. We wanted to say mahalo to Chair Hulu who reported our two HI Now segments to talk about the two films. The HI Now segment on the Mana I Maui Ola film will air tomorrow morning so you're invited to tune in at on Friday, 7:38 is the approximate time it will air on KGMB and K5. In the following week, we'll get an airtime for the HI Now segment for the Voices of Papahānaumokuākea film and we'll be able to share that with you as well. Also, just want to extend and finally end my time here with you today by saying a big mahalo to our DPM staff and folks within the community engagement group and our partners for working together so diligently on these two major film productions for the organization that helped to tell the story of what OHA does. Mahalo nui for your time.

Chair Hulu Lindsey Thank you Alice. I would like to entertain a motion for adjournment.

Trustee Ahuna Moves to adjourn the meeting.

Trustee Akaka Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	X		X			
KALEIHIKINA	AKAKA		X	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9			

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 11:29 a.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on August 26, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

DRAFT

DRAFT

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
Kealopiko
1000 Hoawa Road
Kaunakakai, HI. 96748**

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477

**Moloka'i Site Visit Report
of the Office of Hawaiian Affairs
Board of Trustees
Summary Report
July 14, 2021 – 11:30 AM**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Kaleihikina Akaka
Trustee Luana Alapa
Trustee B. Kalei'āina Lee
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Leina'ala Ahu Isa

GUEST:

Ane Bakutis Helm

EXCUSE:

Trustee Keola Lindsey

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Jason Lees
Joshua Koh
Alice Silbanuz

BOT STAFF:

Lehua Itokazu
Kanani Iaea
Claudine Calpito
Anuheia Diamond
Pohai Ryan
Maria Calderon
Nathan Takeuchi
Crayn Akina
Lei Ann Durant

I. Call to Order

Site visit starts at 11:30 a.m.

II. Introduction

Ane Welcomes everyone to Kalama‘ula. This Kealopiko’s hale on Moloka‘i

III. Site Visit

A. Kealopiko

Ane shares that Kealopiko is a Hawaiian clothing brand that focuses on Hawaiian plants, animals, culture, and ‘Ōlelo Hawai‘i. The brand was started about fifteen years ago. She has two business partners: Jamie Makasobe and Hina Kneubuhl. At the beginning every thing they made was handprinted by them only and item were sold from the back of their trucks.

When Kealopiko was about two years old she moved to Moloka‘i with her kāne, Kekama Helm. The majority of Kealopiko’s production moved to Moloka‘i too. Initially, production was out of her home but about three years ago this new hale was built.



The main mission of Kealopiko is to make everything or as much as they can on Moloka‘i. If not on Moloka‘i then in the State of Hawai‘i, and if not that then in the United States. No business is done over seas. Everything is made locally or domestically.

Their All Aloha wear is made locally on Moloka‘i. All clothing is organic. Water base ink and dyes are used and are safe for the environment. It is a very non toxic way to make clothing. The fashion industry is the second largest polluter in the world and Kealopiko is doing their part not to contribute to that number. Material is dyed in buckets and hung out to dry. All screening is done at the hale with different designs.

Staff is allowed to be creative with placement of designs. The fabric is then printed, cut, and sewn. No two garments are the same, each piece is completely different. About 25% is done in Moloka‘i and the other 75% of the material is flown to Honolulu to sewn. The over all cost to have production in Moloka‘i is very expensive but it is important to provides jobs on Moloka‘i and that the individuals working at Kealopiko can make money to support their ‘ohanas. One of the main goals is to set up a training program to teach sewing in a commercial setting. At the moment they do not have the funds and they have out grown their space. They hope to expand and create a larger space for the training program. They have worked with the

University and the State Economic Division but will not be given any money because they are a For-Profit. They have no plans to turn into a Non-Profit.



Kealopiko can be found online (kealopiko.com), at their new brick and mortar, Maui island at Native Intelligence, Hawai'i island (imiloa), Kaua'i in Kapa'a and Kilauea, and at special pop-ups through out the year. They currently employ fifteen people. They hope to grow their staff on Moloka'i. Their new space in Honolulu is on Monsarat. Third generation owned property, it is a small hale. They are happy they can support locally in that way. They believe where you put your money is where you put your mana.

During Covid they used scrap material to sew thousands of masks. They worked with OHA and donated 5,000 masks that was distributed to various communities. 3,000 masks were distributed in Moloka'i and almost 15,000 masks were given to Hawaiian Airlines to be distributed. From Ni'ihau to Hawai'i Island they distributed mask.

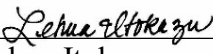


IV. Public Testimony
None

V. Announcements
None

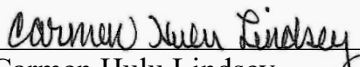
VI. Adjournment
The site visit ended at 12:15 pm

Respectfully submitted,



Lehua Itokazu
Board Secretary

Report distributed at the Board of Trustees Meeting on July 29, 2021.



Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Excused Memo - Trsutee K. Lindsey

DRAFT

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
Hānai ā Ulu Native Crop Program
and Sustainability Garden
Kamehameha 5th Hwy. East
Kaunakakai, HI. 96748**

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477

**Moloka'i Site Visit Report
of the Office of Hawaiian Affairs
Board of Trustees
Summary Report
July 14, 2021 – 10:00 AM**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Kaleihikina Akaka
Trustee Luana Alapa
Trustee B. Kalei'āina Lee
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Leina'ala Ahu Isa

GUEST:

Kahekili Pa-Kala
Hala Pa-Kala
Kilia Purdy

EXCUSE:

Trustee Keola Lindsey

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Jason Lees
Joshua Koh
Alice Silbanuz

BOT STAFF:

Lehua Itokazu
Kanani Iaea
Claudine Calpito
Anuheia Diamond
Pohai Ryan
Maria Calderon
Nathan Takeuchi
Crayn Akina
Lei Ann Durant

I. Call to Order

Site visit starts at 10:00 a.m.

II. Introduction

Everyone says aloha and informal introductions are made.

III. Site Visit

A. Hānai ā Ulu Native Crop Program and Sustainability Garden

The primary goals of this program is to educate the community, sustainability, and food security.

Kahekili Pa-Kala shows everyone the growth of limu specifically of ‘ele ‘ele. The ‘ele ‘ele grows well near fresh water or a spring. He shares a mo‘olelo that was told to him when he was a young child. The mo‘olelo is about Hina. Where ever Hina would walk along the shore with her o‘o and where ever her o‘o touched, fresh water would come out of the ground.

When ‘ele ‘ele was plentiful it was used to barter or they would sell the limu. No one sells the limu because it is very scarce.



Trustee Ahuna inquires the thought on making money and do they feel about this topic.

Kahekili Pa-Kala shares that he is very blessed to get paid to do what he loves. He can trouble shoot problems, he does this work for his children, and for all the children of Hawai‘i. He wants the children to know how important this work is. If the environment thrives then the community will thrive.

Kilia Purdy shares that she is 4th generation on the Hoolehua homestead. She explains that the ocean is far from Hoolehua and the limu that grows in this area is different from the South shore. She runs a home-school she started ten years ago. She receives no funding instead they barter with families. The bartering is based on the skills and knowledge of each family. Many years ago she learned how to clean and gather limu ‘ele ‘ele from aunty Aunty Valie ainoa. She learned that if there is no limu or resource than there is no practice or knowledge to be passed on. What ever mana‘o and skills you have they should be shared. She and Hala’s focus is education. They want to equip the children with not only the culture side but the academia. When they choose to leave for school they’ll be ready for it.



They recognize resources are very limited and they must be protected. She points out that everyone uses the term gathering rights. She explains that people can gather but they also need to put back. She shares that she is working on her Doctorates in Indigenous Leadership and Organizations through Chaminade and plans to use the model they are doing at the pond but in a bigger scale. In closing, she shares her thought on ‘ōlelo. She believes ‘ōlelo should be free. When she taught at the local college she had kupuna paying for classes. This broke her heart. Anyone one wanting to learn ‘ōlelo, the classes should be free.

Hala Pa-Kala shares that they have two tanks now with lime ‘ele ‘ele and they are in the process of placing two more tanks in her homestead. The new tanks will have manaua. The kids do water quality testing. They checking on salinity and analyze the results. The kids will also go in and remove the invasive gorilla ogo.

Trustee Keli‘i Akina inquires on their thoughts about children growing up and moving away. What can they do to encourage them to return home?

Kahekili Pa-Kala states more jobs need to be created. Jobs like farming, aqua culture, natural resource management. There are kids that want to do something with ‘āina but they don’t have a path way to follow.

Kilia Purdy shares they need the kids to flip their mindset. Success is thought to be getting a good job and make lots of money. Many kids on the homestead have five to forty acres. They can stay home to farm and be happy and rich. She shares her Dad’s thoughts, he is not rich with money but he is rich with resources and with the lifestyle.

The help they seek is to clean the invasives. This help can come from their community, families, and OHA.

They plan on speaking at the Hawai‘i Conservation Conference at the end of the month.

IV. Public Testimony

None

V. Announcements

None

VI. Adjournment

The site visit ended at 10:40 am

Respectfully submitted,

Lehua Itokazu
Board Secretary

Report distributed at the Board of Trustees Meeting on July 29, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Excused Memo - Trsuttee K. Lindsey

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

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**Minutes of the Office of Hawaiian Affairs
Board of Trustees
MOLOKA'I ISLAND COMMUNITY MEETING
MINUTES
Wednesday, July 14, 2021
6:30 pm**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'āina Lee
Trustee Keola Lindsey (zoom)
Trustee John Waihe'e, IV

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Alice Silbanuz, Interim CE Director
Joshua Koh, DPM
Jason Lees, DPM
Misti Pali-Oriol, CO Asst. Mngr.
Gayla Haliniak-Lloyd, COC
Kevin Chak, IT Support
Erin Nakama, IT Support

BOT STAFF:

Colin Kippen (zoom)
Amber Kalua
Kanani Iaea
Lehua Itokazu
Anuheia Diamond
Claudine Calpito
Kalani Iaea
Nathan Takeuchi
Crayn Akina
Maria Caldera
Pohai Ryan

GUEST:

Kūnani Nihipali
Halona Kaopuiki
Liko Wallace
Zachary Helm
Walter Ritte
Judy Capariela
Keani Rawlins Fernandez

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Moloka'i Island Community Meeting to order for Wednesday, July 14, 2021 at 6:35 p.m. Chair Hulu Lindsey calls for 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	KEOLA	LINDSEY	X	Attends on Zoom
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

Chair Hulu Lindsey Thank you everyone and aloha to all of you here. This is the very first OHA community meeting This is the first community meeting we are holding in person, streaming live on our OHA website as well as virtually on ZOOM. We have joining us on ZOOM this evening.

1. Trustee Keola Lindsey – Hawaii Island Trustee

As a reminder for everyone here and on Zoom - Please mute your mics when you are not speaking. Trustee please enable your cameras if you are able to do so. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Introductions

Chair Hulu Lindsey I would like to ask each trustee to introduce themselves and their staff at this time.

Trustee Ahu Isa Aloha Kākou. I am so happy to be with you all tonight again after COVID. With me tonight is my Aide, Nathan Takeuchi. *Inaudible* Mahalo for having us.

Trustee Akaka Aloha. Mahalo for inviting us here. We are so thankful to be here in person with you all. We were so sad that we were not able to meet last year. It's not the same. *Inaudible*.

Trustee Akina Aloha Kākou. *Inaudible* thank you for being what Hawaii is all about. Every time I come to Moloka'i I am reminded of my roots and what it is to be kanaka maoli because you carry that standard into the future, both your kupuna and young people. You have many challenges here and it is heartbreaking. We hope in a humble way we can serve and help to provide for you in any assistance we can. We are here tonight to hear your mana'o. We look forward to hearing what you have to share. Thank you for taking the time out of your busy schedule to come. I am very honored for that. Mahalo.

Trustee Ahuna Welina mai ke aloha. My name is Dan Ahuna and I represent the islands of Kauai and Niihau. I also would like to say mahalo to all of you and the two organizations that we visited to day, Kealopiko and Keawe nui. Thank you for hosting us today. With me today is my two aides, Claudine Calpito

and Anuheia Diamond. Thank you so much, I am going to enjoy my visit here, spend my money, and I'm gonna go home.

Trustee Lee Aloha mai kākou, I am a Trustee at-Large. I am happy to be back here on Moloka'i. As many of you know, my family is from here from Ho'olehua. It is very good to be back on the island. My aide that is with me tonight is Leiann Durant. I really looking forward to hearing the presentations this evening and how our grants money is being used to help and benefit our beneficiaries on the island. I am also looking forward to hearing what the community has to say and share with us this evening. Again, aloha and mahalo.

Trustee K. Lindsey Aloha mai kākou. I am Trustee Keola Lindsey from Moku o Keawe. Mahalo to the people of Moloka'i who's hosting OHA tonight. Thank you to our Chair's office and Trustee Alapa, and everyone else for your hard work in putting the meeting together. I look forward to hearing the presentations and from the community. Also, joining me virtually for the meeting tonight is my staff, Kama Hopkins and Kauai Wailehua. Aloha.

Trustee Waihe'e Thank you everybody for coming out to our meeting tonight. Thank you for sharing your knowledge and your mana'o tonight. I also want to thank our lovely friend and trustee from Molokai, Trustee Alapa for hosting us tonight. Thank you to all of our support staff for putting everything together. Thank you to my Aide, Crayn Akina and for all the support he gives me. I am so happy you have no idea to be back here in Molokai after not being able to last year. It's one of my favorite places to come to. There is so much here we can learn from. Once again, thank you to everybody for coming out. I look forward to everything you have to say. Mahalo.

Trustee Alapa Aloha mai kākou, I am so thrilled to be here. I am so excited to be able to host the Trustees and the Office of Hawaiians community meeting. I will keep it short. First and foremost I am a Hoolehua homesteader, proud as can be. I was so thrilled to host some of our Trustees that arrived early. We are truly blessed. I am blessed by my father, Stanley Alapa, my step-mother Shirley Alapa who recently passed. Also, My own Mother, Kauana Kalekele Pukahi. She is a Meyers, Adams, Davis that is her lineage. I am the middle of two sisters, Ohelo and Kauai. For me I came back a few years ago to help my father with the land my father left for us because my step-mother wasn't feeling well for the past two years. *Inaudible* Thank you so much. We had such an incredible day today with the presentations. Once again, thank you for joining us.

Chair Hulu Lindsey I am Carmen Hulu Lindsey, the Maui Trustee serving as the Board Chair. I want to mahalo the Molokai people for ono mea'ai. Thank you to who ever prepared it, it was so ono. The desserts were out of this world. I would like to introduce my staff that is here with me, Board Secretary is Lehua Itokazu and my Aide is Kanani Iaea.

As a reminder for everyone here and on Zoom - Please mute your mics when you are not speaking. Trustee please enable your camera if you are able to do so. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Before we start our presentations, I would like to ask our Ka Pouhana to introduce our administrative staff joining us this evening.

Sylvia Hussey, CEO Aloha mai kākou. I am Sylvia Hussey and I have the privilege and honor to serve as the Ka Pouhana or the CEO for the Office of Hawaiian Affairs. Our role is to support the trustees and the decisions they make in enabling our lāhui and our ability to support our 'ohana, our moomehu, and our 'aina. I am please to be support here tonight by our administrative staff. Our on island Gayla with our community

outreach. We have Misti Oriol-pali, our community outreach as well as our Digital Print Media crew who is supporting this. Alice silbanuz, Interim Comm. Engagement Director, Josh and Jason. We are here to listen to help, and do. Our role is to “do” as guided by our trustees. Mahalo

Chair Hulu Lindsey Thank you. You know, our Bylaws require us to come at least once a year to listen to your concerns and hear what you have to say. At this time I will turn the time over to your island Trustee to conduct that portion of our meeting. Trustee Alapa.

Community Presentations

Trustee Alapa Thank you Chair. At this time I would like to call upon our community presenters. Our first presenter is from Alu Like, the kupuna program. Please welcome Kauai manera, Manager of Alu Like.

Alu Like , Kupuna Program – Kauai Manera, Executive Director

Kauai Manera, Mngr. Alu Like Aloha kākou, thank you for inviting the kupuna program which has been in existence since 1990. I want to remind everyone that we will all get old. Everyone one of us sitting in the room. I am hoping and praying that there is nice people. Debbie Benjamin and DJ Pelikai are my staff. We work very hard to provide services to kupuna. We wanted thank OHA for funding our meals. We serviced almost 200 kupuna with meals during that early stages of COVID. At that time only had the two stores. If you can not stand in that line, our kupuna, poor thing. How can they get food? Getting food to the kupuna was a top priority and I am so grateful that OHA had a hand in it. I also have to give a shout out to sustainable Molokai. Kupuna program has been occupying the DHHL/OHA conference room forever. OHA through Trustee Machado, Gayla mahalo – for taking care of us. We haven’t paid a cent for being in that site. Mahalo again to the OHA. Many programs left Alu Like and we didn’t have that money to sustain ourselves in that building. We could’ve not afford that rent so we had to leave Kulana Oihi.

What do we do for the kupuna program? Even though we have been around since 1990 people do not know what Ke Ola Pono no na kupuna does. We have a congregate meal site and nutrition is paramount. We push low salt and low sugar diet. We don’t allow soda and li hing mui. We provide information and assistance to kupuna that need that help. Legal Aide, Sustainable Moloka‘i, Moloka‘i community health center, Office of Aging – wherever there is services for kupuna we get the first whistle. We refer service to kupuna on Moloka‘i and off island. We go into school and do intergeneration activities. A lot of our young children don’t have kupuna so, we teach values, lauhala and different activities. We do research on alii. We believe honoring the alii keeps the alii alive. We partnered with the Imercession schools both high school and Intermediate level and kupuna and haumana did research on Kalakaua and the Kamehameha dynastys. That was awesome. Many of us Hawaiians, we don’t even know our own history. You what, we have time, even as kupuna we have time to learn.

What do we need? A new van, God bless our van but we need a new one. When we go up hill all the a/c go off. All the kupuna ask *where da a/c?* We did have some instances where we are going up hill and it’s smoking. We have issues with our ka’a wila. I am going to be very candid about this, we need one new van. All the other islands have new vans and we inherited Hilo’s used van. We need more specialist on Moloka‘i in the health care arena. We do have specialist that fly over to Moloka‘i but the bulk of our health care especially for kupuna we have to fly to Honolulu or Maui. We also need a big plane. Moloka‘i people, we are maa to our little planes but our kupuna on a wheel chair, no I don’t think so. There is no MRI capability on the island. The Moloka‘i general Hospital is an acute care facility so, they prep you, take care of you, and the next thing you know you’re flying to Honolulu if you get air ambulance insurance. Being old on Moloka‘i

with health issues is a big kuleana. Some kupuna run out of money, they choose to malama their mo'opuna vs. themselves. It breaks my heart to see this. I think who am I to tell this kupuna *eh he can go work*. Long-term care, there isn't any. There is a care home on Moloka'i but with three beds. The only way you get one bed is if one of the tutus hala. That is the stark truth of Molokais long term care situation. If you do require a skilled nurse aide you would have to go off island. It just breaks my heart when I hear this. A lot of our Hawaiian people still come to Alu Like for funeral cost when their love ones die. I always feel so poor thing, this is just one last thing, it's dignity for our people. One more thing, this is federal but I'll say it anyway. We need a social security office. Being with Kupuna and dealing with social security is so complicated. Just wanted to say thank you again for this time and for taking care of us. Welcome Luana, welcome to Moloka'i, I hope you do well, I mean that sincerely.

Alu like, Inc., Ho'āla Hou Program – Melia Kalawe

Malia Kalawe Ano ae me kealoha. Aloha to our Office of Hawaiian Affairs members, trustees. Thank you for taking the time to come and listening to our mana'o. We are the Ho'āla Hou program under Alu Like. I come from Hoolehua homestead, Molokai is my one hanau, my home. I went away to college and got my bachelors in Hawaiian Language and Hawaiian studies and pretty much flowed right into this job under Alu Like where I could use my knowledge from school. All I wanted to do was to give back to my community and my people in any way I can. I am grateful to be here tonight.

Anne Steinke Welina mai kākou. I have my ASA in Hawaiian studies from the Molokai education center. I studied under Kelia Purdy Avalino. I love to face paint and decorate cookies, pre-Covid for all the keiki. I love to read. I was originally hired for the Native Hawaiian library and was then bestowed the kuleana of the hanaia ulu americano senior foster grandparent program and Hoala hou youth program. I've been with Alu Like since March 2019.

For those that don't know Hoala Hou, to renew and restore. The department provides prevention services from ages 10-17. Approximately 4th grade to senior year. The department staff uses best practice and evidence based prevention curriculum to educate youth and parents on the dangers of substance abuse in youth. The department works to create a variety of preventative curriculum incorporated Hawaiian values, culture, and practices. We do this through our different branches, and we do community outreach. In the past we've partnered with many other local agencies and have done information dissemination, sign waving, and community service projects; including adopt a highway. We also do classroom education services. We teach everyone that positive thoughts leads to positive actions, and create positive feelings which lead back around to positive thoughts and so on. We also have our ho'i ho'i youth leadership program and after school program. We have workshops and activity for the keiki that are culturally relevant and responsible.

Malia Kalawe We can all agree that this past year has been a roller coaster of having to adapt to different ways of coordinating any programs. We are in a new era with this pandemic, we have to find different ways to continue to service youth and 'ohana. This past year our community outreach worked with Maui foodbank and the food distribution amongst the island. Our classroom education services developed virtual learning classes and curriculum. And our after school program got to kokua with food bank and partnered with our Native Hawaiian library. Our biggest success was the Food bank this past year. Our youth and leadership group was still engaged with the community. We got to give back to the community by helping to pack food, load food, and deliver to 'ohana in need. We are also in partnership with Ola Molokai who is using our space at maha site to do a pop up mahi'ai – a farming class. Our food bank we are able to give them snacks. Since we could not meet physically we put a challenge out to the community for elementary, middle school, and high school. The challenge was submitting some kind of presentation or video that shows how they have

been living pono and talking about substance abuse issues in the community or school. Unfortunately, we only had one submission for this challenge.

Slide*

Anne Steinke We are learning how to operate in a virtual world. We are all navigating new waters with online interaction and utilizing pono life skills curriculum with Hawaiian background and values.

Malia Kalawe Being here on Moloka'i and being lovers of language and culture we wanted to highlight Hawaiian values, hawaiian background and knowledge, and lovers of food. We wanted to express that connection with our own island specifically using moolelo specifically to Molokai. With just the positive action seemed more of a westernize program so we Hawaiianized it.

Slide*

Anne Steinke We incorporate the value of the week with all our classes weekly. We give a value that the children is suppose to focus on. An example is kupa'a, to stand strong and firm. This would be used during our anti-drug and alcohol discussion. We include 'olelo noeau.

Malia Kalawe Another big success this year was we were able to translate our positive action/cultural curriculum and make it 'olelo Hawai'i for our immersion classes. That was fun to use our own personal knowledge of language and culture.

Slide*

Anne Steinke part of education services, after each 8-10 sessions with the children we give them a survey to do. One of the questions we ask is *The most important thing I gained from positive action is:*

Some answers – don't be the bad guy.

To answer truthfully.

Don't take drugs, drink alcohol, or smoke or vape.

Being nice and doing my kuleana.

Slide*

Malia Kalawe Another question asked on our survey is *Would you recommend positive actions to other kids? Why or why not?*

Some answers – Yes, because positive actions may help kids to stop bullying

Yes, so they don't do drugs.

Yes, because you never know what they are going through.

Yes, this program makes sure that people are not doing bad things.

Slide* (of kaiapuni class/ huli)

Anne Steinke From October of last year till now, we have serviced a total of 89 students. This is due to the pandemic and online. Normally it would be a much higher number. Total of Native Hawaiian students served was 85 and total of immersion students served was 53. Mahalo o all of you for coming tonight and mahalo to OHA for supporting our endeavors.

Kalae Po Maika'i – Shari Lyn E.D.

Shari Lyn Aloha Trustees, community, and friends. My name is Shari and I am the director of Kalae Po Maikai. It is our Native Hawaiian infused substance abuse treatment center on the island of Molokai. We are the only substance abuse treatment providers on island at this time. We have been doing this work since 1996 located out Mana'e. One of the things we do besides treatment is farming. We grow about 50-60 different things. Since 1996 we started a "fetch and catch". Find people on the streets and take them home with us until we found a place to have our facility. We are so grateful for that and the kupuna that helped us to secure that. From 1996-2023 we were doing this as all volunteer. Everyone that works in our facility, on our board, and volunteers with us is usually people who are in recovery themselves. I have been clean and sober since

1987. I have not had a drink or drugs since then, I am okay with people knowing that. I put that out there because the more we are open the more we can help one another in the struggle. We wanted to get a place, we prayed, and relocated several times. One day as we held hands Auntie Luana Hamakua and her family, she was standing there saying the prayer and in the middle of our prayer some zig zag papers flew in the middle, we took this as a sign that this would be our new place and in 2003 it became our place. Senator Inouye came over and sat in this same building. He said he wanted to see what we were doing. So he rode in our funky van while we did our fetch and catch off the street, watched how we took them home and how we helped them get into programs off island because we didn't have anything on island. He saw all of this and told me that we needed money. He said to call his office in the morning, and we'll see what I can do. When I followed up in the morning Uncle Dan left us a \$200K "get going fund" that I didn't have to write a grant for. I couldn't believe it. He sent me to training to learn how to write grants. So, that is how we started off. We asked the State of Hawaii if they could fund us but they said no, they wanted us to use evidence base programs and that was not a direction they wanted to go at the time. But we kept doing what we were doing because we knew that was working with our haumana and what our community needed. We didn't give up. Now, all of a sudden it is the thing. Since 2006 they've been funding us regularly. Since we started documenting the people we have served is 869. Prior to documenting this number is greater. The most common thing we work with people to overcome is methamphetamine use and alcohol on our island. Meth is so prevalent because it's easy to make. You can buy everything you need at the store. Stuff comes in so easily here, we have no TSA or dogs at the airport. I know from personal experience, five generations of my family have died from a disease of addiction. Today, God willing that I won't be the next one in line. It is the equal opportunity destroyer. We are happy to be here, we have a van, we pick up our haumana and bring them to the center. They meet in groups, they have individual counseling, we run interference with their probation officers and sometimes their employers and family. We do drug testing routinely. There are many of you here tonight that you or a family member have benefited from our program. I am grateful that as community members we can come together, be here tonight and show the world that it doesn't have to be a death sentence. Between 94%-96% of people we help or worked with of 879 haumana are Native Hawaiian and most of them are males. Part of what we do each week is work on our farm. We feed over 200 people a week out of the farm. Those are families that are in recovery or have a family member in recovery. It is our way to say *Hi here we are with our weekly distribution that we want to share with you and just know we are here for you when your ready*. We don't charge anyone for anything, and we teach a philosophy of "give first rather than give back". Our haumana will get a bag and instead of taking it all home to their family they give it half to a community member that has helped them. We received money from OHA about ten years ago, it was fabulous and wrote this wonderful review after hanging out with us too. We are always so grateful for the work that you folks do. Thank you again.

DHHL Updates and Status of Molokai – Zach Helm, Commissioner

Zach Helm Mahalo to all the previous speakers. Mahalo for coming to Molokai. I've been a commissioner since April of 2018 and it's been challenging and very educational time for me to understand what our people are going through. I would like to say to all our kupuna and our beneficiaries Aloha and welcome to tonight's meeting. Starting August we will have our first live meeting on Oahu so, that's exciting. We have our commission meeting next Monday and Tuesday – you can go online and join us. All of the agencies that provide for our beneficiaries like OHA, Hawaiian homes, our Congressional people, our Governor, State Legislatures, and all of our State agencies ought to get together, work things out so we can get people on the land. We can not do it by ourselves. We have over 28,000 people on the waiting list and it's growing. The only way it will work is if we all come together. I am serious about that. It is not only OHA and Hawaiian homes it is all of the State agencies. We did provide relief funds through COVID to help our homesteaders in the state. We delayed most mortgage payments. We provided fundings for rentals statewide. Some of the

funds were used for utilities. We are celebrating 100 years on July 9, 2021. We had a celebration on Oahu at Kapolei, DHHL celebrating 100 years of Hawaiian homes Commission Act. Mahalo to our Prince Kuhio Kalanianaʻole if it wasn't for him, I wouldn't be standing here. He had a vision, he new he had to protect our people. He did a great job and we malama him. I will go over somethings that are happening or will be happening for the homestead:

1. Nā'iwa Agricultural lots on Molokai – located near the airport. Currently going through the ea and sub division process to provide infrustructures to 58 lots.
2. Ho'olehua lots – looking to sub divide vacant larger Ag lots. Start the EA process in later part of 2021.
3. 'Ualapu'e kulena lots – will begin the community planning process and the enviornemntal assesment process – approximately 175 (1-2 acre lots)
4. Water – the biggest issue on molokai. Currently the Hoolehua water system is being improved. They are working on a \$30M project, phase I and II.
The department is seeking State commission water resource management approval of DHHL water use permit application. Approved of the DHHL application will allow DHHL to provide more water to new homestead projects in Nā'iwa and Ho'olehua as well as providing additional water to exisiting leasees.
5. Malama Park – at Kaunakakai. DHHL is currently going through a planning process to create a long-term management plan for malama park. DHHL is targeting Hawaiian Commision approval by April 2022. Beneficiary consulting meetings will be held between now and planned approval. Next meeting tentativily schedule for Sept.
6. South Moloka'i shoreline erosion management plan – DHHL is currently going through a planning process to assist homestead leasees better to address the impact of sea level rise and coastal erosion. DHHL hopes to be done with the plan by Fall 2021.
7. DHHL will conduct additional focus group meetings with affected homestead communities in the next couple of months.
8. Moloka'i Homestead – we have current grantees and thier projects include Moloka'i Farmers alliance-to renovate Lani kea center. COVID-19 relief distribution of food and clothing-Thank you for all of your contribution. Ahu puaa of Moloka'i to renovate Ho'olehua Hale. Improvements in Na Pua lei o hina -shared equipment program. *Inaudible*.

These are all the things going on right now. Thank you.

Mokupuni O Moloka'i Updates and Status – Sybil Lopez, President

Sybil Lopez, Preseident Aloha and Mahalo for this opportunity. Thank you to the Baord of Trustees for being on the island of Moloka'i. We are the Sovreign Council of Hawaiian Homestead Association. The national advocate and Stae wide homestead association SCHAA is thirty four years old. We were founded in 1987 by waitlist listees on all islands dedicated to the Hawaiian Homes Commission Act. We serve to the interest of 42 homestead areas and homestaed associations. We got 10,000 lesees and 28,000 on the waitlist. We consider ourselves the expert of the Hawaiian homesteads Commission Act. We have decades of knowledge. You are on Moloka'i where Prince Kuhio started the first land tenureship right in kalama'ula at tje time known as Kalanianaʻole kalani. You are here breaking ground. We are registered witht he Department of Interior as Federaly defined under the Hawaiian Homes Commission Act beneficiary org and under 43 part quota federal regulation part 47-48. We are recognized thanks to President Obama for including it in the Code of Federal Regualtions. Our mission is to exercise sovereignty on the trust lands set aside by the Federal Governement in 1920 through the Hawaiian Homes Commission Act. We have represntation on Kaua'i, 'Oahu, Maui, Lana'i, Moloka'i, and Hawai'i island. We do have enrolled homestead associations and in 2023 we also enrolled individual memebbers. Five member governing council serving four year terms.

2019-2023-Our Chair is from Kaua'i, Ms. Robin Danner and I am the Vice Chair, from Moloka'i. Our members are Mr. Ron Kodani from hawai'i island, Auntie Kekoa Enamoto from Maui, and Uncle Richard Tsu from 'Oahu. We've also created a Homestead policy committee and a Homestead capacity building. We do have a waitlist association which Uncle Mike Kaikina is the Chairmen. A few of our SCHAA Moloka'i mokupuni priorities, we've got five priorities that we list and number one is to increase resources to Moloka'i Homestead. I want to personally thank OHA for increasing their funds to homestead grants. Our HCDC actually had \$75K from one of the OHA grants. Thank you for doing your biennial budget, we were able to participate and let you know what we really needed. A lot of increases to financial resources, we look at Federal capitol. The state of Hawaii was able to allocate \$1.28M to Moloka'i from the Native CDFI funding. They have worked on the USDA Farming capitol through farm services and agencies like a food sovereignty program. The idea is bringing a lot of cash to our people so that they can do the work on the land and having farmers eligible for the HUD mortgage funds where farmers on homestead land were not able to qualify or eligible. This year in March HUD opened the HUD180 for a loan program. Also, improve management of Kalaupapa. On the Federal level we want to organize sessions with the Department of Interior because of the Kalaupapa general management plan. Right now, it is under the Department of Health. The idea is to help our wait listers to get off the waiting list and on to the land. She also shares the Congressman Kahele announces the Act 80 lowering the successorship of the blood quantum. Believe it or not, it came from our homesteaders lobbying at leg and right now it is making history. The last thing is the water, we are going through a water use and development plan with the County. We have been working with Ka huli ao. We have monthly meetings, and our next meeting is next week Thursday. I want to personally invite Trustee Alapa. We will be talking about water about looking at water as a public water trust and how 20% of those revenues that would be at OHA and how OHA could position themselves in helping our beneficiaries get their water. It is on the Hawaii Revised Statute. It was embedded as art of Prince Kuhio's legacy and we want to continue that. Mahalo very much.

Chair Hulu Lindsey I just want to say the blood quantum bill being introduced by Congressman Kahale is only for successorship and not for application. So from 25% blood quantum it will go down to 1/32% and that is for once you have Hawaiian home lands it will stay in your family. We have so many inter marriages and once we have Hawaiian Homes we want to keep it in our 'ohana.

Partners in Development Foundation (PIDF) – Shawn Kanaiaupuni, Dr.

Dr. Shawn Kanaiaupuni Aloha mai kākou. I just wanted to say a big mahalo to Chair Lindsey, Luana Alapa, and the Board of Trustees for inviting us here today. Many of you I know from other parts of my life like Kamehameha. Thank you OHA for being our partner in developing our capacity to deliver on our mission. I am the new face, I took over in the middle of COVID last April 2020. It has been a joyful ride and journey. I don't want to take up too much time but I want to share quickly about PIDF. Our mission is to inspire and equip families and communities for success. We do that as a Hawaiian organization with culture, values, and knowledge of our ancestors. Our work is truly in supporting and strengthening families and inspiring them to serve others in their communities. We just made 24 years of existence. We really partner with our families and walking along side them to navigate the challenges. We are here to serve our most vulnerable, low income, or living in rural areas and providing them access to a wider array of opportunities. Our motto is when we care for our 'ohana we also build healthy thriving communities. Our first area of business is in education such as our tūtū and me programs, kapa'alana which serves our houseless, and nau pono no na 'ohana in Waimanalo serving families on the homestead there. The work there is to serve families with young keiki in early learning and to honor and revalue our makua and kupuna our keiki's first teachers. These are some of our longest standing programs. Our next area of work focuses on family strengthening. We serve Hui Ho'omalua, we serve foster care families. We recruit and support and look for more Hawaiian families to

be resource caregivers for our foster youth. 50% of our foster youth are Hawaiian. We have a residential shelter for adjudicated youth on 'Oahu. The last area is around island resilience which is thinking and careful work around food security and farming. We have a five acre natural farm which is a research and demonstration site to begin transforming food systems in Hawaii. We do this as a teaching and research laboratory. It is also a place where we mentor justice involved youth where they work on the farm four days a week. It is really a part of our vision for a healthier and resilient communities. I will be passing this section over to Tyler.

Tyler Oaky I will be explaining some challenges we faced here on Moloka'i. One of them was program collaboration. I am the Community Outreach Coordinator. I put an invite out to 36 organizations out of that 36 we have 25 partnered with us. We went from not having any conversations to having hours of conversations. We are happy that OHA was with us for one. We also want to recognize another challenge is consistency. Keeping this collaboration going, we get so excited when we unite but we died down. We need your help to keep us going. Some celebrations we did at tutu and me was expanded our community support. During COVID-19 one of the families went in quarantine. We understand the walls feel like they are closing in on you and you feel like you are alone. With our partners we were able to deliver food and activities. By doing this we helped our program increase enrollment. We also refresh community partnerships. Now we have an early learning Hui with all the pre-schools. We are also restarting Ho'oikaika partnership based on Maui but we are giving them support to start again on Moloka'i. Our concerns that we recognize but have yet to address is for our kupuna. Housing, home improvement hana which is an income base facility has a waitlist of 2-3 years. For some of them that is their last years. We have tele health but it comes down to travel. As Auntie Kauai says we need a bigger plane. These are some of the concerns we recognize and we want to be apart of a solution but we need everyone's help. Thank you for having us.

Maui Area Health Education Center – Rosie Davis, Executive Director

Rosie Davis, Executive Director Aloha everyone. Thank you so much for coming to Molokai and for giving us some time to share our project and program. The Moloka'i Farmers Alliance is a volunteer project that I do. When COVID hit they had their boots on the ground and we partnered with a lot of different people. We were able to give food, medical supplies, gear, equipment, and things of that sort. During that time I received a call from Trustee Luana Alapa asking to partner. We were so excited, we were able to give food out on the East end some of the harder places to get to. We serviced over 700 people that were able to receive food. Then in April we had a toy drive at Lani Keha for about 400-500 children who were given toys. We also had the Easter bunny, thank you Trustee Alapa. We will really feel the partnership with the Moloka'i Homestead farmers alliance and other organizations have been a benefit to the community. We continue to look forward to partnering. We are not receiving any funding from OHA at this time but there might be a possibility to be able to seek funding. On another note I want to call up the students that are with the Maui County Education Center. We have provided health career opportunities with Hawaii Pacific Basten, Dr. Kelly Woody. Here are some of the students: Misty Parker, Maile Sasato, and Daylyn Casino.

Misty is the Project Coordinator for the mini clinic that will begin July 24th and again in August. We do have a big interest of students on our island that are interested in Health careers. We want to share and show all of you this. It is a \$1,100.00 check given to the students. Thank you Trustee.

Trustee Alapa I want to share how they received this check. I saw a posting on Facebook where they were looking for help with sending the students to neighbor islands to attend Health and Care workshops. So I took it upon myself to ask friends if they wouldn't mind donating. The next thing you know they were

offering all this money and the next thing you know we have \$1,100.00 given to the HOSA Program. You folks are doing an amazing job. We are so proud of all of you. Thank you so much.

Community Concerns and Celebrations

Kunani Nihipali My wife is passing out lei that we made from our 'āina today. Ipo Nihipali, she is one of the best artist on the island, wonderful cook, and lei maker. Welcome to all of you. Normally, we are on the opposite side of the OHA. My family is from this 'āina, Kalaua before the Kalaupapa settlement. They were evicted and eventually ended up on the North Shore of 'Oahu. My perspective is on the opposite side of the table. I have been active in the community with an adversary view point. I've associated myself trying to fill in some of the blanks that the historical in which we retreated as Native Hawaiians. We are beneficiaries on our homestead in Ho'olehua. We are farmers, artist, activist, and Tūtūs. We have had many leaderships roles with many public and private Hawaiian communities, Nationally and Internationally for the past seven decades. We have also been actively involved in the repatriation of na iwi kupuna, I was the Po'o for Hui malama I Na Kupuna o Hawaii Nei and we went all over the America bringing home over 6,000 kupuna. After doing this for many years and I still see many short falls, I want to bring historical correction when we talk about our trust. We have created a curriculum to see if we can assert a different kind of perspective of the Native Hawaiian truste legacy. Your past Trustee Peter Apo suggested that all the Trust should come together and possibly we would have the Nation today that we need. Because right now there is alot of conflict with OHA being a State Agency, your hands are tied. Your hands are tied and we always find ourselves on the short end of the stick. We created a program called Kuleana Wai Wai – an awareness t economic sovereignty. Don't confuse my desire to engage with you with my expressions of this "my passion" because we've lived to long with he view point "it is what it is" and it's not an option. It is a defeatist attitude to me used frequently. As beneficiaries we have the right to come up here and be heard. As once said by George Helm "Call me radical for I refuse to remain idle. I will not have a foreigner prostitute the soul of my being and I will not make a whore of my soul." I am talking about reconciliation. Reconciliation has not happened even though we've had the apology bill. I want to touch on when congress express commitment to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people. The President of the United States to support reconciliation efforts between the United States and the Native Hawaiian people. That kuleana has been flagrantly and paternalistically disregarded by the Trustees of the Federal, State, and County governments and others with our input or due diligence. That needs to change. You folks know that your trust our trust, we don't have the 20% of that money. I don't see the fairness of that. That is the awareness I want to leave with this evening. I also leave you Hui Naauao, I was the director of this program. We developed a curriculum on education it was about Nation Building. It has been about thirty years and we have no nation building on your part. I want to enhance you folks and maybe we can get together to start the curriculum going. Our people need information. A long time ago we had a \$1M grant from ANA through Senator Inouye signed to help us get. There was over fifty organizations I tried to help and I was Director of. We held workshops and answered questions about sovereignty. I don't see OHA have a nation building. What I see today is OHA continuing to support social programs. That's fine, we need that but we also need Nation building. When we speak of the trust that we have we need not just political sovereignty, but we need economic sovereignty. I'm talking about a revolution I'm talking about Devolution. Devolving our assets from those that are exploiting our resources in the occupier's bank. I understand the prudent man rules of investment. You as our trustees and representatives, you need to identify and say we have this economic power. I submitted a business plan years ago to OHA on starting a bank. It sits someone's closet today. If you understand we put \$1 in the bank they leverage it for \$10. If we had that \$10 then we wouldn't beg them for money for social programs or for nation building. You are the Trustees, our voices, and our watch dogs. You are voted into your position. You have the power of discretion, but we have been the recipients of historic genocidal proportions. Look at the

social economic indocies of our people, the welfare of our people. I can't even get agriculture water for my agriculture lot. As much as DHHL trying to do the best they can but when they cap the trust and restrict the trust then who represents us? If DHHL needs legal service they have the attorney general. If the Hawaiian homes beneficiary wants to sue for a reason they need to go out and find their own attorney. For years I've given testimony and have gotten no results. This is regarding the water and the rate I pay. They could easily write it off and give me the Ag rates, but I pay domestic rates. I refuse to pay domestic rates. I know there are two kinds of trust. One is tangible and the other intangible. When we ask what is a trust, we are informed a Native trust is a statutory trust as compared with any other trustee. What does that mean? What is our trust to us? We were told if we keep rocking the boat, we could lose this trust. What I want to say is if we cannot trust you folks as our trustees of this Native trust then who can we trust? Do we need protection from the protectors? Are we living an illusion of reality? When I studied the Hawaiian homes commission Act, they were supposed to provide infrastructure, part of that is water but they haven't provided that. What I am saying is we need economic sovereignty. We can not just focus on the political sovereignty. Part of that answer is in our trust. We need to get them to start paying what they owe. We need to get all the trust together to get this CDFI. When we put all our money together and put it in their banks, we create 10xs the amount. That is a lot of money. We don't have to beg for money. We should not have conflict. Native trust is Native trust. Public trust is public trust. As Queen Lili'uokalani stated I cannot turn back time to political change but there is till time to save our heritage. You must remember to never seize to act because your fear you may fail. We must begin the process. We must build stone by stone, bone by bone rebuilding our nation in delusion of reality. Thank you.

Halona Kaopuiki Aloha. My name is Halona Kaopuiki was born and raised in the old Shige hospital. I was raised by my great-grandparents, Harry inaudible. He was the lighthouse caretaker. Hai'a, my great - grandfather was the Kalaupapa light house caretaker. When he retired from the coastguard, he and my grandfather took over the lighthouse. In old pictures the light house had a white fence. I was raised traditionally by my great-grandparents and mu grandparents. My biological mother I called her sister, I thought she was my sister. During Cayetano times when they came to a meeting and because I was raised traditionally they locked me up I worked for OHA for twelve years. They hired me because of my cultural background. Preservation *inaudible*. I see young blood in here now. Do the work and know your history. Bring back our nation take us away. Bring back our land with preservation. We need the water. With education we can educate the world. The occupation of United State of America illegally. You know where they found this? *inaudible*. This government, the state of Hawaii, the County of Maui is killing me. *Inaudible*.

Liko Wallace Thank you for giving us your time in person. There was many things said prior to me being up here and I agree with a lot of it but I know we are in different times and we have a lot of situations going on. One of the biggest ones right now is water at our homestead. We have potable water but we don't have the MIS. So to be able to farm is so costly. With drought that we've been having it has been horrible. This past year with all the deer coming down and eating everybody's plants and stuff, that was horrible. I am praying it doesn't get that bad again this year. We are looking forward to getting the MIS coming to our land so that we can irrigate our fruit trees that was planted by my husband. We want to keep it going through our generations and its going to cost me a lot of money. I wanted to know how could I get some help financially? I was trying to work it with the homestead that is behind me, which is Nā'iwa. And to get more people involved because then it would be less costly for Hawiian homes to put the water lines in. Then it would be just me asking for it and paying for it but we are looking at three years into the future. I can not wait that long so I am still looking for a away to come up with that kind of money. I was first quoted \$2,500.00 and at that time I thought it was a lot of money but the new and only quote is at \$12,000.00 and this is to just bring the water up to our property. This doesn't include putting the lines in. I really like the write up that Trustee Akina

mentioned. It was uplifting and I would really like to see that put in action. I don't want it to be just words. I don't want to stand up here and yell at anyone or accuse anybody. I want us all to work together and overcome the adversity we are going through; one plane, expensive freight. They say it cost to live in paradise and we are doing our best. We thank you for your ears being open to what ever we ask and thank you again for being here this evening. We pray that you have a safe trip home.

Walter Ritte Aloha Trustees. The last time I spoke to you guys we talked about how to define what the office was all about. I was lucky enough to be at the beginnings of OHA when we started organizing to create this. The other thing I remember was we were trying to figure out who should get the ceded land money and that was a tremendous amount of money. We had the Trask sisters organizing back then. They were lobbying to receive the funds for their organization so that they could benefit the Hawaiians. There was Alu Like vying for the money. I remember Auntie Fenchy telling her staff I don't want to choose between these two existing organizations, we have to come up with a better plan. The plan was to create a brand new organization called the Office of Hawaiian Affairs and give the money to this organization. This organization will receive funds for the Hawaiians and teach the Hawaiians on how to participate in the Government. The problem came when the State started to define who we are at the Office of Hawaiian Affairs. They came up with the word quasi. Everyone said okay but no one really knew what that meant. Until today we still don't know what that meant. We thought it meant that only Hawaiians would vote for the Office of Hawaiian Affairs and for years that was the situation, that was OHA. Then some judges said no that's not what quasi means. Quasi means that's everybody gets to vote. So the outside forces kept chipping away at who we were suppose to be and what we were suppose to be doing for Hawaiians. Right now, I support what Zach was talking about using the word unity. The Hawaiian community has been thirsty and hungry for unity. Every body understands united we stand and divided we fall. So is going to unify the Hawaiian community. Who will bring DHHL who belongs to Hawaiians, Kamehameha Schools who belong to Hawaiians, and Liliuokalani Childrens Center who belongs to Hawaiians to work together? We tried that back at Kulana no iwi. All of them in one place, a one stop shop for Hawaiians. But we had Kamehameha say we can not do it because our mandate is education. Then we thought can we do it on Hawaiian homelands but then we can't do it on Hawaiian homelands because.... there was all these we can not. Then there was a man name Monsignor Kekamanu from Lili'uokalani Children's Center and he brought them together. He insisted that they unify. Moloka'i is the only place on all of the islands where all of the Hawaiian organizations unified for one purpose. We are very proud of that. Our next meeting should be at a place where all Hawaiians come together. Looking at you guys and thinking how and who is going to be to bring all of these trust together? I am hoping we can get past the thinking of who is going to be Chairman or Vice Chairman. As Hawaiians we need that, bringing the trust together. If the leaders on the top don't get together it will be impossible to unify the Hawaiians. It will never be completely unified but it will be the example. Last thing, next month DHHL will be before the Water Commission and the State Water Commission is going to decide whether or not the department gets more water. We have people with out water meters and we do not have enough water. The last time we went before the commission, Molokai ranch protested, and we never got the water. On Tuesday we expect Molokai ranch to come again because they are in the same aquifer, and they want more water. As show of unity we are hoping that maybe OHA can get some of the legal help and make sure that the homestead Monday gets their water. Mahalo.

Judy Caparida I am so happy that I am here. I saw you the first time you came over and then I didn't see you again until now. I said Ohhhh that's the lady. I have three leis over here. One from me, my daughter, and my sister Irene. A lot of stuff was hidden before but God is doing the opposite now. All of this belongs to him and the land, the Hawaiians get the land and the water. We are fighting for that. The wait listers are fighting for water. I say, how can we fight for water when we own the water. I am a blessed woman. I am so blessed. In our community, I have been here for over fifty years. I know all the people that think they are hidden but

God sees all. I cry because our people suffer. Do your job unto him. We can not take nothing everything will be left back. We need to get out there and let them know the water belongs to us and the land belongs to us. We just need to work with our community. Just be humble that is what its all about. I thank the lord for all of you. Aloha.

Keani Rawlins Fernandez Aloha Chair Lindsey, Vice Chair Ahu Isa, and Trustees. I am Maui County Council member for Molokai and also the Council Vice Chair. Thank you for having this meeting in person. I like testifying before other decision making bodies because it gives me an opportunity of what it feels like when our constituents come before the Maui County Council and testify before us. Thank you Uncle Walter about the C1 meeting which I plan to attend and testify before. I also hope the Trustees will do the same so that DHHL will have a better chance at getting their water permit use application approved. A few request I have for OHA specifically:

1. The transition to virtual meetings many of us are meeting online. I would love if OHA would have their meetings archived on the website. Many times your meetings are at the same time when we have our council meetings. If your meetings are available on the website, then I could watch it at a later time. This would be very helpful.
2. My next request is if you could invest in publishing white paper than reports. There is a lack of that. As a council member I would be able to point to these reports because OHA gives the authority to our community. To have OHA lead the way in doing that would be great.

I also, echo the manao shared tonight. *Inaudible* Mahalo for your continued support with making Bank of America fulfill its promise to our people for \$150M plus interest and penalties. Your help, I know its beyond your authority airlines, shipping, and strengthening our broad band infrastructure. Mahalo again, aloha.

Justin Luafalemana Aloha and thank you guys for coming. I appreciate it. I want to thank DHHL Commissioner Helm for speaking tonight. I wanted to thank him on behalf of the Molokai Hunting Club, he supported us with the County grant and helping us with our right of entry on DHHL properties. I just want to thank Uncle Zach Helm for that. I also wanted to share and say thank you to OHA for helping KUPU. I was apart of KUPU. I want to say thank you for supporting them for the Conservation Leadership Development Program on Molokai and neighbor islands. KUPU is great opportunity for young generations and adults to get their first job or opportunity. We need that here on Molokai. We have a lot of young adults with talent but may not know where to start. KUPU also helps are leadership programs. This program helps the community and Molokai and our young individuals. I just want to thank all of you for coming to Molokai. Im sorry I was not able to attend the meeting personally but I live up Manae and I have all my keikis and 'ohana. Thank you again for coming and supporting KUPU.

Announcements

Trustee Alapa Shares her mahalo to everyone.

Chair Hulu Lindsey I just want to announce that we have our Board Meeting at 10:00 a.m. tomorrow morning and this meeting can be viewed live at our [oha.org/livestream](https://www.oha.org/livestream).

Adjournment

Chair Hulu Lindsey I would like to ask for a motion to adjourn.

Trustee Akaka Moves to adjourn.

Trustee Akina Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA		X	X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9		0	

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 9:24 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on _____, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Community sign-in sheets

DRAFT

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

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477

Meeting of the Board of Trustees
Island of Molokai
MINUTES
Thursday, July 15, 2021
10:00 am

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'āina Lee
Trustee Keola Lindsey (zoom)
Trustee John Waihe'e, IV

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Alice Silbanuz, Interim CE Director
Joshua Koh, DPM
Jason Lees, DPM
Misti Pali-Oriol, CO Asst. Mngr.
Gayla Haliniak-Lloyd, COC
Kevin Chak, IT Support
Erin Nakama, IT Support

BOT STAFF:

Colin Kippen (zoom)
Amber Kalua
Kanani Iaea
Lehua Itokazu
Anuheia Diamond
Claudine Calpito
Kalani Iaea
Nathan Takeuchi
Crayn Akina
Maria Caldera
Pohai Ryan

GUEST:

Louise Hanapi
Walter Ritte
Alapai Hanapi
Germaine Meyers

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Moloka'i Island Meeting to order for Thursday, July 15, 2021 at 10:02 a.m. Chair Hulu Lindsey calls for 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	KEOLA	LINDSEY	X	Attends on Zoom
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

Chair Hulu Lindsey Thank you everyone and aloha to all of you here. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. *inaudible*

You can watch the meeting at www.oha.org/livestream. We are very excited to be here for the first time last night and today in person. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Introductions

Chair Hulu Lindsey I would like to ask each trustee to introduce themselves and their staff at this time.

Trustee Ahu Isa Aloha Kākou. I am so happy to be here. I am a Trustee At-large for eight years now. Mahalo for having us, Luana, mahalo. Thank you Chair

Trustee Ahuna Welina mai e Kealoha. I am Dan Ahuna representing the island of Niihau and Kauai. I am happy to be here. Today with me is my staff, Anuheia Diamond and Claudine Calpito. I just wanted to say mahalo to all of you, thank you for hosting this.

Trustee Akaka Aloha mai kakou. *Inaudible*. It was nice to see the communities come together to share their mana'o. *Inaudible*. We just want to mahalo all of you. *Inaudible*

Trustee Akina Aloha Kākou. Thank you Chair and Trustee Alapa for hosting us today. I am Keli'i Akina, Trustee At-large. I believe most of you were here yesterday. I've learned so much from many of you who testified. One of the things I've learned is that on one hand, I get why people want to live here. It is just spectacular, a place that preserves traditions of our kānaka maoli. On the other hand, it is so hard living here.

You have farm land but no water. You have keiki but you can't keep them here with no jobs. We are humbled to listen to you. We need your mana'o and we are available to serve in any way we can. Thank you for all that you do. Mahalo.

Trustee Alapa Good morning and aloha everyone. It was a wonderful evening last night. To see all the faces of Moloka'i, family and friends. I truly enjoy seeing your faces and listening to the hearts of our people. One of the things I took home with me was what Walter Ritte said the importance of all the agencies and institutions we must come together towards a common goal. I am blessed to be here and supportive of everything we have in front us and for our people. I am so thankful my mother is here with me. She wanted to meet everyone. My mother is from the Kanahele, Kaua'i, Ni'ihau, and her family extends to the Big Island. I thank everyone for tuning in for Board of Trustees meeting. Have a wonderful day. Mahalo.

Trustee Lee Alona mai Kākou. Thank you everyone who is joining this morning live and those watching on in Ho'olehua, and for those watching the live stream in the State. I am a Trustee Brendon Lee, Trustee at-Large. Joining me today is my aide Leiann Durant. Those of you who showed up today we look forward to hearing your mana'o. Mahalo

Trustee K. Lindsey Aloha mai kākou. I am Trustee Keola Lindsey from Moku o Keawe. Mahalo to the people of Moloka'i who's hosting OHA tonight. To the Chair and Trustee Alapa and everyone else thank you for your hard work and for organizing this meeting. I spent some time last night and this morning going over my notes from the powerful testimony that we received last night. I believe it will guide in the work that we do. I look forward to hearing more today. Also, joining me virtually is my staff, Kama Hopkins and Kauai Wailehua. Mahalo.

Trustee Waihe'e Aloha Kākou. I am Trustee John Waihe'e IV., Trustee At-large. I want to say I am very happy to be meeting on site for the first time in two years. I'm even happier our first meeting is back here on Molokai. This place is an inspiring island. I want to thank the people here for welcoming us and sharing their knowledge with us. It's been great time. Again, Mahalo.

Chair Hulu Lindsey Aloha mai Kākou. I am Carmen Hulu Lindsey, the Maui Trustee serving as the Board Chair. With me on this trip is our Board Secretary, Lehua Itokazu and my Aide is Kanani Iaea. I want to say that we are so happy to be home in Molokai and sharing our manao with you and you with us. We will feel the warmth and love from the people of Molokai. Like all of Hawaii we are having a hard time with this pandemic. Hopefully, we can work together. Like Walter said last night, we have to come together in unity in order to get what we want. That's are right as Hawaiians. So we welcome you this morning.

I would like to introduce to you our Pouhana, CEO, Sylvia Hussey. She will introduce her staff and give us our status of OHA updates.

Sylvia Hussey, CEO Thank you Chair and good morning, aloha Kakahiaka. I am Sylvia Hussey, the Ka Pouhana or CEO of the Office of Hawaiian Affairs. I would like introduce our staff on island, Gayla who is in our Molokai office. Also, our Land, Culture, and History Manager, Pulama – she is an island resource as well. We have Misti Oriol-pali, Asst. Outreach Mngr. As well as our Digital Print Media crew who is supporting this. Alice silbanuz, Interim Comm. Engagement Director, Josh Koh and Jason Lees. We will see some of their work showing yesterdays activities. As we get started, I will ask Alice to provide the video from yesterday's site visit. The visit was to the wonderful programs that are on the ground here. After the video we will share our Maui Ola five minute snippet, of our strategic plan, and then we will give the update after that.

Mauli Ola, OHA's Strategic Plan – [short video](#) presented.

[illegible]

Uncle Walter you spoke on Kulana ʻŌiwi. Kulana ʻŌiwi continues to be a model of Hawaiian organizations being in one place and be able to hear and address our people in a one stop framework. OHA is pleased to be at Kulana ʻŌiwi to help intergrate and model what works here in Molokaʻi. Whether its addressing the deer population or fishing or iwi kupuna. The strength comes from the communities and we want to acknowledge that is our responsibility to continue that. *Inaudible*. As well as our rightful 20% of our Public Land Trust. OHAs role in four different areas as applicants at the both Federal, State, and County levels and comunity levels as well as research. The responsibilities we have for demographic information as well as navigating geographical infomation systems with land and culture; as well as having a multi placebo collection that is curated o be able to preserve that. OHA also has repsonsibility to, in addition to advocacy and research, to be community engagers. OHA stands as the supporter for good community work.

BOARD OF TRUSTEES MEETING MOLOKA'I ISLAND

straight that we have those same practices with our properties. The strategic plan is nice but the implementation and hardwork is where we are and we are committed.

Community Concerns and Celebrations

Chair Hulu Lindsey Mahalo. We are now moving on to community concerns and celebrations. Our first speaker signed up today is Louise Mililani Hanapi.

Louise M. Hanapi Aloha Trustees and welcome to the island of Molokai. Thank you all for coming. In 2009 I signed a contract with OHA. When it changed over it went to Kamanao Crabbe and Albert Tiberi. It is nice to meet the new Pouhana. Our land case continues. In 1992 my husband and I entered into a quiet title case. These people had no claim to my land. My husband and I gave five acres who had no claim and we are talking eighteen acres of land. The case took us ten years. When we came back we came back with only the shirts on our backs. We paid for that whole case from researchers and the attourneys involved. There were twenty-three things that got settled. One of the things that was important to us, we never asked for money. We could have made them pay for our lawyer fees, research, our time. My husband, myself and others were apart of NAGPRA and went to Washington DC. We got involved because we are artist. Once the iwi came up they needed artist to create things to put them back. We needed wood carvers, people to make kapa, the weavers, and this how we all came together. Also, with the help of OHA. When we were forced to the table, we sat there with the State of Hawai'i. We said no emergent? Discoveries are to happen in the ahupua'a in --- - that's 250 acres. The total was five hundred but when we were in court there was 250 acres. That's not small. 125 of that is our family's. This is continuing, the area I'm talking about is my family's house site, all burial sites. That was the first thing saved. We take care of our ancestors first. *Inaudible*. Our civil rights are being hit hard. The rights to our land, clean water, clean ocean, all of those things are being hit and hit hard. Our civil rights to make sure our ancestors are allowed to stay there in the earth. I thought I lived in a first world country. Any other country, land legacy, you don't even touch that wall. I grew up in 'āina Haina and watch developments grow. I saw the developments and the change. When I came to Moloka'i and my husband, we came here because the ancestors told us to. 1976 they did a certificate of title, they preserved our 'āina so that my husband and I would not have to fight the way we are today. That is not pono. We have a certificate of title and we have deeds. Gary Gallagher prolonged things and that's how the land case is progressive. *Inaudible*. I continue to work with Kai and OHA. If you call the SHPD you don't get anywhere. As far as Molokais Burial counsel has been defunct for so long its sad. There is no real agency except for you guys. Anyway, I am in court with the State of Hawaii, they are the defendant in my case. I had an Uncle that passed away two years ago. He gave my sister and myself 'āina. Their interest in the land. He said he fought for the land. I need to say my family never sold. People have spread lies saying my family sold but we never sold. Thank you for your time. We are still going through these hearings, and I will continue to with Ka Pouhana and follow up. I want to thank the Trustee at that time and I want to respect them. That was Judge Mossman and Judge Walter Heen. I thank you and I will continue to need your help. I am a kuleana land owner. Its heavy, they divided my kuleana, they gave a personal number and sold it. I'm in court with corp council because that is the tax office. Our kuleana is under attack. We talk about our community. What I saw in Honolulu was a lot of people working for themselves, selling their own food. I hope you come back and visit other site visits. I thank you for your time. Aloha.

Walter Ritte Aloha. I'll make it short. I want to talk you about water again and how important water is in Molokai. In the earlier days the US Court case with water. Our main enemy was Moloka'i ranch. They came to our ahupua'a and put pipes in and took all surface water. That got the community organized to try and protect the water. Today we are still in the same boat and the enemy is still Moloka'i ranch. They are not as powerful as before. Now, when the Hawaiian Homes tried to increase the amount for homesteaders they

intervened. For the last 10-15 years we couldn't get more water from our aquifer. On Tuesday Hawaiian homes will be going back to the water commission again, to try and get that water. We expect Moloka'i ranch to come in and protest. We hope that if they do come in and intervene that OHA will help. Moloka'i ranch wanted to put a well in Kaunakakai. We told them that will have impacts on our reefs, the limu, and the fishponds. The response from DLNR was we have to prove that. What limu are you talking about? What fishponds are you talking about? The burden of proof was put on us. Today this whole thing flipped over and the burden is now on the people who want to do the development. So now the burden of proof has switched. The County right now needs to put another well in Ho'okahi. Their well is right next to Hawaiian Homes well. Hawaiian Homes has two wells and the third well right next is the county. Below them is the ranch. Everyone has the same straws in the same glass. The third issue is what is the impact when you draw down from the cup? What is the impact for us who live along the coast line? There is a tremendous impact. The USGS took seven years to do the study to find out the intake. What is the impact on the coast? There is a connection between the water and the mountain and what's coming off our reefs. So Moloka'i has over 14,000 acres of reef. We have the largest continuous reef system that anyone knows about. So what is the impact on this huge reef. Moloka'i has two economies; the cash economy and the subsistence economy. 1/3 of what we need to survive, the food comes from the subsistence economy, the deer, the goats, and the pigs that are in the mountain. All of our protein come from fish and the goat and deer on the land. So all we have left is to make sure we have the starches; the taro, the ulu. Its important that the surface waters go all the way down to the ocean and go down to the aquifers. Both of these are being threatened on Moloka'i. We are trying to educate the water commission about this. On Tuesday, Hawaiian Homes is putting in their application that they recognize that they fill that cup. We are saying that if you do nothing to fill that cup after you take from the cup, sooner or later future generations are going to leave that toy in the bag. Hawaiian Homes in their application is recognizing to protect that cup. They are also adding that they are going to be committed to do to make sure that cup stay full. My time is up. Thank you. Aloha.

Alapai Hanapi Aloha mai. My name is Alapai. He speaks of going to Washington DC to get iwi and bring them home. Thirteen of them went to grab the iwi kupuna and bring them back. He speaks of mana'o and where this comes from, and the desecration of our kupuna through development *inaudible* He still sees desecration still happening. Help us to enforce and strengthen against the State of Hawai'i. Our kupuna deserve the respect. Thanks again.

Trustee Ahu Isa madame Chair, I stand on the point of personal privilege. *Inaudible*. I'm bringing this up because I just found out about this just now. Ka Pouhana and Chair left the State not for a long time maybe it was just for the weekend to DC. As the Vice Chair I wasn't notified. Just to be on the record I am not complaining in the future can you please do a memo. You never know what is going to happen. *Inaudible*.

Chair Hulu Lindsey We have one last testifier and she is virtual, Germaine Meyers.

Germaine Meyers Aloha Chair, Vice Chair Ahu Isa, Ka Pouhana, and lāhui. My name is Germaine Meyers and I'm an OHA beneficiary for beneficiary advocacy and empowerment. I am also a Nanakuli Hawaiian homestead lessee. Trustees, I aligned my community concerns to the July 1st Board meeting in writing and will email them to you. It addresses administrations report which was Trustee Lee's focus of resolution. It also addresses conflict of interest and concerns raised by the community including beneficiaries from Moloka'i. If you have any questions, please don't hesitate to respond to my email. For the past four years I shared with you concerns from my birthplace and home town Nanakuli, Oahu. But Moloka'i is deeply rooted in my lineage. My maternal great grandmother is Mary Kekino of Ho'olehua, Moloka'i, her cousin is Tutu Buffulo. A couple years ago I found out I am related to Shane Pale from Tutu Buffulo. Mary Kekino's first born child is my grandmother Cecilia Hanohano. My Grandmother named her first born child Ho'olehua. My

Aunty Ho‘olehua, named her daughter Ho‘olehua. My cousin Ho‘olehua lives next to me on Nanakuli Hawaiian homestead. I just wanted to share with you what Moloka‘i means to me and my ‘ohana. I am certain all of us have roots all over the entire State of Hawai‘i. Mahalo for your time and the opportunity to express my concerns and Moloka‘i lineage. Ke akua pu and God bless all of you.

Announcements

Chair Hulu Lindsey Our next BOT meeting will be on July 29th at 10 am.

Adjournment

Chair Hulu Lindsey I would like to ask for a motion to adjourn.

Trustee Akina Moves to adjourn.

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			
KALEIHIKINA	AKAKA			X			
KELI‘I	AKINA	X		X			
LUANA	ALAPA			X			
BRENDON KALEI‘ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE‘E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9		0	

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 11:10 a.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on _____, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Community sign-in sheets
2. Island Community Report – Molokai Executive Summary

Office of Hawaiian Affairs
Meeting of the Board of Trustees
September 8, 2021
10:00 A.M.

V. New Business

- A. Report of the OHA Ad Hoc Committee and Permitted Interaction Group to determine the scope of the Contract and Disbursement Review of the CLA Audit Report dated December 4, 2019 pursuant to Section 11 of Act 29 (2021) and to provide a process to address and comply with those requirements to the Board of Trustees. Pursuant to HRS S 92-2.5(b)(1)(B). *No discussion***

OHA Ad-Hoc Committee on the CliftonLarsonAllen (CLA) Report entitled “OHA & LLCs Contract and Disbursement Review” Report

Background

On July 1, 2021, the Board of Trustees (BOT) approved an Ad-Hoc Committee on the CliftonLarsonAllen (CLA) Report entitled “OHA & LLCs Contract and Disbursement Review” (the Committee). Committee members approved by the BOT were:

- Trustee Keola Lindsey (Committee Chair)
- Trustee Luana Alapa
- BOT Chief of Staff Colin Kippen
- Chief Operating Officer Casey Brown

The BOT approved scope of the Committee was to:

- Review Act 29’s (2021) provisions contained in Section 9 and Section 11;
- Review Act 37’s (2019) provisions relating to conducting a financial and management audit of the OHA;
- Determine an appropriate scope of work given the time and budget constraints set by the legislature in Section 11 of Act 29 (2021) as well as by OHA’s by-laws and personnel policies and relevant State and Federal laws; and
- Review the findings of OHA’s contracted for December 4, 2019 CLA Report; and
- Propose a plan, timeline, scope of services, and budget to hire an auditor or other third-party business or other professional as necessary to perform the defined scope of services in a timely and ethical fashion consistent with OHA’s existing by-laws and personnel policies as well as with relevant State and Federal laws, subject to approval by the BOT.

The Committee held meetings on July 19th, July 26th, August 5th, August 9th and August 17th. These meetings were held and the recommendations contained in this report were developed in accordance with BOT Governing Documents applicable to Ad-Hoc Committees.

Act 37 (Session Laws of Hawaii 2019) and Act 29 (Session Laws of Hawaii 2021)

The Committee’s review of Section 9 of Act 29 confirmed that it amended Act 37 by eliminating the requirement for the State Auditor to conduct a financial and management of OHA and provisioned the release of general funds to OHA appropriated for fiscal year 2020-2021 upon receipt of the CLA Report by the Legislature.

Section 11 of Act 29 states:

Provided that of the general funds appropriated for beneficiary advocacy (OHA175), the sum of \$200,000 for fiscal year 2021-2022 shall be expended to conduct or contract for a follow-up contract and disbursement review of the CLA – OHA & LLCs Contract and Disbursement Review – Report, dated December 4, 2019.

The Committee’s discussion on the above section confirmed four significant points directly related to the BOT approved scope of the Committee:

1. The directed follow up is specific to existing information contained in the 2019 CLA Report;
2. Section 11 of Act 29 is silent as to whether this follow up should be conducted by OHA “in-house” **or** by contracting with an independent third party. The Committee discussed this issue at length in all of its meetings, and was of the consensus opinion that this follow up review should be conducted by an independent third party and not by OHA employees or staff. The Committee reached this conclusion based upon a concern that a review by an independent third party is required to enhance the credibility, accountability, and transparency of the OHA in answering and responding to the 38 red flags highlighted in the CLA Report and in responding to the mandate of the Legislature requiring OHA to review and follow up on this CLA report as set forth in Section 11 of Act 29;
3. \$200,000 has been appropriated by the Legislature for this follow-up review;
4. The Act is silent on establishing a deadline for OHA to complete this mandated review. The Committee considered this matter, and was of the unanimous view that this review should be completed as soon as possible because the longer OHA delays in responding to the CLA report and fulfilling the mandate of the Legislature as expressed in Section 11 of Act 29 the less credibility the OHA will be perceived to have with regard to this CLA follow up. Again, the committee noted that a paramount goal is to enhance the credibility, accountability, and transparency of the OHA in responding to and completing this follow up by an independent third party in the upmost of good faith as quickly as possible; and
5. The Act is silent on what to do with this follow up review when it is completed. The Committee was of the unanimous view that the completed report should be received by the Board at which point it will become a public document.

Review of the 2019 CLA Report .

The Committee reviewed and discussed the CLA report, focusing on the 38 transactions- 32 in OHA and 6 in OHA LLCs- flagged in the CLA Report for having a “potential” for fraud waste and abuse. The Committee concluded that determining whether cause to a reasonable certainty exists to believe that a finding of fraud, waste, or abuse, or some combination of all three, exists for each of these 38 flagged transactions is the recommended scope of follow up required by Section 11 of Act 29.

OHA’s by-laws and personnel policies and relevant State and Federal laws

In completing the scope of work approved by the BOT, the Committee was of the opinion that the future RFP, the ensuing contract negotiations with and the selection of the third party vendor, and the management of this contract by OHA must be in compliance with OHA’s by-laws and personnel policies and relevant State and Federal laws. The Committee was of the opinion that OHA Administration and Corporate Counsel should be involved as necessary to ensure that OHA’s by laws, personnel policies, and relevant State and Federal laws are adhered to and followed by the third party vendor in its performance and completion of its duties under this proposed contract.

Recommendations of the Committee

The Committee achieved consensus on the following recommendations to complete the scope of work approved by the BOT:

1. Plan: The follow up directed by Act 29 specific to existing information in the 2019 CLA report should be conducted via **an OHA contract with an independent third party vendor**;
2. Timeline: The estimated term of this contact should be **four months**;
3. Scope of Services:
to competitively procure and engage a professional services firm that has experience in forensic services¹ to conduct a follow up contract and

¹ For RFP purposes, the term *forensic* is defined as “used in, or suitable to, courts of law or public debate”. Forensic accounting services generally involve the application of specialized knowledge and investigative skills by a member to collect, analyze, and evaluate certain evidential matter and to interpret and communicate findings (forensic services). Statement on Standards for Forensic Services No. 1, retrieved July 13, 2021 <https://future.aicpa.org/resources/download/statement-on-standards-for-forensic-services>

disbursement review of the CLA² – OHA & LLC’s Contract and Disbursement Review Report, dated December 4, 2019, specifically on 38 test items flagged for possible fraud, waste and abuse. The purpose of this RFP is to hire a professional services firm to determine, for each of the 38 red flag issues, whether cause to a reasonable certainty exists to believe that fraud, waste, or abuse or some combination of each of these three classifications, exists. Offerors must have experience with forensic, accounting, audit and related type engagements utilizing standards in accordance with the Statement on Standards for Forensic Services, established by the American Institute of Certified Public Accountants (AICPA) Council, Forensic and Valuation Services Executive Committee, which provides guidance and establishes enforceable standards for members performing certain forensic and valuation services; and

4. Budget: **\$200,000 for the hiring of an independent professional services firm that has experience in forensic services to conduct a follow up contract and disbursement review as set forth in the scope of services.**

Conclusion

With the transmittal of this report to the BOT Chair, the BOT assigned task is completed and the term of the Committee is expired.

Mahalo.

² As the report of the previous contractor CliftonLarsonAllen (CLA) is the subject of the follow up review, CLA is not eligible to respond to this RFP.

Office of Hawaiian Affairs
Meeting of the Board of Trustees
September 8, 2021
10:00 A.M.

VI. Executive Session‡

A. Consultation with Board Counsel Robert G. Klein, Randall Sakumoto, Esq. and Everett Ohta, OHA Assistant Senior Legal Counsel, re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§ 92-5(a)(3) and (4)

**There are no handouts for this item at this time.*

Office of Hawaiian Affairs
Meeting of the Board of Trustees
September 8, 2021
10:00 A.M.

VI. Executive Session‡

A. Consultation with Board Counsel Robert G. Klein, Esq. and OHA Senior Legal Counsel Raina Gushiken, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Price v. Securitas Security Services USA, Inc. et al, Civil No. 1CCV-21-0000060, pursuant to HRS§92-5(a)(4)

**There are no handouts for this item at this time.*

Office of Hawaiian Affairs
Meeting of the Board of Trustees
September 8, 2021
10:00 A.M.

VI. Executive Session‡

C. Action Item BOT #21-10: Approve Retention of Legal Representation for Sylvia Hussey, Ed.D, in her Official Capacity; Consultation with Board Counsel Robert G. Klein, Esq. and OHA Senior Legal Counsel Raina Gushiken, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to Price v. Securitas Security Services USA, Inc. et al, Civil No. 1CCV-21-0000060, pursuant to HRS§92-5(a)(4).

**There are no handouts for this item at this time.*