

PHONE (808) 594-1888  
BOARD OF TRUSTEES  
Colette Y. Machado, *Chairperson*  
Brendon Kalei'āina Lee, *Vice Chairperson*  
Leina'ala Ahu Isa, *At-Large*  
Dan Ahuna, *Kaua'i & Ni'ihau*  
Kalei Akaka, *O'ahu*  
Keli'i Akina, *At-Large*  
Carmen Hulu Lindsey, *Maui*  
Robert K. Lindsey, Jr., *Hawai'i Island*  
John Waihe'e IV, *At-Large*



FAX (808) 594-1868

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

**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Thursday, December 19, 2019  
**TIME:** 10:00 am  
**PLACE:** OHA Board Room, Nā Lama Kukui  
560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817

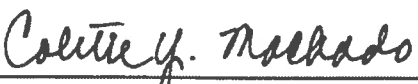
**AGENDA**


- I. Call to Order
- II. Approval of Minutes
  - A. October 17, 2019†
  - B. November 7, 2019†
- III. Public Testimony\*
- IV. Unfinished Business
  - A. OHA CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
  - A. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and Resource Management
    1. Action Item BAE-RM #19-10: FB 20-21 Higher Education Grant Recommendation†
- VI. Community Concerns\*
- VII. Announcements
- VIII. Adjournment

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

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

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

  
\_\_\_\_\_  
Trustee Colette Y. Machado  
Chairperson, Board of Trustees

  
\_\_\_\_\_  
Date

Office of Hawaiian Affairs  
Board of Trustee Meeting  
December 19, 2019  
10:00 am

- II. Approval of Minutes
  - A. October 17, 2019
  - B. November 7, 2019 \*

\*Item was not ready at time of folder distribution.  
Will be distributed when completed.

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Highway, Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, October 17, 2019  
10:00 am**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE BRENDON KALEI'ĀINA LEE  
TRUSTEE DAN AHUNA  
TRUSTEE KALEI AKAKA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE ROBERT LINDSEY  
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, BOARD COUNSEL

**EXCUSED:**

TRUSTEE LEINA'ALA AHU ISA

**ADMINISTRATION STAFF:**

SYLVIA HUSSEY, ICEO  
RAINA GUSHIKEN, CC  
MOMILANI LAZO, ADM CEO  
JIM PATTERSON, PROG

**BOT STAFF:**

CAROL HO'OMANAWANUI  
LŌPAKA BAPTISTE  
LEHUA ITOKAZU  
LEIANN DURANT  
DAYNA PA  
MARIA CALDERON  
MELISSA WENNIHAN  
ALYSSA-MARIE KAU  
NATHAN TAKEUCHI  
KAUIKEAOLANI WAILEHUA  
CLAUDINE CALPITO  
BRANDON MITSUDA  
ANUHEA PATOC  
PAUL HARLEMAN

**GUESTS:**

MARIE KUMABE  
KIMBERLY MIYASHIRO

**I. CALL TO ORDER**

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:02 am. Roll call is taken; Trustees Ahuna, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey and Machado are present, constituting a quorum. Trustees Akaka and Waihee are expected to arrive shortly. An excused absence was received from Trustee Leina'ala Ahu Isa.

**II. APPROVAL OF MINUTES**

- A. August 8, 2019
- B. August 22, 2019
- C. September 5, 2019

Chair Colette Machado – We are on the approval of minutes. My preference would be to approve all of the minutes for August 8, 22 and September 5.

Trustee Brendon Kalei'āina Lee moves to approve the Board of Trustees meeting minutes of August 8, August 22 and September 5, 2019.

Trustee Ahuna seconds the motion.

*10:02 am Trustee John Waihe'e IV arrives.*

**Chair Colette Machado** – Is there any discussion? Hearing none, roll call vote please.

Trustee Brendon Kalei'āina Lee moves to approve the Board of Trustees meeting minutes of August 8, August 22 and September 5, 2019. Trustee Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with seven (7) yes votes and two (2) excused.						

### **III. PUBLIC TESTIMONY**

**Chair Colette Machado** – Do we have anyone signed up for public testimony? Hearing none, members we will not move to unfinished business.

### **IV. UNFINISHED BUSINESS**

#### **A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities**

**Chair Colette Machado** – I would like to call on our Interim CEO for any updates.

**Sylvia Hussey** – Good morning Trustees. I wanted to provide you an update on the out of pocket to support the beneficiary resolution for the various line items. First at Pu'uhonua o Pu'uhuluhulu, the beneficiary support for the restroom facilities, dumpsters rental, that amount as of October 7<sup>th</sup> is \$44,460.16. The Legal observer costs have not changed and that is \$2,246.36. The site visit beneficiary travel, that is also unchanged at \$8,033.05. So, the total amount is \$54, 739.57 as of October 7<sup>th</sup>. Administration wanted to provide you that update. That's it Chair.

*10:04 am Trustee Kalei Akaka arrives.*

**Chair Colette Machado** – Members before we proceed to new business. I'd like to acknowledge that the 72-Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

#### **V. New Business**

##### **B. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management**

##### **1. Action Item BAE/RM #19-08 – FB 20-21 Hawaiian-Focused Public Charter School Fund Administration Grant Recommendation**

With that said we will now go into New Business under Committee on Resource Management.

**V. NEW BUSINESS**

**A. Committee on Resource Management**

**1. Action Item RM #19-14: Action Regarding the Economic Development Policy Implementation Procedures (2<sup>nd</sup> Reading)**

**Chair Colette Machado** – I would like to call on Trustee Ahuna regarding Action Item RM 19-14.

**Trustee Dan Ahuna** moves to approve Administration's recommendation to the Board of Trustees (BOT) to approve the Economic Development Policy implementation procedures as detailed in Attachment A.

**Trustee Robert K. Lindsey** seconds the motion.

**Chair Colette Machado** - Any discussion on the action item?

**Trustee Brendon Kalei'āina Lee** – Just to clarify this is the second and final reading?

**Chair Colette Machado** – Yes.

**Trustee Brendon Kalei'āina Lee** – Mahalo.

**Chair Colette Machado** – Roll call vote please.

Trustee Dan Ahuna moves to approve Administration’s recommendation to the Board of Trustees (BOT) to approve the Economic Development Policy implementation procedures as detailed in Attachment A.						
Trustee Robert K. Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA						Excused
TRUSTEE DAN AHUNA	x		X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

**2. Action Item RM #19-15: Action Regarding the Debt Management Policy Implementation Procedures (2<sup>nd</sup> Reading)**

**Chair Colette Machado** – Members, I'll call on Trustee Ahuna the Chair of the Resource Management Committee relating to RM 19-15.

**Trustee Ahuna** moves to approve Administration's recommendation to the Board of Trustees (BOT) to approve the Debt Management Policy implementation procedures as detailed in Attachment A.

**Trustee Robert K. Lindsey** seconds the motion.

**Chair Colette Machado** – Members just a reminder as pointed out by Trustee Lee, this is a second reading. If there is no discussion, I'd like to do a roll call vote please.

Trustee Ahuna moves to approve Administration's recommendation to the Board of Trustees (BOT) to approve the Debt Management Policy implementation procedures as detailed in Attachment A. Trustee Robert K. Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA	x		X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with eight (8) yes votes and one (1) excused.						

**B. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and the Committee on Resource Management**

**1. Action Item BAE/RM #19-08 – FB 20-21 Hawaiian-Focused Public Charter School Fund Administration Grant Recommendation.**

**Chair Colette Machado** – Members we are now on item V.B. I'd like to call on Trustee Waihee who chaired the Joint Committee on the BAE and the RM Committee relating to BAE/RM 19-08 FB 20-21 Hawaiian-Focused Public Charter School Fund Administration Grant Recommendation.

**Trustee John Waihe'e IV** moves to approve and authorize the disbursement of \$1,500,000 from the Fiscal Year 2020 Core Operating Budget (Object Code 56530) and \$1,500,000 from the Fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund the FB 20-21 Hawaiian-Focused Public Charter School (HPCS) grant to: 1) Kanu o ka 'Āina Learning "Ohana (\$2,750,589) for distribution to 16 Hawaiian-Focused Public Charter Schools, excluding, Kanu o ka 'Āina New Century Public Charter School; and 2) Kanu o ka 'Āina New Century Public Charter School (\$249,411).



**Trustee Kalei Akaka seconds the motion.**

**Chair Colette Machado** – Is there any discussion on this action item? Hearing none, roll call vote.

Trustee John Waihe'e IV moves to approve and authorize the disbursement of \$1,500,000 from the Fiscal Year 2020 Core Operating Budget (Object Code 56530) and \$1,500,000 from the Fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund the FB 20-21 Hawaiian-Focused Public Charter School (HPCS) grant to: 1) Kanu o ka 'Āina Learning "Ohana (\$2,750,589) for distribution to 16 Hawaiian-Focused Public Charter Schools, excluding, Kanu o ka 'Āina New Century Public Charter School; and 2) Kanu o ka 'Āina New Century Public Charter School (\$249,411). Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA					X- 1 <sup>st</sup> . Kanalua X- 2 <sup>nd</sup> Kanalua	
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7		1- Abstention	1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with seven (7) yes votes, one (1) abstention and one (1) excused.						

**C. Deliberation and decision making on the Report by the Permitted Interaction Group re: the investigation of the alignment and update of the existing Board of Trustees By-Laws for OHA's Board Governance Framework. Pursuant to HRS §92-2.5(b)(1)(C)**

**Chair Colette Machado** – Members we are now on V.C. I will call on Trustee Lee who is the Chair of the PIG relating to our By-Laws and OHA's Board Governance Framework.

**Trustee Brendon Kalei'āina Lee** – Aloha Madame Chair, the Board has had the permitted interaction group's report for three weeks now. I will remind the Board that any action that we take today will be considered the first reading as we know it takes two readings to amend our By Laws. You should all be in possession of Board Counsel's comments. It should be noted that other than stylistic, all of the substantive comments that Judge Klein gave were not edits that were taken on by this Permitted Interaction Group. So, there will be no action on those. There was a section on discipline in the By Laws that the Permitted Interaction Group did not take up. So, the edits that Judge Klein provided, whomever that Permitted Interaction Group is that takes on that section of the By Laws can take that up as well. What is being passed out to you now is Chair Machado's comments, all of Chair Machado's comments are all stylistic, none of them are substantive. We were just handed from Trustee Carmen Hulu Lindsey; I have not seen these so I don't know what is in it. I am happy to yield to Trustee Carmen Hulu Lindsey if she wants to go over it. Is there any substantive in here or are they all stylistic?

**Trustee Carmen Hulu Lindsey** – They are substantive.

**Trustee Brendon Kalei‘āina Lee** – Can I ask the Trustee why there weren’t brought to the attention to the PIG. As a member of the Permitted Interaction Group you can interact.

**Trustee Carmen Hulu Lindsey** – Actually, this is the work of my staff and not me. Because we have depended on Alyssa so much, we found so many discrepancies between Judge’s comments, Chair’s comments, yours and she found so much inconsistencies. I am thinking that it would probably be better for us to review this as individuals and compile it into one. And then bring it back to the Board. I was amazed at the mess that it was in when she showed this to me this morning and yesterday. This is confusing for those that weren’t on the PIG. I would recommend that we defer this and have each one of us go over all four or five if you want. That’s how many sets we have on this By Laws. I think what is critical is we ask Judge Klein to draft the Code of Ethics section of our By Laws. Because he knows best the authorities that we have and what authorities we have to even sanction. Whatever might have been lacking in the exiting By Law on that article he can correct. That would be my recommendation is that Judge draft that for the Board.

**Trustee Brendon Kalei‘āina Lee** – For which section?

**Trustee Carmen Hulu Lindsey** – For the Code of Ethics Section, the violations section, which we didn’t touch on. It’s so legal that I think he should be the one to draft it for our review.

**Trustee Brendon Kalei‘āina Lee** – That would be for a later time, that would not be taken up by this body at this time.

**Trustee Carmen Hulu Lindsey** – Well it’s also his recommendation that, that be included in to the By Laws that were approved, one time not by sections.

**Trustee Brendon Kalei‘āina Lee** – Unfortunately because of sunshine law, the Permitted Interaction Group that was approved by this body specifically said that we cannot touch that section. If that’s the will of this body, the only way to do that is for this body to vote down the recommendation of this Permitted Interaction Group and then form and new Permitted Interaction Group with that, including the By Laws as a whole. Which we can do.

**Robert Klein, Board Counsel** – You should just recommit it.

**Chair Colette Machado** – That is an option.

**Robert Klein, Board Counsel** – The PIG has not concluded its work.

**Trustee Brendon Kalei‘āina Lee** – But we would have to reapprove that, which in essence is creating a new PIG. Because the PIG that was approved specifically said that we were not to touch that section.

**Trustee Carmen Hulu Lindsey** – Lets vote that out and not touch the PIG.

**Trustee Brendon Kalei‘āina Lee** – I don’t know if we can do that, I think we have to create a new Permitted Interaction Group. I don’t believe there is a way in order to do that. We don’t have to take that up now. There is a recommendation that we, we can continue with discussion but there is a recommendation that the Chair if inclined to agree with, that because these edits were just provided to everyone now that we defer this matter so that everyone has the time to go over those edits.

**Robert Klein, Board Counsel** – When the time comes to create a final By Laws how are you going to reconcile all the different edits, if you don’t recommit it to the PIG. What you have is the full Board looking over multiple copies of By Laws changes you are going to be right back in the same place as you are today. But they will know what they all are but there won’t be able to reconcile them. There needs to be a reconciliation of all of these.



**Trustee Brendon Kalei‘āina Lee** – That is correct they can recommit all of that to the PIG. What I was thinking earlier is what cannot be recommitted to the PIG is that code of conduct section.

**Robert Klein, Board Counsel** – Because that wasn’t given to you in the first place.

**Trustee Brendon Kalei‘āina Lee** – Correct.

**Robert Klein, Board Counsel** – Carol is pulling up that action item.

**Sylvia Hussey** – It is Action Item 19-12, also extended the time of performance for the PIG and that was September 30<sup>th</sup>; So, if the PIG’s work will be extended then the date also needs to be extended as well. And the purview of the PIG was to investigate the alignment and update of existing By Laws and related documents to establish consistent format review, update parameters and in three integrate the developed By Laws into the Board Governance Framework. The exclusion of the Code of Conduct section was a PIG decision to make regarding holding that out until other matters.

**Trustee Brendon Kalei‘āina Lee** – So it wasn’t part of the scope.

**Sylvia Hussey** – Yes it wasn’t part of the overall scope so the Board can just extend the time of the PIG’s work to December 31<sup>st</sup> for example to give more time.

**Trustee Carmen Hulu Lindsey** – I move that we extend the PIG and refer this back to our PIG Chair so that we can compile the different amendments and then we will wait for Judge Klein’s draft of that Code of Ethics for Violation section for the Trustees and take it up all together. Then submit to the Board when ready one By Law document.

**Trustee Brendon Kalei‘āina Lee** – We need a time.

**Trustee Carmen Hulu Lindsey** – How much time do we need?

**Trustee Brendon Kalei‘āina Lee** – I would say make is sometime in January, because November is a busy month and a lot of us are traveling in November. December, we have no meetings. So, if the PIG meets in December there is no way for us to bring it back to the Board.

**Trustee Carmen Hulu Lindsey** – That is fine.

**Chair Colette Machado** – We can work out the schedule.

**Robert Klein, Board Counsel** – So you have to extend the life of the PIG.

**Chair Colette Machado** – What we are going to do is take a quick recess and get that motion crafted and we will look at it on the Board.

*10:20 am Chair Colette Machado calls recess.*

*10:31 am Chair Colette Machado reconvenes the meeting.*

**Chair Colette Machado** – I’d like to reconvene the meeting of the Board of Trustees. We took a short recess; we were reviewing the recommendations from the PIG report relating to our By Laws on Board Governance and Framework. We are now in a discussion for a motion to extend the life of the Governance Framework PIG

**Trustee Carmen Hulu Lindsey moves to extend the deadline for the Permitted Interaction Group re: Investigation of the alignment and update of the existing BOT By-Laws for OHA’s Board Governance**

**Framework to not later than January 31, 2020; to refer the draft edits and changes to the PIG – Bylaws for further consideration, and to allow time for the drafting and presentation of a revised Governance By-Law to be considered by the PIG-By Laws.**

**Trustee Kalei Akaka seconds the motion.**

**Chair Colette Machado** – Any discussion? Trustee Lee.

**Trustee Brendon Kalei‘āina Lee** – Point of inquiry Judge, so by extending the life of the Permitted Interaction Group, are we then not allowed to have any discussion today.

**Robert Klein, Board Counsel** – I don’t think so, I think you can discuss this many times, today being one time and a not a final discussion because you don’t have a final copy.

**Trustee Brendon Kalei‘āina Lee** – So its ok for us to still.

**Robert Klein, Board Counsel** – I believe so.

**Trustee Keli‘i Akina** – Just a question, follow up on what was asked before our break. Are Trustees being requested to provide input to various edits as well as Trustee Lindsey’s letter or wait until the PIG comes back to us with a consolidated edit?

**Trustee Carmen Hulu Lindsey** – Yes.

**Trustee Brendon Kalei‘āina Lee** – With regards to the inquiry that was made by Trustee Akina. We are still in discussion of the work of the permitted interaction group. So, if Trustee Akina or any other Trustee has information or comments that they would like to bring forward at this time, they are free to do that once we continue the discussion. But once we adjourn this part of the meeting today, they are not permitted to give anything to the permitted interaction group that would be a violation of sunshine law. It would have to be done right now during our discussions. The Trustees have had two weeks, so if they had any comments with what they had so far, the Permitted interaction Group is happy to take that.

**Chair Colette Machado** – I think it’s kind of inconvenient for those that did not prepare comments that were not part to of the PIG to rely on this particular meeting to be the final meeting on their part.

**Trustee Brendon Kalei‘āina Lee** – This wouldn’t be the final, but after today, they would not be able to give any comments to the Permitted Interaction Group until the Permitted Interaction Group brings its next report back to the agendized table.

**Chair Colette Machado** – And in what form would they be able to make those comments?

**Trustee Brendon Kalei‘āina Lee** - Verbal, written, however they want. They just can’t provide it to the Permitted Interaction Group outside of this meeting.

**Chair Colette Machado** – Only at the Board meeting.

**Trustee Brendon Kalei‘āina Lee** – Yes, at the next scheduled Board meeting.

**Chair Colette Machado** – Does that clarify the input process Trustee Akina?

**Trustee Keli‘i Akina** – What in understand is the PIG will present to us another draft after which we will have the opportunity to review it and then make comments.

**Trustee Carmen Hulu Lindsey** – Yes.

**Trustee Keli'i Akina** – I will wait until then.

**Chair Colette Machado** – If there is no further discussion on the clarification on how we proceed I'd like to do a roll call vote.

Trustee Carmen Hulu Lindsey moves to extend the deadline for the Permitted Interaction Group re: Investigation of the alignment and update of the existing BOT By-Laws for OHA's Board Governance Framework to not later than January 31, 2020; to refer the draft edits and changes to the PIG – Bylaws for further consideration, and to allow time for the drafting and presentation of a revised Governance By-Law to be considered by the PIG-By Laws. Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with eight (8) yes votes and one (1) excused.						

**Trustee Brendon Kalei'āina Lee** – It's been pointed out to the Chair of the Permitted Interaction Group to share with the rest of the Board the process in which the Permitted Interaction Group did its work. So, at every meeting of the Permitted Interaction Group we sat down with the research team and we reviewed the By Laws line by line. So, we didn't break it up into sections and assigned different people. The entire Permitted Interaction Group sat down together and went through the By Laws line by line and that's how the edits were done. That being said are there any comments or proposed edits that any other Board member would like to bring forward to the Permitted Interaction Group at this time so we can take that into consideration. Seeing none I relinquish the Chair back to you.

## **VI. EXECUTIVE SESSION**

**Chair Colette Machado** – With that said I'd to move on to Executive Session. Members the Chair would like to entertain a motion for recuse ourselves into Executive Session pursuant to HRS 92-5 (a)(4).

**Trustee Brendon Kalei'āina Lee** moves to recuse into executive session pursuant to HRS §92-5(a)(2) and (4).

**Trustee Carmen Hulu Lindsey** seconds the motion.

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.

Trustee Brendon Kalei'āina Lee moves to recuse into executive session pursuant to HRS §92-5(a)(2) and (4). Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

**Chair Colette Machado** – Just for the record I will take out of order the item VI. B. and then after that we can dismiss Sylvia. Let's take care of item B. first.

**The Board resolved into Executive Session at 10:38 am**

- A. Consultation with Kumabe HR LLC regarding the recruitment of candidates and hiring of the position of OHA Chief Executive Officer (CEO). Pursuant to *HRS §92-5(a)(2)*.
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. Pursuant to *HRS §92-5(a)(4)*.
- C. Approval of Minutes
  1. July 25, 2019
  2. August 22, 2019
  3. September 5, 2019

**The Board reconvenes in open session at 11:38 am.**

## **VII. COMMUNITY CONCERNS**

None

## **VIII. ANNOUNCEMENTS**

**Chair Colette Machado** – I'd like to call on Robert Klein, Board Counsel he has an announcement. There is no one signed up for community concerns.

**Robert Klein, Board Counsel** – Thank you Chair. Just one announcement. In the Federal Case Makekau v. OHA, Nai Aupuni, State the oral argument on the issue of whether they are entitled to Attorney's fees are going to be heard by a panel of the 9<sup>th</sup> Circuit Court of Appeals on Monday starting at 9 o'clock in the Federal Bankruptcy Court, which is the old First Hawaiian Bank Building, if you want to attend. You are more than welcome to come and sit.

**Trustee Dan Ahuna** – What is the date?

**Robert Klein, Board Counsel** – Monday, October 21 at 9 o'clock.

**Trustee Carmen Hulu Lindsey** – Who is asking for what?

**Robert Klein, Board Counsel** – The Makekau etc. people's Attorneys they hired what to get paid \$300,000 to \$400,000 in attorney's fees so the 9<sup>th</sup> Circuit is considering whether they are entitled to collect that kind of attorney's fees from the State, OHA and Nai Aupuni. Nai Aupuni is bankrupt it does not exist. So, they are looking for deeper pockets.

**Trustee Carmen Hulu Lindsey** – Didn't they lose their suit?

**Robert Klein, Board Counsel** – That is the key issue.

**Trustee Carmen Hulu Lindsey** – Is that over with?

**Robert Klein, Board Counsel** - Yes, the underlying lawsuit is finished but the request for Attorney's fees is still on.

**Trustee Keli'i Akina** – Judge this is on Monday?

**Robert Klein, Board Counsel** – Monday, October 21<sup>st</sup> at 9 o'clock.

## **IX. ADJOURNMENT**

**Chair Colette Machado** – I would like to adjourn the meeting.

**Trustee Carmen Hulu Lindsey moves to adjourn the meeting.**

**Trustee John Waihe'e IV seconds the motion.**

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting. Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passed with eight (8) yes votes and one (1) excused.						

The meeting was adjourned at 11:42pm.

Respectfully submitted,

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Dayna Pa, Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_.

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Colette Y. Machado, Chairperson  
Board of Trustees

Attachments:

1. Excuse memo from Trustee Leina‘ala Ahu Isa





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**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i*

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To: Chairperson Colette Y. Machado  
From: Trustee Leina'ala Ahu Isa, Ph.D.  
Date: October 17, 2019  
Re: Excused Absence

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Please be advised that I am unable to attend the Board of Trustees meeting on Thursday, October 17, 2019, at 10:00 A.M. due to a doctor's appointment.

If you have any questions, please contact my staff.

Mahalo!

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Highway, Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, November 7, 2019  
9:30 am**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE BRENDON KALEI'ĀINA LEE  
TRUSTEE LEINA'ALA AHU ISA  
TRUSTEE DAN AHUNA  
TRUSTEE KALEI AKAKA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE ROBERT LINDSEY  
TRUSTEE JOHN WAIHE'E IV  
  
KURT W. KLEIN, ACTING BOARD COUNSEL

**ADMINISTRATION STAFF:**

SYLVIA HUSSEY, ICEO  
LISA WATKINS-VICTORINO, ICOO  
MILES NISHIJIMA, LPD  
STERLING WONG, PRO

**BOT STAFF:**

LŌPAKA BAPTISTE  
CLAUDINE CALPITO  
LAURENE KALUAU-KEALOHA  
ANUHEA PATOC  
LEIANN DURANT  
DAYNA PA  
MARIA CALDERON  
MELISSA WENNIHAN  
ALYSSA-MARIE KAU  
NATHAN TAKEUCHI  
KAUIKEAOLANI WAILEHUA  
CRAYN AKINA  
BRANDON MITSUDA  
PAUL HARLEMAN

**GUESTS:**

GERMAINE MEYERS

**I. CALL TO ORDER**

**Trustee Colette Machado** Calls the Board of Trustees meeting to order at 9:32 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey and Machado are present, constituting a quorum. Trustee Waihee is expected to arrive shortly.

I'd like to read into record that the 72 Hour rule, pursuant to OHA BOT Operations Manual, section 49, shall be waived for the following items:

- II. Approval of Minutes
  - A. September 18, 2019 (Community Meeting)
- V. New Business
  - A. Action Item BOT #19-17: Approval of an OHA Board of Trustees' Resolution "honoring the life and contribution of Larry Kamakawiwo'ole to the Native Hawaiian community and other marginalized communities in Hawai'i.

With that said let's move to our agenda.

**II. APPROVAL OF MINUTES**

- A. September 18, 2019 (Community Meeting)
- B. September 19, 2019 – *Item deferred*
- C. September 19, 2019 (Site Visit) *item removed from agenda*

**Chair Colette Machado** – There is one item for approval of the minutes, which is September 18<sup>th</sup> the Community Meeting we had on the Big Island. We will defer the BOT September 19, as you recall there was tremendous testimony that day so Dayna is trying to complete that. We will remove the September 19<sup>th</sup> on the site visit, because it should only be a record there was no quorum for an official meeting. Could I please get a motion to approve the September 18<sup>th</sup> Community Meeting minutes?

*9:33 am Trustee Waihee arrives to meeting*

**Trustee Carmen Hulu Lindsey** moves to approve the Board of Trustees meeting minutes of September 18, 2019.

**Trustee Ahuna** seconds the motion.

**Chair Colette Machado** – Is there any discussion? Hearing none, roll call vote please.

Trustee Carmen Hulu Lindsey moves to approve the Board of Trustees meeting minutes of September 18, 2019. Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with nine (9) yes votes.						

### III. PUBLIC TESTIMONY

**Chair Colette Machado** – We are on public testimony. I'd like to call to the table Germaine Meyers.

**Germaine Meyers** – Aloha, good morning. My name is Germaine Meyers, and I am an OHA beneficiary for beneficiary advocacy and empowerment most of all. I am a Nanakuli Hawaiian Homestead Lessee. Today I would like to share my data, views and arguments regarding today's specifically agenda item. The first I would like to talk about is Executive Session item number VI. A. I want to emphasize on the State Auditor's request for confidential and Attorney Client Privileges. I would like to say about that is who is the Attorney and what is his responsibility and what is the client, who is the client. The client is all of the Trustees, but it is all of the beneficiaries. I am concerned that Attorney Client Privileges are being called to the table as far as holding back on documents and that why isn't it that the beneficiaries have a say in what documents are privileged or otherwise. Most of all what I want to emphasize is if you're saying that the 9 Trustees are the client then all 9 Trustees should have access to the documents that are being held from the State Auditor. Since we are talking about audit, yesterday it came up that another audit is also being, the forensic audit, and that there are documents that were not given.

My concern again is about the attorney client privilege and redaction etc. I want to know specifically as beneficiary what documents are being held from CLA and I want to know from the State Auditor. And I want to know that the Trustees are all having, if they are the client, it's not Chair Machado that is the client, it's not the RM Committee Chair that is the client, it's all 9 Trustees are the client if you are going to say the beneficiary is not the client. So, I expect to hear a report from all 9 of my Trustees saying, Germaine, kala mai I did receive all the 9 documents and it's important that we do not give it to the State Auditor or CLA. But if you're not going to give it to all 9 Trustees, then you cannot call Attorney Client Privilege on these documents. You cannot redact the documents. If my 9 Trustees are not going to get access to it. It is my concern as the beneficiary that I advocate for beneficiaries and that you, we elected you 9 Trustees, and I've seen what happens on this board over the last 2 years and it seems only the Chairs of the committees are the clients. I think that has to stop. That has to stop right here before we go to the next step. If I don't get a praise report from all 9 Trustees saying kala mai Germaine we did get that, we are the clients, all 9 of us are the clients and we did see the documents and its important the CLA or the State Auditor doesn't not receive those documents. Then I say hewa, that you guys are giving the power to one individual or two individuals on this board. We didn't just elect two individuals. We are coming up in an election season. Are going to be electing four of you. Four of you. Last year, we elected 5 of you. So, if you are the client then you need to behave like the client. You need to demand that these documents, that we were told yesterday are being given to CLA and you need to demand.

**Trustee Brendon Kalei'āina Lee** – Point of order Madam Chair.

**Chair Colette Machado** – Trustee Lee.

**Trustee Brendon Kalei'āina Lee** – CLA Audit is not on our agenda.

**Germaine Meyers** – You are correct I will bring it up in Community Concerns then. I asked the Chair if I could put it all in one 5 minutes since some of you leave the board table when its community concerns. So, kala mai, you can take it off but I have voiced my concerns. I will emphasize on State Auditor that you are the client and that the State Auditor you need to see those documents that are being held from the State Auditor. I emphasize on that right now. Kala mai. Then later on in community concerns I will come back and emphasize on community concerns that it should be CLA as well.

**Chair Colette Machado** – Thank you Germaine.

**Germaine Meyers** – I am not done Chair.

**Chair Colette Machado** – It's just that you outlined that you are going to separate the CLA in community concerns. That is what I was thanking you for.

**Germaine Meyers** – I just want to say that all the new businesses are very important and I look forward to seeing them. I hope that I didn't offend any of you. I hope that when you hear my testimony that there is not this type of hewa, regarding my testimony. I've never had before interruption as far as saying that is parliamentary rules, etc. Because as a beneficiary when do we have time to come here. I work, I have to self-sustain so the little time I have to advocate for the beneficiaries I would hope that you would leave parliamentary rules because I don't abuse them. I don't come to this table often but when I do, I only speak to what is important to my heart. Because I live in Nanakuli, the highest concentration of native Hawaiians in the world. I think that I am one of the few people that come to this board often. Because everybody else is just working or they are in a state of oppression. I hope that you will see that I am advocating and that you are the clients and that I am the beneficiary so I am really the client. I really hope that you can see that and see me as a person and not as a parliamentary. E hana kākou.

**Chair Colette Machado** – Thank you Germaine.

**Trustee Leina'ala Ahu Isa** – I want to say I agree with Germaine.

**Trustee Brendon Kalei‘āina Lee** – So we all get to state our opinion since Trustee Leina‘ala Ahu Isa did.

**Chair Colette Machado** – No I don’t want that to occur right now. We already discussed this matter.

**Trustee Brendon Kalei‘āina Lee** – I understand Madame Chair, but a Trustees was allowed to give their opinion so I’m asking if the rest of us are going to be allowed to give our opinion.

**Chair Colette Machado** – I actually won’t allow that right now. We can debate that latter if it comes up under community concerns latter.

**Kurt Klein, Esq.** – I don’t think there should be any discussion on Public Testimony.

**Chair Colette Machado** – That is exactly what I want to say.

**Kurt Klein, Esq.** – There should be no discussion on public testimony, not in this portion of the agenda.

**Chair Colette Machado** – We will now move on to IV.

#### **IV. UNFINISHED BUSINESS**

##### **A. Interim CEO’s 15-Minute Update on Ho‘oulu Lāhui Aloha and OHA Activities**

**Chair Colette Machado** – I would like to call on our Interim CEO for any updates.

**Sylvia Hussey** – Good morning Trustees. Two events we want to make you aware of and you’re probably aware. The first is the Association of Hawaiian Civic Club Annual Convention will be next week on Maui. OHA is preparing to provide a workshop on water rights on Wednesday afternoon, on Thursday OHA will be there sharing the preview on Maunakea in terms of our positions of mismanagement and as well as we will also have concepts of the package. As you know we haven’t brought the package to you. But we have brought general concepts of the package. So those same concepts will be shared with the community on Thursday. On Saturday, Chair will be providing remarks on the plenary in the morning, then we will have our OHA informational booth through the entire week of the activities. So that is one of the announcements. The other is tonight at UH Maui College there is a panel discussion as well as a premiere of our new water rights film. Trustee Carmen Hulu Lindsey you will be there participating as well. Trustees received yesterday a link to a preview of the film. That particular link so you will be able to know what is going to be premiered tonight ahead of time. Those are the two announcements.

**Chair Colette Machado** – Thank you Sylvia. We are now under New Business.

#### **V. NEW BUSINESS**

##### **A. Action Item BOT #19-17: Approval of an OHA Board of Trustees' Resolution "honoring the life and contributions of Larry Kamakawiwo‘ole to the Native Hawaiian community and other marginalized communities in Hawai ‘i.**

**Chair Colette Machado** – I’d like to call to the table Dr. Davianna Pōmaika‘i McGregor and Sterling Wong. Members today we have a very special opportunity to honor a fallen comrade by the name of Larry Kamakawiwo‘ole. That is Aion Item BOT 19-17 I will call on Davianna to share about Larry’s earliest years at University and at the Ethnic Studies program. Followed by the reading of the resolution by Sterling and hopefully we can take a motion to approve.

**Dr. Davianna Pōmaika‘i McGregor** - Aloha kākou. Larry Kamakawiwo‘ole was actually the first director which was then called ethnic studies program. It is now the Department of Ethnic Studies which I am a



professor and I am also the director for the Center for Oral History. Larry was born and raised here in Kapālama and then later in lower 'Ālewa and went to Kamehameha Schools graduate and went to the University of Hawaii and got is undergraduate degree in Religion. He was able to go to the Pacific School of Religion at Berkley and he was there during the third world movement and got politicized and through his work through the churches there in Berkley which provided sanctuary to the civil rights leaders he met leaders of the Black Panther movement, he learned about how those movements, organized, served the people, programs and such of what they were doing at the time of organizing the African American Community in Oakland. When he completed his MA at Pacific School of Religion he came back and was a teaching assistant and latter instructor in the Department of Religion at UH at Manoa. While he was there the Kalama Valley movement was beginning. The residents had received their eviction notices and he was working with other ministers and the youth action group. He was asked to go to the Valley and meet with the residents and find out what kind of support they could be provided. They agreed to have him come and help them. He organized various other young students who have been educated in the US and been politicized at that time and they formed what they called Kokua Kalama Valley to help the residents there and work there and help prepared to hopefully stop the evictions. But as you know they were eventually evicted.

Through the work that Larry Kamakawiwo'ole did and others, and recently Larry headed up an oral history project with the Journalist Gary Kubota and they interviewed all the different leaders who came to Kalama Valley to support the residents. Moani Keala Akaka former Trustees, Teri Koolani, Kalani Ohelo, the Hayashis and Mary Choi, Soleil Niheu. They all got their start in the Hawaiian movement there in Kalama Valley which he was the organizer of. They were able to educate the community that after the 10 years of unprecedented growth we have seen where so many of our people were being dislocated to make way for high prices housing that by 1970s the survey said 80% of the people couldn't afford to own the homes that were being built. It was the first movement to protect the agriculture movement. Because there were farmers, some of them were previously farming in 'Āina Haina and they moved to Kalama Valley because they were evicted from 'Āina Haina as it got developed. This was sort of the last outpost of agriculture and local lifestyle on the East Coast of Oahu and now they were being dispersed. They went to Nānākuli and Wai'anae, Waiāhole and Waikāne. Kokua Kalama because there were these evictions happening to former plantation villages and they helped empower those people and stand up for their rights and challenge the development that was displacing native Hawaiian people and local people and the who local lifestyle.

After Kalama valley they formed Kokua Hawaii to enable them to do the work to the broader community. They also were instrumental, in our Department Ethnic Studies getting established, so Larry himself was the first director for our program. From 1970-1972, in 1972 there was an effort to actually disband the program so we had a big sit in and all the communities came that Kokua Hawaii had organized and we eventually prevailed and got the President to extend our program. We continued to evolve and grow into now a Degree granting Department. Latter Larry completed another MA in Education and then he went to get his Law Degree at Georgetown University in Washington DC and worked as a Deputy Prosecutor here at the City and County of Honolulu and also a Deputy Attorney General for the Department of Commerce and Consumer Affairs. He organized the Kokua Hawaii Oral History project that produced this book and it begins to connect this generation to our generation of activist. Get an appreciation of how the movements we are seeing today had its roots in Kalama Valley and the organizing that was led by Dr. Larry Kamakawiwo'ole.

**Chair Colette Machado** – I liked to move to approve Action item BOT 19-17.

**Trustee Dan Ahuna moves that The OHA Board of Trustees approves “A Resolution of the Office of Hawaiian Affairs Honoring the Life and Contributions of Larry Kamakawiwo'ole to the Native Hawaiian Community and other marginalized communities in Hawai'i.”**

**Trustee Robert Lindsey seconds the motion.**

**Chair Colette Machado** – With that said, Sterling please proceed to read the resolution.



**Sterling Wong** – Madame Chair, Auntie Davi pointed out two slight corrections, they are highlighted. I had initially put that he went to UC Berkeley. He actually went to Pacific School of Religion in Berkeley. There are two places where there is just replacing that word.

**Trustee Brendon Kalei‘āina Lee** moves to amend the resolution to reflect the corrections provided in the third Whereas and in the fifth Whereas.

**Trustee John Waihe‘e IV** seconds the motion.

**Chair Colette Machado** – It has been moved and seconded. Sterling when you are ready.

**Sterling Wong** reads the resolution:

**“A RESOLUTION OF THE OFFICE OF HAWAIIAN AFFAIRS  
HONORING THE LIFE AND CONTRIBUTIONS OF LARRY KAMAKAWIWO‘OLE TO THE  
NATIVE HAWAIIAN COMMUNITY AND OTHER MARGINALIZED COMMUNITIES IN  
HAWAI‘I”**

**WHEREAS**, Lawrence “Larry” Kamakawiwo‘ole was born in May 1943 in Honolulu, O‘ahu, to William Kamakawiwo‘ole, a bus instructor and dispatcher for the Honolulu Rapid Transit Company, and Wenonah Kamakawiwo‘ole, a substitute elementary teacher; and

**WHEREAS**, Larry Kamakawiwo‘ole was raised in Pālama and ‘Ālewa, attending area public elementary schools before enrolling at Kamehameha Schools, where he graduated from high school in 1961; and

**WHEREAS**, Mr. Kamakawiwo‘ole earned an undergraduate degree from the University of Hawai‘i; master’s degrees from the Pacific School of Religion in Berkeley, and the University of Hawai‘i; and a law degree from the Georgetown University Law Center; and

**WHEREAS**, Mr. Kamakawiwo‘ole had a long and distinguished professional career, serving as the first full-time director of the Ethnic Studies Program at the University of Hawai‘i at Mānoa, a deputy prosecutor for the City and County of Honolulu, and a special deputy attorney general to the Department of Commerce and Consumer Affairs; and

**WHEREAS**, Mr. Kamakawiwo‘ole played an indispensable role in the Hawaiian Renaissance, an unprecedented political movement of environmental consciousness and appreciation for native culture and language; and

**WHEREAS**, upon returning from Berkeley in the 1970s, he employed the community organizing skills he learned in graduate school to protest Kamehameha Schools Bishop Estate’s evictions of residents and farmers in Kalama Valley, a seminal land struggle that would help to launch the Hawaiian Renaissance and spark two decades of Hawaiian political activism and cultural renewal; and

**WHEREAS**, he was a founding organizer and spokesperson for Kōkua Kalama Valley and later Kōkua Hawai‘i, which sought to keep special Hawaiian communities intact and uphold basic human rights in housing for the poor and disenfranchised; and

**WHEREAS**, he and the other leaders and organizers of Kōkua Hawai‘i broadened the conversation on human rights and housing to include the planned evictions of several other communities in Hawai‘i, such as Ota Camp, Waiāhole-Waikāne, He‘eia Kea, Waimānalo, Chinatown, Hālawā Housing and “Census Tract 57” in Kalihi; and

**WHEREAS**, these leaders established a legacy of peaceful protest and civil disobedience that reshaped Hawai‘i’s laws to recognize the rights of the disenfranchised, including Native Hawaiians, immigrants, and the poor; and

**WHEREAS**, Mr. Kamakawiwo‘ole’s tireless work also helped to lay the foundation for the 1978 Constitutional Convention, the state Office of Hawaiian Affairs, and the Native Hawaiian Legal Corporation, among other institutions, that continue to uphold his vision of social justice for Native Hawaiians; and

**WHEREAS**, with the recent passing on October 9, 2019, of Mr. Lawrence “Larry” Kamakawiwo‘ole, Hawai‘i has lost a leader and community advocate who helped to shape the future of Hawai‘i and the social fabric of our islands; now, therefore,

**BE IT RESOLVED**, that the OHA Board of Trustees expresses its appreciation for the lifelong leadership and advocacy of Lawrence “Larry” Kamakawiwo‘ole, the first full-time chair of Ethnic Studies at the University of Hawai‘i, and a native son of Hawai‘i who led the formation of Kōkua Hawai‘i and who embraced and dedicated himself to protecting the poor and disenfranchised; and

**BE IT FURTHER RESOLVED**, that the OHA Board of Trustees expresses its gratitude and sends its aloha to the late Mr. Kamakawiwo‘ole’s ‘ohana and other leaders and community organizers of Kōkua Hawai‘i and their associates for their pivotal work in nurturing mutual respect and collaboration between disenfranchised cultures and communities in Hawai‘i and the Pacific; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be transmitted to the ‘ohana of Larry Kamakawiwo‘ole; the Department of Ethnic Studies, College of Social Sciences, University of Hawai‘i at Mānoa; Hawai‘inuiākea School of Hawaiian Knowledge and the Pelekikena of the Association of Hawaiian Civic Clubs.

**ADOPTED**, this \_\_\_\_\_ day of November 2019, island of O‘ahu, State of Hawai‘i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

**Chair Colette Machado** – Are we ready for the vote?

**Trustee Brendon Kalei‘āina Lee** – Madame Chair we have to vote on the amendment first.

**Chair Colette Machado** – Roll call of the amendments first.

Trustee Brendon Kalei'āina Lee moves to amend the resolution to reflect the corrections provided in the third Whereas and in the fifth Whereas.						
Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes unanimously with nine (9) yes votes.						

**Chair Colette Machado** – Roll call vote on the main motion as amended.

Trustee Dan Ahuna moves that The OHA Board of Trustees approves “A Resolution of the Office of Hawaiian Affairs Honoring the Life and Contributions of Larry Kamakawiwo'ole to the Native Hawaiian Community and other marginalized communities in Hawai'i, as amended.						
Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA	x		X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes unanimously with nine (9) yes votes.						

**Chair Colette Machado** – Thank you members we will be doing the presentation of the resolution, we need your cooperation to sign on the resolution. It will be at the next BOT on the 21<sup>st</sup>. We've invited his family, there will be 18 coming to celebrate with OHA on this resolution. I wanted to thank all of you for your aloha. Members we will now move on to V.B.

- B. Action Item BOT # 19-18: Extend the time for the Permitted Interaction Group, approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L - Lāhui Level Policies PIG, Board of**

**Trustees By-Laws PIG, T-Level Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents, from December 31, 2019 to no later than June 30, 2020.**

**Chair Colette Machado** – I will call on Trustee Brendon Kalei‘āina Lee.

**Trustee Brendon Kalei‘āina Lee moves to Extend the timeframe for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lāhui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020.**

**Trustee Carmen Hulu Lindsey seconds the motion.**

**Chair Colette Machado** – Any discussion on the extension, hearing none roll call vote.

Trustee Brendon Kalei‘āina Lee moves to Extend the timeframe for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lāhui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passes unanimously with nine (9) yes votes.						

- C. Report of the Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decision, without discussion. Pursuant to HRS §92-2.5(b)(1)(B)**

**Chair Colette Machado** – We are now on item C. report of the Permitted Interaction Group to investigate complaints against a Trustee. I'll call on Trustee Lee.

**Trustee Brendon Kalei‘āina Lee** – Thank you Madame Chair. The report of the PIG is being handed out to the members. The Board of Trustees have the report of the Permitted Interaction Group that was formed. The permitted interaction group met on September, this is just the reporting so there will be no discussion or questions until the following meeting. The permitted interaction group met on September 27, 2019. After

reviewing the complaint against Trustee Akina the PIG finds that Trustee Akina made misleading and untrue statements with regard to the CLA audit. Given that the BOT has no recourse for disciplinary action against a Trustee at this time the PIG considers this matter closed. Thank you, Madame Chair.

**Chair Colette Machado** – Thank you Trustee Lee. We will now move on to.

**Trustee Keli'i Akina** – Madame Chair.

**Chair Colette Machado** – Trustee Akina.

**Trustee Keli'i Akina** – I understand that there is no discussion of the content here, however a public statement has been made here that Trustee Akina made misleading and untrue statements. I want to point out that I have not been interviewed at all by this committee before coming to that conclusion. I was never invited to discuss it.

**Chair Colette Machado** – I have to call you out of order Trustee Akina.

**Trustee Keli'i Akina** – May I move on to another point then?

**Chair Colette Machado** – It depend on what you will say I may have to call you out of order.

**Trustee Keli'i Akina** – I would like to say I have every right to responds publicly here at this Board to the statement that has been made.

**Chair Colette Machado** – Not at this meeting but it will come back at the next board meeting on the 21<sup>st</sup>, you may have an opportunity to respond because that is the way the PIG works.

**Trustee Keli'i Akina** – Thank you and I look forward to the opportunity.

**Chair Colette Machado** – Thank you.

## **VI. EXECUTIVE SESSION**

**Chair Colette Machado** – With that said I'd to move on to Executive Session. Members the Chair would like to entertain a motion for recuse ourselves into Executive Session pursuant to HRS 92-5 (a)(2) and (4).

**Trustee John Waihe'e IV** moves to recuse into executive session pursuant to HRS §92-5(a)(2) and (4).

**Trustee Dan Ahuna** seconds the motion.

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.



Trustee John Waihe'e IV moves to recuse into executive session pursuant to HRS §92-5(a)(2) and (4).  
Trustee Dan Ahuna seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ x ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion unanimously passes with nine (9) yes.						

**Chair Colette Machado** – Everyone will be excused from the room, except for Raina.

**The Board resolved into Executive Session at 10:01 am**

- A. Consultation with Acting Board Counsel Kurt W. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities relating to the State Auditor's request for confidential and Attorney-Client privileged materials and information in connection with the legislatively mandated audit per Act 37. Pursuant to HRS§92-5(a)(4).
- B. Receive and take action on the Joint BAE/RM's recommendation of a candidate for the position of OHA Chief Executive Officer (CEO); and, consultation with Acting Board Counsel Kurt W. Klein, Esq. regarding the terms and conditions of employment to be offered to the presumptive CEO, Pursuant to HRS §92-5(a)(2), 92-5(a)(4).

**The Board reconvenes in open session at 11:06 am.**

*11:06 am Chair Colette Machado leaves the meeting.*

## **VII. COMMUNITY CONCERNS**

None

## **VIII. ANNOUNCEMENTS**

None

## **IX. ADJOURNMENT**

**Vice Chair Brendon Kalei'āina Lee** – Members seeing as we have no one signed up for Community Concerns and no one waiting out front or in the lobby the I would like to entertain and motion to adjourn the meeting.

**Trustee Carmen Hulu Lindsey moves to adjourn the meeting.**

**Trustee Robert Lindsey seconds the motion.**



**Vice Chair Brendon Kalei'aina Lee** – It has been moved and seconded. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO						X
TOTAL VOTE COUNT			8			1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed with eight (8) yes votes and one (1) excused.						

The meeting was adjourned at 11:08pm.

Respectfully submitted,

\_\_\_\_\_  
Dayna Pa, Board Secretary


As approved by the Board of Trustees on \_\_\_\_\_.

\_\_\_\_\_  
Colette Y. Machado, Chairperson  
Board of Trustees

Attachments:

1. Report of the Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decision

The Permitted Interaction Group met on September 27, 2019. After reviewing the complaint against Trustee Akina the PIG finds that Trustee Akina made misleading and untrue statements with regard to the CLA audit. Given that the BOT has no recourse for disciplinary action against a Trustee at this time the PIG considers this matter closed.



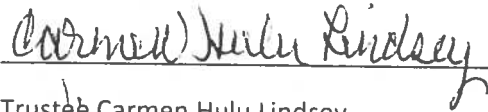
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Trustee Brendon Kalei'ian Lee

11/06/19

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Date



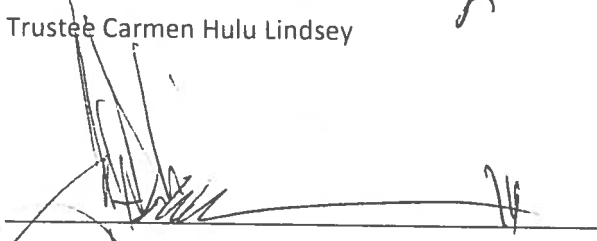
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Trustee Carmen Hulu Lindsey

11/06/19

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Date



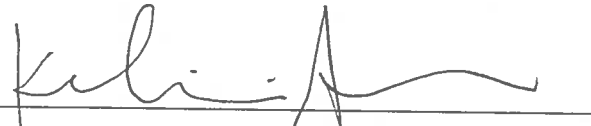
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Trustee John Waihe'e IV

11/06/19

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Date



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Trustee Kalei Akaka

11/06/19

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Date

Office of Hawaiian Affairs  
560 N. Nimitz Hwy, Suite 200  
Honolulu, HI 96817  
Roll Call Vote Sheet

**BOARD OF TRUSTEES MEETING**

**DATE: June 20, 2019**

**AGENDA ITEM:**

**V. New Business**

- C. Action Item BOT #19-09: Approval of the formation of a Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions. Pursuant to HRS § 92-2.5(b)(1)(A).**

**Move to approve the formation of a Permitted Interaction Group (PIG) to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.**

**Permitted Interaction Group Scope /Purview:**

**The scope/purview of the PIG is to:**

- 1. Investigate complaints against an OHA Trustee for alleged violations of the Trustee Code of Conduct contained in the complaints, such as allegations involving that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions;**
- 2. Interview individuals involved in the complaints, consult with others (i.e. Board Counsel, etc.), and perform tasks as necessary to further and complete its investigation; and**
- 3. Present to the Board a report with its findings and recommendations.**

**Permitted Interaction Group Membership:**

**The membership of the PIG is as follows:**

- 1. Trustee Brendon Kalei'āina Lee;**
- 2. Trustee Carmen Hulu Lindsey;**
- 3. Trustee John Waihe'e IV; and**
- 4. Trustee Kalei Akaka**

**Trustee Lee will serve as the Chair of the PIG and Trustee Hulu Lindsey will serve as its Vice Chair.**

**Permitted Interaction Group Term/Duration:**

**The term of the PIG expires at the completion of the scope/assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment.**

**As amended.**

**AMENDMENT:**

**MEANS OF FINANCING:**

		1	2	'AE (YES)	A'OLE (NO)	KANALUA/ ABSTAIN	EXCUSED/ ABSENT
TRUSTEE LEINA'ALA	AHU ISA			X			
TRUSTEE DAN	AHUNA		x	X			

TRUSTEE KALEI	AKAKA			X			
TRUSTEE KELI'I	AKINA					X	(1 <sup>st</sup> voted no then advised by Counsel to abstain)
TRUSTEE BRENDON KALEI-ĀINA	LEE	x		X			
TRUSTEE CARMEN HULU	LINDSEY			X			
TRUSTEE ROBERT	LINDSEY					X	
TRUSTEE JOHN	WAIHEE			X			
TRUSTEE COLETTE	MACHADO			X			
TOTAL VOTE COUNT				7		2 abstention	

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

DISCUSSION:

# OFFICE OF HAWAIIAN AFFAIRS

## Action Item

### BOARD OF TRUSTEES

June 6, 2019

BOT #19-09

**Action Item Title:** Approval of the formation of a Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

Prepared By: Carol A. Ho'omanawanui 06/05/2019  
Carol Ho'omanawanui  
Ke 'Aho Kele, Chief of Staff Date

Reviewed By: Robert G. Klein 06/05/2019  
FOR Robert G. Klein  
Pōhaku Kihi Nui, Board Counsel Date

Reviewed By: Colette Y. Machado 06/05/2019  
Colette Y. Machado  
Ke Kauhuhu, Board of Trustees Chair Date

THIS SPACE INTENTIONALLY LEFT BLANK

## **I. ACTION ITEM**

Approve the formation of a Permitted Interaction Group (PIG) to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

## **II. ISSUE**

Whether or not the OHA Board of Trustees should approve the formation of a Permitted Interaction Group, consistent with Hawai'i Revised Statutes §92-2.5(b)(1)(A), to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

## **III. DISCUSSION**

### **A. Timeline of Complaints**

A complaint against an OHA Trustee was transmitted to the Board of Trustees (BOT) Chair on April 17, 2019 alleging violations of policies covered under the Trustee Code of Conduct when public statements and comments were made by the OHA Trustee:

1. Duty of Care and Loyalty to OHA, Section 1030 of the OHA BOT Executive Policy Manual (February 2012); and
2. Duty of Loyalty and Duty of Obedience and Support for Board Decisions, Subpart 1A, Section A, Subsection 5 of the OHA BOT Code of Conduct and Sanctions for Violations of the Code of Conduct.

This complaint was distributed to the Trustees via a confidential memo from the Board Counsel dated April 30, 2019.

Another complaint against the same OHA Trustee identified in the first complaint was transmitted to the BOT Chair on May 8, 2019. This complaint alleged violations of policies covered under the Trustee Code of Conduct, similar to the first complaint, when public statements were made by the OHA Trustee:

1. Duties of Care, Obedience, and Loyalty as defined in the OHA BOT Executive Policy Manual (February 2012) and Subpart 1A, Section A of the OHA BOT Code of Conduct and Sanctions for Violations of the Code of Conduct.

The second complaint was distributed to the Trustees via a confidential memo from the Board Counsel dated May 14, 2019.



## **B. Applicable Law in Hawai'i Revised Statutes, Permitted Interaction Group**

In accordance with HRS §92-2.5(b)(1)(A), this action item seeks the approval of the Board to create a Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

Hawai'i Revised Statutes (HRS), Chapter 92, Public Agency Meetings and Records, §92-2.5(b)(1) allows for two or more board members (Permitted Interaction Group), but less than the number of members which would constitute a quorum of the board, to investigate a matter relating to official business of the board:

- (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:
  - (1) Investigate a matter relating to the official business of their board; provided that:
    - (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
    - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
    - (C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

## **C. Proposed Permitted Interaction Group (PIG)**

The scope/purview, memberships, and term/duration of the Permitted Interaction Group are defined below.

### Permitted Interaction Group Scope /Purview:

The scope/purview of the PIG is to:

1. Investigate complaints against an OHA Trustee for alleged violations of the Trustee Code of Conduct contained in the complaints, such as allegations involving that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions;
2. Interview individuals involved in the complaints, consult with others (i.e. Board Counsel, etc.), and perform tasks as necessary to further and complete its investigation; and
3. Present to the Board a report with its findings and recommendations.

### Permitted Interaction Group Membership:

The membership of the PIG is as follows:

1. Trustee Brendon Kalei'āina Lee;
2. Trustee Carmen Hulu Lindsey; and
3. Trustee John Waihe'e IV

Trustee Lee will serve as the Chair of the PIG and Trustee Hulu Lindsey will serve as its Vice Chair.

Permitted Interaction Group Term/Duration:

The term of the PIG expires at the completion of the scope/assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment.

**IV. TIMEFRAME**

Immediate action is recommended.

**V. FUNDING SOURCE**

No additional funding is needed to form a new Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

**VI. ALTERNATIVES**

- A. Approve the formation of a Permitted Interaction Group (PIG) to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.
- B. Do not approve the formation of a Permitted Interaction Group (PIG) to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.
- C. Take no action

**VII. RECOMMENDATION**

Approve the formation of a Permitted Interaction Group (PIG) to investigate complaints against a Trustee for alleged violations of the Trustee Code of Conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions.

The scope/purview of the PIG is to:

1. Investigate complaints against an OHA Trustee for alleged violations of the Trustee Code of Conduct contained in the complaints, such as allegations involving that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decisions;
2. Interview individuals involved in the complaints, consult with others (i.e. Board Counsel, etc.), and perform tasks as necessary to further and complete its investigation; and
3. Present to the Board a report with its findings and recommendations.

The membership of the PIG is as follows:

1. Trustee Brendon Kalei'āina Lee;
2. Trustee Carmen Hulu Lindsey; and
3. Trustee John Waihe'e IV

Trustee Lee will serve as the Chair of the PIG and Trustee Hulu Lindsey will serve as its Vice Chair.

The term of the PIG expires at the completion of the scope/assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment.

#### **VIII. ATTACHMENT**

None

**Office of Hawaiian Affairs  
Board of Trustee Meeting  
December 19, 2019  
10:00 am**

**V. New Business**

**A. Joint Committees on Beneficiary Advocacy  
and Empowerment and Resource  
Management**

- 1. Action Item BAE-RM #19-10: FB 20-  
21 Higher Education Grant  
Recommendation \***

*\* - The committee report for V.A.1. will be forwarded to the  
Board of Trustees following its approval at the Joint BAE/RM  
Committee Meeting scheduled for December 18, 2019*