

**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, April 11, 2019
10:00 am**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE BRENDON KALEI'ĀINA LEE
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI'Ā AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE ROBERT LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

ADMINISTRATION STAFF:

KAMANAOPONO CRABBE, CEO
MILES NISHIJIMA, LPD
RAINA GUSHIKEN, CC
EVERETT OHTA, CC
MOMILANI LAZO, EA to CEO
STERLING WONG, PRO

BOT STAFF:

CAROL HO'OMANAWANUI
LŌPAKA BAPTISTE
LAURENE KALUAU-KEALOA
DAYNA PA
KAMA HOPKINS
KAUIKEAOLANI WAILEHUA
PRICILLA NAKAMA
CLAUDINE CALPITO
LEHUA ITOKAZU
MARIA CALDERON
ALYSSA-MARIE KAU
LEIANN DURANT
MELISSA WENNIHAN
PAUL HARLEMAN

GUESTS:

NONE

I. CALL TO ORDER

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:00 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present, constituting a quorum.

Members for your agenda review we will not be doing approval of minutes. Just to note the date was listed wrong, it should be 2019 rather than 2018. At the next board meeting we will be bring the minutes back for approval.

Before we move on to public testimony, I would like to add these comments to the record.

The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

V. New Business

A. Committee on Beneficiary Advocacy and Empowerment

1. 2019 OHA Legislative Positioning – Matrix 2^{**†}, April 10, 2019
2. 2019 Federal Legislative Updates – Matrix 3^{**†}, April 10, 2019

B. Committee on Resource Management

1. Action Item RM #19-02: Amendment to Extend the Time of Performance for OHA Contract #3284[†]
2. Action Item RM #19-03: Approval of BOT executive policy amendments relating to a Trustee Protocol Allowance to cover expenses incurred in the course of a trustee's duties and responsibilities, 1st Reading.

C. Consultation with Kumabe HR LLC to assist the Board in conducting its performance appraisal of OHA's CEO pursuant to Section III of Contract 3147 (if necessary, the Board will recuse into

With that said, we are on item III.

II. APPROVAL OF MINUTES

A. March 7, 2018

B. March 21, 2018

(Item was not discussed. The minutes were listed with the wrong year it should have been 2019. They will be listed correctly for approval at the next BOT meeting.)

III. PUBLIC TESTIMONY

Chair Colette Machado – Do we have anyone signed up for public testimony? Hearing none, we will move on to IV.

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 Ka Pouhana, CEO for any unfinished business and updates.

Kamana'opono Crabbe – Good morning Trustees. Just a few announcements. The Pou Nui Sylvia Hussey and I will be reviewing the final round of the biennium budget. From here, we will hopefully be able to schedule appropriate dates with the RM Committee to begin the deliberation of our biennium budget. Second, our community grants are now moving on to our competitive grants. They are winding down on the first initial vetting. The reason why I am sharing this is because based on the new standard operating procedures that we have adopted it is much more fair in terms of people going through different stages of qualifying for the grant. Letters have already gone out; communications have been had with certain organizations whether or not they have or not qualified. We have been receiving calls, if you have received calls it is because the grants staff is completing that process. The next process will begin the scoring and evaluation of each project. That is according to the standard operating procedures that we are implementing right now. The grants staff is very motivated, we've increased the number of onsite evaluations because of that effort we are holding organizations accountable, and there are a number who are not used to that kind of supervision from us. We are much more diligent and demanding of their reports and data. Hats off to our grants program.

The next is last year we conducted a collaboration with Kamehameha Schools and Department of Natural Resources. It is the first 'āina summit was conducted and held on the windward side. We are in the final stages of wrapping up the report. The report is based on DLNR and KS they wanted it to be a joint venture and it is something we will work together on as three organizations on land management, stewardship and cultural resources. We hope to have that report done in a couple of weeks for your distribution. We are still in the final stages working with DLNR and KS on what we call is a soft launch. We have a website and the report and the video about the summit. What is most important is implementing some of the recommendations that came out of that report which I think would help align with our strategic plan given the foundational elements included 'āina, culture and impacting families and communities. As soon as we find out when that report is coming out, we will distribute hard copies to you.

I did want to acknowledge since the Office of Hawaiian Affairs is a strong advocate for kahooumauana i ka ōlelo Hawaii, we perpetuating the Hawaiian language, this year we recognized four students whose Hawaiian Language Science Projects qualified for this year's State Science Fair. It will be held this week at the Hawaii Convention Center. Those individuals are Clu Mālamalono Hokama-Paris grade 12 from Kula Kaiapuni 'O Ānuenue this individuals project is titled Ua 'Ā ka Mea Kanu. The next is Ka'awaloa Kauaula grade 12 from Kula Kaiapuni 'O Ānuenue this individuals project is Ka 'Aila Pale Lā Naupaka. The other student is Kūlia Miyamoto from Kula Kaiapuni 'O Ānuenue grade 8 this individuals project is titled Ka Papahana 'Imi Noi'i 'O Ke Kānana Wai. The

last student is Kilinahe Naluai grade 7 from Pū'ōhala Elementary whose project is titled Kahe ke Kokoleka. The reason why we are acknowledging this now, olelo Hawai'i is not just in story telling, culture, it is expanding in to STEM so thats a really good thing. They are able to articulate and present their project using not only olelo Hawai'i but cultural concepts as well. We hope to promote more of these kinds of events within the Department of Education mainstream. To advoate for more immersion and native Hawaiian Schools to use olelo Hawai'i as part of their academnic progress. Those are the updates for administration.

Chair Colette Machado – Thank you. Trustee Leina'ala Ahu Isa.

Trustee Leina'ala Ahu Isa – You know Kuhio Lewis with CNHA had that free class to teach hawaiian out in Kapolei. Three hundred people showed up. We were talking about, cause we have space here, maybe we can have something here because I think there is a great interest in learning.

Chair Colette Machado – Thank you anyone esle. We will move to item V.

V. NEW BUSINESS

Chair Colette Machado – I will call on Trustee John Waihe'e IV. We have two motions for your approval the Matrix 2 and 3 dated April 10, 2019.

A. Committee on Beneficiary Advocacy and Empowerment

1. 2019 OHA Legislative Positioning – Matrix 2^{†}, April 10, 2019**

Trustee John Waihe'e IV moves to approve Administration's recommendations on NEW BILLS (Items 1-2) and BILL POSITIONS FOR RECONSIDERATION (Item 3); as well as ADD:

- **HCR 132/SCR 174 as COMMENT**

on the OHA Legislative Positioning Matrix dated April 10, 2019, as amended.

Trustee Kalei Akaka seconds the motion.

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

Trustee John Waihe'e IV moves to approve Administration's recommendations on NEW BILLS (Items 1-2) and BILL POSITIONS FOR RECONSIDERATION (Item 3); as well as ADD:

- HCR 132/SCR 174 as COMMENT
on the OHA Legislative Positioning Matrix dated April 10, 2019, as amended.

Trustee Kalei Akaka 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	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 passed unanimously with nine (9) yes votes						

2. 2019 Federal Legislative Updates – Matrix 3***, April 10, 2019

Chair Colette Machado - Trustee John Waihe'e IV.

Trustee John Waihe'e IV moves to approve Administration's recommendations on:

- OHA FED 1: S. 256 / H.R. 912; and
- OHA FED 2: S. 467 / H.R. 1191, both as SUPPORT

on the Federal Legislative Matrix dated April 10, 2019.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – It has been moved and seconded. If there is no discussion call for the roll call vote.

Trustee John Waihe'e IV moves to approve Administration's recommendations on: <ul style="list-style-type: none"> • OHA FED 1: S. 256 / H.R. 912; and • OHA FED 2: S. 467 / H.R. 1191, both as SUPPORT on the Federal Legislative Matrix dated April 10, 2019. Trustee Kalei Akaka 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	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA 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 passed unanimously with nine (9) yes votes						

B. Committee on Resource Management

1. Action Item RM #19-02: Amendment to Extend the Time of Performance for OHA Contract #3284

Chair Colette Machado – Members we are now on V.B. Committee on Resource Management. I'd like to call on Trustee Ahuna.

Trustee Dan Ahuna – Thank you Madame Chair. Before we take this vote I'd like to highlight some of the steps we have taken in the Committee on Resource Management since February. First we took steps to set up procedures to restructure the management of the LLC's. We have held board workshops and updates to develop sound fiscal policy recommendations to address policy gaps in the areas of dept, economic development, investments and spending. We approved the Kulia Grant recommendations for much needed expansion of our grants program.

And yesterday we approved action item 19-02, to ensure that we close gaps in the audit monitoring that resulted in multiple delay, and we will ensure that the audit will be completed this year. The Trustee Protocol Allowance, that we will vote on again today, address one of the major areas of concern raised in the audit last year.

We are on the right track! Mahalo to the board, our staff, and our consultants that are working hard to close the gaps that are too often the focus and distract from the great work being accomplished. That includes great work in aligning with our community in our advocacy. Our staff, Trustees, and our community are finally starting to

move in sync and there is amazing movement happening.

Trustee Dan Ahuna moves to approve RM #19-02 to authorize and approve an amendment to extend the Time of Performance for OHA Contract #3284 from April 30, 2019 to December 16, 2019. Moreover, any document requests to OHA, either outstanding or new requests, if any, shall be responded to as soon as possible, but in no case after April 29, 2019 such that the timeline for performance by CLA is not extended further.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado – Discussions? Hearing none, roll call vote please.

Trustee Dan Ahuna moves to approve RM #19-02 to authorize and approve an amendment to extend the Time of Performance for OHA Contract #3284 from April 30, 2019 to December 16, 2019. Moreover, any document requests to OHA, either outstanding or new requests, if any, shall be responded to as soon as possible, but in no case after April 29, 2019 such that the timeline for performance by CLA is not extended further.

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'AINA 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 passed with eight (8) yes votes and one (1) no vote.

- 2. Action Item RM #19-03: Approval of BOT executive policy amendments relating to a Trustee Protocol Allowance to cover expenses incurred in the course of a trustee's duties and responsibilities, 1st Reading.**

Chair Colette Machado – We are now on item V.B.2. Trustee Dan Ahuna please.

Trustee Dan Ahuna moves to approve BOT executive policy amendments relating to a Trustee Protocol Allowance to cover expenses incurred in the course of a Trustee's duties and responsibilities as shown in Attachment "A" and Corresponding and Conforming Changes to BOT Operations Manual as shown in Attachment "B."

Trustee John Waihe'e IV seconds the motion.

Chair Colette Machado – It has been moved and seconded. Members any discussion, it was a lively discussion yesterday. Hearing none, roll call please.

Trustee Dan Ahuna moves to approve BOT executive policy amendments relating to a Trustee Protocol Allowance to cover expenses incurred in the course of a Trustee's duties and responsibilities as shown in Attachment "A" and Corresponding and Conforming Changes to BOT Operations Manual as shown in Attachment "B."

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		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 passed unanimously with nine (9) yes votes						

C. Consultation with Kumabe HR LLC to assist the Board in conducting its performance appraisal of OHA's CEO pursuant to Section III of Contract 3147 (if necessary, the Board will recuse into Executive Session to consult with Board Counsel Robert G. Klein, Esq., Pursuant to HRS §92-5(a)(4)).

Chair Colette Machado – Thank you members we are now on V.C. we have consultation with Kumabe HR to assist the board in conducting its performance appraisal of OHA's CEO. She is here but prior to her doing her presentation she has a powerpoint that we will distribute. I'd like to call on Robert Klein, Board Counsel to update us on what we inquired with the Office of Information Practices relating to going into executive session on this item.

Robert Klein, Board Counsel – Today Ms. Kumabe is going to make a presentation about methodology and process that she wants your input in. Her evaluation of our CEO, I just wanted to remind everybody and checked with OIP. As far as at the table publicly and not in executive session about specific issues that anyone may have about the performance of the CEO that might invade his rights to privacy, we have an obligation to go into executive session to do that. The CEO has the right to waive confidentiality and have any discussion about specific instance or matters that you may have a problem with. He has the right to waive any confidentiality of an executive session and have that made in a public process. We checked with OIP just to try to define where the line is. We are pretty clear from OIP's advisement that Trustees will be discussing the CEO's performance during their discussion of the methodology and survey and evaluation instruments such as bringing up concerns about specific areas of the CEO's performance they want to make sure it will be covered in the evaluation process the part of the discussion involving those concerns about the CEO's performance should be done in executive session. We don't have executive session today. Today is 3,000 foot level its the type of documents that Marie will be using, her recommendations for process so its at that level you should be discussing. We should not invade the privacy of the CEO and respect his right to have that discussion in executive session. I am sure that that day will come but today is not the day.

Trustee Brendon Kalei'āina Lee – I'm looking at our agenda for item VI. D. under executive session where it does say consult with Board Counsel, question and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding the Board's obligations and responsibilities to conduct its performance appraisal of OHA's CEO. So we do actually have.

Chair Colette Machado – It was intended to be a safety net because we didn't receive the OIP opinion. In the event we needed to go into executive session. Now we are really clear to what is a prohibiting factor.

Trustee Brendon Kalei‘āina Lee – But we do have it on the agenda.

Robert Klein, Board Counsel – We don’t have it agendized as 92-5 (2) which allows him the CEO to invoke executive session or waive it when you are discussing personnel actions. So we didn’t agendize it because 6 days ago because all we were thinking is if legal questions came up about Ms. Kumabe’s presentation about process we could go into executive session. We don’t have it agendized as something having to do with personnel decisions so that’s the distinction. We didn’t know that 6 days ago so we can’t amend the agenda to have done that.

Chair Colette Machado – Any other questions? Thank you Marie.

Ms. Marie Kumabe – Thank you madame Chair and Trustees and all of your staff. We have a lot of meetings on top of your meetings so thank you all very much for your time.

(Ms. Kumabe begins her powerpoint presentation. Please see the attached powerpoint presentation. Office of Hawaiian Affairs CEO Evaluation April 11, 2019)

Trustee Brendon Kalei‘āina Lee – I have a question. That link that is about to come up is it password protected.

Ms. Kumabe – Its draft so it won’t accept any survey. Yes, no one would be able to go on it.

Trustee Brendon Kalei‘āina Lee – But if its a draft.

Ms. Kumabe – Because its not approved yet. When we actually do the real surveys it will be completely a different link. Does that make sense? It won’t be the same link so if someone took this information it wouldn’t matter.

Trustee Brendon Kalei‘āina Lee – That is fine.

Ms. Kumabe – That is a great question and thank you for asking it. Just to let you know the surveys are all confidential but you folks will never have access but its associated with an IP address. So if there were any kind of questions or issues we can actually research where different input comes from. It is a clean process and it is confidential. Obviously if you have 150 employees and we got 170 surveys that would trigger us to investigate. We have fail safes to make sure its accurate data. Thank you for asking.

Trustee Keli‘i Akina – Trustee results slide, I have a question about the timeframe, in which you say we recommended the performance review timeframe to include April 1st, 2018 to June 1, 2019. That is a narrow period of time. Couple of the Trustees here would only be on board a short period. However a majority of Trustees would have been for the period of time. But we also would have been here for a longer period of time and have had an opportunity to observe CEO during that period of time. For myself at least from 2016. I have two questions, you mentioned that there were prior evaluations of CEO but what was the last time frame for which you performed an evaluation of CEO. The second is would it be possible for us to begin the performance time frame at the end of that period of time.

Ms. Kumabe – First of all let me address the fact, just by the nature of your organization you might have people that come in or flow out. That’s why there is the five rating and there is also not applicable or not observable. So if during your tenure you weren’t able to, let’s say its the annual budget and you were not around for that you can put not applicable or observable. So you could in fact not weigh in on something where you don’t feel you have information. So that would be the fail safe for the time frame. Anyone that doesn’t feel they can evaluate something based on the timeframe part can say not observable or I don’t have an opinion about that. Which is fine.

So it doesn’t skew the results that way. We looked at a lot of different time frames. The challenge, so probably I don’t think we have, we haven’t done a review during this contract. Having said that usually kind of the standard is somewhere between 1 year or maybe 18 months and it depends on some different things. Often time is the

timing of the organization, it's when the form goes out it's all different things. I think we put it in just a little over there. The reason we don't go all the way to say June because you folks are going to evaluate about May 15th. That will be when you are filling out your evaluations so that's why we put it June 1st just to make sure there is enough time to pad that part of it. And April 1st is kind of when this process started or you folks became aware that this was going to happen. That was the reason for the timeframe. It is a bit of a moving target. However having said that anything that came up during the year is fair game. If there was any specific, say something happen on March 29th, if it was discussed or impacted the timeframe from April 1st to June 1st it would be allowable to be included in the performance review.

Trustee Keli'i Akina – To clarify, although you say that the performance review time from is April 1st, 2018 to June 2019. If observable actions are included in our evaluation, actions that took place prior to that time and they still have bearing that would be ok for evaluation.

Ms. Kumabe – Correct if it was something that you had to touch discuss think about during the time frame its fair game. Additionally, that is good things too. Maybe it was a program that started on March 1st and it was a great program and it was reported at the table say three months later on May 30th that is something that could be included.

Trustee Carmen Hulu Lindsey – How long was our Pouhana's contract?

Ms. Kumabe – This contract is three years and the previous contract was three years.

Trustee Carmen Hulu Lindsey – So why are we only evaluating one year?

Ms. Kumabe – It's generally best practices if you go back too far, it's like disciplining someone for something that happened three years ago, you can't remember that or you can't change it. So it's generally accepted practice to 1 year to 18 months just depending on the organization and the timeframe.

Trustee Brendon Kalei'aina Lee – Correct me if I am wrong, typically on a 3-year contract reviews are done every 12-18 months.

Ms. Kumabe – Ideally. Correct and also best practices in most organizations.

(Ms. Kumabe continues with her PowerPoint presentation)

Trustee Leina'ala Ahu Isa – I get asked this about social media. You know our beneficiaries are going to hear about this and going to want to chime in. Are we specifying one year, can they go on to this survey.

Ms. Kumabe – No, you do have a broad based constituency that is what the community partners are gears towards to be able to weigh in on behalf. No only 10 of them and all 9 Trustees provide an additional 2 people each. So the Trustees are providing 18 it's a pretty good mix of the community.

Trustee Carmen Hulu Lindsey – When do we approve the process?

Chair Colette Machado – Today.

(Ms. Kumabe continues with her PowerPoint presentation)

Trustee Keli'i Akina – Marie this is very good. Do you also provide evaluations that are based upon quantitative metrics? What you are going to produce for us is valuable. I am looking forward to it; it looks like it is going to be fair. It's an aggregate of opinions and my personal opinion on the CEO's leadership or engagement is no better than anyone else's opinion. What we seem to be lacking is a list of quantifiable metrics for achievement during the contract period. That is probably our fault, I am just wondering if you facilitate that type of evaluation.

Ms. Kumabe – Actually you folks have consistently done the quantifiable part, which would normally be, what happens with the goals from the year before. In a perfect world, there would be the goals from the prior process, then the next review in addition to as you mentioned the more qualitative, we would say 62.5% out of a 100 points met goal. Actually, the Office of Hawaiian Affairs traditionally has a lot of metrics that we can draw from. The strategic plan that you guys are wrapping up has phenomenal metrics in it unfortunately, you guys are finishing a strategic plan and working on a new one. There isn't something that we can draw from that. With the absence of the performance reviews for the last 2 years it's hard to resurrect goals from 3 years ago and say did you do that. So if the process were to happen again next year the goals that you would give your CEO, they would then be weighing in. Did this happen? Did it not happen or did it happen at 50% and that would be the quantitative part of the performance review but because we haven't had a current performance review say active that is very difficult to do.

Trustee Keli'i Akina – In other words, we are not able to do a quantitative review because we don't have the basis to do that.

Ms. Kumabe – Correct, it would be hard to hold someone accountable to something they didn't know existed. I'm not in charge of the motion right.

Chair Colette Machado – We have the motion on the board.

Trustee Brendon Kalei'āina Lee moves to approve the method, process, timeline, survey, and evaluation instrument for the performance appraisal of Ka Pouhana/CEO as recommended by Kumabe HR LLC in its presentation to the Board of Trustees on April 11, 2019:

1. Use the 360 degree evaluation model as the method to evaluate the performance of Ka Pouhana/CEO;
2. Follow the process to implement the 360 degree evaluation as outlined in the presentation;
3. Use the survey recommended and drafted by Kumabe HR LLC for generating comments from participants identified in the presentation;
4. Use the evaluation instrument recommended and drafted by Kumabe HR LLC to compile results from Trustees to evaluate Ka Pouhana/CEO;
5. Establish the performance evaluation period as outlined in the presentation to include April 1, 2018 to June 1, 2019 with a flexible closing date depending on the final performance approval; and
6. Follow the timeline outlined in the presentation to complete the performance appraisal of Ka Pouhana/CEO by June 6, 2019.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado – It has been moved and seconded members. If there is no further discussions, I will call for the roll call vote. Please.

Trustee Brendon Kalei‘āina Lee moves to approve the method, process, timeline, survey, and evaluation instrument for the performance appraisal of Ka Pouhana/CEO as recommended by Kumabe HR LLC in its presentation to the Board of Trustees on April 11, 2019:

1. Use the 360 degree evaluation model as the method to evaluate the performance of Ka Pouhana/CEO;
2. Follow the process to implement the 360 degree evaluation as outlined in the presentation;
3. Use the survey recommended and drafted by Kumabe HR LLC for generating comments from participants identified in the presentation;
4. Use the evaluation instrument recommended and drafted by Kumabe HR LLC to compile results from Trustees to evaluate Ka Pouhana/CEO;
5. Establish the performance evaluation period as outlined in the presentation to include April 1, 2018 to June 1, 2019 with a flexible closing date depending on the final performance approval; and
6. Follow the timeline outlined in the presentation to complete the performance appraisal of Ka Pouhana/CEO by June 6, 2019.

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‘ĀINA LEE	x		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 passed unanimously with nine (9) yes votes						

VI. EXECUTIVE SESSION

Chair Colette Machado – We still have more business under VI. Executive session. I would like to entertain a motion to 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)(4).

Trustee Robert Lindsey seconds the motion.

Trustee Brendon Kalei‘āina Lee moves to recuse into executive session pursuant to HRS §92-5(a)(4).
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‘ĀINA LEE	x		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 passed unanimously with nine (9) yes votes						

The Board resolved into Executive Session at 10:56 pm.

- A. Consultation with attorneys William Yuen, Esq., Judy Tanaka, Esq., and Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding OHA’s role as a member of Hi‘ilei Aloha LLC and Ho‘okele Pono LLC and management options for those LLCs in light of the Minute Order issued in Andrew Walden v. Hi‘ilei Aloha LLC, Ho‘okele Pono LLC, and Hi‘ipaka LLC. *Pursuant to HRS §92-5(a)(4).*
- B. Consultation with Board Counsel Robert G. Klein, Esq. on questions and issues pertaining to the Resource Management Committee of the OHA-BOT’s powers, duties, privileges, immunities and liabilities regarding OHA Contract #3284. *Pursuant to HRS §92-5(a)(4).*
- C. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities relating to the Trustee Protocol Allowance policy. *Pursuant to HRS §92-5(a)(4).*
- D. Consultation with Board Counsel Robert G. Klein, Esq. and Kumabe HR LLC re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities regarding the Board’s obligations and responsibilities to conduct its performance appraisal of OHA’s CEO in accordance with Section III of Contract 3147. *Pursuant to HRS §92-5(a)(4).*
- E. Approval of Minutes
 1. March 7, 2019
 2. March 21, 2019

The Board reconvenes in open session at 11:34 am.

11:34 am Trustee John Waihe‘e IV leaves the meeting.

VII. COMMUNITY CONCERNS

Chair Colette Machado – We have one member that has signed up for community concerns.

Kamuela Kala‘i – Aloha, my name is Kamuela Kala‘i. I just wanted to give everyone an update on what is happening with our iwi kupuna at Kawaiha‘o Church. I’d like to say its good news but it’s not. We still working on trying to come to an agreement on the plan to mālama the kupuna. The Church has decided that they are not going to do it the way the families want to do it. The Church has decided that they want to put the kupuna in the smallest corner possible. Shove them all in one corner; we are talking over 600 to 1,000 kupuna. The families are

not in agreement what so ever. We want the kupuna put back as close as possible to where they were removed. As closely as possible and the Church still wants an option to build. That is not going to happen while I am alive.

That is where we are at and in addition to the 600 plus kupuna that the Church claims is in the basement of their Church I have already had 3 eyewitnesses accounts, people telling me that from 2004 there were already kupuna that had been disinterred. I am not sure where they came that were put into baskets and were stored somewhere in the basement of the Church. In addition to that, another eyewitness account of when the Queen Street widening happened a few years ago the kupuna from that project were into containers that are still on the lot. I have made an official request the OIBC that we do an inspection to find out if there are any more kupuna, where they are at and bring them forward so that we can take care of them all one time. There is a family still looking for their kupuna. Last saw them in 2005 in a marked burial, when they went back in 2007, they are gone. The Church claims they know nothing about where these kupuna are, where their markers are. Something is going on. And I don't know why the Church continues to insist that its ok to hide any more stuff it's not ok.

We need to mālama all the kupuna. So when they removed every single kupuna that they could remove within this huge lua, 2,000 tons of lepo or 114 million pounds of lepo was removed and the Church doesn't know where that lepo is today. It's gone. They claim that they screened the lepo and even if they did, you cannot screen kupuna out of the lepo that they have been in for over 100 years. That lepo is, God knows where, but in order for us to mālama kupuna the way it should be taken care of we are going to need to find another 2000 tons of lepo somewhere. It's going to be a long heavy process putting this kupuna back and I expect the Church will challenge us if the OIBC votes in our favor to preserve the kupuna in place. If they do then we are prepared for that. I would ask this board for our kōkua in helping us to get the resources we need to put the kupuna back.

I don't know where you get 2000 tons of lepo that is appropriate for this. I just don't. I know it's not going to be free. I would ask for your support so we can make this pono for them. Anybody has any influence with anybody in the Church. Bishop Galuteria who seems to be the driving force behind the reason why they don't want to support the families and to pule for the Kahu because he is caught in the middle. For the congregation wants to do the right thing. If you know, anybody pule for them and ask for their kōkua. Because this has been way to long already. We are going to need help. The kupuna are going to need help. I just humbly ask for you kōkua. Thank you.

Chair Colette Machado – Thank you Kamuela. You have anything to add to updates that you have received Kamana'opono from the Church or any other kind of discussion with the Oahu Island Burial Council.

Kamana'opono Crabbe – I have not. Only from some informal discussions with the Kahu. I guess there was a meeting here, I told him we would support in whatever way we could. I have now had any direct correspondence from the Oahu Island Burial Council regarding this matter.

Chair Colette Machado – Thank you. Any other comments?

Trustee Carmen Hulu Lindsey – I also had a conversation with Kahu just a week ago. I agree with Kala'i in that he is caught between the Board and the right thing to do. It is a hard situation the way it is right now.

Kamuela Kala'i – So we let the process play itself out. We ask kupuna for, kupuna are going to have the last word. They always do. So this may not turn out anyway that I envision it to turn out but they will make sure that it will turn out the way that it is supposed to turn out. We just follow directions that is all we do. Everybody going meet their own kupuna one of these days. They will meet anybody else's kupuna they need to meet and that is on them. I just pray, I will tell you one thing, just when you think it couldn't get any worse it gets worse. It has gotten worse time and time again. I'll just ask for any kōkua and support in whatever way that you can kōkua and support these kupuna and kupuna everywhere. I am so happy to see that it is part of your overall plans for OHA. This is important to take care of our kupuna, they are our foundation, without them we are nothing. Mahalo.

VIII. ANNOUNCEMENTS

Chair Colette Machado – Trustee Brendon Kalei‘āina Lee you have announcements.

Trustee Brendon Kalei‘āina Lee – Pursuant to HRS 92-2.5 subsection (e) I need to report that on April 4th at the Joint committee meeting at the Legislature of the Senate of the State of Hawaii for the Ways and Means Committee and Water and Land Committee. Myself, Trustee Carmen Hulu Lindsey and Trustee Kalei Akaka were all in attendance. Mahalo.

Chair Colette Machado – Thank you for that.

IX. ADJOURNMENT

Chair Colette Machado –I would like to entertain a motion to adjourn.

Trustee Brendon Kalei‘āina Lee moves to adjourn the meeting.

Trustee Carmen Hulu Lindsey seconds the motion.

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

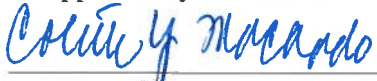
Trustee Brendon Kalei‘āina Lee moves to adjourn the meeting. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE BRENDON KALEI‘ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E						Excused
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 11:46 am.

Respectfully submitted,


Dayna Pa, Board Secretary

As approved by the Board of Trustees on May 16, 2019.


Colette Y. Machado, Chairperson
Board of Trustees

Attachment:

1. Kumabe HR PowerPoint presentation - Office of Hawaiian Affairs CEO Evaluation April 11, 2019



OFFICE OF HAWAIIAN AFFAIRS

CEO Evaluation

April 11, 2019



Trustee Results

1. How will the data be collected?

- The data will be collected by online surveys with Trustee approval. Individual results will remain confidential. The Trustees have all been individually interviewed. The focus will be similar to evaluations in the past.
- Utilize a 1-5 scale including 5) Outstanding, 4) Exceeds requirements, 3) Meets all requirements, 2) Meets some requirements, 1) Consistently does not meet requirements, 0) Not applicable or not observed.

2. What topics will be explored?

- Integration with both the job description and the contract with the following broad categories: 1) Trustee Relations, 2) Leadership, 3) Engagement, 4) Advocacy, 5) Compliance, 6) Fiscal/Asset Responsibility, and 7) Community Relations.

3. Need Trustee Input

- Identify 4-5 measurable goals for the next year to provide a quantitative component (after survey results).
- Time frame. Without a formal evaluation for the previous contract year, we recommend the performance review timeframe to include April 1st 2018 to June 1st 2019. (Closing date flexible depending on final performance approval)
- Recommend we share all results with CEO (of partner surveys).

4. Who participates in the assessment?

- Utilize survey results as a "voice" in the CEO evaluation process.
- CEO-Self
- Direct Reports
- Employees
- Community Partners
 - A. CEO to provide 10 names
 - B. Each Trustee to provide 2 names and contacts.
 - C. Duplicates will be eliminated.

5. How will feedback be handled?

- The results of the various surveys will be shared in aggregate and anonymously with the BOT to provide perspective. The results will be shared as an average rating per competency with comments included.

Evaluation Method

- In keeping with the broad based mission of OHA and the many stakeholders in the success of OHA's mission, a 360 degree evaluation model would allow broad based feedback to be incorporated to the final evaluation instrument.
- The Trustees have the responsibility to oversee the CEO position and therefore have the ultimate responsibility during the review process (the vote).
- The survey participants (CEO-Self, Community Partners, Direct Reports, and Employees) will be able to provide input to the Trustees to provide perspective based on their interaction with the CEO (the voice).

Process Method

- Step 1: Approval for method, process, instrument, and timeline. Board of Trustees approves final survey for Trustees, CEO, community, staff, and, OHA Leadership. Review dates.
- Step 2: Meeting with Dr. Crabbe to communicate the method, process, instrument and timeline. (Tentative dates April 15-18th).
- Step 3: Community Partner names/contact information due (10 from CEO and 2 per Trustee) Due by April 18th.
- Step 4: Surveys are sent out to constituent groups (community partners, direct reports, employees, self). Reminder email sent on April 22nd. Recommend surveys emailed from OHA Chief of Staff with email introduction from Kumabe HR explaining third-party confidential collection.
- Step 5: Surveys are due on April 26th from CEO, Direct Reports, Employees, and Community Partners.
- Step 6: Email survey results for Trustee review (from CEO, Direct Reports, Employees, and Community Partners) May 1st.
- Step 7: Email link to Trustee survey on May 1st.
- Step 8: Trustee surveys are due on May 10th.
- Step 9: Draft final instrument for Trustee review on May 16th for discussion at May 30th BOT meeting.
- Step 10: Present final draft of CEO evaluation to BOT. Incorporate Trustee revisions and goals. May 30th.
- Step 11: Performance review session, with Trustees, Consultants, and CEO. Release final document to OHA tentative for June 6th.

Performance Ratings and Criteria

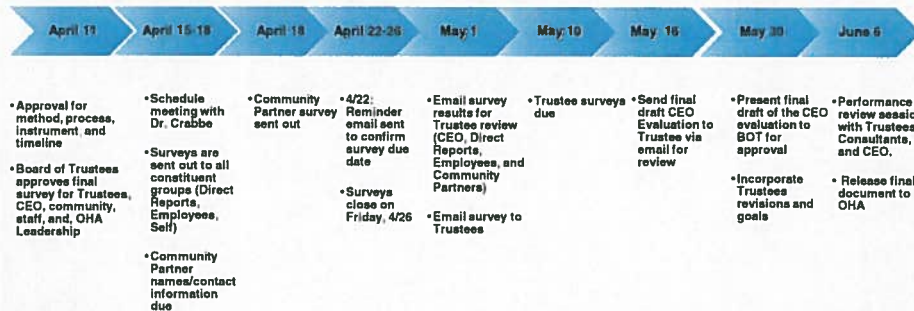
- 5) **Outstanding** - Performance consistently exceeds all requirements of the objectives and results in contribution beyond job expectations
- 4) **Exceeds Requirements** – Performance consistently exceeds most requirements and meets all other requirements of the objectives
- 3) **Meets All Requirements** – Performance is consistently solid and reliable
- 2) **Meets Some Requirements** – Performance meets some, and is below other requirements of the objectives
- 1) **Consistently Does Not Meet Requirements** – Performance does not meet requirements of the objectives and significant improvement needs to be demonstrated in the short-term
- N/A

Survey Participants

	Trustee Relations	Leadership	Engagement	Advocacy	Compliance	Fiscal/Asset Responsibility	Community Relations
Trustees	X	X	X	X	X	X	X
CEO	X	X	X	X	X	X	X
Direct Reports/Leadership		X					
Employees			X				
Community							X

*All surveys will include accomplishments

Timeline and Deadlines



*Timeline may shift based on OHA Board meetings or individual schedules



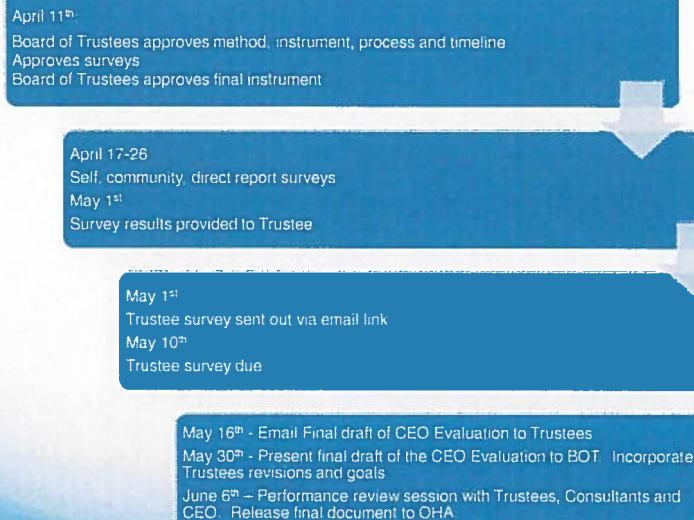
Survey

<https://www.surveymonkey.com/r/OHATRUSTEE2019DRAFT>

Common Rating Errors

- **HALO** – Individuals rate someone high in all areas because they are very impressive in one or two areas.
- **HORN** – Individuals rate someone very low in all areas because they need development in one or more areas.
- **Central Tendency** – All ratings are in the middle.
- **Leniency** – Everyone is rated very high in all areas
- **Strictness** – Everyone is rated very low in all areas.
- **Recency Bias** – Failure to take in to account for the whole year
- **Contrast Effect** – Rating individuals against others in the position.

Key Decisions



Next Steps

- Schedule meeting with Dr. Crabbe
- Sent out surveys to participants
- Finalize community participants per Trustee and Dr. Crabbe
- Provide survey constituencies survey results to Trustees and send out surveys to Trustees.
- Review Draft CEO Evaluation prior to May 30th BOT meeting.

Mahalo!
Any Questions?

