

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

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Nineteenth Supplementary Proclamation dated April 9, 2021 that suspend parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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

**Meeting of the Board of Trustees**  
**Island of Kaua'i Meeting**  
**MINUTES**  
**Wednesday, May 6, 2021**  
**10:00 am**

**ATTENDANCE:**

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

**BOT STAFF:**

Colin Kippen  
Amber Kalua  
Kanani Iaea  
Lehua Itokazu  
Kalani Iaea

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Casey Brown, Pou Nui / COO  
Kalani Fronda, Land Assets Director  
Raina Gushiken, CC  
Everett Ohta, CC  
Ramona Hinck  
Kurt Klein, Board Counsel  
Kevin Chak, IT Support  
Erin Nakama, IT Support

**GUEST:**

Kamealoha Smith

## **Call to Order**

**Chair Hulu Lindsey** Calls the Meeting of the Board of Trustees Island of Kaua'i Meeting to order for Thursday, May 6, 2021 at 10:01 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

**Chair Hulu Lindsey** Thank you Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Nineteenth Supplementary Proclamation dated April 9, 2020 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Let me go over some quick announcements. Please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the mtg.

We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is:

1. Kurt Klein
2. CEO Sylvia Hussey
3. My Staff – Colin Kippen – Chief of Staff  
Lehua Itokazu – Board Secretary  
And my Aides – Kanani Iaea, and Amber Kalua

I will call on Sylvia, our Pouhana to announce our administrative staff joining us today.

**Sylvia Hussey, CEO** Thank you Chair Lindsey. Good Morning Trustees. We have Chief Operating Officer - Casey Brown, Chief Advocate - Sterling Wong, Land Director - Kalani Fronda, Senior Legal Counsel – Raina Gushiken, Assistant Senior Legal Counsel – Everett Ohta, as well as our IT staff always in support of our board meetings. Thank you, Chair.

### **Approval of Minutes**

**Chair Hulu Lindsey** Thank you. Moving on to item two. Approval of minutes.

**Trustee Akina** Madame Chair, can we take the approval of minutes separately?

**Chair Hulu Lindsey** Yes, we may.

**Trustee Akina** I will move to approve the April 15th minutes.

**Trustee Ahu Isa** Seconds the motion.

**Chair Hulu Lindsey** Any discussion? If not, roll call.

<b>Minutes: April 15, 2021</b>						
	1	2	‘AE (YES )	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>		X	X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>			X			
TRUSTEE KELI‘I <b>AKINA</b>	X		X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE KEOLA <b>LINDSEY</b>			X			
TRUSTEE JOHN <b>WAIHE‘E</b>			X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>						
<b>Motion passes with nine (9) YES votes and zero (0) ABSTENSION vote.</b>						

**Chair Hulu Lindsey** I will now entertain a motion to approve the April 22, 2021 minutes.

**Trustee Ahu Isa** Moves to approve the April 22, 2021 minutes.

**Trustee Ahuna** Seconds the motion.

**Chair Hulu Lindsey** Any discussion?

**Trustee Akina** Yes, I plan to abstain as I was absent. My apologies to the board for my absence on that day.

**Chair Hulu Lindsey** All right. Roll call vote.

<b>Minutes: April 22, 2021</b>						
	1	2	‘AE (YES )	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>	X		X			
TRUSTEE DAN <b>AHUNA</b>		X	X			
TRUSTEE KALEI <b>AKAKA</b>			X			
TRUSTEE KELI‘I <b>AKINA</b>					X	
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE KEOLA <b>LINDSEY</b>			X			
TRUSTEE JOHN <b>WAIHE‘E</b>			X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>		<b>1</b>	
<b>MOTION:</b> <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
<b>Motion passes with eight ( 8 ) YES votes and one (1) ABSTENSION vote.</b>						

### **Public Testimony**

**Chair Hulu Lindsey** We are now item III. listed on the agenda, public testimony. Do we have anyone signed up?

**Board Secretary** Yes, Ted Blake.

**Chair Hulu Lindsey** Ted Blake will need to speak under community concerns. His topic is not agendized.

**Board Secretary** okay, the next person to speak is Kamealoha. He is also a presenter.

### **New Business**

**Chair Hulu Lindsey** Yes, he is a presenter. I will move onto item IV. New Business.

**Kamealoha Smith** Aloha, I'm going to turn the camera around so you guys can actually see the work that we're doing here along the Hanalei River in Hanalei Valley. Aloha kakahiaka kākou, welcome to Kaua‘i for those of you who made it here to Kaua‘i there's been a lot that's been going on. Later on today, there's an impending storm. So, we're gearing up to we have to get ready ourselves. We have a lot of branches all over

the place. There is a lot of work that we're going to have to be doing today to get ready for that storm. Hopefully, it's not going to be too bad, they anticipate it's going to be about three or four inches, which is really good, because with the work that we're doing, we'll be able to do some of the greenway share that's coming from the mauka area and move it out into the open ocean. Thank you for giving me an opportunity to present. I just wanted to say my name is Kamealoha Smith. A few months ago, I went through that process of not changing my name, but just changing it so that officially, my last name could have that Hanohano Pa on it. So, me and my siblings, we all decided to do that. So, my name is still the same, but instead of Hanohano Pa, being my middle name it is actually going to be my last name. I'll send you folks, the changes on that one says Kamealoha Hanohano Pa – Smith. The name Hanaohano Pa comes from here, in Hanalei, where my grandparents are from. They're from down the street in Waiiniha and Hā'ena. Today I'm going to be talking to you folks about the work that we're doing along the Hanalei River. It's one of the four projects we have. Right now, we have two projects up and going because the Covid-19 we have this project, which is called Mala Maola. So, mala maola is in reference to all the hau bush. The clearing of the hau bush along the Hanalei River. The word mala maola, is specific to maintaining and how we take care of the hau bush tree. The hau bush tree is a native plant. However, if not maintained, it overgrows into the banks of the river. Right now we have a project called mala maola, which is to remove, and to maintain the side of the riverbanks here in Hanalei. Also, the most important part of this project is why we're doing it. We're doing it not just because you like make Hanalei pretty. We're doing this just because the hau bush has been overgrown, and it's been like this for 30 - 40 years maybe. It's grown so much that it's created a marsh alongside the river and it's also contributing to erosion. A lot of the fishing of grounds and the spawning grounds for native fish have also been compromised. One of the big activities that we have at the Hanalei River is of course, the outrigger paddling. As you can see a little bit down on the river here, you can see that the width of the river is actually not that wide. It really is supposed to be about 60 to 80 feet the entire width of the river but what we have right now is with all of the hau bush, covering both sides, only about 20 feet of width is actually navigable at this time. So, we got the idea a long time ago, to start removing this hau. We started casually doing it, after the first flood that we had here in Hanalei in 2018. As we've gone along, we've formalized that process. Right now, we're on the Hanalei side of the Hanalei River and I'm going to scan around here, so that you folks can see that it's a joint to the Sheehan and Wilcox property. They were kind enough to issue us a right of entry into their area. In addition to myself, I'm also going to have some of the guys that work with us to explain to you folks what they're doing.

I'm not sure how much time I have to explain, but I'm going to try my best to not take up too much time. I'm going to introduce one of the other brothers that is working with us. His name is Keola Sheehan. He can explain to you his role in helping us to put this project together. I'm gonna turn the camera around.

**Keola Sheehan** Aloha, Happy to meet you. We are happy to assist and get this project off the ground. We're getting a little learning curve going on how it might be scaled and perhaps integrated into a larger role of his watershed management and just trying to give the boys a some work and get them get them to cut their teeth on this hau bush project. So anyway, happy to have Kamealoha, explain it all to you and maybe you can see the guys that are really getting their hands dirty on the deal.

**Chair Hulu Lindsey** Thank you so much.

**Kamealoha Smith** So, Keola's family is the Hawaiian family that are the land owners here in the area. This is part of the Kauikeolani estate and the area that we work on, of course, as a stream bank, and then also in the marshes. Most of the haubush that we're cutting right now and most hau bush that we're taking out on is actually in the marsh areas. That is between the actual stream bank and the river itself. Right now I'm kind of walking over the site where the brothers are. They are taking out the hau bush cuttings that we do early in

the morning. The process is, we come early in the morning, we do our protocol, documentation, and then we start cutting. Once we cut, then we bring the excavator in and the excavator helps us to remove all the large branches. As you can see, we've got about 100 feet worth of streambank cleared already and in the water itself, you see that yellow boon, that captures all of the green waste. At the end of the day, we go in the water. We can't take any machines though, because no permit, so we have to physically go in the water. And we have to remove all the green wastes from inside of the of the yellow boon that you have there. Okay, so This is Jackie, he works with us and he is from Hā'ena. He will share with us some of the work that he does.

**Jackie, worker** We are cutting trees

**Kamealoha Smith** In addition to this project here, we also have the one that we do on the weekend for the homeless. That's the Mahalo noko me'ai program which is in a different ahupua'a. We are doing this program with Tahiti Nui, a local restaurant, and then also with Ho'omana which is, Rowena folks. That project we're helping to teach the homeless and low income recipients, to cook on a budget, using healthy items. We feature ulu, kalo, and then brown rice in that one, and we sort of helped him to build a meal from that. I'm going to scan one more time, at the end of the end of this area over here, all the way down the river, about another half a mile down the river on that's what we have our nursery. At the nursery, that's where we're collecting all of our native plants. Eventually, when we take all of the hau out from this area over here, we're going to start replanting. Next week, we're going to start replanting with some native grasses to restore the banks, the integrity of the stream banks. In this property, or in this area, here, we have two fish ponds. So, whatever work that we're doing here is going to impact fishing in a real positive way. We're providing some jobs for our Hawaiian people. And the area that we're working in, the land is owned by Hawaiian family. There are some businesses that are owned by Hawaiian families here in Hanalei and then on the other side, is where Hui Wa'a is, the Hanalei canoe club. There's us and a few other native Hawaiian nonprofits that work alongside of the river. It's kind of hard yet to see through the hub was here on the fish ponds. There's three fish ponds in this area, two on this property, and then another one is on the other side of the river that you can't see. But this is kind of what we do, as part of our work here at the Hanalei River Heritage Foundation. And we just look for your kind support for an Office of Hawaiian Affairs. We were hoping this time that you folks come out to Hanalei to kind of see the work that we're doing beautiful Hanalei mountains up there, you can see some of the other waterfalls. But that wasn't possible because of Covid-19 also because of the roads. But Mahalo to everyone for giving us the opportunity to for us to share a little bit about what we do here. I was really nervous to give this presentation this morning, because I didn't know if I could really do a good job with this whole zoom meeting. But I really want to thank you folks for giving us the opportunity to share a little bit about what we do, the other part of this, that you know, like I said it's providing jobs for Native Hawaiian families right now. Presently we have five boys that are on this job right now. There's another crew that was hired by another family, right up the river from us. Then the Department of Transportation is also doing a project similar to this, so it's super exciting on to be a part of this restorative process where we're trying to impact the environment in a real positive way. And trying to change the narrative of Hanalei so that Native Hawaiians can be a little bit more active in the actual restorative process. We're excited to share with you folks, any results that we have. We're writing a children's book right now about this process here, and a few other things so hopefully, we can make that available for you folks to see.

**Chair Hulu Lindsey** Mahalo Kamealoha. That was a wonderful presentation. Thank you for all the work you folks are doing.

**Kamealoha Smith** Thank you for letting me share. Do any of you questions?

**Trustee Ahu Isa** No questions but stay safe, there is a flood warning for Kaua'i.

**Kamealoha Smith** Yeah, there is but we are use to it. I'll be leaving in the afternoon to the bridge, back to the other side. And the guys are gonna stay here and hammer everything down before the storm. But thank you so much for your concern. Trustee Lei Ahu Isa.

**Trustee Akina** Wonderful presentation. Thanks for being there. What is the overall budget for your project?

**Kamealoha Smith** Mahalo, a lot of the work that we do comes by donations. If we get donation then people can get paid; if not, then we do what we can. Right now we have enough money to run our project on the clean-up effort for the next month and half. Essentially, it cost about \$4k/ day to run the machines and everything. What I did not explain is that there's just three of us that actually work here on a regular basis. That's all we can do as far as the budget is concerned. We're hoping to partner with the state and accounting because he had supposedly has some funding for these efforts. Right now, it costs about \$10,000 a month, two days a week.

**Chair Hulu Lindsey** Mahalo Kamealoha, will you be coming back to speak under community concerns?

**Kamealoha Smith** Mahalo, no, I'll be going back to work.

**Chair Hulu Lindsey** Okay, with the permission of the Trustees, I would like to take our agenda out of order and have our one community person signed up from Kaua'i address us at this time. Ted Blake.

### **Community Concerns and Celebrations**

**Ted Blake** Thanks for taking the time. I really appreciate it. I just want to clarify some statements that were made yesterday. I'm a graduate of Kamehameha Schools started in the eighth grade. And many Hawaiian activists started stirring the pot of being Hawaiian ancestry after we graduated. A notable kupuna that were with us on the list, Frenchie De Soto and my dad H. Blake led the Constitutional Convention. Another classmate was Haunani Trask and George Helm. George Helm actually went to another school, St. Louis. George and I were roommates for the last eight years of his life and we got very, very much involved in Hawaiian activism. Besides George, we were supported by Dr. Emmett Aluli, John Waihe'e, Walter Ritte, Francis Kauhane, Steve Kuhn, and Richard Sawyer. This made up the core of the group that really started pushing for Hawaiian rights. This happened during the '78 constitutional convention. Hawaiian activism was the topic of the day and getting involved open up a whole new area of bureaucracy. We had to navigate through new laws on the books, we had to educate ourselves on and what prevented activism as we knew. That sent us back to the drawing board to strategize our efforts and find success in our endeavors. Being a lifelong resident of Kaua'i, I told my ohana, activist family, my work is on Kaua'i. My housemate, the last eight years of his life, George. We worked together, he being from Moloka'i and I, from Kaua'i both live in O'ahu at the time. We made a pact to right the wrongs imposed on the Hawaiians in Hawaii, as best we could. We didn't realize how big that pact was going to be. But, we put our minds to it and we started off on our journey. The journey began with land, wahi pana, and iwi kupuna. The County of Kaua'i made sweeping changes to the county's general plan and most of Kaua'i on the neighboring ahupua'a hope was rezoned to resort development in the early 1980s. At this time, we had a tremendous economic downturn and development, and the economy came to a standstill. This went on for nearly 20 years and towards the end of the century, and the beginning of the next century, money started freeing up. We realized what all the new zoning development that occurred in the 70s was doing to us now. The whole bottom portion of the ahupua'a was all resort zone, which meant R20 zoning either very big homes, vacation rentals, or hotels; 20 units per acre. This sweeping changes brought a lot of changes to Kaua'i because it was a fast pace, many of the of the

locals weren't that aware of how fast the pace was going to be, or how it's going to affect our lives. We started getting hit from all kinds of areas that we didn't realize we were vulnerable too. So, we took it upon ourselves to educate ourselves and started off at the planning department learning the ins and outs of planning and strategies we could use to get our point across. And make our points on the wahi pana that we felt needed to be protected. I sent two pictures to you, one is a map of the archaeological sites of the area. This is very important to us. When you look at it, it covers about 400 acres and all the wahi pana that was recorded there in the 1980s represents 18% of the most intact wahi pana in the pae'āina. The numbers about 700 different wahi pana. This area was the last volcanic activity on Kaua'i and there's a tremendous amount of stones in Kōloa. Some people think that Kōloa is another word for stone but that's how much stone we have. So, it wasn't land that the plantations could really make use of because there's so much rock there. They bulldoze what they could into big piles and the rest of them they just left alone. You had flat beds of pāhoehoe and a lot of loose rock in the area. We started doing archaeology and we had about four notable archaeologists that have done work in Kōloa. Hal Hammond has probably done the most work of anyone. He's got over 45 years of experience on the global side. What drew Hal to Kōloa was the archaeological sites in the area that the Knutson family has developed and one of the projects is Kauanoe o Kōloa. All these areas have been surveyed by Dr. Kikuchi, before him it was Dr. Hammond, and before him it was someone else from the 1800s. We've had people tell us, there's iwi there and heiau, canoes, and caves. Which could very possibly be true, but nothing was ever discovered. Now, the map I showed you that has all the wahi pana; when you look at it, you're going to kind of blow your mind because it's covered completely with the lines. The lines represents lo'i and different crops they had. It was very uneven land, so that, you know, it's all over the place but the rocks, I mean, it's really hard to go dig, dig, dig a cave or plant, you know, replant iwi in solid rock. So, when people tell me, there's heiau and iwi there, I said, show me the heiau so, we know where it's at. The response is we don't know. The area was bulldoze completely. Everything that was above ground normally got wiped out unless it was protected. Back in those days, we didn't have strong archaeological laws, so, archaeology didn't get a foothold there until the 80s. And then it took time to grow to where it's at today with the State Historic Preservation Division (SHPD). This went on this whole time, and I've been hearing many different stories about the village of ali'i here and you had a village of a very thriving population here but that's not true, because that whole area was 700 acres, that was a complete agricultural field system. One of the most productive ever in the State of Hawaii, probably the most productive. It lasted for 500 years. The only reason it ended was the sugar companies started to develop the sugar lands, with the awards from Kamehameha III. They broke through all the 'auwai that the Hawaiians put in. That bottom four ahupa'a; Kōloa, Weliweli, Pa'a and Mahaulepu. We only had one watershed and that was through Kōloa. The rest of that area is very dry. What the Hawaiians realized was that the taro that grew in that dry area would mature two months faster than any place else because there was more sunshine. There is nothing blocking the sun rising or setting in Kōloa. They would harness the water from Kahili Mountain Park and made a series of 'auwai's. We have maps that show over a 100 miles of 'auwai over a 700 acre area. The land was very uneven and they had to criss cross several times to get water from one level to another. There was not much room for villages because it would take up too much room of the important ag land. The US soil conservation said this soil was unsuitable for farming but not for the Hawaiians, it was very productive. We supplied the North and the Civil War with all their sugar. This was throughout the whole civil war. We supplied the forty-niners and the goldrush with all their sweet potatoes in the six years of the goldrush. This is all coming from Kōloa. I find it amusing that Kōloa is supplying the food for California instead of the other way around. When the sugar companies came in they started to disturb the 'auwai systems which ended the field system because we had no irrigation. When I spent a lot of time in this area and time down there, we educated ourselves and we found out the problems the developers were making, we took them to court. I filed suit against the County of Kaua'i, the planning department, SHPD, and Board of Land and Natural Resources (BLNR). This was a nine year battle. I took them to the Supreme Court and we prevailed there. We post-poned the hearings for six years for two other counts that we are going after right now. We recognize



what we've got and we go after it. When I hear the stories coming up about Kōloa, I like to find out if they're the truth. Many of them are glossing over; saying *I got this as a premonition, my aunty told me about this*. My reply is as much as I believe what you're telling me, we don't have that palapala here and there's not much we can do about it. Laws are made and laws gotta be followed. These laws have morphed over the years. It started with the Hawaiian Kingdom making their laws; the Great Mahele and etc. etc. We have to follow the laws. We have a good grip on following the laws and we have a lot of respect from the developers now because they know there is a new sheriff in town. We are very respectable to them but we do not let them push us around. I think we are doing a good job. When I hear this kind of stories it gets me upset but I don't want to take it to them in public. They go off on a tangent. When we talk about this, we talk about the how the laws affect us here, its not about how much you think it should be. It what you can prove in the law. This is what I wanted to get across to you today. Thank you for your time and I appreciate your time. Good Luck.

**Chair Hulu Lindsey** Thank you Ted. I appreciate your participation and we are hearing different sides of stories, which is good for us. Before we move to our next item, I will call on Kamealoha.

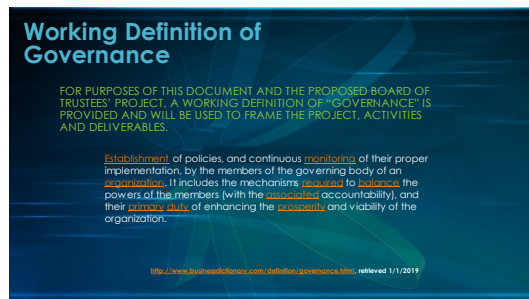
**Kamealoha Smith** Thank you, I just had something I wanted to share. Thank you for making Kai available to us here in the Hanalei area. The iwi kupuna issue that we're facing on this side of the island, are the issue of doing the burial mitigation plan actually came from the county. The county wanting to initiate some kind of process on so that if they're going to be developing on this side, on that, we'd have an opportunity to at least explore that issue. So, that is when I reached out to Sylvia and then to the Office of Hawaiian Affairs. Kai did make contact with us and we're going to be working to see exactly what can we can do to educate our county people about the issues of the burials, about the issues of Section 106, and also issues regarding our traditional and customary practices. I think part of the work that we're doing right now, is really important that people understand, that one of the most important outcomes to come out of this is for Native Hawaiians have a stronger voice. There doesn't always have to be all of this, arguing or fighting or whatever if Hawaiians actually have the right to come down to the muli wai and to fish, so on and so forth. So, I believe that Kai and his department, what they've been able to do in terms of providing us guidance, is pretty fantastic. I really thank you folks for making that resource available. You folks have papakilo database, but I wasn't sure how to use it. I've asked Kai to give us and others a tutorial to access the information. I think OHA has wonderful resources like that but many of us don't know how to use it. Another resource is Awaiaulu and ulukau.org, all wonderful things. Kai's involvement with us here on the North Shore are really important and the department that he runs, the compliance department; I think that is a really valuable resource for people in the community to learn how to better and navigate and understand how to work with the State and the Federal government on these section 106 processing and these other Native Hawaiian rights issues. This is all I wanted to say. Thank you so much for having all these resources available to us here in the community. We really appreciate it. Aloha.

**Chair Hulu Lindsey** Okay we will move on to item IV. 2. I will turn the time over to our Pou hana, Sylvia.

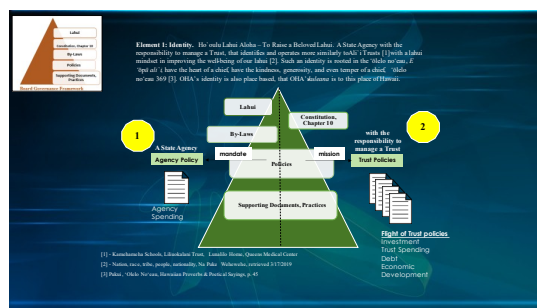
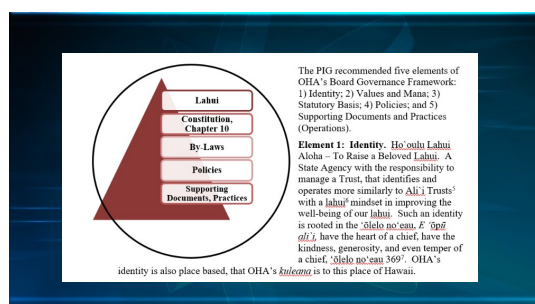
### **New Business**

**Sylvia Hussey, CEO** Morning trustees. The handouts for the Board workshop begin on page 27 of the electronic folder, if you have that open. We'll go through a sequence of talking about the policy framework, then getting an update on the ad hoc committee on sponsorships, and grants and sponsorships. Then third, have some discussion about what a strategic granting policy might look like. In preparing for this morning, I did realize that one of the attachments of the strategic granting policy was not included in the memo so, I've

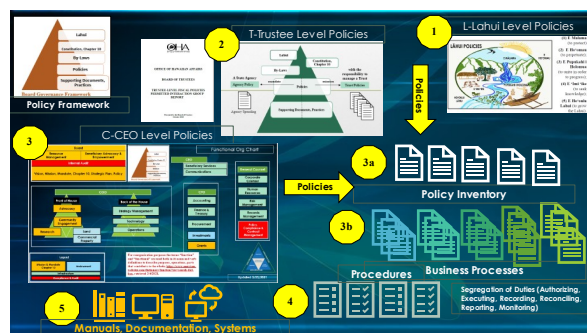
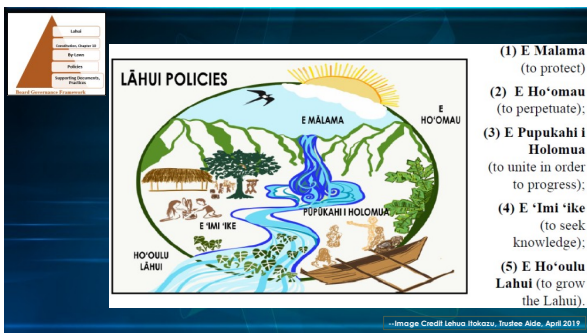
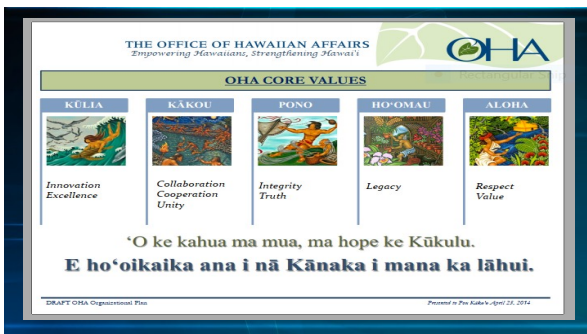
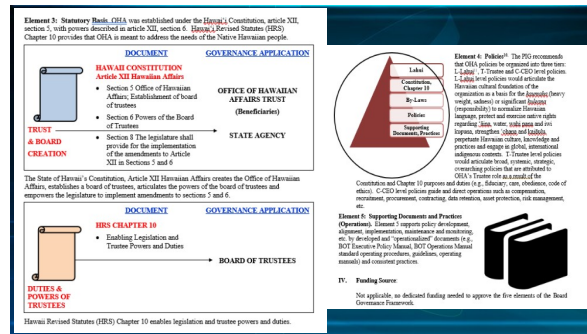
asked Lehua to email that to you. It's there's no action required, it's just for you to take a look at and to review for the workshop. If it's okay, I'll go ahead and start sharing my screen.



The the PowerPoint piece starts on E 30 of your electronic binder. Just to set context, if we think about our policy, our board governance framework, and the policy framework, think about a mosaic in which each tile has its own unique characteristic. But when you place each tile strategically and you step back, you have a beautiful mosaic picture. Our policy work is kind of like that so, we're gonna start with our policy pieces here, we're going to also start with the same definition of governance that was used by the boards permitted interaction group. And as a reminder, all of the Board Governance elements and pieces have been approved by you. And what we're working through is the implementation of that Board Governance work that the trustees have started.



So, that's the definition, the five elements of the board's framework includes identity - our vision and our mindsets here, we go to our identity, then this bifurcated kind of identity where were are a state agency, and so we need policies that are aligned to state agency. But we're also a trust and have responsibilities, and therefore our policies should be reflective of those. As we do policy work, we're going to try to bifurcate and be clear about why we have certain policies, and how they get implemented. For your information, this is just administration's proposal of how to think about the policy work. The ultimate action out of this is if all of this makes sense then administration will bring forward to the trustees an action item to formally codify and approve the framework and its related pieces. So, all of the pieces today are workshop discussion items on the way toward informing an action item for Board action. Our dual nature is here and when we think of policies, we think about policies needed to address that dual identity we operate in. The other elements: we operate in our roles, our values, the mana, that's there. We think about mana as capital, influence capital, financial capital, culture capital, and all the human capital. So, when we think of capital and our ways to influence in policy, or in other spaces, that is a part of our governance framework as well.



Continuing the approval for statutory basis. We as a state agency, we have our statutory basis in constitution, as well as the overarching statutory in chapter 10, that guides the organization's work. Then we come down to further down the triangle and now we're talking about the policies. Level five is then the implementation of the policies with all of the supporting documents. With that context and refresher, we operate in our core values, not only at the operating level, but at the strategic level as well. Then we continue to utilize the hale model in terms of our language and our orientation, and our titles and our functions. So those pieces of a framework have not been changed. So board approved governance framework operating model continues. The first piece, the hui level, the board approved that in early 2019 and that forms the basis of that. Image credit to Lehua Itokazu, who was on the permitted inaction group as Trustee Hulu's Aide for visualizing and putting together in one image, this concept of our Lāhui. Mahalo to Lehua, for helping us to visualize, and in one place, put all of the lāhui policies in context. With that, we start to build our mosaic if you think of all the lāhui pieces that we have, we'll start with our lāhui policies. They help to guide us. They're our North Star and you can see other ali'i trusts and our communities should find resonance in these locally lāhui policies. They're broad and they're applicable. We're not saying these are the policies, we're just saying these are common policies that we can galvanize around and we can uplift our lāhui. The next level of work trustees that you have been working on started in last fall with the permitted interaction group around fiscal policy

That report was delivered to you in October. The recent land and commercial property permitted interaction group report that you also approve, identify to acknowledge this work, and then direct administration to bring forward the policies related to this in this dynamic, bifurcated picture that you have. You will see administration bringing back each of the pieces and layers for your approval. Then in your mind's eye, as you look at L-Lāhui level and T-Trustee level, then you think about the operating C-CEO level policies. These are the more operational procurement policies would be here such as human resources, recruitment policies are at this level. So, if we think about our functional org chart that we've been talking about in the reorganization, sea level policies would line up to the functional roles that are in our organization. If we think about those three layers of policies, then the next thing is how do we keep track of them? Right? So we need to keep track of all the policies at the various levels. So you can imagine there's a policy inventory that needs to be constructed. We need to implement a policy of policies, right? What's that cycle of policies. And then the next cascaded piece after the inventory of policies is then to put the processes together. Business processes align, we've been talking always about policy, procedure and practice. And one of the inserted additional P's in there are processes, we need to ensure all our processes are lined up. Then we have procedures that go with those processes. The reason you need processes and procedures to come together is for a couple of things. One, is to ensure that our internal control environment as an organization, is adequately balancing all of the different authorities. We want to be sure that the authority for authorizing, executing, recording, reconciling, reporting, and monitoring all have adequate segregation of duties so that one person can't authorize, can't authorize the check, cut the check, send the check out, and then reconcile the bank accounts. So, in an internal control environment and responsible, it is management's responsibility to ensure that the internal control environments are working soundly and so that's why it's important to marry both process and procedure in implementing the policy, top to bottom. The last but not least piece in there is the practice, the implementation will be found in manuals, standard operating procedures, it'll be found in documentation, it'll be found in systems workflow, it'll be found in delegations of authority. So, this piece this picture, ultimately, as we build is what we would call our policy framework, from top to bottom. Before I go to our current state, I'm going to pause here for any questions by trustees or comments, clarifications, direction for administration.

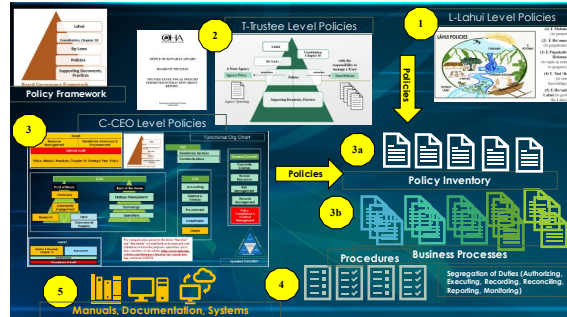
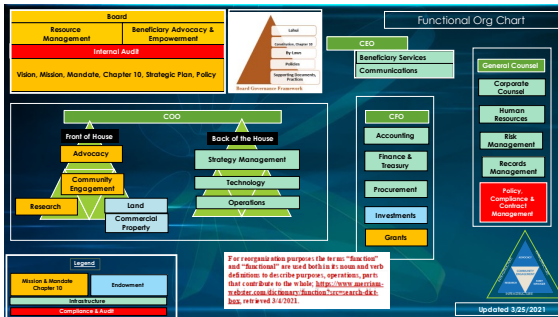
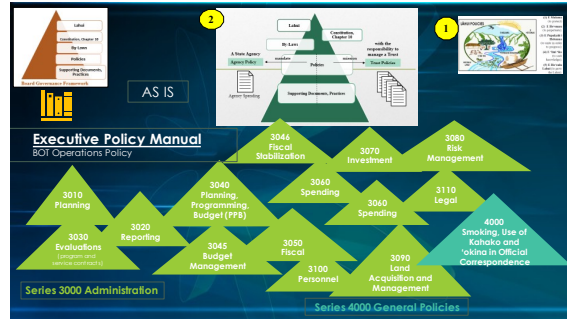
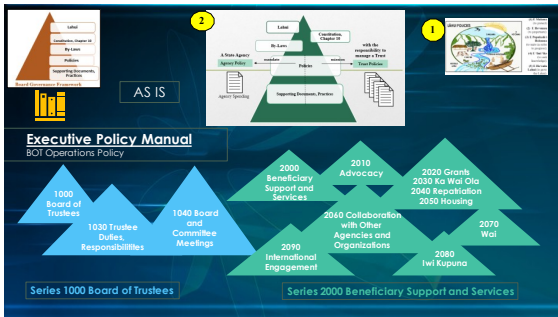
**Trustee Akina** Sylvia, great job. I appreciate the framework. I wanted to go back to an earlier slide, element one, identity. I am referring to the top, element one. *Ho'oulu Lāhui Aloha, to raise a beloved lāhui*. The following phrase; A State Agency with the responsibility to manage a Trust. That is the phrase I'm looking at. Is that language intentional? Or are we saying our primary identity is a State Agency with a responsibility to manage a trust within it or under it? As opposed to a trust, which is also a State Agency would just like to hear some of the thinking in the framing of that?

**Sylvia Hussey, CEO Trustee**, in the permitted interaction group, this slide was used to describe sort of the *as is condition*. The origins of OHA as a state agency created by state constitution, so it wasn't meant to reflect a future state or a different thinking. I think there's value in thinking, we're a trust, that happens to be a state agency, or, six of one and half a dozen of other. In terms of when the board approved the element in the permitted interaction group, this particular element was just called out as a recognition of the origins. Regardless of where we want it to go, the origins of the Office of Hawaiian Affairs was as a state of created entity. If I recall from the permitted interaction group, it wasn't meant to infer any more than the current state. But I'll defer to the members of the permitted interaction group to also speak to that concept.

**Trustee Akina** Thank you, you've put it into context where I appreciate that.

**Sylvia Hussey, CEO** We start with the as is condition, what do we have, and like anything, it's not that OHA didn't have policies they had. So, it is codified in the executive policy manual, as well as the Board of





Trustee's operations policy. The policy manual, and you have all received a copy of both documents electronically. There is the first series, and you can see the topics there. There is a second series that covers beneficiary topics. There is a third series that has administration, you can see some operational kinds of things, but you could also see a mixture of trustee level type policies here. And then there's, you know, kind of this general policies, catch all. Smoking is in there and use of kahako and 'okina is in there. So, there are policies and it's not like we don't have them but what administration would like to support and bring forward in an action item is to organize our policy and our related procedures and processes within the policy framework. We would use the functional org chart as the C-level operational level policy, and then use the board governance framework to elevate Trustee level policy work. I'll stop here for further comment if the action would be to bring the policy framework in the form of an action item to the board as a result of this workshop.

**Trustee Lee Sylvia**, bringing forward the executive policy manual and reorganizing it based on the functional org chart. When I look at the functional org chart. This isn't the functional org chart that's in this presentation. Is this as we sit today? Or is this the functional org chart as being suggested by administration for the reorg?

**Sylvia Hussey, CEO** It is the latter, it is the functional org chart that we've been discussing in the reorganization.

**Trustee Lee** Okay, so, we're meant to consider this going forward, even though this is something that we have not approved.

**Sylvia Hussey, CEO** Part of the policy framework is the entirety of all those pieces and then as it relates to the C-level policies, that discussion still needs to be have as to the functional organization. The board's budgetary approval of the organization piece. The discussion regarding the organization is still in process, and then is still going to come forward with the budget, as well as some realignment discussions that are scheduled next week, and the following week.

**Trustee Lee** Okay so, being based on that knowledge, what's going to happen to everything we're doing in his workshop, if those things don't pass next week and the following week? My question is based on, it seems like all of these things were teed up in sequence based on our first workshop for the reorg, three weeks ago. But, things haven't moved in that sequence, because things got stalled, because trustees had more questions, and we're not ready to move forward on those things. So, are we going to continue? It seems like this can get confusing for the trustees, because we're talking about things that haven't been approved, but we're going on assumptions that they're going to be approved.

**Sylvia Hussey, CEO** I would say the organization of the C-level policies, is the only piece that is outstanding. The Lāhui level policies are all the elements, all the elements of the board framework doesn't change. It's at the C-level, CEO operating level, the organization of those policies; we are proposing that the organization of those policies be organized in the functional org chart. Whether this functional org chart is approved or implemented, the underlying functions and related policies still exist, from accounting to procurement to investments, they still exist. So, how they get organized, is, part of the discussion, but the fact that you need those policies, that's one of the tiles in the mosaic of the policy framework is the point here, and obviously we wouldn't move forward. The action that is being asked of the policy framework is the larger alignment of L, T, and C and that we need an inventory, business processes, procedures, and related documentation. How the C-level can still be discussed, but as a framework element to articulate that there will be sea level policy work that's needed.

**Trustee Lee** So, that's all administration is saying that they're, bringing forth to the trustees that they acknowledge that C-level work needs to be done. This may or may not be the framework. I don't know that I agree that no matter what the framework is, the policies are all going to fall in place. Because I would imagine, and I could be wrong, but I would imagine that the framework is going to drive how the policies are written, because it will change who reports to who and how they report to who? Like I said, I could be wrong, but I don't know that the policies could blanket that without that component being in place.

**Sylvia Hussey, CEO** So within each policy, there would be the delegation of authorities for that specific policy.

**Trustee Lee** Right, which would change based on how this functional org chart would be. Would it not?

**Sylvia Hussey, CEO** Yes and no. For me, you still have an originating author as authorizer, you have a one up, and then you have ultimately, whether it's the CEO line, or the CFO line, or the COO line of authorities coming up. There's always an originating authorization, there's a one up, which is generally the director level, and then there's a one up for the executive level. For me, those levels of authorities don't change, their titles may change but the functional levels of those authority levels, the one up the originating the one up and the two up, those delegations of authority can be spelled out, regardless of the position title, because they would have a functional role that doesn't change.

**Trustee Lee** How would you write that into a policy? If you don't have a title to put in there, do you just say, it needs to be approved by whoever is above you and just leave it like that?

**Sylvia Hussey, CEO** The delegations of authority, you put the originator. You could say, who whoever is the originator, then the one up would be the division director, and then the two would be the executive. Usually, that is either the COO or CFO or the CEO.

**Trustee Lee** Sorry, I am just trying to understand. If I understand you correctly, then instead of saying, procurement would need such and such director and in such and such CEO or CFO it would now just say procurement would need their directors approval, and then that would need approval of whatever their administrative line is. Instead of naming the title of the position, you will just name for lack of a better term the branch that they would not be on.

**Sylvia Hussey, CEO** The branch or their function. The originator, that could be anybody. There is always a one up with the originator.

**Trustee Lee** The originator and the one up, I am trying to contextualize that to a term that we understand. So, the policy is going to state whoever the originator is , needs their director, and then that needs an administrator. It will not necessarily say who that director or administrator is, but it will just have that line stating; originator, director, and administrator.

**Sylvia Hussey, CEO** Correct. When you now implement the delegation in the systems, the systems, will say, the originator can be this and if it's this line of business, then the system will specifically identify, for example, all land transactions would need to go to Kalani. So, in the system work, you then put in all of the controls in the systems to make sure that the workflows follow the delegation of authorities. Policy wise, you set the function.

**Trustee Lee** You're getting beyond where we are at. That's not where we're at right now.

**Sylvia Hussey, CEO** We are there in contracting, we are at that level.

**Trustee Lee** Okay, then we're back to my original point. Again, so now if you're going all the way down to systems, now we're naming people, and if we're naming people, how can we do that when this functional org chart is not where we sit today and this isn't approved, so now I'm back to my original question then.

**Sylvia Hussey, CEO** We are work shopping.

**Trustee Lee** Right, we have something that we're sitting on now. But what's in front of us right now on this screen. The functional org chart screen that was up, we're not there. So, something is in our workshop trying to explain to us, and we're not there, this functional org chart that's in this workshop is not where we sit today.

**Sylvia Hussey, CEO** We do sit here, we do have these functions working.

**Trustee Lee** We have the functions but not in this order, that was my question. So, was my question not clear, and it was not answered accurately. My question was the functional org chart that's on this slide, is this how we sit today? Or is this administration's proposal for the reorg?

**Sylvia Hussey, CEO** I'm sorry, I did misunderstand. Because what the functional org chart is where the authorities lie currently today.

**Trustee Lee** Okay forget everything else I said, that was my question. So this where we sit?

**Sylvia Hussey, CEO** Correct, for most of it, there are pieces. There are pieces that are to be, to your point. In the functional org chart, the beneficiary services and communications as an example, is not where it currently

sits. But the CFOs line, the COO or front of the house, the COO back of the house, those lines, the general counsel line, those are in place.

**Trustee Lee** Okay, my question was based on, there there's a disclaimer at the bottom of this slide, right. In the very first two words is for reorganization or three words for reorganizational purposes. So that's what made me ask the question, I apologize is where we sit today.

**Sylvia Hussey, CEO** Correct, with the exception of those new units under discussion.

**Trustee Lee** Okay, Thank you.

**Trustee Ahu Isa** I am not comfortable, and I want to go back on the slide, moku 'auhau. Trustee Akina was questioning about the State agency. I don't like to see something in print like this, that people are gonna use against us. We are not a State agency, you're using it in the context of State agency. When it's in writing like this, people can pick it up and use it. Maybe a quasi-State agency. Also, when you go back to the triangle on the slide, it says a State agency policy. If we are a State agency, we get rights. Like the Board of Education there stated the department to help Attorney General, a deputy in their meetings, they don't pay extra for that. They have other things that State agencies have that we don't have. I don't like to see the writing, we can talk about it, but not for it to be in writing. This is almost like saying, we don't have authority. We give it up we're a State agency. I'm sorry but that's the way I see it. I'm talking from a beneficiary's point of view when they see this in writing. It bothers me.

**Chair Hulu Lindsey** Thank you Trustee

**Sylvia Hussey, CEO** Trustee, I apologize if additional quasi wasn't there but the document that you have is the approved framework from the Permitted Interaction Group (PIG) that was recommended as well as approved by the board. To your point, though, on a go forward basis in the working documents that we utilize to put in quasi state agency.

**Trustee Ahu Isa** I want to hear from the PIG members, you ask if anyone wants to say anything? And nobody answered, that's why I brought it up.

**Chair Hulu Lindsey** Well, who was on the PIG?

**Trustee Lee** I was the Chair, what do you want to know Trustee Ahu Isa?

**Trustee Ahu Isa** I want to know when you first did this? Number one, it's called moku 'auhau.

**Trustee Lee** The one that you voted for.

**Trustee Ahu Isa** Number one identity, beloved lāhui, a State agency with the responsibility. Can we go back to what Trustee Akina says, and say a trust that is a State agency instead of saying a State agency.

**Trustee Lee** We are not a trust that is a State agency. Show me in Chapter ten where it says OHA is a trust.

**Trustee Ahu Isa** We are not a State agency.



**Trustee Lee** According to the State constitution we are. And if we are not a State agency then why do we fall under the state constitution? And why do we receive state funding?

**Trustee Ahu Isa** I don't know.

**Trustee Lee** The state has a fiduciary duty, they have a trust duty to OHA to pay us PLT funds. But we don't administer to PLT, OHA was never set up to be a trust. We became a trust.

**Trustee Ahu Isa** We were once called a fourth arm of government.

**Trustee Lee** I understand that.

**Trustee Ahu Isa** when I ran for office way back, when 2014. There was a big debate about our we a State agency or are we not a State agency.

**Kurt Klein, Board Counsel** Madam Chair, I want to make sure the discussion is focused on the agenda, the items that are listed in the agenda. I feel like this discussion, maybe going somewhere that's outside of the scope of the agenda. Given that we're supposed to be talking about the governance framework, the policies, whether or not OHA is a state agency, I don't think it's quite up for dispute, given the language of the agenda item.

**Chair Hulu Lindsey** Okay, Sylvia, lets move on.

**Sylvia Hussey, CEO** That ends the portion about the policy framework, in which the next two topics is one of the tile pieces that we want to bring forward. The next topic is an update on the board's ad hoc committee on grants and sponsorships. And we're coming up on almost three years of the point in which the moratoriums were put on significant work was done by the board. The trustee sponsorship piece of it came forward and it has been implemented. What remains of the ad hoc's work is the granting piece. As you went through the memo; for those of you who were here, there have been many changes in the ad hoc, not only the trustee, former Chair Machado as well as Trustee Waihe'e. And of course now, Chair Hulu, but the underlying members from the CFO to the grants manager to the public policy, so even the underlying administration support, you know, group is not around anymore. In addition, the kulia grants that were part of the one of the recommended items as a pilot is still in pilot. I think we're coming up on our second solicitation and awarding. The evaluation, if you will, has the kulia grants accomplished what was intended, how is it done. It is still up for discussion. It is coming up on three years and thats the status. Some of the discussion questions is: Does it make sense? The topics of sponsorships was a part of that and the back of the mannual gave some discussion prompts for the trustees in terms of sponsorships. The BOT sponsorship and the kaiāulu sponsorships, formerly known as the CEO sponsorships are on moratorium because of the 2018 action by the board. That represents about \$200,000 or so and you have seen an action item how we have asked the board to repurpose those dollars to some grant activity. Just recently, we asked the board to add that to the emergency financial assistance grants. They are on a moratorium but we still budget for them pending direction from the board. So, this is administration's update to bring to the board some of those discussion questions, are there? Same thing to the direction of the board how the board would like to proceed, and then administration will bring forward an action item, according to that direction. That's the update.

**Chair Hulu Lindsey** I think it would be beneficial to the Trustees for them to get a report from administration on the benefits of those kulia grants. Let's have a report on the monitoring and let us know how it benefited our beneficiaries, our lāhui. If we don't know what it did for our lāhui, how can we make a decision on if it should be continued or moved back into competative grants?

**Trustee Lee** I also think it would be beneficial to get a report and recommendations from the ad hoc committee. One of the talking points that administration provided, how would a sponsorship differ from an 'Ahahui grant? So, are we seeing then that events like Merrie Monarch need to apply for grant every single year from OHA? I'm not saying that. No, they shouldn't but that's what we're asking. My understanding is, I know there are others, but those are some of the sponsorships that OHA provided. Merrie Monarch is going to happen every year so, OHA made it a line item, so that it would sponsor it every year. There are others right? I believe, Keiki hula, the Lunalilo trust, and Prince Lot Hula Festival. It would be helpful if those that were working on this gave a report and recommendations from that ad hoc committee. That way we know at least we have more information and more to discuss about.

**Chair Hulu Lindsey** Yes, I agree. You know we do have a partial report that was put together by our administration on where they left off. I think that we can do exactly that, put together this ad hoc committee again, to make that report available to our trustees

**Trustee Lee** Thank you Madame Chair, I think the important thing about that report is recommended, like what is the ad hoc committee recommending the board do? At least we have a starting point, right. Ad Hoc Committee recommends we do this?

**Chair Hulu Lindsey** Thank you. We will do that. We need more reports from our administration, on what our grants are doing to our communities. That's something that the trustees don't know. We give out money, it's okay because we want it to work for our people. But let's hear what it's doing, otherwise, we just giving out money and not knowing what it's doing for our people.

**Sylvia Hussey, CEO** We do have a report we've provided to both Chair Hulu and Trustee Waihe'e but to your point we will help formalize and bring that forward. Part of the intertwine and the traversing of all of those concepts are that some of these sponsorships we actually get because we buy media dollars. So media dollars, sponsorships also are in the form of media dollars. They are in the form of outright sponsorship for the production and things like that. So, including all of that some of our media buy some or outright sponsorships. And then there's the whole discussion of table sales and fundraisers in that regard and being consistent. There has also been a previous practice line item. Trustee Lee mentioned, line-item legacy sponsorships, I believe they were previously identified as and so all of those, the nomenclature and the that's specificity to be aligned to all of the thing's sponsorship that is going on within the organization in different pockets and segments and pulling it all together. So, chair, we will go ahead and formalize a report.

**Chair Hulu Lindsey** I think Trustee Waihee and I will meet with you on that adhoc and together put to gether that report.

**Trustee Akina** I also wanted to affirm the value of getting the information requested in terms of the report on the activity of our spending. In particular, I direct this to Sylvia, having this information available to Trustees as we make budgetary decisions and the context to that by discussion for program planning and budgeting system. It would be helpful to have the information to as to the performance of the grant. The context of this budgeting information we need to make budgetary decisions is that it is understandable.

**Sylvia Hussey, CEO** It is, so, it is Trustee Akina, it makes absolute sense and leads us into that next conversation about strategic granting. However, I would like to frame a grant work in in our evaluation of grant work on one of the differences in these recent solicitations, is we have established the solicitation and the alignment and the metrics that are going to be collected and putting into contracts that the information that we need comes from the grant so that we can now analyze. There are multiple layers of evaluation work, there is

the actual grant evaluation, like you gave, \$50,000 or \$300,000 to program A and how did program A perform as it relates to program A's objectives? There is a second layer of evaluation which is if program A was part of the Kulia granting program, then did program or awardee grantee A contribute to the overall Kulia intends did we achieve what Kulia as one. For example, we will all use the emergency financial assistance, large dollars, but we've had four contractors in eight years. One contractor, we'll just say we needed to monitor more closely left \$600,000 on the table, and \$600,000 for emergency financial assistance is a large amount. So, when we look at evaluation, we need to look at evaluation at the grantee level, which is part of our monitoring. But we also need to look at evaluation at the larger programmatic level of is the way we are implementing emergency financial assistance achieving the objectives of financial assistance. That goes back to program design. So, when you do grant program design, you have to make sure you're really clear. What is it that you're designing for? For example, a scholarship, right, that's a very common grant to give tuition scholarship. But what is the metric of success? If they turn out to have F's and D's, is the program a failure? No, I would say no, because that's not the objective of the program, the objective of the program was access to the higher education opportunity. So that's when we design our grants, we need to be a little more thoughtful about not just say, \$500 \$500, \$500, \$500, we need to be very thoughtful in the design of the program, because that's what we're going to use to measure the program and measure the alignment top to bottom. The program level, from the individual grantee level to the program level and then up to the strategic level. Which is why we want to articulate a granting and then our evaluation work. You will see a lot more dollars and efforts around evaluation work, which is part of our chapter 10 responsibilities.

**Trustee Ahuna** Will this open up more research grants?

**Sylvia Hussey, CEO** I would like to think research grants are a part of strategic granting. One of the philosophies that we know is, that the good practices the strengths based practices are not at the Big Data Set population level. They're down in the community they're down in our families, they're down in our schools, they're down in our communities, all those practices of strengths-based practice is down at that community level. And they need to be collected in in that manner. So, in research you have large data sets, and you know, somebody can go and slice and dice. You also have large data sets for what we call, not strength space, their deficit base, how many Hawaiians are obese? How many smoke or how many suicides? All of the negative things when we're looking at strengths-based practice? What are the spiritual practices? What are the resilient practices? Why do families you know, gather? What are their faith based practices? Because those practices are the strengths, the base practices that allow us to persist and to ho'omau. That's why our data collection, and our research and our approaches, needs to be more family and community level based, which requires a very different data collection approach. Large data sets in research, you just go in, you don't even talk to the community, you just take their data set, and you do. Cultural base Hawaiian control of research, you have standing, who are you to come into my community and research me? Who are you as a researcher, and what you're going to do with this information? Why should I give you this information? We have to go in with a no harm kind of approach in research and the best people and the best ways to get data is through the people on the ground. A research grant for getting data on some of the interventions that our grantees are doing is the strategy that we want to advance and research grants could be a part of that strategy. Again, pilot, small, controlled learn and then you know, replicate as we learn, but there are a lot of really great, not only academic, but community based scholars out there that are from the community that are studying really great practices at the level. So we would want to advance those kinds of grants as well.

The last piece in the title is the strategic level granting and so, I will switch to that really short PowerPoints did so this PowerPoint, it begins on the E 63. of your electronic folder. But it's again, just trying to put that title piece in this particular strategic granting. If trustees can think about grant, grant the verb, the action of granting,

so not loaning, not procuring? Granting you don't ask for the money back, or you're not purchasing you're granting. If you think about this policy is about granting the verb the act of granting.

Granting, we want to be sure, right, it is part of our endowment strategy. That while we are increasing values of our Native Hawaiian trust funds in our lands and our resources, and thinking about direct investments in Hawaii, and our Kauai site visits, gave us and working with our wahi pana. We know that there are tremendous warriors out there taking care of things. So, we want to think about that in the totality of resourcing, strategy 9.5 is about increasing strategic granting, granting to places that we know can uplift granting to build capacity. Strategic granting is also the basis for this policy. How do we think about that? I put this together because I'm trying to make sense of grant the verb. There are three kinds of grant opportunities. There's a sponsor, and these working definitions are here just for that they're working definitions to help make sense of these action items. So, a sponsor is someone who pays for plans and carries out a project or activity. So, if you think of an athletic sponsor, event sponsor, and those take the forms of sponsorships as we codified or operationalize it. You can sponsor an event in a program or project, collaboration or collaborate, that verb talks about working together with someone. You kick in so much we'll kick in this much, we'll provide this dollar we'll provide this 'like, you collaborate on a number of fronts and everybody benefits from the collaboration. The same thing, you can collaborate on any event, program, or project. Then there's the verb of aid, versus the aide, the person. Aid the verb is aid and OHA has always done this with our families and communities. And all of these grants, the verb would fall under the chapter 1017 process 1017 outlines that that process. So, what would this look like? These are some examples of things that are already being done by OHA. Sponsoring events; 'Ahahui way is an example of that. You can sponsor programs, a grant and sponsor but a grant for programming, you can grant a capacity building. You can also collaborate on things like a summit, a convening. Sponsorships are what we've done with the Association of Hawaiian civic clubs as an example, or Council for Native Hawaiian advancement or those large events sponsorships; \$10,000 line items, those are examples. Collaboration and sponsoring the outright 1.5 million for charter schools is a direct authorization that the trustees in support. Then there are other projects that we collaborate and support on. Then in the aid category, clearly the lava, the flooding, any disaster related storms, and of course COVID-19. So OHA has experience in all of these different verbs, if you will. But what could benefit is from an overall policy about the different ways in which we grant dollars so that we can align it also to the chapter 1017 process that's outlined there. I prepared this slide to show where the authorization controls are; in the strategic granting policy, the ultimate authorization control is with the board and the strategic plan. Then the T level policy the board controls the budget as it relates to the tactical and operating plan that administration brings back to the board. Then the authorization controls are on the biennium budget action items and in a budget realignment as it relates to granting by policy. At the C level, what administration is proposing is all the policies and processes related to the solicitation and monitoring will be C level. They are making sure that our external reviewers don't have conflicts. There's a whole C level, grant the noun sponsorship, the noun aid, the noun, that we that are already in place, and that administration would bring forward to the trustees for action. So, whether that's disaster funding for the flooding or lava or, just our regular solicitations that we're going through now. Any of those C level, right, we administration has underlying procedures and processes for authorities before releasing the solicitation, but the entire awarding decision comes back to the board always. By policy, all granting decisions come back to the board, as well as the budgetary items, right? Budgetary in and out can't be done. It needs to come through action item and that's why you're seeing in the action items at authorizations and request to move granting from one program to another based on the actual pool of candidates in that particular solicitation. With that, we just wanted to frame a strategic granting policy, the document that I forgot to attach is a draft of the policy. And so we will distribute that with you and share. That ends the workshop piece of this topic.

**Chair Hulu Lindsey** Thank you Silvia. I think this is a lot for us to go through on our own time and try to digest it. Thank you for the hard work. We're going to move on to item five executive session and I'll ask for a motion to recuse ourselves into executive session.

## Executive Session

1. **Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to The Office of Hawaiian Affairs v. Leslie H. Kondo, et al.; Civil No. 1CCV-20-0000259 (JPC) lawsuit and House Bill 204, Relating to the Budget of the Office of Hawaiian Affairs, pursuant to HRS § 92-5(a)(4).**
2. **Consultation with Board Counsel Robert G. Klein and Kurt W. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to *The Office of Hawaiian Affairs v. State of Hawai'i, et al.*; Civil No. 17-1-1823-11 (JPC). Pursuant to HRS § 92-5(a)(4).**

**Trustee Akaka** Moves to excuse ourselves into Executive Session.

**Trustee Dan Ahuna** Seconds the motion.

**The Board recuses into Executive Session at 11:38 a.m.**

Motion to recuse into executive session pursuant to HRS Section 92-5						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION:</b> <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED  <b>Motion passes with nine (9) YES votes and one (0) EXCUSED vote.</b>						

**The Board returns to open session at 12:13 p.m.**

## Announcements

**Chair Hulu Lindsey** Our next board meeting is scheduled for May 20, 2021 at 10 a.m.

**Adjournment**

**Chair Hulu Lindsey** I would like to entertain a motion for adjournment.

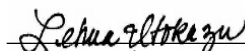
**Trustee Ahu Isa** Moves to adjourn the meeting.

**Trustee Akaka** Seconds the motion.

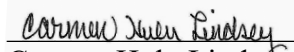
Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	X		X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		X	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE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

**Chairperson Carmen Hulu Lindsey** adjourns the Board of Trustees meeting at 12:15 a.m.

Respectfully submitted,

  
Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on June 2, 2021.

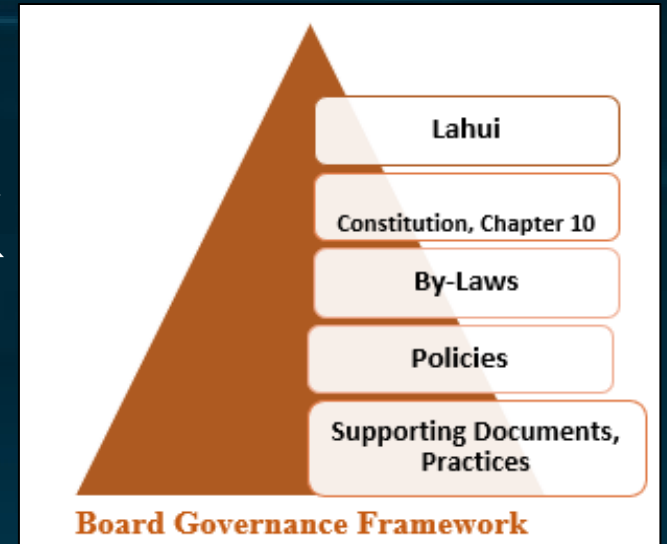
  
Carmen Hulu Lindsey  
Chairperson, Board of Trustees

Attachments:

1. PowerPoint: Board of Trustees Board Governance Framework Policy Framework

# Board of Trustees Board Governance Framework Policy Framework

THURSDAY, MAY 6, 2021



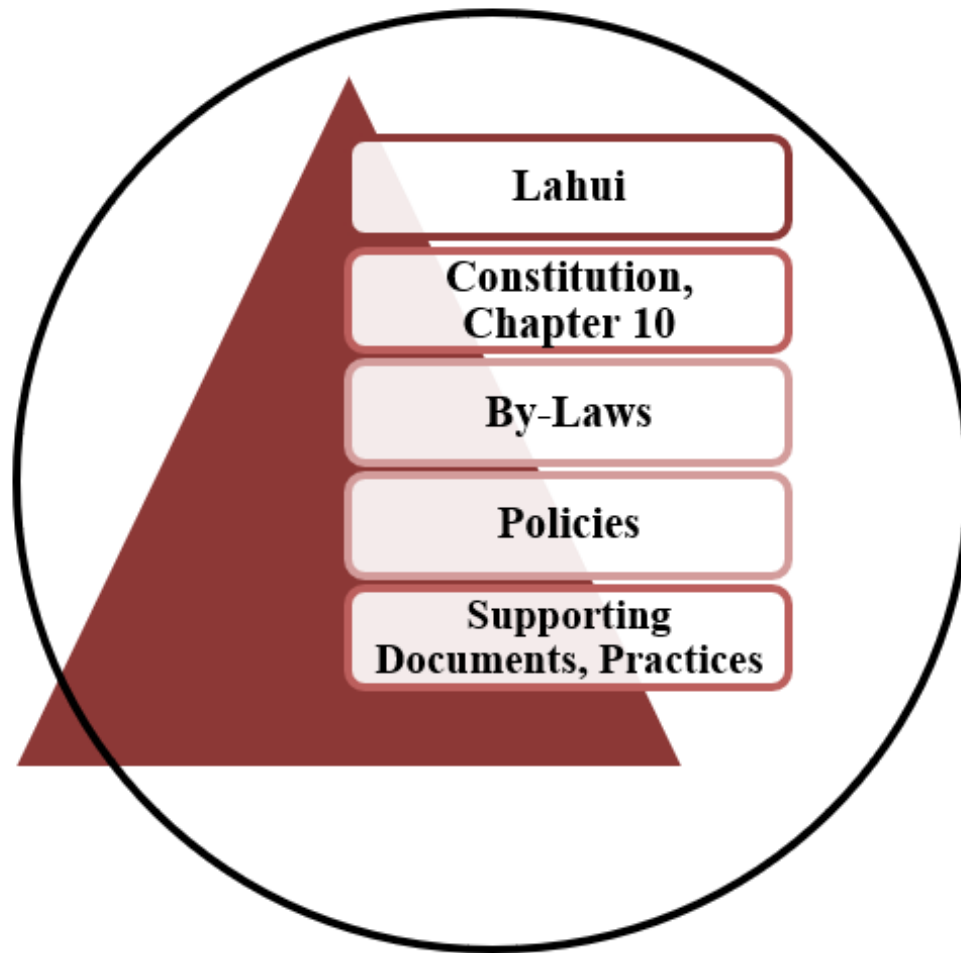
# Working Definition of Governance

FOR PURPOSES OF THIS DOCUMENT AND THE PROPOSED BOARD OF TRUSTEES' PROJECT, A WORKING DEFINITION OF "GOVERNANCE" IS PROVIDED AND WILL BE USED TO FRAME THE PROJECT, ACTIVITIES AND DELIVERABLES.

Establishment of policies, and continuous monitoring of their proper implementation, by the members of the governing body of an organization. It includes the mechanisms required to balance the powers of the members (with the associated accountability), and their primary duty of enhancing the prosperity and viability of the organization.

<http://www.businessdictionary.com/definition/governance.html>, retrieved 1/1/2019

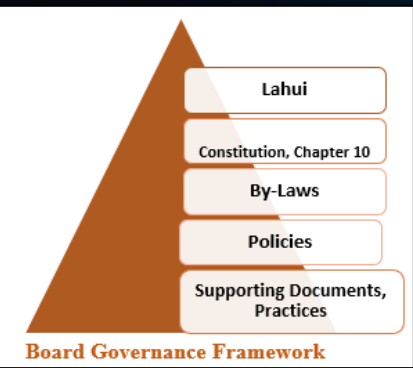




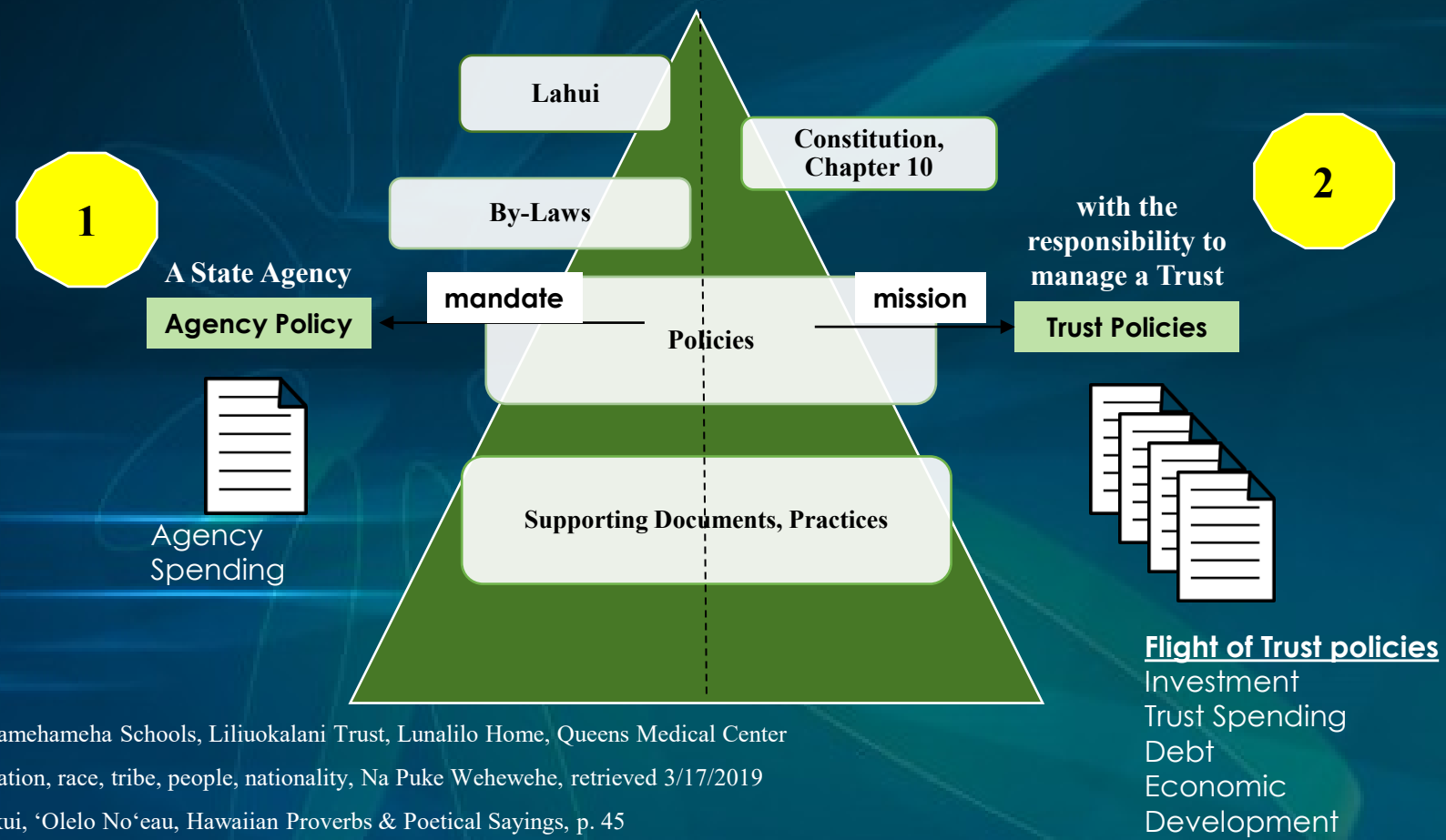
The PIG recommended five elements of OHA's Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

**Element 1: Identity.** Ho'oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali'i Trusts<sup>5</sup> with a lahui<sup>6</sup> mindset in improving the well-being of our lahui. Such an identity is rooted in the 'ōlelo no'eau, E 'ōpū ali'i, have the heart of a chief, have the kindness, generosity, and even temper of a chief, 'ōlelo no'eau 369<sup>7</sup>. OHA's

identity is also place based, that OHA's kuleana is to this place of Hawaii.



**Element 1: Identity.** Ho`oulu Lahui Aloha – To Raise a Beloved Lahui. A State Agency with the responsibility to manage a Trust, that identifies and operates more similarly to Ali`i Trusts [1] with a lahui mindset in improving the well-being of our lahui [2]. Such an identity is rooted in the ‘ōlelo no‘eau, *E ‘ōpū ali`i*, have the heart of a chief, have the kindness, generosity, and even temper of a chief, ‘ōlelo no‘eau 369 [3]. OHA’s identity is also place based, that OHA’s *kuleana* is to this place of Hawaii.



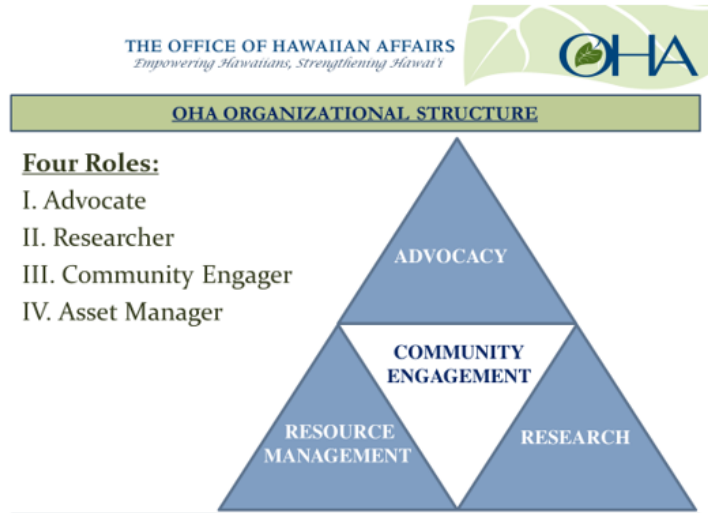
[1] - Kamehameha Schools, Liliuokalani Trust, Lunalilo Home, Queens Medical Center  
[2] - Nation, race, tribe, people, nationality, Na Puke Wehewehe, retrieved 3/17/2019  
[3] Pukui, ‘Olelo No‘eau, Hawaiian Proverbs & Poetical Sayings, p. 45

OHA's identity manifests itself in four roles: advocate, researcher, community engager and asset manager.

## Element 2: Values and Mana

The PIG recommends that the Board Governance Framework acknowledge the surrounding intangible, yet invaluable role of values and mana in governance.

Effecting the operating values of kūlia, kākou, pono, ho'omau and aloha, begins with Trustees and Board work as exemplars for Administration and the Organization as a whole. *O ke kahua mamua, mahope ke kūkulu*, the site first, and then the building, learn all you can, then practice, 'ōlelo no'eau 2459<sup>8</sup>.



### OHA CORE VALUES



*'O ke kahua ma mua, ma hope ke Kūkulu.*

**E ho'ōikaika ana i nā Kānaka i mana ka lāhui.**

In addition, the concept of mana<sup>9</sup>, often oversimplified as “power”, belies the complexity of the concept and its acquisition, development and maintenance toward OHA enabling capital.

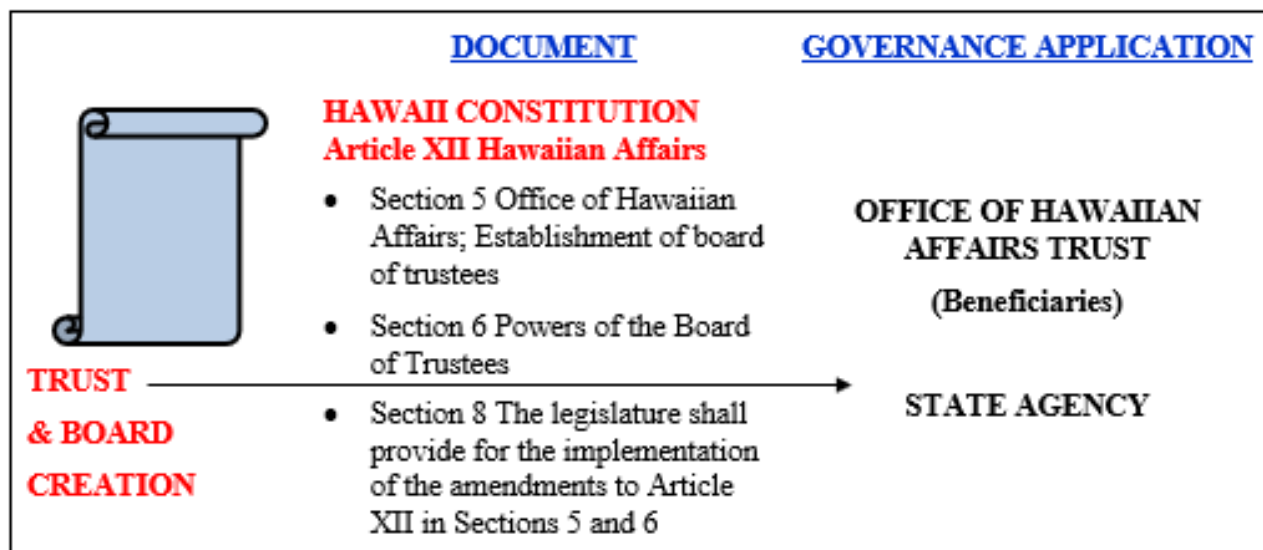
**Mana as Capital.** The acquisition, development and maintenance of mana toward strengthening OHA's influence capital, cultural capital and financial capital.

Mana – OHA will:

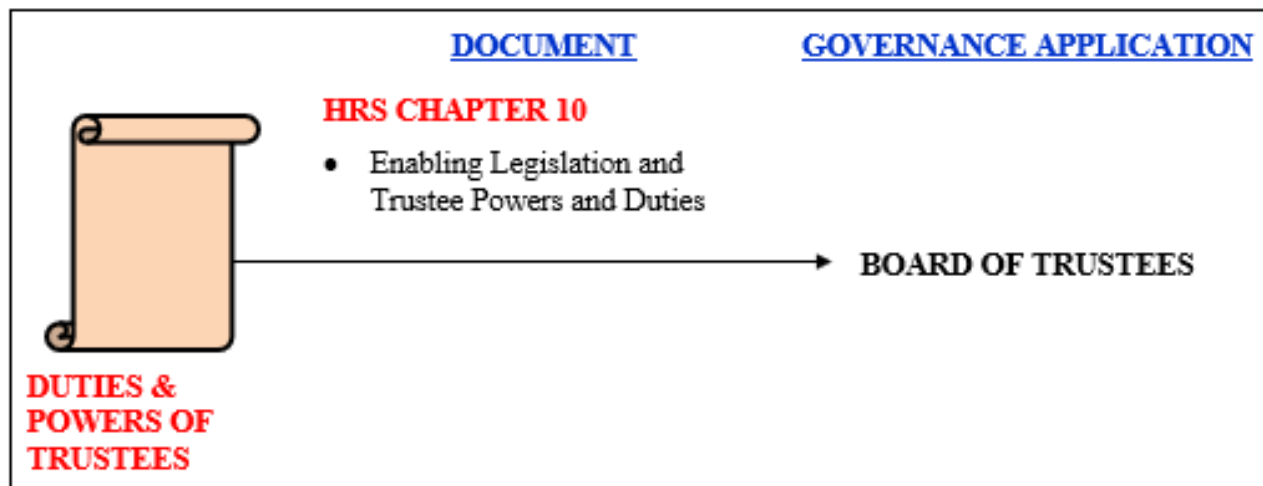


- Build upon the wisdom of our ancestors;
- Build upon the patriots who came before us; and
- Acquire and grow its mana as it strives to serve for the betterment of Hawaiians.

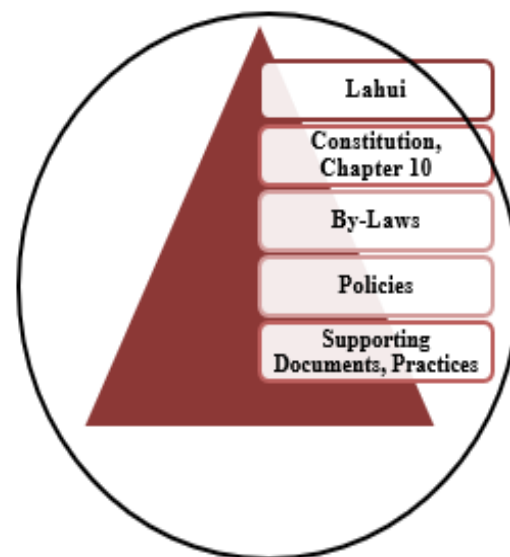
**Element 3: Statutory Basis** OHA was established under the Hawai'i Constitution, article XII, section 5, with powers described in article XII, section 6. Hawai'i Revised Statutes (HRS) Chapter 10 provides that OHA is meant to address the needs of the Native Hawaiian people.



The State of Hawaii's Constitution, Article XII Hawaiian Affairs creates the Office of Hawaiian Affairs, establishes a board of trustees, articulates the powers of the board of trustees and empowers the legislature to implement amendments to sections 5 and 6.



Hawaii Revised Statutes (HRS) Chapter 10 enables legislation and trustee powers and duties.



**Element 4: Policies<sup>10</sup>.** The PIG recommends that OHA policies be organized into three tiers: L-Lahui<sup>11</sup>, T-Trustee and C-CEO level policies. L-Lahui level policies would articulate the Hawaiian cultural foundation of the organization as a basis for the *kaumaha* (heavy weight, sadness) or significant *kuleana* (responsibility) to normalize Hawaiian language, protect and exercise native rights regarding 'āina, water, wahi pana and iwi kupuna, strengthen 'ohana and kaiāulu, perpetuate Hawaiian culture, knowledge and practices and engage in global, international indigenous contexts. T-Trustee level policies would articulate broad, systemic, strategic, overarching policies that are attributed to OHA's Trustee role as a result of the

Constitution and Chapter 10 purposes and duties (e.g., fiduciary, care, obedience, code of ethics). C-CEO level policies guide and direct operations such as compensation, recruitment, procurement, contracting, data retention, asset protection, risk management, etc.

**Element 5: Supporting Documents and Practices (Operations).** Element 5 supports policy development, alignment, implementation, maintenance and monitoring, etc. by developed and "operationalized" documents (e.g., BOT Executive Policy Manual, BOT Operations Manual standard operating procedures, guidelines, operating manuals) and consistent practices.



#### IV. Funding Source:

Not applicable, no dedicated funding needed to approve the five elements of the Board Governance Framework.



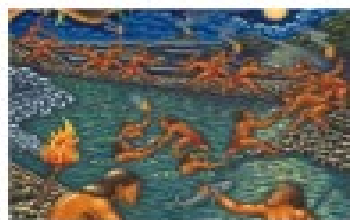
## OHA CORE VALUES

### KŪLIA



*Innovation  
Excellence*

### KĀKOU



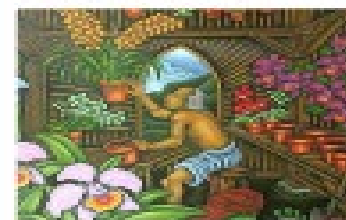
*Collaboration  
Cooperation  
Unity*

### PONO



*Integrity  
Truth*

### HO'OMAU



*Legacy*

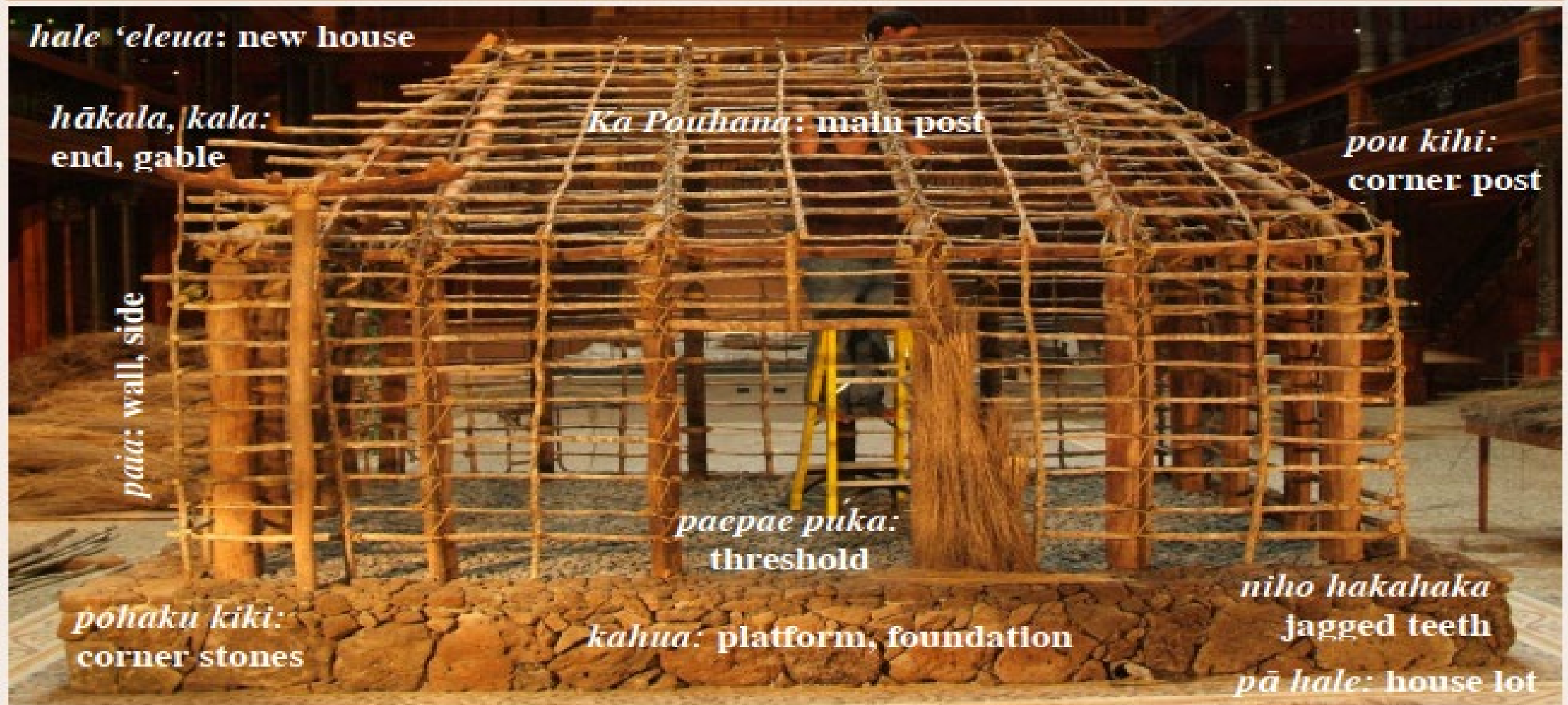
### ALOHA



*Respect  
Value*

**‘O ke kahua ma mua, ma hope ke Kūkulu.  
E ho‘oikaika ana i nā Kānaka i mana ka lāhui.**

# OHA HALE MODEL



*Ke kahua mamua, mahope ke kūkulu. The foundation first, the building afterwards. (Pukui, 1983, #2459).*

Lahui

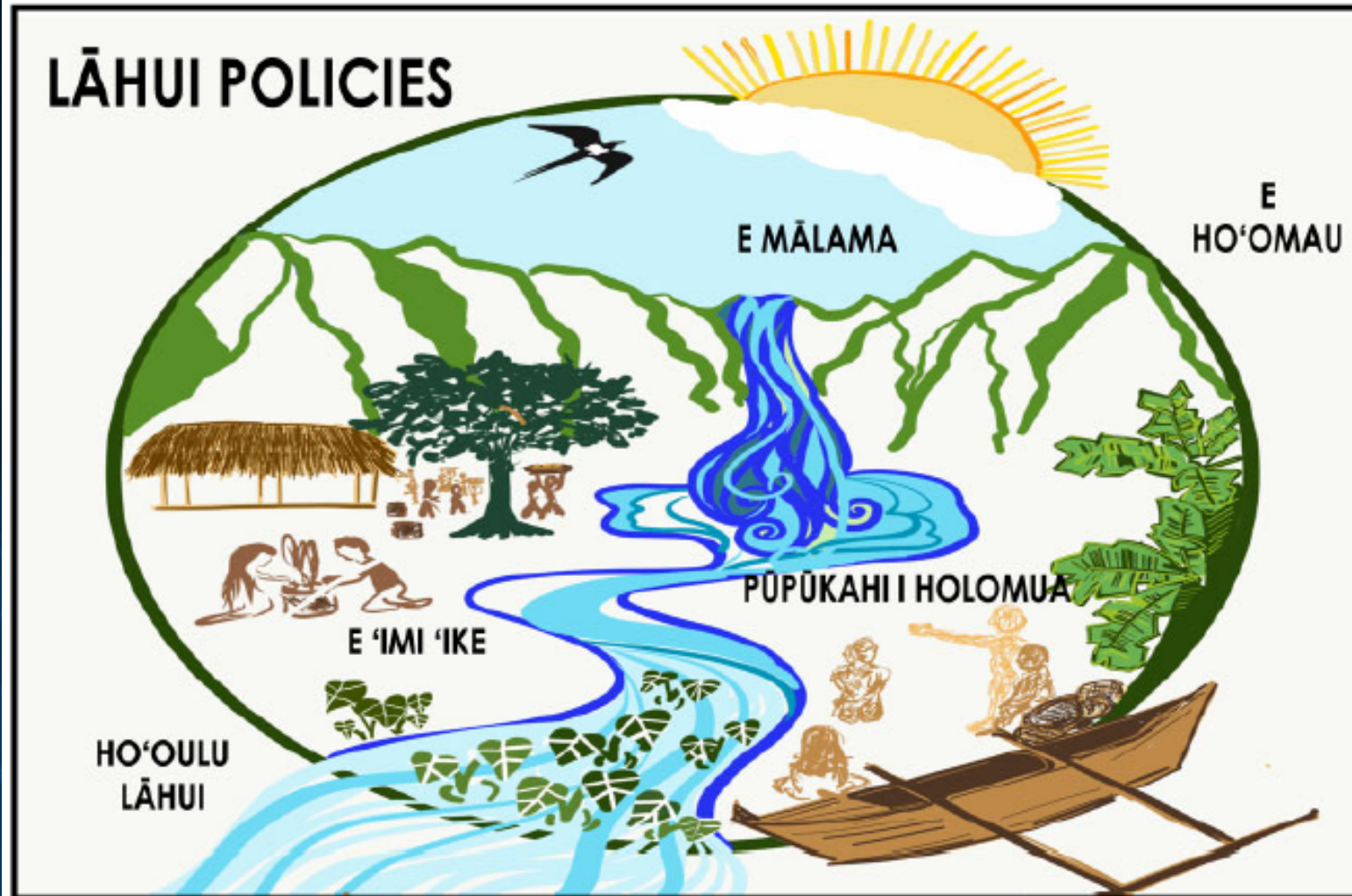
Constitution, Chapter 10

By-Laws

Policies

Supporting Documents,  
Practices

Board Governance Framework



**(1) E Malama**  
(to protect)

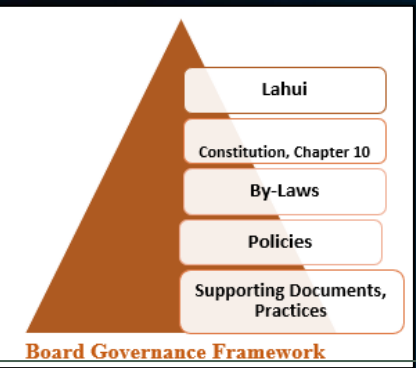
**(2) E Ho'omau**  
(to perpetuate);

**(3) E Pupukahi i  
Holomua**  
(to unite in order  
to progress);

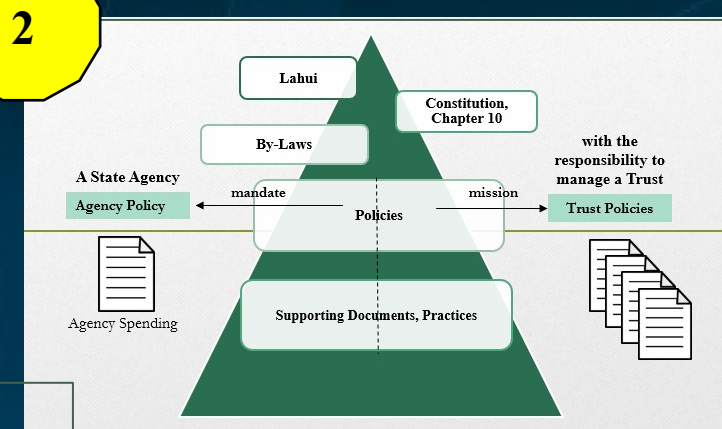
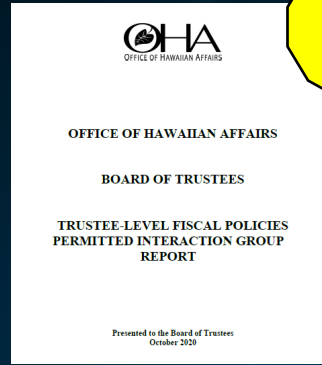
**(4) E 'Imi 'ike**  
(to seek  
knowledge);

**(5) E Ho'oulu  
Lahui** (to grow  
the Lahui).

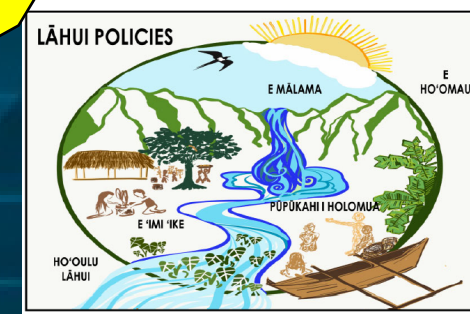




## Policy Framework



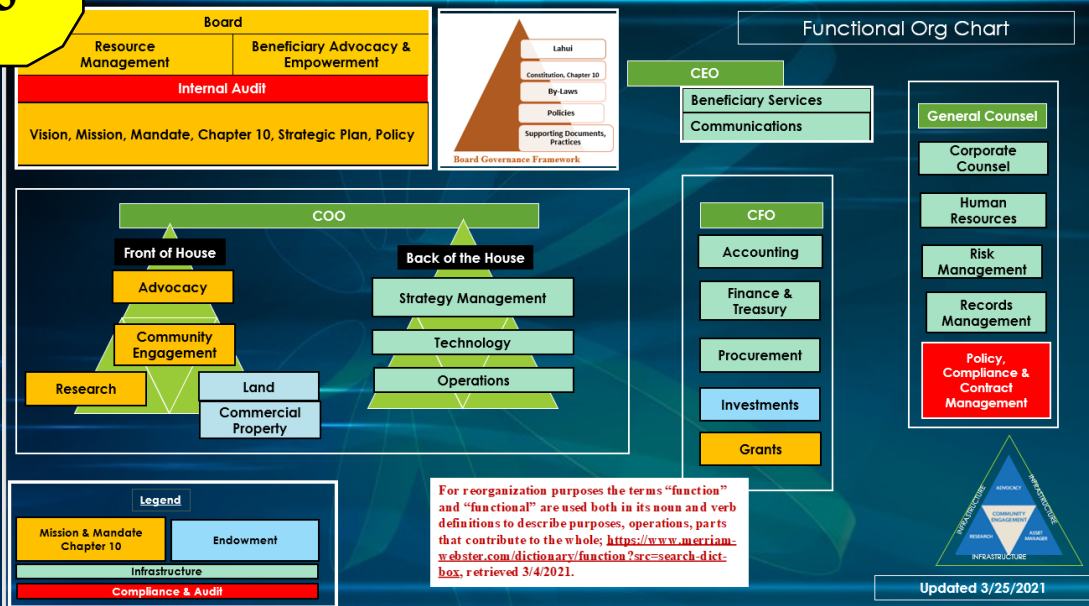
## L-Lahui Level Policies



- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lahui (to grow the Lahui).

**Policies**

## C-CEO Level Policies



**Policies**



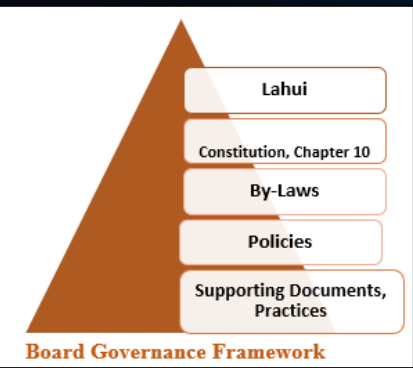
## Procedures

## Business Processes

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

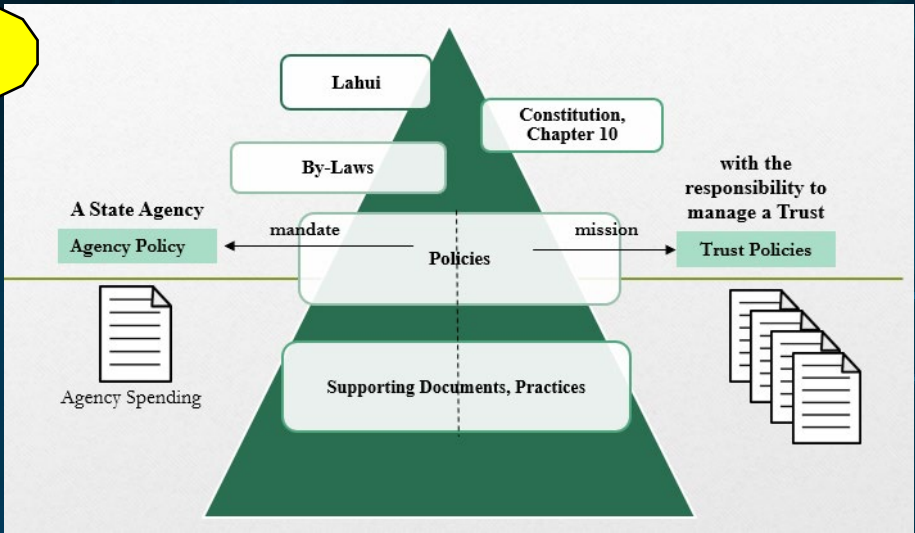
## Manuals, Documentation, Systems



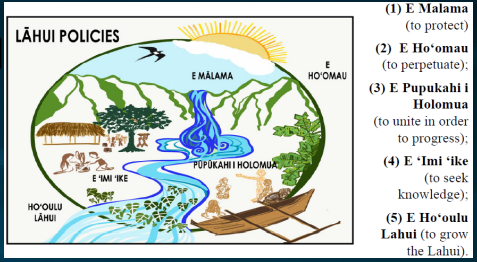


AS IS

2



1



# Executive Policy Manual

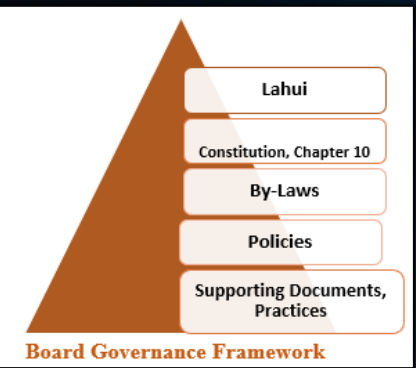
BOT Operations Policy



Series 1000 Board of Trustees

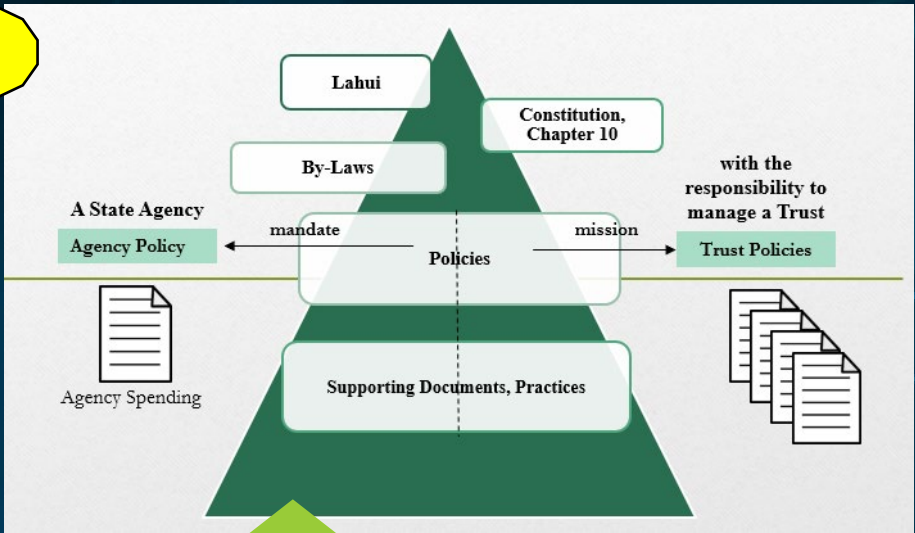


Series 2000 Beneficiary Support and Services

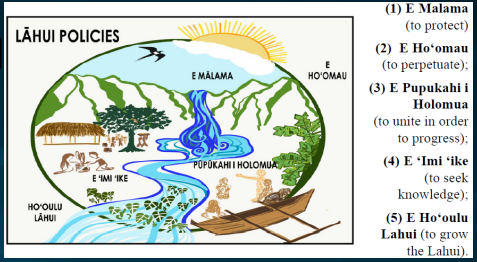


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2



1



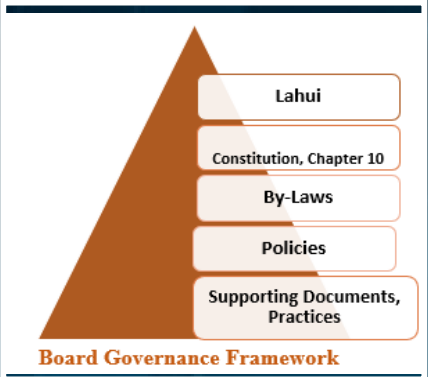
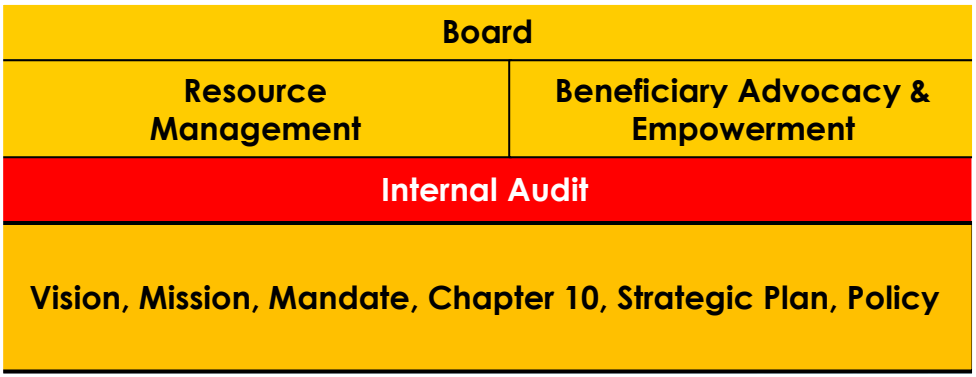
# Executive Policy Manual

BOT Operations Policy



**Series 3000 Administration**

**Series 4000 General Policies**



Functional Org Chart

CEO

Beneficiary Services

Communications

General Counsel

Corporate Counsel

Human Resources

Risk Management

Records Management

Policy, Compliance & Contract Management

CFO

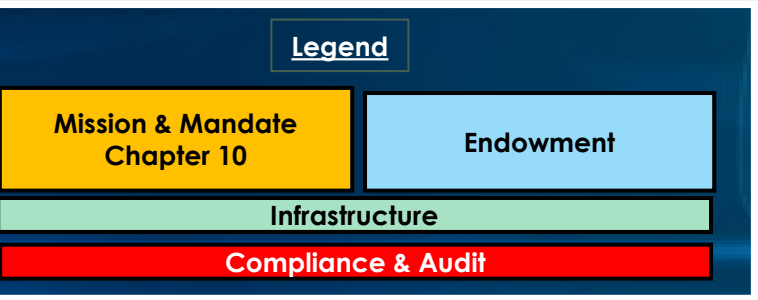
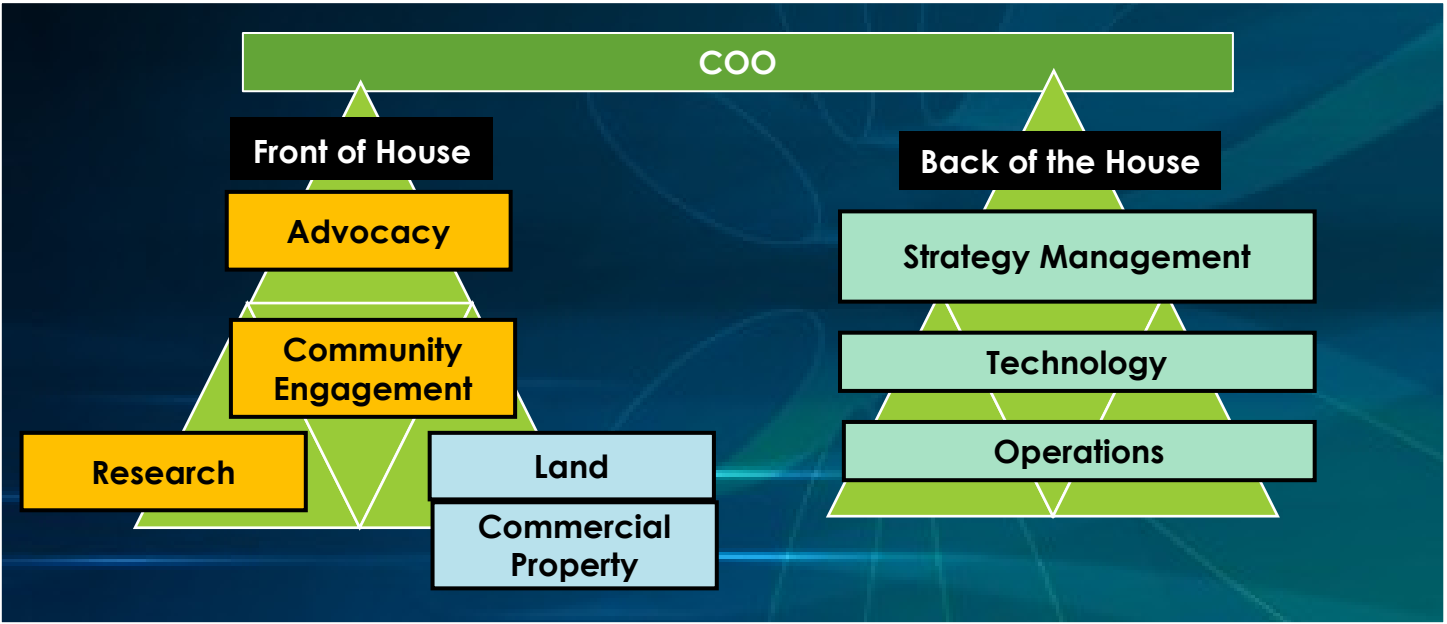
Accounting

Finance & Treasury

Procurement

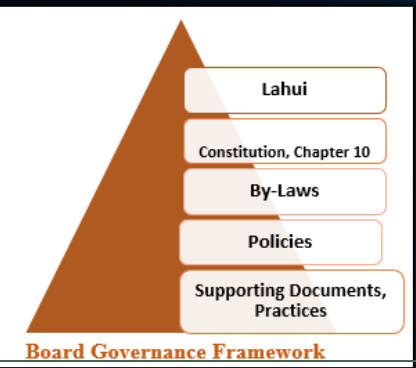
Investments

Grants

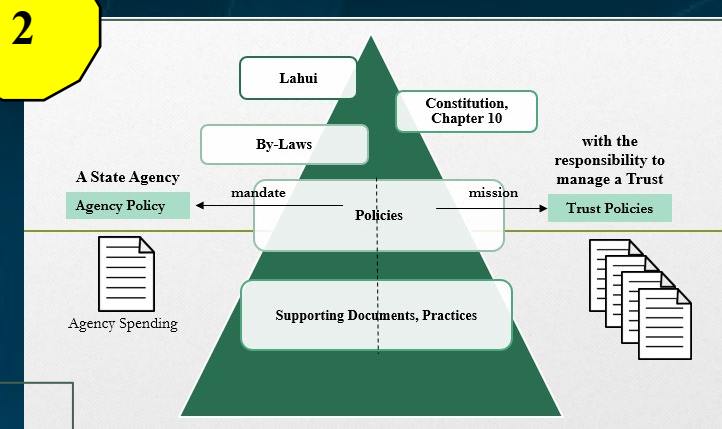
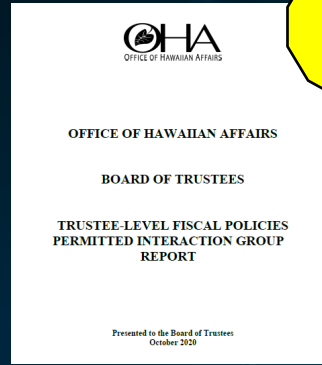


For reorganization purposes the terms “function” and “functional” are used both in its noun and verb definitions to describe purposes, operations, parts that contribute to the whole; <https://www.merriam-webster.com/dictionary/function?src=search-dict-box>, retrieved 3/4/2021.

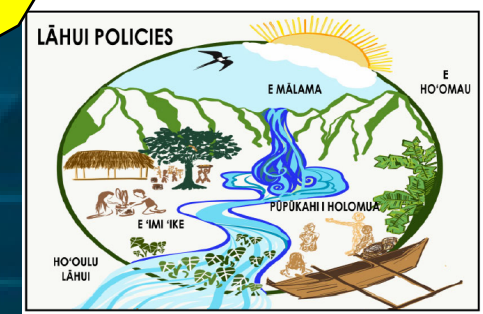




## Policy Framework



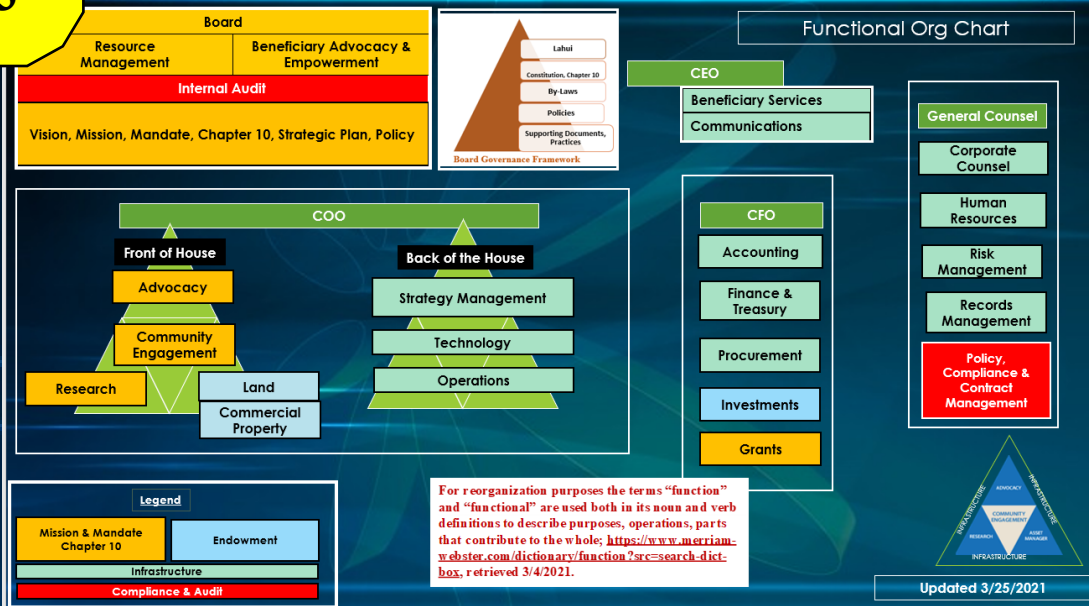
## L-Lahui Level Policies



- (1) E Mālama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pupukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lāhui (to grow the Lāhui).

Policies

## C-CEO Level Policies



Policies



Procedures

Segregation of Duties (Authorizing, Executing, Recording, Reconciling, Reporting, Monitoring)

## Manuals, Documentation, Systems



He Ninou Kau