

STATE OF HAWAI‘I
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 Seventeenth Supplementary Proclamation dated December 16, 2020 that suspend parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
February 11, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Vice-Chairperson Leina‘ala Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Luana Alapa
Trustee Brendon Kalei‘āina Lee
Trustee Keola Lindsey
Trustee John Waihe‘e, IV

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Ramona Hink, CFO
Sterling Wong, Chief Advocate
Raina Gushiken, CC
Everett Ohta, CC
Robert Klein, Counsel
Kevin Chak, IT Support
Daniel Santos, IT Support

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Wednesday, February 11, 2021 to order at 10:00 a.m. Chair Hulu 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.

Chairperson Hulu Lindsey Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Seventeenth Supplementary Proclamation dated December 16, 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.

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

Before we begin, I would like to note that items:

1. IV.A. 4 and IV. B. 1 were received under the 72 hour deadline.

Please allow me to 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 meeting.

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 Judge Robert Klein our Board Counsel and Sylvia Hussey our CEO. I would also like to introduce my staff, Colin Kippen, Lehua Itokazu, Kanani Iaea, and Amber Kalua.

I would like to call upon our Ka Pouhana Sylvia to announce the administrative staff that is present.

Sylvia Hussey, CEO Thank you Chair and good morning Trustees. Today we have Casey Brown-Chief Operating Officer, Ramona Hink-Chief Financial Officer, Raina Gushiken-Senior Legal Counsel, Everett Ohta-Assistant Legal Counsel, and our IT team-Kevin and Dan for support.

Chairperson Hulu Lindsey Thank you. I will move on to approval of minutes. Can I get a motion to accept the minutes for January 14, 2021?

Approval of Minutes

Trustee Akaka I so move.

Trustee Waihe'e Seconds the motion.

Chairperson Hulu Lindsey Roll call

Minutes: January 14, 2021						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			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	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and one (0) EXCUSED vote.						

Public Testimony

I would like to move on to Public testimony on items listed on the agenda, do we have anyone signed up?

Board Secretary Yes, our first speaker is Kamealoha Smith

Chairperson Hulu Lindsey before we begin, I will read the testimony requirements. I will review our Public Testimony Guidelines. Public Testimony should be limited to matters listed on the meeting agenda and will occur during the Public Testimony portion of the agenda. Once the public testimony section on the agenda has concluded, oral testimony online will no longer be accepted. Your name will be called, and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted, and the next testifier will be called. Your name will be called again before the conclusion of the public testimony section. State your name, organization if applicable, agenda items you are testifying on, and your position on

each of the agenda items. If you begin to address other issues not on the meeting agenda, I will call you Out of Order and direct you to limit your testimony to items listed on the agenda.

Oral testimony online will be limited to 5 minutes. A timer will be on the screen to count down the time and a chime will sound when you have 30 seconds left and the second chime when your testimony time expires. Your mic will automatically be muted once you have completed your oral testimony, or if your allotted time for testimony expires.

Kamealoha Smith Aloha everybody. I am testifying on item IV. B., Joint Resource Management and Beneficiary Advocacy and Empowerment. I am a community organizer on the island of Kauai and I am representing the East Kauai community hui. I support all community projects that directly address and impacts of *inaudible*. The east Kauai community who has been directly involved in providing technical assistance to Native Hawaiian organizations that provide humanitarian aid and other efforts to homeless populations in East Kauai. At the beginning of Covid-19, there were three or so county parks that were designated as camps for the homeless. That has increased at eight encampments on our side of the island. Based on informal studies and interviews, there is a disproportionate number of Native Hawaiians and Pacific Islanders represented in this data. Further, we know that many of the homeless have a compromised immune system, which makes them vulnerable to illness and puts them at higher risk for Covid-19 contraction. Funding would help our nonprofits on Kaua'i and I'm sure that there's other nonprofits across Kauai and community groups that are also deserving of funding. To supplement people's diet with healthy foods provides a much-needed healthy food choice. Education allows us to connect our homeless Hawaiians to services in the larger community, allows us to work with the homeless to identify a safe and clean place to make, store and eat at each campsite.

We received some seed funding to get our programs started up again. Some of this has been used for planning and infrastructure. We're also solidifying collaborations with local farmers, the food bank and leveraging resources with other nonprofits in agencies. But funding for community-based projects like ours, and others on that are directly working on food, housing insecurity and welfare checks on kupuna and other vulnerable populations would be helpful. With funding, we're of course meeting immediate needs, but also at the same time of planning for long term sustainability.

We really would like OHA to support the capacity building of Native Hawaiian human service organizations so that we can be on par and provide the same type and level of services as their mainstream counterparts. Cultural base strategies are needed to provide targeted services for our Kanaka. These services much are based on Hawaiian values such as 'ohana, pilina, and aloha. In interviews with participants in programs that we've done, during Covid-19, the word called kaumaha, is the word that comes up the most among the participants that describe their situation. Our work allows our nonprofit and community groups to give or extend some level of hope for the future and provide some temporary comfort. The extra comfort allows numerous opportunities to encourage participants on to seek medical treatment and connect them to services that can provide them emotional support and allows them to reconnect with their ohana. I should say that many of the people who are in this housing insecure situation, most of them are related to us somehow, extended family or people that we grew up with. So, we are committed as a community group to continuing the work that we're doing to address the impacts of Covid-19. Mahalo for allowing me the opportunity to provide this testimony.

Chairperson Hulu Lindsey Mahalo Kamealoha. Do we have anyone else?

Board Secretary Yes, our next speaker is Germaine Meyers.

Germaine Meyers Aloha Chair Hulu, Vice Chair Ahu Isa, Trustees, and Lāhui, my name is Germaine Meyers. I'm an OHA Beneficiary for Beneficiary Advocacy and Empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee. To clarify, I would like to provide my data views and arguments regarding today's agenda item IV. B. 1., Action Item BAE/RM #21-01, Approval of Reallocated \$2.17M in Emergency Financial Assistance Program Grant. Emphasis on Emergency.

I wholeheartedly express my support for the approval of this action item. Administration Update regarding the status of the \$2.17M included details of the fact that these funds were added to Contract #3363. Contract #3363 is dated December 2019 for \$1.66M to Council for Native Hawaiian Advancement (CNHA) allocated \$830,000 from FY20 and \$830,000 from FY21. Of which, each \$830,000 was divided into \$622,500 for beneficiary and \$207,500 for administration cost. Trustee Lee, FYI on page 78, it says beneficiary, not household. On May 7, 2020, the Board again under ex-Chair Machado and ex-Vice Chair Lee's board leadership agendaized and approved Action Item BOT 20-03 for additional funding of \$2.17M to be added to CNHA's Contract #3363.

CNHA launched the implementation of Contract 3363 on February 1, 2020. It deeply concerns me that even though to date CNHA was given \$698,000 as of December 16, 2020, of which \$207,000 is budgeted for their administration fees, CNHA only provided one somewhat detailed status report in May 2020, outlining that they received 1,108 applications for Emergency Financial Assistance between February 1 and March 23 of which they distributed to 77 households statewide a total of \$118K. That means they approved only 7% of the total applications they received at that time. 7 of every 100 applications received. Based on Administration's data reports, which I reviewed extensively to provide my public testimony, OHA budgeted \$622,500 for beneficiary of which, to date, CNHA has not, I repeat, has not reported if and how they awarded the balance of \$504,500. If the purpose of these funds were for Emergency assistance, I would hope there would be sensitivity to the urgency of the emergency and most especially the importance of providing sufficient reports of how Native Hawaiians and Hawaiians were served by CNHA.

Again, I express my support for the reallocation of \$2.17M for OHA's EFA programs to be awarded to organizations that can both serve the urgency of this program, as well as compliance with Chapter 10's mandate of reporting and the monitoring of grants. Ke Akua Pu, God bless you and God bless all of us.

New Business

Chairperson Hulu Lindsey Mahalo Germaine. At this time, I would like to move on to item IV. New Business. Please note there is no decision making on item IV. A. 1 and IV. A. 3. I would like to call upon Trustee Akaka on the referral from the BAE Committee for February 3, 2021.

A. Committee on Beneficiary Advocacy and Empowerment

2. 2021 OHA Legislative Positioning – Matrix 2, February 3, 2021**

Trustee Akaka Mahalo, Your Committee on Beneficiary Advocacy and Empowerment, having met on February 3, 2021 and after full and free discussion, recommends approval of the three motions to the Board of Trustees.

To approve Administration's recommendations on:

NEW BILLS (Items 1 – 271, excluding items 24, 54, 94, 204, 260), along with the following revisions:

ADD bills:

- **HB245, as COMMENT**

- **HB705, as MONITOR**
- **HB974, as SUPPORT**
- **SB725, as OPPOSE**
- **SB749, as OPPOSE**
- **SB977, as SUPPORT**
- **SB1021, as SUPPORT**
- **SB1128, as SUPPORT**
- **HB616, as COMMENT**

CHANGE items:

- **74, HB607, from COMMENT to OPPOSE;**
- **102, SB1, from COMMENT to OPPOSE;**
- **85, HB644, from COMMENT to OPPOSE;**
- **140, SB196, from COMMENT to OPPOSE;**
- **87, HB658, from COMMENT to OPPOSE;**
- **139, SB195, from COMMENT to OPPOSE;**
- **231, SB890, from MONITOR to COMMENT;**
- **150, SB238, from MONITOR to COMMENT;**

75, HB615, from MONITOR to COMMENT

Trustee Waihe'e Seconds the motion.

Trustee Akaka moves to approve Administration's recommendations on:
NEW BILLS (Items 1 – 271, excluding items 24, 54, 94, 204, 260), along with the following revisions:

ADD bills:

- **HB245, as COMMENT**
- **HB705, as MONITOR**
- **HB974, as SUPPORT**
- **SB725, as OPPOSE**
- **SB749, as OPPOSE**
- **SB977, as SUPPORT**
- **SB1021, as SUPPORT**
- **SB1128, as SUPPORT**
- **HB616, as COMMENT**

CHANGE items:

- **74, HB607, from COMMENT to OPPOSE;**
 - **102, SB1, from COMMENT to OPPOSE;**
 - **85, HB644, from COMMENT to OPPOSE;**
 - **140, SB196, from COMMENT to OPPOSE;**
 - **87, HB658, from COMMENT to OPPOSE;**
 - **139, SB195, from COMMENT to OPPOSE;**
 - **231, SB890, from MONITOR to COMMENT;**
 - **150, SB238, from MONITOR to COMMENT;**
- 75, HB615, from MONITOR to COMMENT**

Trustee Waihe'e seconds the motion.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			

CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Trustee Akaka To approve Administration's recommendations on: NEW BILLS:

- Item 24, HB260, as OPPOSE
- Item 94, HB800, as SUPPORT
- Item 260, SB1409, as SUPPORT

Trustee Waihe'e Seconds the motion.

Chairperson Hulu Lindsey Any discussion?

Trustee Akina Thank you, we've had good discussion already. I would like to state for the record only, that I will vote to support motion two. However, I personally must take exception on HB260. I do not oppose HB260, because I believe it will help increase housing for Hawaiians. With respect to HB800 and SB1409, I do not support them because I believe these bills are not necessary to ensure widespread compliance with the Native Hawaiian law training requirements for government officials. Thank you.

Trustee Akaka moves To approve Administration's recommendations on: NEW BILLS:						
<ul style="list-style-type: none"> • Item 24, HB260, as OPPOSE • Item 94, HB800, as SUPPORT • Item 260, SB1409, as SUPPORT 						
Trustee Waihe'e seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA				X		
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8	1		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						

Motion passes with eight (8) YES votes and one (1) no vote.

Trustee Akaka To approve Administration's recommendations on:

- Item 54, HB496, as OPPOSE
- Item 204, SB690, as OPPOSE

Trustee Waihe'e Seconds the motion.

Chairperson Hulu Lindsey Is there any discussion?

Trustee Akaka moves to approve Administration's recommendations on:

- Item 54, HB496, as OPPOSE
- Item 204, SB690, as OPPOSE

Trustee Waihe'e seconds the motion.

	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE‘E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			

MOTION: ☐ UNANIMOUS ☒ PASSED ☐ DEFERRED ☐ FAILED

Motion passes with nine (X) YES votes.

Chairperson Hulu Lindsey As a reminder there is no decision making on item IV. A. 3. So we will skip this item on the agenda. I will call on Trustee Akaka regarding the referral from the BAE Committee for February 10, 2021.

Trustee Akaka Mahalo, Madam Chair. Your committee on beneficiary advocacy and empowerment having met on February 10, 2021. And after a full and free discussion, recommends approval of the following motion to the Board of Trustees.

To approve Administration’s recommendations on:

NEW BILLS (Items 1-26, 28-108,110-199, and 201-300) and BILL POSITIONS FOR RECONSIDERATION (Items – 301-305), along with the following revisions:

ADD items

- HB344, as OPPOSE

CHANGE items:

- 27, HB497, from MONITOR to OPPOSE;
 - 109, HB1105, from MONITOR to SUPPORT;
 - 200, SB567, from MONITOR to OPPOSE;
- on the OHA Legislative Positioning Matrix dated February 10, 2021, as amended

Trustee Keola Lindsey Seconds the motion.

Trustee Akaka moves to approve Administration's recommendations on:
NEW BILLS (Items 1-26, 28-108, 110-199, and 201-300) and BILL POSITIONS FOR
RECONSIDERATION (Items – 301-305), along with the following revisions:

ADD items

- HB344, as OPPOSE

CHANGE items:

- 27, HB497, from MONITOR to OPPOSE;
 - 109, HB1105, from MONITOR to SUPPORT;
 - 200, SB567, from MONITOR to OPPOSE;
- on the OHA Legislative Positioning Matrix dated February 10, 2021, as amended

Trustee Waihe'e seconds the motion.

	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY		X	X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			

MOTION: [] UNANIMOUS [**X**] PASSED [] DEFERRED [] FAILED

Motion passes with nine (X) YES votes.

Chairperson Hulu Lindsey We will now move on to the Joint Committee of the Resource Management and the Beneficiary Advocacy and Empowerment meeting held on February 10, 2021. I will now call on Trustee John Waihe'e.

Trustee Waihe'e Thank you Madam Chair. Your committees on beneficiary, beneficiary advocacy and empowerment and resource management, having met jointly on February 10, 2021, after a full and free discussion recommends approval of the following action to the board of trustees to approve administration's recommendations.

To approve Administration's recommendation to:

A. Reallocate \$2,170,000 in FY20 COVID-19 Emergency Financial Assistance Program grant authorization purpose of:

1. \$1,170,000 to FY20 COVID-19 Impact Grants purpose, for a new amount of \$1,670,000, to be competitively solicited by island community in FY21, with the exception of the island of Ni'ihau;

2. \$1,000,000 to FY 20 'Ohana and Community grants purpose, for a new amount of \$1,250,000, to be competitively solicited by island community in FY21, with the exception of the island of Ni'ihau;

B. Allocate to island communities pro-rata based on Native Hawaiian population; and

C. Adjust for 50% of O'ahu to be reallocated to the remaining island counties.

Trustee Akaka Seconds the motion.

Chairperson Hulu Lindsey Any discussion? Hearing none roll call vote.

Trustee Waihe'e moves to approve Administration's recommendation to:

A. Reallocate \$2,170,000 in FY20 COVID-19 Emergency Financial Assistance Program grant authorization purpose of:

1. \$1,170,000 to FY20 COVID-19 Impact Grants purpose, for a new amount of \$1,670,000, to be competitively solicited by island community in FY21, with the exception of the island of Ni'ihau;

2. \$1,000,000 to FY 20 'Ohana and Community grants purpose, for a new amount of \$1,250,000, to be competitively solicited by island community in FY21, with the exception of the island of Ni'ihau;

B. Allocate to island communities pro-rata based on Native Hawaiian population; and

C. Adjust for 50% of O'ahu to be reallocated to the remaining island counties.

	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA					X	
TRUSTEE DAN AHUNA				X		
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			

TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE				X	
TRUSTEE KEOLA	LINDSEY					X
TRUSTEE JOHN	WAIHE'E	X		X		
CHAIRPERSON HULU	LINDSEY			X		
TOTAL VOTE COUNT				5	2	2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with five (5) YES votes, two (2) no votes, and two (2) abstain						

Chairperson Hulu Lindsey Moving on to item V.

Community Concerns and Celebrations

Chairperson Hulu Lindsey Do we have anyone signed up?

Board Secretary Yes, we have Healani Sonoda – Pali

Healani Sonoda – Pali aloha and Mahalo nui for all your work during Covid. This is actually a good testimony; I have nothing really to complain about. I wanted to just give kudos to the advocacy team and their work at legislation this year. They've been very helpful with tracking the public lands bills. I read all their testimonies, so I can learn as well. I just want to just say they're doing a great job at the leg. But I have one suggestion. I've been working with the deaf community, and all our lives for ka lāhui Hawai'i, all workshops, we always now have sign interpreters. So, I was hoping that with all your educational materials, videos going out there and on social media, you could maybe have deaf interpreters, or you can have captions or something, just to include them. They feel more empowered. I know, it's a small community, but they're no less important. I just want to put that out there for you folks if that could be part of your policy or something. Mahalo. That's all I had I just wanted to say great job at the legislation and I like to working with the advocacy team. Mahalo.

Germaine Meyers Aloha Aloha, Chair, Hulu, Vice Chair, Ahu Isa, Trustees and law Hawai'i. My name is Germaine Meyers. I am an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian homestead lessee. In light of the darkness that has descended in the form of Trustee Lee's unfounded interruptions of my public testimonies and yesterday's unwillingness to accept the answer I provided to his question after my public testimony. I consulted with the Office of Information Practices (OIP) and their formal written opinions that clarify my civic rights under sunshine law, and UI PA. I have provided this morning via email to all of you through the Board Secretary Lehua Itokazu which I asked that it be forwarded to you after my community concerns testimony, the OIP formal opinions number 07-10 and number 92-13, in both its summarized and full text forms. In the past I have already provided testimony to ex-Chair Machado regarding number 07-10, however, I will repeat it for the sake of the current board members. Numbered 07-10 is titled right to present testimony. In the complaint, a commission had restricted testimony from a member of the public to the subject matter, the commission had intended the agenda item to cover, even though the testifier believes the proffered testimony fell within the subject matter as listed on the filed agenda. OIP opined that the commission had violated the sunshine law be further clarified that a board

can require that testimony be related to the agenda item, but it must interpret the agenda item broadly, for the purpose of determining whether testimony is related to the agenda item.

A board may not restrict the public from testifying on issues that fall within the general subject matter of an agenda item. And the scope of agenda item is determined by the language used on the file the agenda and not the board's intent as to the meaning of the Agenda Item. Number 92-13 is titled audio tape recording of public meeting. The state agencies must disclose the audio tape recording of a public meeting held by the state agencies. The OIP determined that the audio tape recording of the Commission's public meeting is a government record under the UIPA, and that none of the exceptions to require disclosure applies to this government record. Also, section 92 F.12. A 16. Hawai'i Revised Statutes expressly requires an agency to make available for public inspection and copying information contained in or compiled from a transcript of a proceeding open to the public. Therefore, upon receiving a request for the disclosure of the audio tape recording of the agency's meeting, the agencies cannot fulfill its obligation by merely disclosing the written meeting minutes to provide the public with assurance that they have immediate access to the video, and audio recordings of all his board meetings, especially as evidence of past and future harassment by Trustee Lee and maybe others. I humbly ask that OHA post meeting videos on OHA's website and YouTube, the exact same as DHHL has been doing on the DHHL website from the beginning of COVID-19 with audio recordings as of March 24, 2020, and video recordings as of July 21, 2020, both to the present date. Ke Akua Pu, God bless you and God bless all of us.

Chairperson Hulu Lindsey Thank you Germaine. Our next speaker is Kamealoha Smith.

Kamealoha Smith Aloha Kākou, this is Kamealoha Smith, Kauai Island beneficiary. I had the opportunity to read the minutes of the last few meetings and I wanted to offer a few comments. First, I appreciate you putting together comprehensive minutes from the last meeting. I think that an important step in transparency, inclusion, and making OHA programs more accessible to beneficiaries. It provides for an opportunity for us to have a different look at OHA. I am not sure if the in the past things were done that way? I appreciate that you made those minutes available and they included a lot of information and demonstrates to the community the breath and the depth of work that OHA is doing. I think that's important for people to know. I did want to make a comment on the strategic plan. First comment, regarding promotional gifts. I do not support that idea of making any promotional gifts for OHA. I think they should do away with the word launch party. I am hoping there is a different word they can use. It sounds to casual and doesn't give the sense of the importance of the work being done. On the other hand, I support the establishment of community members to serve on this strategic plan's hui. I am not sure if that's possible or if policies allow for that. Another suggestion is OHA should put up a directory on the website with names, telephone numbers, and email addresses. I know in the past there has been a lot of misunderstandings that happened because we are not sure who to contact. Any time I have questions for OHA, I stumble upon things. Sometimes I get the right person or the right division and most times I don't. A directory with staff names, telephones, email addresses, and their kuleana would be helpful. I am hopeful that at some point you may have experts on staff on the issue of homelessness and food insecurity. I am hopeful OHA will put together a task force to address these issues since Hawaiians represent, apparently the largest number of people who are homeless in the State of Hawai'i. I appreciate the level of support that you have provided at the LEG especially when it comes to Hawaiian Medium Education, Puanana Leo. I think that's awesome, however, I do think in order for 'olelo and ike Hawai'i to survive we have to increase the number of Wahi pana or the number of places outside your schools where the number of Hawaiian language and our traditional knowledge both are relevant and meaningful have use. I also want to say there are a number of County level grants on the island of Kauai. I hope OHA can support our efforts to have the County to separate the funding and put us in a special category in any of their County funding's for economic development. Specifically, for Hawaiian language and traditional ecological

knowledge. Our mainstream common parts to do work in environmental and conservation far outpace Native Hawaiian organizations when it comes to funding. Even with the little funding that is made available to Native Hawaiian Organizations, we are still expected to produce the same level of work as our Western counter parts. As an example, there is a mainstream organization that was given approximately \$2 mil dollars to address environmental issues in our ahupua'a and moku. The organization also made a promise to integrate 'ike Hawai'i and 'olelo Hawai'i into their work plan. They put almost the entire \$2 mil towards working on mainstream western science project; that equates to seven full time positions (doing research planning and other work) and the counter part to the Hawaiian component was only given 50k. The only kuleana that we have is a part-time position. We are only expected to do as a Hawaiian Community is to produce a Hawaiian moon calendar. I feel the 'ike of our people is worth much more than just a part-time position and the only outcome is a Hawaiian moon calendar. It is unfair and doesn't seem to match. Mahalo.

Chairperson Hulu Lindsey Thank you Germaine, Healani, and Kamealoha for visiting us this morning. We will now be recusing ourselves into executive session. Can I have a motion?

Trustee Akina I move to recuse ourselves into executive session.

Trustee Ahu Isa Seconds the motion.

The Board recuses into executive session at 10:48 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	X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA	X		X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with seven (9) YES votes and one (0) EXCUSED vote.						

The Board Comes back to open session at 11: 07 a.m.

Announcements

Sylvia Hussey, CEO Trustees, looking at the Board schedule for island meetings, I know some of you have been planning for what that might look like. I just want you to know its okay to go ahead and contact our community outreach division and working with the various community outreach centers to do your planning. I would ask that when you make that connection that you copy me on that initial correspondence starting with interim community engagement director, Alice Silbanuz. So she can get all island participants ready to support in your planning. Our first meetings are coming up in May and it's not that far away. Please start planning and taking that time.

Chairperson Hulu Lindsey Sylvia, will these meetings be virtual on the neighbor islands or in-person?

Sylvia Hussey, CEO I think those are some of the discussions we need to have as to whether what the conditions are on each of the islands. Also, what are our health and safety considerations for Oahu traveling and others. That is why starting early with the planning is really important. If we need to plan for one configuration can be different for another. Each island has their own situation and parameters so starting to plan early will be beneficial.

Trustee Waihe'e Our next meeting is next week Tuesday at 1:30 p.m.

Trustee Akaka Our next BAE meeting will be Wednesday, February 17th at 1:30 p.m.

Chairperson Hulu Lindsey Our next Board meeting is scheduled for February 25th at 10 a.m. At this time I will ask for a motion to adjourn.

Adjournment

Trustee Akaka moves to adjourn the meeting.

Trustee Ahu Isa seconds the motion.

Chairperson Lindsey calls for a **ROLL CALL VOTE**.

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	0

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 11:07 a.m.

Respectfully submitted,

 Recoverable Signature

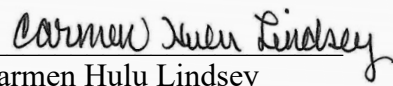
X Lehua Itokazu

Lehua Itokazu

Board Secretary

Signed by: 12801857-6123-4daf-a602-619116a0342b

As approved by the Board of Trustees on March 11, 2021.


Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Testimony from Germaine Meyers (2)

Public Testimony re Agenda item 4-B-1

Aloha Chair Hulu, Vice Chair Ahu Isa, Trustees, and Lahui,

My name is Germaine Meyers. I'm an OHA Beneficiary for Beneficiary Advocacy and Empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

To clarify, I would like to provide my data views and arguments regarding today's agenda item 4-B-1, Action Item BAE/RM #21-01, Approval of Reallocated \$2.17M in Emergency Financial Assistance Program Grant. Emphasis on Emergency.

I wholeheartedly express my support for the approval of this action item.

Administration Update regarding the status of the \$2.17M included details of the fact that these funds were added to Contract #3363. Contract #3363 is dated December 2019 for the amount of \$1.66M to Council for Native Hawaiian Advancement (CNHA) allocated \$830,000 from FY20 and \$830,000 from FY21.

Of which, each \$830,000 was divided into \$622,500 for beneficiary and \$207,500 for administration cost. Trustee Lee, FYI on page 78, it says beneficiary, not household.

On May 7, 2020, the Board again under ex-Chair Machado and ex-Vice Chair Lee's board leadership agendized and approved Action Item BOT 20-03 for additional funding of \$2.17M to be added to CNHA's Contract #3363.

CNHA launched the implementation of Contract 3363 on February 1, 2020.

It deeply concerns me that even though to date CNHA was given \$698,000 as of December 16, 2020, of which \$207,000 is budgeted for their administration fees, CNHA only provided one somewhat detailed status report in May 2020, outlining that they received 1,108 applications for Emergency Financial Assistance between February 1 and March 23 of which they distributed to 77 households statewide a total of \$118K. That means they approved only 7% of the total applications they received at that time. 7 of every 100 applications received.

Based on Administration's data reports, which I reviewed extensively to provide my public testimony, OHA budgeted \$622,500 for beneficiary of which, to date, CNHA has not, I repeat, has not reported if and how they awarded the balance of \$504,500.

If the purpose of these funds were for Emergency assistance, I would hope there would be sensitivity to the urgency of the emergency and most especially the importance of providing sufficient reports of how native Hawaiians and Hawaiians were served by CNHA.

Again, I express my support for the reallocation of \$2.17M for OHA's EFA programs to be awarded to organizations that can both serve the urgency of this program, as well as compliance with Chapter 10's mandate of reporting and the monitoring of grants.

Ke Akua Pu

God bless you and God bless all of us.

COMMUNITY CONCERNS

Aloha Chair Hulu, Vice Chair Ahu Isa, Trustees, and Lahui,

My name is Germaine Meyers. I'm an OHA Beneficiary for Beneficiary Advocacy and Empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

In light of the darkness that has descended in the form of Trustee Lee's unfounded interruptions of my public testimonies, and yesterday's unwillingness to accept the answer I provided to his question after my public testimony, I consulted with the Office of Information Practices (OIP) and their formal written opinions that clarify my civic rights under Sunshine Law and UIPA.

I have provided this morning via email to all of you, through Board Secretary Lehua Itokazu, which I asked that it be forwarded to you after my community concerns testimony, OIP Formal Opinions #07-10 and #92-13, in both its summarized and full text forms. In the past, I had already provided testimony to ex-Chair Machado regarding #07-10. However, I will repeat it for the sake of the current board members.

#07-10 is titled Right to Present Testimony.

In the complaint, a commission had restricted testimony from a member of the public to the subject matter the commission had intended the agenda item to cover even though the testifier believed the proffered testimony fell within the subject matter as listed on the filed agenda.

OIP opined that the commission had violated the Sunshine Law.

They further clarified that a board can require that testimony be related to the agenda item, but it must interpret the agenda item broadly for the purpose of determining whether testimony is related to the agenda item. A board **may NOT** restrict the public from testifying on issues that fall within the general subject matter of an agenda item, and the scope of agenda item is determined by the language used on the filed agenda, and **NOT** the board's intent as to the meaning of the agenda item.

#92-13 is titled Audio Tape Recording of Public Meeting.

The State (agencies) must disclose the audio tape recording of a public meeting held by the State (agencies). The OIP determined that the audio tape recording of the Commission's public meeting is a "government record" under the UIPA and that none of the exceptions to required disclosure applies to this government record. Also, section 92F-12(a)(16), Hawaii Revised Statutes, expressly requires an agency to make available for public inspection and copying "[i]nformation contained in or compiled from a transcript...of a proceeding open to the public."

Therefore, upon receiving a request for the disclosure of the audio tape recording of the (agencies) meeting, the (agencies) cannot fulfill its obligation by merely disclosing the written meeting minutes.

To provide the public with assurance that they have immediate access to the video/audio recordings of OHA's board meetings, especially as evidence of past and future harassment by Trustee Lee (and maybe others), I humbly ask that OHA post all meeting videos on OHA's website (and YouTube) the same as DHHL has been doing on the DHHL website from the beginning of COVID-19, with audio recordings as of March 24, 2020, and video recordings as of July 21, 2020.

Ke Akua Pu. God Bless You, and God Bless Us All