

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

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477, Webinar ID: 849 3303 5630 A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
April 14, 2022

ATTENDANCE:

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

BOT STAFF:

Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

GUEST:

Sherry Broder, External Counsel

ADMINISTRATION:

Sylvia Hussey, CEO
Casey Brown, COO
Ramona Hinck, CFO
Kurt Klein, Board Counsel
Everett Ohta, Interim General Counsel
Nietzsche Ozawa, Interim Senior Legal Counsel
Na'u Kamali'i, Chief Advocate
Kevin Chak-IT Support
Erin Nakama-IT Support

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, April 14, 2022, at 10:00 a.m. Board Secretary, please do 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	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE'E		excused
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream

Before we begin, let me note that items IV.A 1-3 and IV.B 1-5 were received under the 72 hour deadline. Let me go over some quick announcements, please mute your mics when you are not speaking. 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 my staff, Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. Also with us today is Kurt Klein, our Board Counsel, and Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our Administration staff who is joining us today.

Sylvia Hussey, CEO Good morning Trustees, we have our COO-Casey Brown, CFO-Ramona Hinck, Interim General Counsel-Everett Ohta, Interim Senior Legal Counsel-Nietzsche Ozawa, Chief Advocate-Na'u Kamali'i, as well as Sherry Broder and we are supported by Erin and Kevin in our IT department.

Public Testimony & Community Concerns and Celebration

Christopher Kam Thank you for giving me time to speak, I appreciate it. My name is Christopher Cassidy Kekaulike Kam. I was born in Honolulu, Hawai'i and graduated class of 1998, Waiākea High School on the Big Island. I moved immediately back to Honolulu after graduating. We had a hard lifestyle, violence, drugs, and crime. I moved here and became a City and County Ocean Safety Lifeguard in 2001. I was one of the few lifeguards to work the old lifeguard towers and trained under the tutelage of Clarence Moses from the Moses family. We implemented some of the safety measures that are in Hanauma Bay right now and I've

been in the community saving people since I was in the eighth grade. Until recently, I worked at Hawaiian Airlines. This is a major community concern of mine as a Hawaiian and someone who grew up on these islands, Hawaiian Airlines has gone out of their way to terminate many employees in the name of safety. The employees were the very first people to speak up about the atrocities going on. We were in danger from the very beginning of this pandemic, and we voiced our concerns to Hawaiian Airlines, and they ignored our concerns. When we asked to wear masks on the plane at the beginning of this virus, they denied our right to wear a mask. This is a human right violation. They were endangering not only our employees, but the passengers and the people of Hawai'i. These people were coming in infected, and we were letting Hawaiian Airlines know that there were a lot of infected people on our planes before anybody really knew. We knew in October, and we were voicing our concerns. In November, we asked to wear mask and we were denied, that is a work place violation. We were trained by Hawaiian Airlines to know where the safest spot is to place a bomb. If we locate a bomb, we know where to put it. Safety is everything to us. I have letters from the President regarding my safety, saving people on the plane, and letters called "orchid letters" for safety from them. They are terminating tons of employees. Some people are going to lose their mortgage; I am on the verge of homelessness because of what they are doing. We cannot collect unemployment, many of us because the way they went about terminating us. They are making it like we quit our job and there are tons of families being affected. I am here to request assistance from anything you can help us with. I request if you can help us with attorneys; many of us cannot get attorneys even with class action, it will cost money. I've been saving people on these islands since the eighth grade and Hawaiian Airlines has terminated me and tons of people who have been working there for fifty-two years, thirty-seven years, twenty-four years and tons of people who are still working there who want to speak up against what Hawaiian airlines has done to our people. If you guys really knew the facts, I promise on my father's grave that they are lying about a lot of things and many people want to speak about it. Everybody knows but it is not being announced on the news. I am asking if you folks can contact me. *Offers phone number and email.* Please contact me, I am reaching out for some help, not only for me, but for other flight attendants and other workers of Hawaiian Airlines who have been betrayed by this company. There are so many things that need to be said but haven't been said. Please reach out.

Trustee Lee Can he please repeat his contact information. As a former shop steward for the union for Hawaiian, I believe I can help him.

Christopher Kam repeats contact information.

New Business

Chair Hulu Lindsey Okay, moving on to new business, Committee on Resource Management. Trustee Alapa, would you please read your first action.

Trustee Alapa Chair, Your Committee on Resource Management, having met on April 12, 2022, and after full and free discussion, recommends approval of the following five (5) actions to the Board of Trustees:

Action 1

re: Kaka'ako Makai Site A, 1101 Ala Moana Blvd.

Approve and activate the Kaka'ako Makai Site A, 1101 Ala Moana Blvd, Business Plan, Non-Core Operating Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23) as detailed in Table 1. below:

Table 1. Kaka‘ako Makai Site A FY 2022 Budget

CATEGORY	FY 2022
Contracts	\$2,945,459
Debt Service	26,600
Program	27,941
Total	\$3,000,000

Trustee Akaka Seconds the motion.

Trustee Alapa Moves

Action 1

re: Kaka‘ako Makai Site A, 1101 Ala Moana Blvd.

Approve and activate the Kaka‘ako Makai Site A, 1101 Ala Moana Blvd, Business Plan, Non-Core Operating Budget for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23) as detailed in Table 1. below:

Table 1. Kaka‘ako Makai Site A FY 2022 Budget

CATEGORY	FY 2022
Contracts	\$2,945,459
Debt Service	26,600
Program	27,941
Total	\$3,000,000

Trustee Akaka Seconds the motion.

	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		X			
TRUSTEE BRENDON LEE				X		
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E						Excused

CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, one (1) No votes and zero (0) Abstention votes						

Trustee Alapa Action 2

re: Impacts of Nā Lama Kukui Refinancing

Approve the budgeted uses and related expenses, associated with the Board of Trustees' authorized refinancing of Nā Lama Kukui, for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23), as detailed in the tables below:

Table 2a: FY22 Refinancing Impacts

LOAN REFINANCING	FY 2022				
	APPROVED BUDGET	APPROVED REALIGNMENT #1	APPROVED REALIGNMENT #2	PROPOSED AI RM22-05	ADJUSTMENT
CORE BUDGET¹					
Debt Service	\$553,178	\$553,178	\$553,178	\$408,358	\$(144,820)
Program ²	-	-	-	1,717	1,717
Subtotal	\$553,178	\$553,178	\$553,178	\$410,075	\$(143,103)
KAKA'AKO MAKAI					
Debt Service	-	-	-	\$26,600	\$26,600
Program	-	-	-	27,941	27,941
Subtotal	-	-	-	\$54,541	\$54,541
NA LAMA KUKUI					
Contracts ³	\$900	\$900	\$900	\$110,000	\$109,100
Debt Service	2,550,979	2,550,979	2,550,979	2,013,821	(537,158)
Program	-	-	-	190,807	190,807
Subtotal	\$2,551,879	\$2,551,879	\$2,551,879	\$2,314,627	\$(237,252)
TOTAL	\$3,105,057	\$3,105,057	\$3,105,057	\$2,779,243	\$(325,814)

¹ Core budget's line of credit financing for OHA's governance planning initiative and other projects.

² Program expenses relating to loan refinancing, i.e., other charges, title and escrow fees.

³ Legal services relating to loan refinancing.

Table 2b: FY23 Refinancing Impacts

LOAN REFINANCING	FY 2023				
	APPROVED BUDGET	APPROVED REALIGNMENT #1	APPROVED REALIGNMENT #2	PROPOSED AI RM22-05	ADJUSTMENT
CORE BUDGET					
Debt Service	\$531,742	\$531,742	\$531,742	\$24,834	\$(506,908)
KAKA'AKO MAKAI					
Debt Service				83,838	83,838
NA LAMA KUKUI					
Debt Service	2,510,952	2,510,952	2,510,952	552,188	(1,958,764)
TOTAL	\$1,521,347	\$1,521,347	\$1,521,347	\$330,430	\$(1,190,917)

Trustee Akaka Seconds the motion.

Trustee Alapa Moves

Action 2

re: Impacts of Nā Lama Kukui Refinancing

Approve the budgeted uses and related expenses, associated with the Board of Trustees' authorized refinancing of Nā Lama Kukui, for the Fiscal Biennium Periods 2021-2022 (FY 22) and 2022-2023 (FY 23), as detailed in the tables below:

Table 2a: FY22 Refinancing Impacts

LOAN REFINANCING	FY 2022				
	APPROVED BUDGET	APPROVED REALIGNMENT #1	APPROVED REALIGNMENT #2	PROPOSED AI RM22-05	ADJUSTMENT
CORE BUDGET¹					
Debt Service	\$553,178	\$553,178	\$553,178	\$408,358	\$(144,820)
Program ²	-	-	-	1,717	1,717
Subtotal	\$553,178	\$553,178	\$553,178	\$410,075	\$(143,103)
KAKA'AKO MAKAI					
Debt Service	-	-	-	\$26,600	\$26,600
Program	-	-	-	27,941	27,941
Subtotal	-	-	-	\$54,541	\$54,541
NA LAMA KUKUI					
Contracts ³	\$900	\$900	\$900	\$110,000	\$109,100
Debt Service	2,550,979	2,550,979	2,550,979	2,013,821	(537,158)
Program	-	-	-	190,807	190,807
Subtotal	\$2,551,879	\$2,551,879	\$2,551,879	\$2,314,627	\$(237,252)
TOTAL	\$3,105,057	\$3,105,057	\$3,105,057	\$2,779,243	\$(325,814)

¹ Core budget's line of credit financing for OHA's governance planning initiative and other projects.

² Program expenses relating to loan refinancing, i.e., other charges, title and escrow fees.

³ Legal services relating to loan refinancing.

Table 2b: FY23 Refinancing Impacts

LOAN REFINANCING	FY 2023				
	APPROVED BUDGET	APPROVED REALIGNMENT #1	APPROVED REALIGNMENT #2	PROPOSED AI RM22-05	ADJUSTMENT
CORE BUDGET					
Debt Service	\$531,742	\$531,742	\$531,742	\$24,834	\$(506,908)
KAKA'AKO MAKAI					
Debt Service				83,838	83,838
NA LAMA KUKUI					
Debt Service	2,510,952	2,510,952	2,510,952	552,188	(1,958,764)
TOTAL	\$1,521,347	\$1,521,347	\$1,521,347	\$330,430	\$(1,190,917)

Trustee Akaka Seconds the motion.

	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		X			
TRUSTEE BRENDON LEE				X		
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						Excused
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, one (1) No votes and zero (0) Abstention votes						

Trustee Alapa Moves to

Action 3

Approve the addition of item 3.45.g. to section 3045 Budget Management of the Executive Policy Manual as follows (and at Attachment A in its entirety):

3.45.g. Multi-Year, Carryover. Multi-year budgets and/or carryover budget provisions (e.g., programs, projects), as a part of the budget evaluation activities described above, are to be presented to the Board for action including all projected impacts on related policies (e.g., spending, cash management) and other considerations (e.g., funding source).

Trustee Akaka Seconds the motion.

Trustee Alapa Moves <u>Action 3</u> Approve the addition of item 3.45.g. to section 3045 Budget Management of the Executive Policy Manual as follows (and at Attachment A in its entirety): 3.45.g. Multi-Year, Carryover. Multi-year budgets and/or carryover budget provisions (e.g., programs, projects), as a part of the budget evaluation activities described above, are to be presented to the Board for action including all projected impacts on related policies (e.g., spending, cash management) and other considerations (e.g., funding source). Trustee Akaka Seconds the motion.						
	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		X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						Excused
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passes with eight (8) Yes votes, zero (0) No votes and zero (0) Abstention votes						

Trustee Alapa Moves to

Action 4

re: Core Personnel Reclassification

Approve the reclassification of \$300,000, from 52150 Severance & Retirement Program (\$150,000) and 57015 COBRA Health Insurance (\$150,000) to 57110 Services on a Fee Basis (\$300,000) within the FY 2020-2021 (FY21) Reorganization budget, for 3rd party contracting, to address unfilled, authorized positions, and the related operational impacts, processes, and functions.

Trustee Akaka Seconds the motion.

Trustee Alapa Moves						
<u>Action 4</u>						
<u>re: Core Personnel Reclassification</u>						
Approve the reclassification of \$300,000, from 52150 Severance & Retirement Program (\$150,000) and 57015 COBRA Health Insurance (\$150,000) to 57110 Services on a Fee Basis (\$300,000) within the FY 2020-2021 (FY21) Reorganization budget, for 3rd party contracting, to address unfilled, authorized positions, and the related operational impacts, processes, and functions.						
Trustee Akaka Seconds the motion.						
	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		X			
TRUSTEE BRENDON LEE				X		
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						Excused
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, one (1) No votes and zero (0) Abstention votes						

Trustee Alapa Moves to

Action 5

re: Non-Core Budget Adjustments – Kaka‘ako Makai

Approve the following budgetary adjustments between expense categories for Kaka`ako Makai in Table 1 below:

Table 1: FY2022 Approved Budgets and RM #22-07 Budget Comparison

Category	Approved Budget	Approved Realignment #1	Approved Realignment #2	Proposed in Action Item RM #22-05	Proposed in Action Item RM #22-07	Adjustments
CONTRACTS	\$ 944,443	\$1,499,443	\$2,106,885	\$5,052,344	\$4,561,123	\$(491,221)
DEBT SERVICE	-	-	-	26,600	26,600	-
EQUIPMENT	243,060	628,060	628,060	628,060	1,175,879	547,819
OVERHEAD	445,285	391,927	391,927	391,927	633,838	241,911
PERSONNEL	102,819	102,819	102,819	102,819	102,819	-
PROGRAM	60,651	60,651	53,209	81,150	82,050	(53,209)
TRAVEL	-	-	-	-	-	-
Total	\$1,796,258	\$2,682,900	\$3,282,900	\$6,282,900	\$6,582,309	\$299,409

Trustee Akaka Seconds the motion.

Trustee Alapa Moves						
Action 5 re: Non-Core Budget Adjustments – Kaka‘ako Makai Approve the following budgetary adjustments between expense categories for Kaka‘ako Makai in Table 1 below:						
Table 1: FY2022 Approved Budgets and RM #22-07 Budget Comparison						
Category	Approved Budget	Approved Realignment #1	Approved Realignment #2	Proposed in Action Item RM #22-05	Proposed in Action Item RM #22-07	Adjustments
CONTRACTS	\$ 944,443	\$1,499,443	\$2,106,885	\$5,052,344	\$4,561,123	\$(491,221)
DEBT SERVICE	-	-	-	26,600	26,600	-
EQUIPMENT	243,060	628,060	628,060	628,060	1,175,879	547,819
OVERHEAD	445,285	391,927	391,927	391,927	633,838	241,911
PERSONNEL	102,819	102,819	102,819	102,819	102,819	-
PROGRAM	60,651	60,651	53,209	81,150	82,050	(53,209)
TRAVEL	-	-	-	-	-	-
Total	\$1,796,258	\$2,682,900	\$3,282,900	\$6,282,900	\$6,582,309	\$299,409
Trustee Akaka Seconds the motion.						
	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		X			
TRUSTEE BRENDON LEE				X		
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						Excused
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7	1		1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, one (1) No votes and zero (0) Abstention votes						

Chair Hulu Lindsey We are moving on to item B, I will call on Trustee Akaka.

B. Committee on Beneficiary Advocacy and Empowerment

3. 2022 OHA Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, April 12, 2022

Trustee Akaka Madame Chair, your Committee on Beneficiary Advocacy and Empowerment, having met on April 12, 2022 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

Motion 1:

Move to approve Administration's recommendations on BILL position changes (Items 54 - 55) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated April 12, 2022:

BILL POSITION CHANGES:

- **HB1459 from COMMENT to SUPPORT SD1**
- **HB2466 from SUPPORT to COMMENT**

Trustee Alapa Seconds the motion.

Trustee Akaka Moves

Motion 1:

Move to approve Administration's recommendations on BILL position changes (Items 54 - 55) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians-- dated April 12, 2022:

BILL POSITION CHANGES:						
<ul style="list-style-type: none"> · HB1459 from COMMENT to SUPPORT SD1 · HB2466 from SUPPORT to COMMENT 						
Trustee Alapa Seconds the motion.						
	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	X			
TRUSTEE BRENDON LEE					X	
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E						X
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, Zero (0) No votes and one (1) Abstention vote.						

Trustee Akaka Madame Chair,

Motion 2:

Move to approve Administration’s recommendations on: **NEW RESOLUTIONS** (Items 55 - 56) as listed on Matrix 5 – Resolution Positions and Monitored Resolutions Related to Measures Affecting Native Hawaiians – dated April 12, 2022 along with the following addition(s):

RESOLUTION ADDITIONS:

- **ADD HCR104** as **COMMENT**

Trustee Alapa Seconds the motion.

Trustee Akaka Moves						
<u>Motion 2:</u> Move to approve Administration's recommendations on: NEW RESOLUTIONS (Items 55 - 56) as listed on Matrix 5 – Resolution Positions and Monitored Resolutions Related to Measures Affecting Native Hawaiians – dated April 12, 2022 along with the following addition(s): RESOLUTION ADDITIONS: · ADD HCR104 as COMMENT						
Trustee Alapa Seconds the motion.						
	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	X			
TRUSTEE BRENDON LEE					X	
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						X
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			7		1	
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) Yes votes, Zero (0) No votes and one (1) Abstention vote.						

Chair Hulu Lindsey Moving on to item C., before I call on someone to read the action, I want to share that our attorneys collaborated, our Board Counsel and Everett, and tried to narrow down the PIG's responsibilities. If you have any questions, we welcome them. Otherwise, I will ask Trustee Akaka to read the motion.

C. Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to investigate and engage with federal agencies and international and indigenous entities, on Native Hawaiians' legal claims, land inventories, and financial accounting related to the Public Land Trust.

Trustee Lee Point of order Madame Chair, under new Business item B for the Committee on Beneficiary Advocacy and Empowerment, we have five items listed. We took only two actions.

Chair Hulu Lindsey There are no motions on the others.

Trustee Lee Okay, Thank you.

Chair Hulu Lindsey Trustee Akaka can you read the motion.

Trustee Akaka Madame Chair, to
Approve the formation of a Permitted Interaction Group (PIG) with the purview, members, term/duration detailed below:

Purview: The purview of the PIG is for the Board of Trustees ("BOT" or "Board"), BOT staff and OHA Administration staff to work together to investigate and engage with federal agencies and international and indigenous entities on Native Hawaiians' legal claims, land inventories, and financial accounting related to the Public Land Trust on behalf of the BOT; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal administrative complaint or process. The purview of the PIG does not include state or county legislation or engaging directly with state or county agencies.

Members: The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel) and contractors.

Term/Duration: The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.

Trustee Alapa Seconds the motion.

Chair Hulu Lindsey Is there any discussion?

Trustee Lee Can I get clarification on how engaging with federal, international, and other indigenous entities relates to the work of the Board of Trustees? In relation to the Public Land Trust (PLT) as the PLT is a State entity and the Hawai'i Supreme Court has ruled that the revenues that are due to the Office of Hawaiian Affairs by the PLT are a legislative matter. If this PIG's purpose is to look into the PLT and possibly legal claims as it relates to the revenues of the PLT, I don't see how not engaging with the high court is a legislative issue and not engaging with them but engaging with other entities that have no purview over the PLT. How is that relevant?

Chair Hulu Lindsey Well, that is what the word investigate is for Trustee.

Kurt Klein, Board Counsel Excuse me Chair, to the extent where the Board wants legal advice, we should be discussing this in executive session. I believe there is an agenda item appropriate for that.

Chair Hulu Lindsey Yes, we can do that.

Trustee Lee Madame Chair, I move that we recuse ourselves into executive session based on counsel from our Board Counsel.

Trustee Ahuna Seconds the motion.

The Board recuses into Executive Session at 10:28 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			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E						X
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with a eight (8) YES votes and Zero (0) EXCUSED vote.						

Board returns to open session at 12:02 p.m.

Chair Hulu Lindsey I will ask Trustee Akaka to read an amended motion to the motion she made.

Trustee Akaka Yes, Madame Chair,

Approve the formation of a Permitted Interaction Group (PIG) with the purview, members, term/duration detailed below:

Purview: The purview of the PIG is for the Board of Trustees (“BOT” or “Board”), BOT staff and OHA Administration staff to work together to investigate the potential involvement of federal agencies in enforcement of legal claims, land inventories, financial accountings, and indigenous consultations related to the federal trust responsibilities and the trust set forth in Section 5(f) of the Admission Act; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal

administrative complaint or process. The purview of the PIG does not include state or county legislation or engaging directly with state or county agencies.

Members: The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel), contractors, and international and indigenous entities, as determined necessary by the PIG.

Term/Duration: The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.

Trustee Alapa Seconds the motion.

Chair Hulu Lindsey Is there any discussion?

Trustee Ahu Isa Chair, when does it start?

Chair Hulu Lindsey Immediately.

Kurt Klein, Board Counsel Upon confirmation.

Trustee Akaka Moves						
Approve the formation of a Permitted Interaction Group (PIG) with the purview, members, term/duration detailed below:						
Purview: The purview of the PIG is for the Board of Trustees (“BOT” or “Board”), BOT staff and OHA Administration staff to work together to investigate the potential involvement of federal agencies in enforcement of legal claims, land inventories, financial accountings, and indigenous consultations related to the federal trust responsibilities and the trust set forth in Section 5(f) of the Admission Act; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal administrative complaint or process. The purview of the PIG does not include state or county legislation or engaging directly with state or county agencies.						
Members: The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel), contractors, and international and indigenous entities, as determined necessary by the PIG.						
Term/Duration: The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.						
Trustee Alapa Seconds the motion.						
	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	X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						X
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) Yes votes, Zero (0) No votes and zero (0) Abstention vote.						

Trustee Lee Chair, that was the vote on the amendment. We now have to vote on the main motion.

Chair Hulu Lindsey Yes, thank you. Let us now vote on the main motion.

Vote on the main motion.						
	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	X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E						X
CHAIRPERSON HULU LINDSEY			X			

TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) Yes votes, Zero (0) No votes and zero (0) Abstention vote.						

Announcements

Chair Hulu Lindsey Thank you, are there are announcements to be made?

Trustee Lee Sunshine Law requires that we notify the public that myself, Trustee Ahu Isa, Chair Lindsey, Trustee Akaka, Trustee Alapa, Trustee Akina, and Trustee Waihe'e all attended and participated in a blessing of Kaka'ako Makai site A, the Old Fisherman's Wharf. Board Secretary can you provide the date.

Board Secretary Yes, the date was Thursday, March 31st.

Trustee Lee Yes, correct, it was a Thursday. Thank you.

Chair Hulu Lindsey Thank you for remembering. Our next BOT meeting will be on Thursday, April 28 at 10 am.

Adjournment

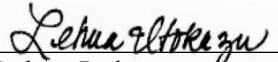
Trustee Akaka Moves to adjourn the meeting.

Trustee Alapa Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA			X			
LUANA	ALAPA		X				Leaves meeting at 12:10 pm
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E						X
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				7			

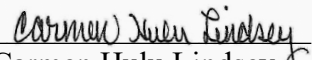
Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 12:11 p.m.

Respectfully submitted,



Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on April 28, 2022.



Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Action Item BOT#22-05: Approve the Formation of a Permitted Interaction Group (PIG) to investigate and engage with federal agencies and international and indigenous entities, on Native Hawaiians' legal claims, land inventories, and financial accounting related to the Public Land Trust



ACTION ITEM

BOARD OF TRUSTEES

April 14, 2022

BOT #22-05

Action Item Issue: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate and Engage with Federal Agencies and International and Indigenous Entities on Native Hawaiians' Legal Claims, Land Inventories, and Financial Accounting Related to the Public Land Trust

Prepared by:

A handwritten signature in black ink, appearing to be 'Sylvia M. Hussey'.

Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

Apr 9, 2022

Date

Reviewed by:

A handwritten signature in black ink, appearing to be 'Casey K. Brown'.

Casey K. Brown
Ka Pou Nui, Chief Operating Officer

Apr 9, 2022

Date

Reviewed by:

A handwritten signature in black ink, appearing to be 'Everett Ohta'.

Everett Ohta
Ka Paepae Puka Kūikawā, Interim General Counsel

Apr 10, 2022

Date

Reviewed by:

A handwritten signature in black ink, appearing to be 'Carmen Hulu Lindsey'.

Carmen Hulu Lindsey
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Apr 11, 2022

Date

Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate and Engage with Federal Agencies and International and Indigenous Entities on Native Hawaiians' Legal Claims, Land Inventories, and Financial Accounting Related to the Public Land Trust

I. Proposed Action

Approve the formation of a Permitted Interaction Group (PIG) with the purview, members, term/duration detailed below:

Purview. The purview of the PIG is for the Board of Trustees (“BOT” or “Board”), BOT staff and OHA Administration staff to work together to investigate and engage with federal agencies and international and indigenous entities on Native Hawaiians’ legal claims, land inventories, and financial accounting related to the Public Land Trust on behalf of the BOT; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal administrative complaint or process. The purview of the PIG does not include state or county legislation or engaging directly with state or county agencies.

Members. The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel) and contractors.

Term/Duration. The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.

II. Issue

Whether or not the Board of Trustees (“BOT”) will approve the formation of a Permitted Interaction Group, consistent with Hawai‘i Revised Statutes §92-2.5(b)(1), to investigate and engage with federal agencies and international and indigenous entities on Native Hawaiians’ legal claims, land inventories, and financial accounting related to the Public Land Trust on behalf of the BOT.

III. Background and Discussion

A. Applicable Law in Hawaii Revised Statutes, Permitted Interaction Groups

In accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND

RECORDS §92-2.5 Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board; provided that: (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.


Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate and Engage with Federal Agencies and International and Indigenous Entities on Native Hawaiians' Legal Claims, Land Inventories, and Financial Accounting Related to the Public Land Trust

B. Setting Context for the Public Land Trust

Admission Act Section 5(f)
Public Land Trust

The public land trust land together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by the State as a public trust for five purposes:

- (1) Public education
- (2) **The betterment of the conditions of native Hawaiians**
- (3) The development of farm and home ownership
- (4) Public improvements, and
- (5) For public use



IV. Funding Source

No dedicated funding is needed to authorize and form a PIG. Any resources needed to carry out PIG related activities will conform with existing budgetary (e.g., realignment), spending and procurement authorities, policies and procedures.

V. Recommended Action

Approve the formation of a Permitted Interaction Group (PIG) with the purview, members, term/duration detailed below:

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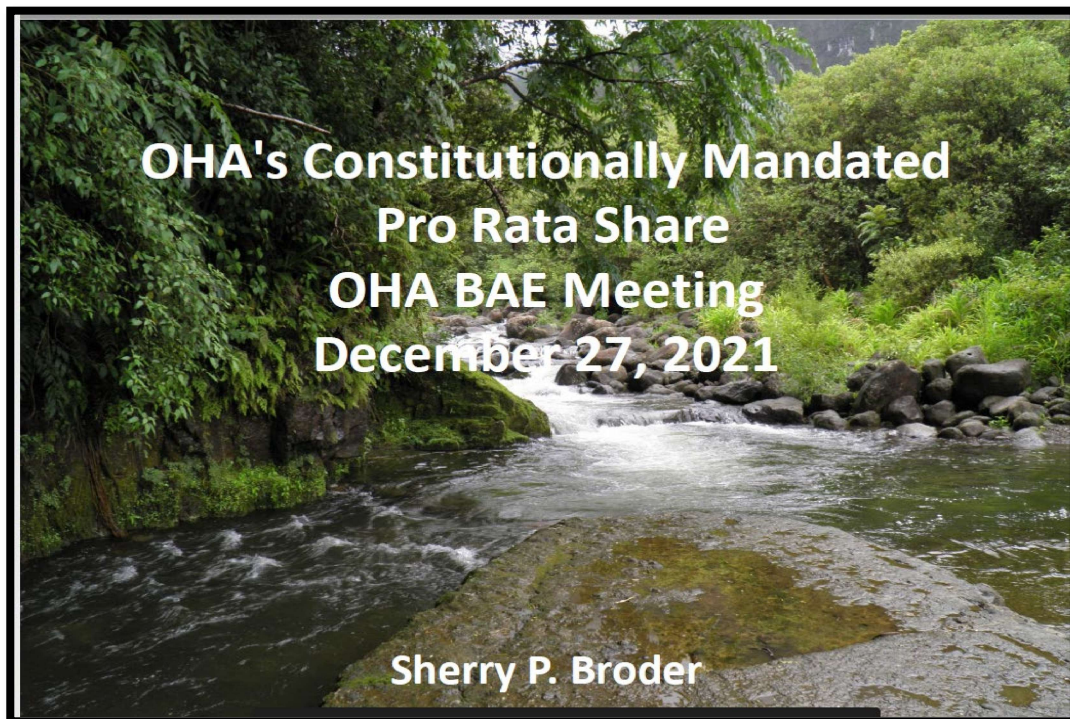
Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate and Engage with Federal Agencies and International and Indigenous Entities on Native Hawaiians' Legal Claims, Land Inventories, and Financial Accounting Related to the Public Land Trust

VI. References

A. 2022 OHA Public Land Trust Bill Presentation, December 27, 2021



B. OHA's Constitutionally Mandated Pro Rata Share OHA BAE Meeting, December 27, 2021



VII. Attachments - None