

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)
COMMITTEE ON RESOURCE MANAGEMENT
MINUTES**

June 30, 2021 10:00 a.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Luana Alapa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee Keola Lindsey

BOT STAFF:

Crayn Akina
Melissa Wennihan

ADMINISTRATION STAFF:

Sylvia Hussey, CEO / Ka Pouhana / Administrator
Casey Brown, COO / Ka Pou Nui
Erin Nakama, IT
Everett Ohta, Corporation Counsel
Kevin Chak, IT
Raina Gushiken, Corporation Counsel
Ramona Hinck, CFO

EXCUSED:

Trustee Leina'ala Ahu Isa

GUESTS:

Germaine Meyers

COUNSEL:

Anna Elento-Sneed, Esq.
Robert G. Klein, Esq.

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Resource Management meeting for Wednesday, June 30, 2021, to order at **10:00 a.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (10:00 a.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE CHAIR	LUANA	ALAPA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEOLA	LINDSEY	PRESENT	

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

EXCUSED from the RM Meeting are:

MEMBERS			COMMENT
TRUSTEE	LEINA'ALA	AHU ISA	MEMO – REQUESTING TO BE EXCUSED

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

Germaine Meyers: Mahalo. Aloha Chair Waihe'e, Vice-Chair Alapa, Trustees, Ka Pouhana, and Lāhui. My name is Germaine Meyers, and I am an OHA beneficiary for Beneficiary, Advocacy and Empowerment. I'm also a Nānākuli Hawaiian homestead lessee. At first, I was confused as to why OHA's Biennium Budget is still pending approval on the last day of fiscal year 20-21. I noticed the difference between attachment number one and attachment number two.

For the Lāhui, the beneficiaries that are watching this meeting, it comes down to the following:

- Attachment number one; reorganization, more monies in grants to reach the community, less money in personnel; less personnel.
- Attachment number two; more monies in personnel, keeping things as is, no additional monies in grants to reach the community.

Yet the strategic plan that was created and approved by all of you focuses on the needs of the community.

OHA's Strategic Plan; strength to wellbeing includes three foundations: 'Ohana (family), mo'omeheu (culture) and 'āina (land and water), OHA recognizes these foundations have the power to affect the wellbeing of Native Hawaiians. Therefore, they are woven into OHA's plans to affect change in the areas of education, health, housing, and economics. These four directions will be used to guide OHA's work to better the conditions of Native Hawaiians. Over the next 15 years, OHA will be implementing strategies, aligned with our foundations and directions to achieve our envisioned outcomes for a thriving and abundant lāhui.

Family, culture, land and water; I've heard testimonies in the past two weeks from beneficiaries concerned that OHA's Compliance Enforcement Team is imperative to assisting beneficiaries with ancestors, iwi kupuna, or 'ohana as well as land and water issues. These are the core strategic plan priorities that were shared to us.

At the same time, our strategic priorities have to affect change in the areas of education, health, housing and economics were a resonating theme during the 2018 and 2020 campaign. Now, and at the time, I agreed with all of your answers, and in particular, I share them with you now.

Civil Beat asked the same questions and in particular, they asked you this;

What would you do to change how OHA is run?

Candidate Brendon Lee stated bring civility back to the boardroom. With trustees fighting with one another, filing lawsuits against one another, the CEO is getting little and conflicting direction... the dysfunctional in-fighting will allow the Board to produce a new strategic plan for the CEO to implement for a better future for Native Hawaiians and all of Hawai'i.

Candidate Lei Ahu Isa stated Economic innovation, creative sponsorships, scholarships for keiki.

Candidate John Waihe'e stated *I think that OHA needs to be more disciplined with our discretionary spending... Certain noncompetitive awards need to be strictly managed or done away with.*

Candidate Keola Lindsey stated *Increase our presence in the community to regularly share what we are doing and receive input from our beneficiaries on what issues are most important to them, and how OHA can help. Island issues should be addressed on that island by the people from that place, who know the situation the best. Whether it be a federal, state or county issue, OHA must be in a position with resources in place to address it quickly and efficiently.*

Candidate Kalei Akaka responded *we must look to restructuring, having clear guidelines for what can and cannot be done. The Strategic Plan could focus on quality of life initiatives, such as health care, homeownership, sustainability, education for our children, economic opportunities, and those fundamental things that every family and every individual needs to succeed.*

Candidate Dan Ahuna stated *OHA must do better at prioritizing the needs of our community. If reelected, I will work to establish processes that allow for such community participation.*

Candidate Carmen Hulu Lindsey stated ...

Oh, I'm sorry; I noticed my time is up.

I basically want to resonate that the budget needs to be approved today and I have heard what you've all stated is important to you. I just continue to look to you - that the strategic plan will be most core and important to all of you. Mahalo ke akua. Thank you, Chair Waihe'e for this time.

III. APPROVAL OF MINUTES

None

IV. EXECUTIVE SESSION‡

- A. Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4)**

Chair Waihe'e: Members, we have scheduled an Executive Session before the business. If there's a desire for the committee to go into Executive Session to discuss those kinds of matters, pursuant to HRS§92-5(4) - and we do have a legal counsel available. *Is there a desire to do so?*

There is no response.

Chair Waihe'e: If not, we can move on to the first item under New Business.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

A. ACTION ITEM RM #21-08A: OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23)

Trustee Hulu Lindsey moves to approve the OHA Biennium Budget for the Fiscal Biennium Period 2021-2022 (FY22) and 2022-2023 (FY23) as outlined in Attachment #1 – Reorganization.

Trustee Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion.

Trustee Lee: Point of Order Chair Waihe'e; this matter was dispensed with on last week's meeting agenda. The committee may not bring something back just because it does not like the outcome of a previous vote.

Chair Waihe'e: No, this is a different action item.

Trustee Lee: No, it is not. Just by changing the number Chair, does not change the action. There is nothing different in the budget. This is what was brought forth to the committee last week, and it was voted upon and just because the committee does not like the outcome of that vote, it may not, I repeat, may not bring this item back just because it does not like the outcome of that vote.

That is a violation of our bylaws, because our bylaws strictly stipulate that we shall, not may, *shall* adhere to parliamentary law as laid out in Robert's Rules of Order. This does not constitute a proper order.

This matter was voted on in committee last week. This isn't even a continuation of that same session Mr. Chair. This meeting was not scheduled until after the adjournment of that meeting.

Chair Waihe'e: Okay, thank you for your input. It is different though.

Trustee Lee: Mr. Chair, I believe I made a point of order. *So, are you ruling against my point?*

Chair Waihe'e: I am ruling against your point.

Trustee Lee: Okay, then I respectfully **challenge the ruling of the Chair.**

Trustee Hulu Lindsey: Mr. Chair, I understand that this was not voted on in our last committee meeting.

Trustee Lee: *Explain to me, Mr. Chair, how this was not voted-on?*

We voted on our budget. The action item was 21-07A and it had attachment one and attachment two. Just because attachment one was not brought forward does not mean this matter was not voted upon.

Chair Waihe'e: This is Action Item 21-08 and it is a different action item.

Trustee Lee: Again, Mr. Chair, I caution...

Chair Waihe'e: That's my answer.

Trustee Lee: *Are you not going to let me finish my point Mr. Chair?*

Chair Waihe'e: I will.

Trustee Lee: I caution you, Mr. Chair, that you are delving into legal realms. You may not just change the number on an action item and declare it a new item.

By bringing forward this matter, again, that is going against and showing an ingenuous attempt to pass a budget just because the committee is not happy with the outcome of the last one.

So again, Mr. Chair, I understand that you ruled against my order.

I also made a **motion to challenge the ruling of the chair**.

So, I'm waiting for that challenge to be acknowledged.

Trustee Hulu Lindsey: May we hear from the RM Staff Secretary in determining that this item was not voted on last week. The amendments were voted on, but the ruling of the biennium budget was not voted on.

Trustee Lee: Point of clarification, Mr. Chair. The budget was voted on and it failed with a 4-to-5 vote and I see the secretary for the committee nodding her head in acknowledgment.

The budget was in fact voted upon and it failed in a 4-to-5 vote. It does not matter what attachment was voted upon and not voted upon. If it's the standing of this committee, that attachment two was voted upon and not attachment one.

Once again I point out to the Chair that is being disingenuous. So now you are giving this committee only one choice, which in laymen terms, Mr. Chair is rigging the game.

Once again Mr. Chair, I will remind you that I'm waiting for a vote to challenge the ruling of the Chair.

Chair Waihe'e: Okay. There is a challenge to the ruling of the chair. *Can we take a roll call vote?*

Trustee Hulu Lindsey: *What is the question?*

Chair Waihe'e: On whether the challenge should be upheld. So, if you vote 'yes', then you will uphold the challenge.

Trustee Hulu Lindsey: So, this is a challenge by Trustee Lee against the Chair of the RM committee.

Trustee Lee: *Why are we having discussion Mr. Chair?* This motion is not debatable.

Chair Waihe'e calls for a **ROLL CALL VOTE.**

CHALLENGE TO THE RULING OF THE RM CHAIR							10:15 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA					1 – KANALUA; 2 – KANALUA = ABSTAIN	
KALEIHIKINA	AKAKA				X		
KELI'I	AKINA				X		
VICE-CHAIR LUANA	ALAPA				X		
BRENDON KALEI'AINA	LEE	1			X		
CARMEN HULU	LINDSEY				X		
KEOLA	LINDSEY					1 – KANALUA; 2 – KANALUA = ABSTAIN	
CHAIR JOHN	WAIHE'E				X		
TOTAL VOTE COUNT				0	6	2	1

VOTE: [] UNANIMOUS [] PASSED [] DEFERRED [X] FAILED

Chair Waihe'e notes for the record that six members present vote A'OLE (NO), two members ABSTAIN and the **CHALLENGE FAILS.**

Trustee Lee: That is not correct, you just stated Mr. Chair. I will have the secretary read back "If you vote 'yes', you are voting with the Chair."

Chair Waihe'e: No, I said you're voting to uphold the challenge. That is not what I said. *Melissa, can you read it back?*

RM Secretary Melissa Wennihan: This is being recorded and I cannot listen back at this time, but that is what he said. He said: voting 'yes' you're voting to uphold the challenge.

Chair Waihe'e: Thank you. *Is there any other discussion on this motion?*

Trustee Akina: To clarify, I voted a'ole which means I voted against the challenge.

Chair Waihe'e: I know what you did. *Is there any other discussion on this on this motion?*

Chair Waihe'e calls for a **ROLL CALL VOTE.**

Trustee Akina: *Could you clarify what we are voting on now?*

Chair Waihe'e: On the motion to approve the action item.

Trustee Akina: Thank you.

Trustee Lee: Point of clarification. *Can we have the motion restated please Mr. Chair?*

RM Secretary Wennihan: Trustee Hulu Lindsey moved to approve OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23) as outlined in Attachment #1 – Reorganization - and that's where she stopped. So, it did not include language B as listed on the Action Item.

Trustee Hulu Lindsey: I consider that a separate action item.

Trustee Lee: In an abundance of caution Mr. Chair, I move that we go into Executive Session.

Trustee Lee moves to resolve into Executive Session pursuant to HRS§92-5(a)(4).

Trustee Keola Lindsey seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE.**

							10:19 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA				X		
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE	1		X			
CARMEN HULU	LINDSEY				X		
KEOLA	LINDSEY		2	X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6	2	0	1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

Chair Waihe'e notes for the record that six members present vote 'AE (YES) and two members present vote A'OLE (NO) and the **MOTION CARRIES.**

The committee resolved into Executive Session at 10:19 a.m. to discuss:

IV. EXECUTIVE SESSION†

- A. Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4).

The committee returned to Open Session at 12:08 p.m.

Chair Waihe'e notes for the record that the Committee went into Executive Session and had a productive discussion.

VI. NEW BUSINESS

- A. ACTION ITEM RM #21-08A: OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23)

CURRENT MOTION ON THE TABLE

Trustee Hulu Lindsey moved to approve the OHA Biennium Budget for the Fiscal Biennium Period 2021-2022 (FY22) and 2022-2023 (FY23) as outlined in Attachment #1 – Reorganization.

Trustee Akaka seconded the motion.

AMENDMENT

**Trustee Lee moves to amend the main motion; to add in and then all of Section B:
Approve the carryover of \$1,000,000 in unspent, uncommitted, unencumbered funds from FY 2021 for the purpose of addressing projected reorganization related costs; this action authorizes Administration to carryover, spend, commit, accrue and encumber \$1,000,000 from FY 2021 authorization to fund reorganization related costs (e.g., accrued vacation, health insurance premiums, separation pay, other) post FY 2021 in order to effect the organizational structure budgeted in Attachment #1, the OHA Biennium Budget for the Fiscal Biennium period 2021-2022 (FY 22) and 2022-2023 (FY 23);**

Subject to an implementation period to be completed no later than December 31, 2021.

Trustee Ahuna seconds the amendment.

Chair Waihe'e asks if there is any discussion.

Trustee Lee: I would like to speak in favor of this amendment. I think it speaks to a fair compromise of issues that some Trustees have with a reorg. I know that there's no description in there speaking about position descriptions, but I believe enough discussion has been had with that, that, at least for myself, I'm confident that Ka Pouhana will provide us with those - when it's appropriate, and they're completed. So that's the reason why I speak in favor of the amendment, as brought forward.

Thank you, Mr. Chair.

Chair Waihe'e: Thank you, Trustee Lee.

Trustee Keola Lindsey: I appreciate the important discussions this Board has engaged in on this topic. We know that our people need help out there. We need to take action today to move forward and work on those issues. I appreciate the discussion that has occurred and look forward to us taking action. Thank you, Mr. Chair.

Chair Waihe'e: Thank you, Trustee Lindsey.

Trustee Akina: I appreciate the extent to which Trustees have deliberated over the budget and the reorganization. It shows a real concern, a real care, a kuleana for the beneficiaries and for the stewardship of our organization. So, I'm proud to have worked with them on this. We have different perspectives on several issues, and we've talked about them rigorously; but that's to be expected.

I'm glad that we were able to come to a conclusion that allows us to move forward to see that the needs of our beneficiaries are met and that we will work together.

I also want to say that I'm very pleased that the efforts of our Administration - in particular, our CEO, in bringing together this budget and reorganization plan and giving it to us with great transparency, the opportunity for input, and satisfying the questions that we have.

I'm committed that the process will go forward and looking forward to seeing great results. Mahalo to the Administration and Sylvia.

Chair Waihe'e: Thank you, Trustee Akina.

Chair Waihe'e asks if there is any further discussion.

There is no further discussion.

Chair Waihe'e calls for a ROLL CALL VOTE.

AMENDMENT							MOTION: 12:11 p.m. VOTE: 12:15 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA		2	X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE	1		X			
CARMEN HULU	LINDSEY			X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	1

VOTE: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

MAIN MOTION, AS AMENDED

- A. Approve the OHA Biennium Budget for the Fiscal Biennium Period 2021-2022 (FY22) and 2022-2023 (FY23) as outlined in Attachment #1 – Reorganization; and
- B. Approve the carryover of \$1,000,000 in unspent, uncommitted, unencumbered funds from FY 2021 for the purpose of addressing projected reorganization related costs; this action authorizes Administration to carryover, spend, commit, accrue and encumber \$1,000,000 from FY 2021 authorization to fund reorganization related costs (e.g., accrued vacation, health insurance premiums, separation pay, other) post FY 2021 in order to effect the organizational structure budgeted in Attachment #1, the OHA Biennium Budget for the Fiscal Biennium period 2021-2022 (FY 22) and 2022-2023 (FY 23);

Subject to an implementation period to be completed no later than December 31, 2021.

Chair Waihe'e asks if there is any discussion.

Trustee Lee: *Mr. Chair; we're in discussion on the main motion?*

Chair Waihe'e: Yes, we are.

Trustee Lee: I understand that the Chair ruled against my objection, and that my subsequent appeal failed. I would like it for the record that I will yield my objection to the Chair. Thank you, Mr. Chair.

Chair Waihe'e: Thank you, Trustee Lee.

Chair Waihe'e asks if there is any further discussion.

There is no further discussion.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

MAIN MOTION, AS AMENDED						MOTION: 10:10 a.m. VOTE: 12:17 p.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA						EXCUSED
DAN			X			
KALEIHIKINA		2	X			
KELI'I			X			
VICE-CHAIR LUANA			X			
BRENDON KALEI'ĀINA			X			
CARMEN HULU	1		X			
KEOLA			X			
CHAIR JOHN			X			
TOTAL VOTE COUNT			8	0	0	1

VOTE: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MAIN MOTION, AS AMEDED CARRIES**.

VI. NEW BUSINESS

B. ACTION ITEM RM #21-08B: OHA Biennium Budget for the Fiscal Biennium Periods 2021-2022 (FY22) and 2022-2023 (FY23), Fiscal Stabilization Policy

Chair Waihe'e turns it over to members.

Trustee Hulu Lindsey moves to authorize the carryover of the projected balance of \$321,000, as of June 30, 2021, of the previously authorized FY2021 Fiscal Stabilization Fund amount of \$500,000 (established by the Fiscal Stabilization Policy), to address continuing operational changes needed, due to the impacts of COVID-19.

Trustee Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

							MOTION: 12:19 p.m. VOTE: 12:20 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		2	X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	1

VOTE: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES**.

VII. ANNOUNCEMENTS

Trustee Lee: I don't know if this is really an announcement or not, but can we make a request of Trustee Hulu Lindsey of when she's going to call to order the BOT Meeting which we're already late for - *if she could give us 10 minutes?*

It's now 12:20 p.m. and if she could 'call to order' at 12:30 p.m. - instead of right away?

We've been in here for a while - so we can all take care of whatever we need and then we all know exactly what time to be back.

Trustee Hulu Lindsey: I can do that. Thank you, Trustee Lee, 12:30 p.m.

Trustee Lee: Thank you.

VIII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the RM meeting.

Trustee Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.


Chair Waihe'e calls for a **ROLL CALL VOTE**.

							12:20 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		2	X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8	0	0	1

VOTE: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Waihe'e adjourns the RM meeting at 12:20 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Resource Management

As approved by the Committee on Resource Management (RM) on July 22, 2021.



Trustee John Waihe'e, IV
Chair
Committee on Resource Management