

PHONE (808) 594-1888
BOARD OF TRUSTEES
Colette Y. Machado, *Chairperson*
Brendon Kalei'āina Lee, *Vice Chairperson*
Leina'ala Ahu Isa, *At-Large*
Dan Ahuna, *Kaua'i & Ni'ihau*
Kalei Akaka, *O'ahu*
Keli'i Akina, *At-Large*
Carmen Hulu Lindsey, *Maui*
Robert K. Lindsey, Jr., *Hawai'i Island*
John Waihe'e IV, *At-Large*



FAX (808) 594-1868

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, May 2, 2019
TIME: 10:00 am
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. March 7, 2019[†]
 - B. March 21, 2019[†]
 - C. March 28, 2019[†]
- III. Public Testimony*
- IV. Unfinished Business
 - A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
 - A. Committee on Beneficiary Advocacy and Empowerment
 1. 2019 OHA Legislative Positioning – Matrix 2^{**†}, May 1, 2019
 - B. Committee on Resource Management
 1. Action Item RM #19-03: Approval of BOT executive policy amendments relating to a Trustee Protocol Allowance to cover expenses incurred in the course of a trustee's duties and responsibilities, 2nd Reading.
 2. Action Item RM #19-05: Approval of FY19 Commercial Property Budget Realignment #1[†]
 3. Action Item RM #19-06: Approval of \$35,000 for Emergency Disaster Relief for Kaua'ula Maui[†]
 - C. Joint Committees on Beneficiary Advocacy and Empowerment and Resource Management
 1. Action Item BAE/RM #19-03: Consideration of a Process for the Selection of a Successor Chief Executive Officer
 - D. Consultation with Kumabe HR LLC to assist the Board in conducting its performance appraisal of OHA's CEO pursuant to Section III of Contract 3147 (if necessary, the Board will recuse into Executive Session to consult with Board Counsel Robert G. Klein, Esq., *Pursuant to HRS §92-5(a)(2) and (4)*).
- VI. Executive Session[†]
 - A. Consultation with attorneys William Yuen, Esq., Judy Tanaka, Esq., and Robert G. Klein, Esq., re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding OHA's role as a member of Hi'ilei Aloha LLC and Ho'okele Pono LLC. *Pursuant to HRS §92-5(a)(4)*.



**STATE OF HAWAII'
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- B. Consultation with Board Counsel, Robert G. Klein, Esq. regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Action Item RM #19-04 for reimbursement of limited liability corporation legal fees. *Pursuant to HRS §92-5(a)(4).* †
- C. Consultation with Board Counsel Robert G. Klein, Esq. re.: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect OHA Contract #3147. *Pursuant to HRS §92-5(a)(4).*
- D. Consultation with Board Counsel Robert G. Klein, Esq. and Kumabe HR LLC re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding the Board's obligations and responsibilities to conduct its performance appraisal of OHA's CEO in accordance with Section III of Contract 3147. *Pursuant to HRS §92-5(a)(2) and (4).*
- E. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, and liabilities concerning processing a complaint alleging violations of the Trustee Code of Conduct policy. *Pursuant to HRS §92-5(a)(2) and (4).*
- F. Approval of Minutes
 - 1. March 28, 2019

VII. Community Concerns *

VIII. Announcements

IX. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email at: rainag@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

**Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 5/1/19. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

* Notice: This portion of the meeting will be closed pursuant to HRS §92-5.

Colette Y. Machado

Trustee Colette Y. Machado
Chairperson, Board of Trustees

4/26/2019

Date