

PHONE (808) 594-1888
BOARD OF TRUSTEES
Colette Y. Machado, *Chairperson*
Brendon Kalei'aina 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 30, 2019
TIME: 9:30 am
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Public Testimony*
- III. Unfinished Business
 - A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- IV. New Business
 - A. Native Hawaiian Legal Corporation: Introduction of its Board members and presentation of its current programs and projects
- V. Executive Session†
 - A. 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),(4).*
 - B. Consultation with Board Counsel Robert G. Klein re: questions and issues affecting OHA's duties, liabilities, privileges, and immunities in transitioning to an interim CEO after the expiration of Contract Number 3147. *Pursuant to HRS §92-5 (a)(2),(4).*
 - C. Consultation with OHA attorneys William Yuen, Esq., Judy Tanaka, Esq., and Board Counsel 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 and Action Item RM #19-08: Approval of Resolutions of the Board of Trustees Office of Hawaiian Affairs, Reorganization Documents, and LLC Manager Position Description relating to Hi'ilei Aloha LLC and Ho'okele Pono LLC. *Pursuant to HRS §92-5(a)(4).*
 - D. Consultation with Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the board's duties, liabilities, privileges, and immunities regarding Action Item BAE-RM #19-05: to approve the Scope of Work and Qualifications and Requirements defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Joint BAE-RM Committees for the recruitment and selection of a Chief Executive Officer. *Pursuant to HRS §92-5(a)(2),(4).*
 - E. Consultation with OHA attorney Everett Ohta, Esq. and Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding H. B. 172 HD1 SD2 CD1 (2019), relating to the budget of the Office of Hawaiian Affairs. *Pursuant to HRS §92-5(a)(4).*
 - F. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, and liabilities concerning processing complaints alleging violations of the Trustee Code of Conduct policy. *Pursuant to HRS §92-5(a)(2),(4).*
- IV. New Business - Continued
 - B. Committee on Resource Management



**STATE OF HAWAII'
OFFICE OF HAWAIIAN AFFAIRS**

1. Action Item RM #19-07: Action regarding Economic Development, Debt Management, Spending and Investment and Real Estate Policies, 1st Reading[†]
2. Action Item RM #19-08: Approval of Resolutions of the Board of Trustees Office of Hawaiian Affairs, Reorganization Documents, and LLC Manager Position Description relating to Hi'ilei Aloha LLC and Ho'okele Pono LLC. [†]
- C. Joint Committees on Beneficiary Advocacy and Empowerment and Resource Management
 1. Administration's presentation and recommendation to the JOINT BAE/RM Committee to review and approve action item BAE/RM #19-04; related to Community Grant recommendations. [†]
 2. Action Item BAE/RM #19-05: To approve the Scope of Work and Qualification Requirements as defined in the proposed RFQ in selecting a professional executive search and consulting firm to assist the Joint BAE-RM Committees for the recruitment and selection of a Chief Executive Officer. [†]
 3. Action Item BAE/RM #19-06: To approve and authorize the disbursement of \$40,500 from the fiscal year 2020 Core operating budget (Object code 56530) and \$40,500 from the Fiscal Year 2021 Core Operating Budget (Object Code 56530) to fund Ahupua'a O Moloka'i. [†]
- D. Deliberation and decision making on the Report by the Permitted Interaction Group on the Development of L-Lahui policies of its findings and recommendations. *Pursuant to HRS §92-2.5(b)(1)(C)*
- E. Action Item BOT #19-06: Approve the L-Lahui Level Policies[†]
- F. Action Item BOT #19-07: Approve the formation of a Permitted Interaction Group to investigate the Board of Trustees By-Laws. [†]
- G. Action Item BOT #19-08: Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Policies PIG, Board of Trustees By-Laws PIG, T-Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents. [†]
- VI. Community Concerns*
- VII. Announcements
- VIII. 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: 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

5/23/19

Date