

## **MINUTES**

### **BOARD OF REGENTS COMMITTEE ON PLANNING AND FACILITIES MEETING**

**JUNE 3, 2021**

**Note:** On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern, subsequently declaring it a pandemic on March 11, 2020. On March 16, 2020, Governor David Y. Ige issued a supplementary proclamation that temporarily suspended Chapter 92, Hawai'i Revised Statutes, relating to public meetings and records, "to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public."

#### **I. CALL TO ORDER**

Chair Michelle Tagorda called the meeting to order at 11:49 a.m. on Thursday, June 3, 2021. The meeting was conducted virtually with regents participating from various locations.

Committee members in attendance: Chair Michelle Tagorda; Regent Kelli Acopan; Regent Alapaki Nahale-a; and Regent Jan Sullivan.

Committee members excused: Vice-Chair Wayne Higaki; Regent Simeon Acoba.

Others in attendance: Board Chair Benjamin Kudo; Regent Eugene Bal; Regent Randy Moore (ex officio committee members); President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; UH-Mānoa (UHM) Provost Michael Bruno; UH-Hilo Chancellor Bonnie Irwin; UH-West O'ahu Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

#### **II. APPROVAL OF MINUTES**

Regent Sullivan moved to approve the minutes of the May 6, 2021, meeting, seconded by Regent Acopan, and noting the excused absences of Vice-Chair Higaki and Regent Acoba, the motion carried with all members present voting in the affirmative.

#### **III. PUBLIC COMMENT PERIOD**

Board Secretary Oishi announced that the Board Office did not receive any written testimony, and that no individuals signed up to provide oral testimony.

#### IV. AGENDA ITEMS

**A. Recommend Board Approval of Lease Between the University of Hawai'i and Las Cumbres Observatory Global Telescope Network, Inc. (LCO) to Allow the Continued Use of Existing Observatory Facilities for Education and Research at Waiakoa, Papa`anui, Makawao (Honua`lua), Maui, Hawai'i, covering approximately 0.5 Acres at the Haleakalā High Altitude Observatory Site (HHAOS)**

VP Young stated that the administration was seeking board approval of a long-term lease agreement between the university and LCO for the continued use of existing observatory facilities located on approximately 0.5 acres of land at HHAOS. He provided the historical background and parameters of the initial lease agreement, as well as operating and site development agreements, that the university entered into with Faulkes Telescope Corporation (Faulkes) in 2002. In 2005, LCO acquired the controlling interest in Faulkes and the board subsequently approved the transfer of the agreements to LCO. Although the initial lease expired in 2011, the parties have continued to honor the terms of the original agreements. If the lease agreement is approved by the board, the term of this lease will be retroactive to 2011 and expire in 2031.

The proposed lease-agreement combines the terms of the original agreements entered into with Faulkes and updates standard terms and conditions to contemporary university standards. Approval of the lease agreement will allow LCO to manage, operate, maintain, and repair existing telescopes, enclosures, and all handling and operating equipment currently installed within the lease area, including the fully robotic 2-meter class telescope, known as the Faulkes Telescope North (FTN) and two 0.4-meter telescopes located within FTN, at no cost to the university. Although LCO will not be charged lease-rent, provisions contained within the lease provide for the university to receive telescope viewing time; LCO's funding of astronomical research and educational outreach with the university and the Institute for Astronomy (IfA) at UHM; university representation on the telescope board that approves projects for telescope time; mutually-supported educational and research activities and collaborations; and the continued management and control of the overall site by the university through the Director of IfA. In addition, LCO will be responsible for compliance with all requirements contained within the site management plan and long-range development plan for the HHAOS; any permits or approvals necessary for construction or improvements; and indemnity obligations.

Michael Maberry, Assistant Director for External Relations for IfA, gave a presentation on the environmental conditions that make HHAOS an ideal location for astronomy and associated astronomical research. He also provided an overview of the establishment of HHAOS; reviewed the layout of the HHAOS and site plans; noted actions taken to protect and care for cultural sites in a manner that respects the cultural and religious practices of Native Hawaiians and accommodates access; shared the personal history of the FTN's namesake; explained the concepts and reasoning for the establishment of the FTN at HHAOS; and presented the background and rationale behind LCO's acquisition of FTN and its inclusion in a worldwide telescope network that

provided continuous, 24-hour per day viewing of the night sky. The university has been successful in using LCO and the LCO network to further astronomical research and education through programs such as HI Starr, Akamai Workforce Initiative, and Maunakea Scholars, and several of the successful endeavors associated with these programs were highlighted.

Citing cultural and other concerns raised by individuals opposed to the use of Hawai'i's mountains for the placement of observatories, Regent Nahale-a asked if this is taken into consideration when observatory leases are requested and whether thought has been given to addressing these issues and concerns through lease provisions. Mr. Maberry replied that, with respect to the use of HHAOS, the university has endeavored to communicate with various stakeholders interested in the protection and preservation of Haleakalā and has consulted regularly over the years with several kahu and other cultural practitioners. The construction of the Daniel K. Inouye Solar Telescope (DKIST) faced a number of cultural challenges and resulted in the formation of a DKIST Native Hawaiian working group that conducted extensive discussions and facilitated dialogue between the various stakeholders. A number of actions have also been taken by the university to provide access to, and accommodate, cultural practitioners in a manner that respects the cultural and religious practices of Native Hawaiians. While the university continues to remain cognizant of this issue, the loss of Native Hawaiian elders has increased the difficulties in addressing this matter.

Regent Nahale-a acknowledged the efforts of the university regarding Haleakalā stating that this is a complex and difficult topic to address and highlighted that this lease situation differs from other observatory lease requests in that it pertains to facilities already in existence on Haleakalā. It was his belief that, if this were a request to initiate a new project on Haleakalā that ventured into areas of the mountain that have not been previously utilized for astronomy, further conversation of this issue would be warranted.

President Lassner announced that Mr. Maberry will be retiring at the end of June and recognized and underscored with deepest appreciation his service to the university as the Assistant Director of IfA, as well as his efforts in leading the Maui High Performance Computing Center. He stated that Mr. Maberry has established a strong legacy for the university on Maui and will be sorely missed.

Regent Sullivan moved to recommend board approval of the lease agreement between the university and LCO, seconded by Regent Nahale-a, and noting the excused absences of Vice-Chair Higaki and Regent Acoba, the motion carried with all members present voting in the affirmative.

**B. Recommend Board Approval of Extension of Lease Between the University of Hawai'i and the U.S. General Services Administration dba National Oceanic and Atmospheric Administration Agency (National Weather Service) for Office Space on the UHM Campus**

VP Young explained that the administration was requesting board approval for a three-year extension of an existing lease between the university and the National Weather Service (NWS) for the use of approximately 10,427 square feet of space within

and adjacent to the Hawai'i Institute of Geophysics (HIG) building on the UHM campus that consists of office space, generator pad space, and a pad area for a rooftop antenna. He noted that the terms of the lease will allow NWS to continue to use the noted space at HIG until March 2024. The lease terms also include a mutual option term which, if exercised, would further extend the lease term for three additional years; the establishment of lease rent amounts of approximately \$267,763.70 per year, or about \$22,313.64 per month; and authorization for NWS to make specific capital improvements to existing facilities at no cost to the university.

Dr. Brian Taylor, Dean of the School of Ocean and Earth Science and Technology (SOEST), provided historical background regarding the existing lease agreement with NWS, stating that the initial agreement was entered into on February 1, 1994, and included a memorandum of understanding through which NWS agreed to help fund the university's Joint Institute for Marine and Atmospheric Research (JIMAR) for the term of the lease. He also spoke about the programmatic benefits of the university's partnership with NWS established via the lease agreement which co-locates the offices of NWS on the UHM campus and provides the opportunity for collaboration between NWS and UHM's Atmospheric Sciences Department (ASD), Oceanography Department (OD), and the Earth Sciences Department (ESD), through JIMAR. Recent announcements regarding awards and accolades received by SOEST, including the receipt of up to \$210 million in awarded research funding over the course of five years to carry on the work of JIMAR through a new Cooperative Institute for Marine and Atmospheric Research and the selection of ASD, OD, and ESD as the 15<sup>th</sup>, 16<sup>th</sup>, and 51<sup>st</sup> best programs in the Shanghai rankings of academic programs worldwide, respectively, were also reported on. Through JIMAR and the lease with NWS, the university has been able to provide funding to support the work of these departments, as well as educational and research opportunities for students. The impacts and benefits the new lease agreement will have on both SOEST programs and the NWS were also presented and discussed.

Provost Bruno added that this collaborative partnership between the university and NWS is unique and is something that should be preserved by the approval of a lease extension.

Regent Sullivan moved to recommend board approval of the extension of a lease agreement between the university and NWS, seconded by Regent Acopan, and noting the excused absences of Vice-Chair Higaki and Regent Acoba, the motion carried with all members present voting in the affirmative.

### **C. Committee Annual Review**

Chair Tagorda referenced the committee annual review matrix provided in the materials packet stating that it sets forth the actions carried out by the committee throughout the year and asked for comments from committee members. Hearing none, Chair Tagorda stated that it was a very productive year for the committee and thanked the committee members, administration, Board Office staff, and university staff for all of their efforts that allowed the committee to complete the tasks set-forth in the committee work plan.

President Lassner offered his thanks to Regent Tagorda for her service and commitment to the university and outstanding work as a member of the board. He praised her for her consummate student advocacy; calm and gracious demeanor; youthful outlook on issues; ever-present positive attitude; dedication to public health issues; and thoughtful contemplation on, and knowledge of, issues that were brought before the board. It was noted that her presence on the board will be missed.

Chair Tagorda thanked President Lassner for his kind words, thanked board leadership and the Regents for their support over the years, reflected on her time on the board, and announced that she will begin pursuing a doctoral degree in the fall.

**V. ADJOURNMENT**

There being no further business, Regent Sullivan moved to adjourn, seconded by Regent Acopan, and noting the excused absences of Vice-Chair Higaki and Regent Acoba, and with all members present voting in the affirmative, the meeting was adjourned at 12:39 p.m.

Respectfully Submitted,

/S/

Kendra Oishi  
Executive Administrator and Secretary  
of the Board of Regents