I. CALL TO ORDER

Chair Allan Landon called the meeting to order at 4:05 pm, on Wednesday, May 20, 2009, at the University of Hawai‘i Mānoa, Bachman 113, 2444 Dole St, Honolulu, HI 96822.

Quorum (13): Chair Allan Landon; Vice Chair Howard Karr; Artemio Baxa; Carl A. Carlson, Jr; Ramon de la Peña, Ph.D.; Mark Fukunaga; Chuck Gee; James J.C. Haynes, II; Dennis Hirota, Ph.D.; Eric Martinson; Teena Rasmussen; and Harvey Tajiri.

Excused (2): Grant Teichman and Ronald K. Migita.

Others in attendance: President David McClain, Ph.D.; Vice President for Academic Planning & Policy Linda Johnsrud, Ph.D.; Vice President for Budget & Finance/Chief Financial Officer Howard Todo; Vice President for Community Colleges John Morton, Ph.D.; Vice President for Legal Affairs Darolyn Lendio, Esq.; Interim Executive Administrator and Secretary of the Board Presley Pang, Esq.; and others as noted.

Chair Landon welcomed the public and members of the Presidential Search and Selection Advisory Committee. He noted that this is a specially called meeting with two items for discussion, both of which would take place in executive session: (1) the presidential search process; and (2) collective bargaining negotiations.

II. PUBLIC COMMENT PERIOD

A. Regarding Collective Bargaining

J.N Musto, Executive Director, University of Hawai‘i Professional Assembly (“UHPA”) distributed his written testimony regarding collective bargaining negotiations between UHPA and the State. (A copy of the written testimony is on file with the Board Office.) Dr. Musto stated that the existing 2003-2009 agreement between UHPA and the Board of Regents will expire on June 30, 2009. This agreement, however, was preceded by an interim agreement lasting 2003-2005 which continued the terms of the prior agreement, pending completion of the negotiations. Once those negotiations concluded, a replacement contract, retroactively effective to 2003, superseded the interim contract.
Dr. Musto urged the Board of Regents to support a similar document if the current 2003-2009 agreement expires without a successor agreement in place. He emphasized that while the Board of Regents must share authority over certain financial terms of the contract with the Governor, “[I]n the absence of the Governor’s vote, the Board of Regents on its own authority could direct the UH President to administer and manage faculty employment matters as if those provisions had been formally ratified.” (Page 6, written testimony.) Dr. Musto also emphasized that the magnitude of the economic impacts of the current negotiations are significant. He asked that the Board of Regents assert the University’s authority and autonomy, and not allow the executive branch to “usurp [the Regents’] statutory and constitutional prerogatives.”

B. Regarding Presidential Search and Selection

Chair Landon distributed a letter dated May 19, 2009, which he received from six Hawai‘i State senators. (A copy of the letter is on file with the Board Office.) In pertinent part, the senators “strongly urged [the Board of Regents] to extend the time for the selection of a new President and to include a native son or daughter of Hawai‘i on the list of possible candidates.”

There being no other oral or written testimony, the public comment period ended.

Executive Session

At 4:20 p.m., upon motion by Regent Carlson and second by Regent Haynes, the Board unanimously approved moving to an executive session pursuant to HRS §92-5(a)(2) and (3) to discuss the evaluation and appointment of specific presidential candidates and to consider the authority of persons designated by the Board to conduct labor negotiations and the conduct of such negotiations.

[During executive session, Regents Martinson and Haynes left for other commitments. A quorum of 11 regents remained to conduct business.]

Public Session

At 9:00 p.m. the Board returned to public session.

Chair Landon confirmed that Regents Baxa, Carlson, Fukunaga, and Haynes, would serve on the task group to recommend candidates or slates of candidates for the offices of Board Chair and Vice Chair.

Chair Landon also announced that incoming Regent John Holzman would represent the Regents on the UCERA Board, replacing Regent Martinson who will shift to the Mauna Kea Management Board.
Possible Regents to serve on the Audit Committee were also discussed.

There being no further business, upon unanimous consent, the meeting adjourned at 9:15 pm.

Respectfully Submitted,

[Signature]

Presley W. Pang, Esq.
Interim Executive Administrator
and Secretary of the Board