

PHONE (808) 594-1888



FAX (808) 594-1865

Committee on Beneficiary Advocacy and Empowerment
Trustee John D. Waihe'e, IV, *Chair*
Trustee Rowena Akana, *Vice-Chair*
Members
Trustee Peter Apo, O'ahu
Trustee S. Haunani Apoliona, At-Large
Trustee Donald B. Cataluna, Kaua'i / Ni'ihau
Trustee Carmen Hulu Lindsey, Maui
Trustee Robert K. Lindsey, Jr., Hawai'i
Trustee Colette Y. Machado, Moloka'i / Lāna'i
Trustee Oswald K. Stender, At-Large

Committee on Asset and Resource Management
Trustee Oswald K. Stender, *Chair*
Trustee Robert K. Lindsey, Jr., *Vice-Chair*
Members
Trustee Rowena Akana, At-Large
Trustee Peter Apo, O'ahu
Trustee S. Haunani Apoliona, At-Large
Trustee Donald B. Cataluna, Kaua'i / Ni'ihau
Trustee Carmen Hulu Lindsey, Maui
Trustee Colette Y. Machado, Moloka'i / Lāna'i
Trustee John D. Waihe'e, IV, At-Large

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

JOINT MEETING OF THE
COMMITTEE ON ASSET AND RESOURCE MANAGEMENT and
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, April 4, 2012
TIME: 1:00 p.m.
PLACE: OHA Boardroom, 5th Floor

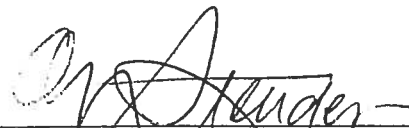
AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. JOINT ARM/BAE Meeting - December 21, 2011
- III. Community Concerns*
- IV. Unfinished Business
- V. New Business
 - A. JOINT ARM/BAE 12-01 Funding for Proposed Aha Moku Advisory Committee
- VI. Executive Session**
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide testimony are requested to submit 10 copies of their testimony to the OHA Chief Executive Officer at 711 Kapi'olani Boulevard, Suite 500, Honolulu, HI 96813 or fax to 594-1865, 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.

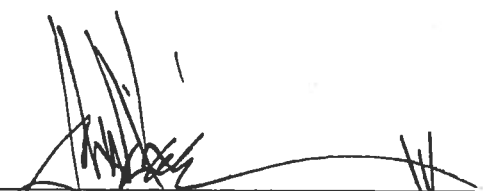
**Notice: This portion of the meeting will be closed pursuant to HRS § 92-4 and § 92-5. For further information, please call 594-1954.

12 MAR 29 AM 12:28
LIEUTENANT GOVERNOR
OFFICE


Trustee Oswald K. Stender, Chair
Committee on Asset and Resource Management

3/29/12

Date


Trustee John D. Waihe'e, IV, Chair
Committee on Beneficiary Advocacy and Empowerment

Date

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500

JOINT MEETING of the COMMITTEE ON
ASSET AND RESOURCE MANAGEMENT and the COMMITTEE ON
BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

April 4, 2012 1:00 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Rowena Akana
Trustee Peter Apo
Trustee Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Robert Lindsey
Trustee Colette Machado
Trustee Oswald Stender

EXCUSED:

Trustee Donald Cataluna

BOT STAFF:

Capsun Poe
Crayn Akina
Kama Hopkins
Lei Ann Durant
Liana Pang
Makana Chai
Melissa Wennihan
Nathan Takeuchi
Shelsea Apana

ADMINISTRATION STAFF:

Breann Nu'uhiwa, PUBL
Dirk Soma, OUTR
Ernest Kimoto, CC
Hawley Alamodin, CFO
Jeffrey Kent, PUBL
Jerry Norris, COMP
Jim McMahon, ADV
Kai Markell, COMP
Kaiwinui Yoon, HLID
Kamaile Maldonado, PUBL
Keala Nichols, PUBL
Sterling Wong, PUBL

GUESTS:

Mahealani Cypher
Leimana Damate
Rocky Kaluhiwa

I. CALL TO ORDER

Chair Waihe'e calls the Joint meeting of the Committee on Asset and Resource Management and the Committee on Beneficiary Advocacy and Empowerment for Wednesday, April 4, 2012 to order at **1:00 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:00 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE-CHAIR	ROWENA	AKANA	PRESENT	
TRUSTEE	PETER	APO	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	OSWALD	STENDER	PRESENT	

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

EXCUSED from the BAE meeting are:

MEMBERS			COMMENT
TRUSTEE	DONALD	CATALUNA	MEMO - REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. JOINT ARM/BAE Meeting - December 21, 2011

Trustee Rowena Akana moves to approve the JOINT ARM/BAE meeting minutes of December 21, 2011.

Trustee Machado seconds the motion.

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

Chair Waihe`e asks if anyone votes NO or ABSTAINS. There are no replies.

						1:02 p.m.
TRUSTEE	1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA AKANA	1		X			
PETER APO			X			
HAUNANI APOLIONA			X			
DONALD CATALUNA						EXCUSED
CARMEN HULU LINDSEY			X			
ROBERT LINDSEY			X			
COLETTE MACHADO		2	X			
OSWALD STENDER			X			
CHAIR JOHN WAIHE`E			X			
TOTAL VOTE COUNT			8	0	0	1

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

Chair Waihe`e notes for the record that the **MOTION CARRIES**.

III. COMMUNITY CONCERNS*

None.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. JOINT ARM/BAE 12-01 Funding for Proposed Aha Moku Advisory Committee

Chair Waihe`e recognizes Chief Financial Officer (CFO) Hawley Alamodin.

CFO Alamodin calls on Senior Policy Advocate Breann Nu'uhiwa and Policy and Compliance Services Counsel Jim McMahon to entertain any questions regarding the Action Item.

Breann Nu'uhiwa begins by briefing the Joint Committee on the update of the Aha Moku Bill. The House version of the Aha Moku Bill that was being heard by the Senate today was conformed to the language of the Senate version, so now both bills that are in the legislature put the Aha Moku Bill under DLNR and the House version no longer contains the Island Burial Council's language.

Trustee Akana moves

To match the State of Hawai'i's funding commitment with up to \$76,500 in OHA funding to support administrative costs of the Aha Moku Advisory Committee whose establishment is being considered by the 26th Hawaii State Legislature in its 2012 Regular Session; provided that OHA's funding commitment is conditioned upon (1) the enactment into law of an Aha Moku Advisory Committee bill that is satisfactory to OHA, (2) an equal monetary commitment by the State of Hawai'i, and (3) Board of Trustees (BOT) approval of the OHA match of up to \$76,500 to be included in the upcoming Total Operating Budget Realignment #1 for the fiscal year 2013.

Trustee Machado seconds the motion.

Chair Waihe`e asks the Joint Committee if there is any further discussion.

Trustee Apoliona seeks clarification regarding Fiscal year 2013 and asks if 'July 2012 - June 2013' could be added in as a technical amendment after Fiscal Year 2013 for clarity purposes.

CFO Alamodin agrees to the technical amendment to be added in to the language of the motion.

Trustee Machado asks if SB3053 SD2 HD1 asks for funding for only one year.

Jim McMahon confirms that it is only for one year.

Trustee Machado asks Beneficiary Leimana Damate if her understanding was that it was only for one year.

Leimana Damate responds that her understanding was that it would be two years.

Trustee Stender shares that his concern is where this would be housed. If it is to be housed within OHA he would have a problem with it because if the funding is only for one year, the way it is structured, it is a continuing thing. So where will it be housed?

Jim McMahon responds that under the most recent votes at the legislature, the advisory committee would be located under DLNR, but of course there is no guarantee that it would move out of conference that way.

Trustee Stender shares the history of the Hawaiian Role Commission which is housed within OHA. During legislation it started out at \$250,000 then it was \$500,000 then it was housed within OHA then it was \$800,000 and now we are talking about \$4,000,000 and I don't want the same thing to happen with this.

Trustee Akana shares her personal opinion that this should be funded for two years to allow the advisory committee to complete their work.

Trustee Machado supports Trustee Akana's suggestion due to the fact that it's very hard to evaluate after just one year.

CFO Alamodin informs the committee that it is important to note that we are proposing that OHA commit to anything that the State is committing to at this point. Currently, it is unclear what the state has committed to; either 1 or 2 years of funding. Administration would be more than willing to bring an action back if the final bill that is passed indicates more than one year of funding.

Trustee Apo suggests amending the motion to reflect two years of funding contingent upon state match and that the committee is housed within DLNR.

Trustee Machado clarifies that the intent of the bill is that it will not be under DLNR, but rather the chairman of BLNR.

Trustee Apoliona shares with the committee that she sent a request to the Chairs of the two OHA committees and OHA staff yesterday (4/3/12) requesting that Chairman William Aila be present at today's meeting in that this action impacts BLNR.

Breann Nu'uhiwa informs the committee that efforts were made to have Chairman Aila attend the meeting however his schedule did not allow for it.

Trustee Machado seeks clarification from staff on whether or not it is clear that the Aha Moku Advisory group falls under the Chairman of BLNR.

Jim McMahon reads from the Senate bill "There is established the Aha Moku Advisory committee to be placed within DLNR for administrative purposes the committee may advise the Chairperson of the Board of Land and Natural Resources in carrying out this section, oversight of the Aha Moku Advisory committee shall be by the Chairperson of the Board of Land and Natural Resources."

Trustee Apoliona suggests that in terms of the amended language recommended by Trustee Apo; similar language should be inserted into our action to be clear.

CFO Alamodin seeks clarification from the committee on whether they will insert language pursuant to the language in the Senate Bill version which could potentially change and if it does change, could negate the action of the Board.

The committee agrees to that statement.

Chair Waihe`e asks staff that according to the action item, this proposed committee would be an advisory committee to the BLNR on various things and he further understands that the majority of the money allocated seeks to hire an executive director and an assistant. Though he is not against it, he asks why the Advisory Committee needs an executive director if they're under DLNR.

Leimana Damate responds that the reason for the Executive Director is that there are eight (8) islands that need to be further organized. She also states that Mr. Aila added the assistant position into the bill because of the demand of having to handle eight (8) islands, finding all the moku on the islands, and bringing those recommendations to DLNR. Also involved is having to attend all of the commission meetings (including Water Commission and State Parks) which they felt was too much work for one person.

Trustee Apo moves to amend the main motion to include changing the date of funding from 1 to 2 years contingent on State match and housed in DLNR under the oversight of the Chair.

Trustee Hulu Lindsey seconds the amendment to the main motion.

Chair Waihe`e asks the committee if there is any further discussion. There is none.

							1:22 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA			X			
PETER	APO	1		X			
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				8	0	0	1

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

Chair Waihe`e notes for the record that the **MOTION CARRIES**.

Chair Waihe`e RECESSES the Joint meeting of the Committee on Asset and Resource Management and the Committee on Beneficiary Advocacy and Empowerment at 1:23pm so that administration can redo the language with the amendments to the motion.

Chair Waihe`e RECONVENES the Joint meeting of the Committee on Asset and Resource Management and the Committee on Beneficiary Advocacy and Empowerment at 1:30pm.

Trustee Akana moves (motion read by CFO Alamodin):

To match the State of Hawai'i's funding commitment with up to \$76,500 in OHA funding per year for up to two (2) funding years to support administrative costs of the Aha Moku Advisory Committee whose establishment is being considered by the 26th Hawaii State Legislature in its 2012 Regular Session; provided that OHA's funding commitment is conditioned upon (1) the enactment into law of an Aha Moku Advisory Committee bill that is satisfactory to OHA, (2) the placement of the Aha Moku Advisory Committee within the Department of Land and Natural Resources for administrative purposes to advise the Chairperson of the Board of Land and Natural Resources, and to be under the oversight of the Chairperson of the Board of Land and Natural Resources, (3) an equal monetary commitment by the State of Hawai'i, and (4) Board of Trustees (BOT) approval of the OHA match of up to \$76,500 per year to be included the applicable budget requests for the fiscal year 2013 (July 1, 2012 – June 30, 2013 as realigned) and fiscal year 2014 (July 1, 2013 – June 30, 2014); and further provided that all four of the above conditions must be satisfied.

Trustee Machado seconds the motion.

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

							1:32 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA	1		X			
PETER	APO			X			
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
OSWALD	STENDER						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

MOTION: ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

Chair Waihe'e notes for the record that the MOTION CARRIES.

VI. EXECUTIVE SESSION**

None.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

None.

IX. ADJOURNMENT

Trustee Apo moves to adjourn the Joint ARM/BAE meeting.

Trustee Machado seconds the motion.

Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

							1:33 p.m.
TRUSTEE		1	2	AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA			X			
PETER	APO	1		X			
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
OSWALD	STENDER						EXCUSED
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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

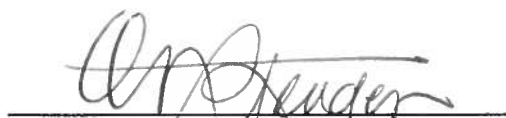
Chair Waihe'e adjourns the Joint ARM/BAE meeting at 1:33 p.m.

Respectfully submitted,

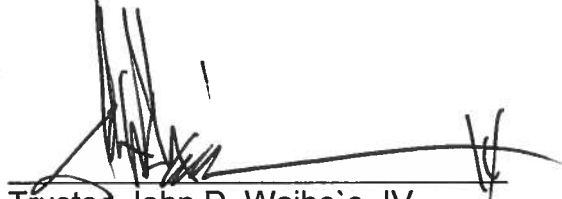


Melissa Wennihan
Trustee Secretary
Committee on Beneficiary Advocacy and Empowerment

As approved by the Joint meeting of the Committee on Asset and Resource Management and the Committee on Beneficiary Advocacy and Empowerment on May 2, 2012.



Trustee Oswald K. Stender
Chair
Committee on Asset and Resource Management (ARM)



Trustee John D. Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment (BAE)

ATTACHMENTS:

- Notice of Excused Absence (2)
- Community Sign-In Sheet dated April 4, 2012