



FAX (808) 594-1865  
OFFICE OF  
HAWAIIAN AFFAIRS  
BOARD OF TRUSTEES  
LIEUTENANT GOVERNOR  
2012 JAN 13 P 3:19

BOARD OF TRUSTEES  
Colette Y. Machado, *Chairperson*  
Rowena Akana, *Trustee At-Large*  
Peter Apo, *O'ahu Trustee*  
S. Haunani Apoliona, *Trustee At-Large*  
Donald B. Cataluna, *Kaua'i/Ni'ihau Trustee*  
Robert K. Lindsey, Jr., *Hawai'i Trustee*  
Oswald K. Stender, *Trustee At-Large*  
John Waihe'e IV, *Trustee At-Large*  
Maui Trustee Vacancy

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

12 JAN 13 P2:55

\*Amended

## MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, January 19, 2012\*

TIME: 2:30 p.m.

PLACE: O'ahu

OHA Board Room, Suite 500  
711 Kapiolani Blvd.  
Honolulu, HI 96813

Kaua'i - ICSD Video Conference  
Lihu'e State Office Building  
3060 Eiwa Street, Basement  
Lihu'e, HI 96766

## AGENDA

- I. Call to Order
- II. Community Concerns\*\*
- III. New Business
  - A. Reorganization of the Board's Committees
  - B. Election of Vice-Chair of the Board of Trustees
  - C. ARM 12-01 Approval of the Revised Position Description for the Position of Chief Executive Officer as discussed at the Asset and Resource Management (ARM) Committee meeting of October 12, 2011; January 11 & 19, 2012.
  - D. Selection of OHA Chief Executive Officer.
- IV. Executive Session\*\*\*
  - A. Attorney-Client legal advisory by Lisa W. Cataldo, Esq., and Board Attorney William Meheula, Esq., re: questions and issues pertaining to the Board's powers, duties and liabilities as trustees and managers of the revenues derived from the public land trust. *Pursuant to HRS 92-5(a)(4).*
- V. Beneficiary Comments\*\*
- VI. Announcements
- VII. Adjournment

\*\*Notice: Persons wishing to provide testimony are requested to submit 10 copies of their testimony to the Chief Executive Officer at 711 Kapi'olani Blvd., 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 § 92-5. For further information, please call 594-1954.

*Colette Y. Machado*  
\_\_\_\_\_  
Trustee Colette Y. Machado  
Chairperson, Board of Trustees

*01/13/12*  
\_\_\_\_\_  
Date

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPI'OLANI BLVD., 5<sup>TH</sup> FLOOR  
HONOLULU, HI 96813**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, January 19, 2012 2:30 p.m.**

**ATTENDANCE:**

TRUSTEE ROWENA AKANA  
TRUSTEE PETER APO  
TRUSTEE HAUNANI APOLIONA  
TRUSTEE DONALD B. CATALUNA (2:46 p.m. Video C)  
TRUSTEE C. HULU LINDSEY  
TRUSTEE ROBERT K. LINDSEY JR.  
TRUSTEE COLETTE Y. MACHADO  
TRUSTEE OSWALD STENDER (2:42 p.m.)  
TRUSTEE JOHN WAIHE'E IV

LISA W. CATALDO, BOT ATTORNEY

**ADMINISTRATION STAFF:**

RICHARD PEZZULO, COO  
ERNIE KIMOTO, CORP COUNSEL  
DIRK SOMA, OUTR  
JIM MCMAHON, PUBL  
HAROLD NEDD, PUBL  
KEALOHA FOX, DEMO  
KEOLA CHAN, SPEC  
KALE HANNAS, DEMO  
JIM PATTERSON, PUBL  
FRANCINE MURRAY, COMM  
ALICE SILBANUZ, MRM

**BOT STAFF:**

CAROL HO'OMANAWANUI, COS  
LEAH BURROWS-NU'UANU, BOT SEC  
DAYNA PA, TRUSTEE AIDE  
LEIANN DURANT, TRUSTEE AIDE  
MELISSA BEIMES, TRUSTEE AIDE  
NATHAN TAKEUCHI, TRUSTEE AIDE  
ANI PANG, TRUSTEE AIDE  
REYNOLD FREITAS, TRUSTEE AIDE  
CAPSUN POE, TRUSTEE AIDE  
KAMA HOPKINS, TRUSTEE AIDE  
CRAYN AKINA, TRUSTEE AIDE  
LOUISE YEE HOY, TRUSTEE SEC.  
MAKANA CHAI, TRUSTEE SEC.  
HOLLY SARDINHA, TRUSTEE SEC.  
TIONA WAILEHUA, TRUSTEE SEC.

**ADMINISTRATION STAFF**

CYNDI CABERTO, AS  
STACY NAIPO, RES  
LEONA KALIMA, CULTU  
CLARITA HIRONAKA TAPS  
PAULETTE HEDEMARK, PROG  
SHANNON TORIKI, TAP  
DEDE ALO, ADV

**I. CALL TO ORDER**

**Chairperson Machado** Calls the Board of Trustees meeting to order at 2:35 p.m. Roll call is taken; those present are Trustees Akana, Apo, Apoliona, H. Lindsey, R. Lindsey, Machado, and Waihe'e, constituting a quorum of seven (7) trustees. Trustee Cataluna will be joining the meeting via videoconference from the Lihu'e State Building on Kaua'i, Trustee Stender will be joining the meeting shortly.

**Chairperson Machado** Notes that she will be asking for a recess to allow the ARM Committee (who is in recess) to complete its meeting. Once the ARM Committee has concluded and is adjourned the Board of Trustees meeting will reconvene from its recess and continue with its agenda.

**Trustee Apoliona** Moves to take a recess from the Board of Trustees Meeting.

**Trustee Apo** Seconds the motion.

There was no discussion on the motion. Chairperson Machado asks for a roll call vote.

**Trustee Apoliona** Moves to take a recess from the Board of Trustees Meeting.

**Trustee Apo** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA					X	
TRUSTEE PETER APO		X	X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE DONALD CATALUNA						Not Present
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER						Not Present
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			6		1	2
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Six (6) YES votes, one (1) ABSTAIN and two (2) NOT PRESENT.</b>						

Board of Trustees Meeting is recessed at 2:37 p.m.

Board of Trustees Meeting is reconvened at 2:42 p.m.

**Chairperson Machado** Asks for a motion to resolve into Executive Session.

**Trustee Stender** Moves to resolve into Executive Session to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties and liabilities.

**Trustee Apoliona** Seconds the motion.

Hearing no discussion, Chairperson Machado asks for a roll call vote.

**Trustee Stender** Moves to resolve into Executive Session to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties and liabilities.

**Trustee Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE DONALD CATALUNA						Not Present
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			7			2
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Seven (7) YES votes and two (2) NOT PRESENT.</b>						

The Board moved into Executive Session at 2:43 p.m.  
The Board reconvened in Open Session at 3:02 p.m.

Chairperson Machado Asks for a motion to approve a 72-hour waiver for materials under agenda item III. C. The ARM Committee deliberated these items and transmitted their committee report today.

Trustee Waihe'e Moves to approve a 72-hour waiver, for materials under agenda item III. C.

Trustee R. Lindsey Seconds the motion.

There was no discussion on the motion. Chairperson Machado asks for a roll call vote.

Trustee Waihe'e Moves to approve a 72-hour waiver, for materials under agenda item III. C.						
Trustee R. Lindsey Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8	1		
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with Eight (8) YES votes, one (1) No.						

## II. COMMUNITY CONCERNS

Chairperson Machado Notes that there are no beneficiaries speaking under this agenda item.

## III. NEW BUSINESS

### **A. REORGANIZATION OF THE BOARD'S COMMITTEE**

Chairperson Machado Announces her appointment of OHA's two Standing Committees.

#### Committee on Asset and Resource Management (ARM)

Chairperson: Trustee Oswald Stender  
Vice Chair: Trustee Robert Lindsey  
Membership: All Nine (9) Trustees

#### Committee on Beneficiary Advocacy and Empowerment (BAE)

Chairperson: Trustee John Waihe'e IV  
Vice Chair: Trustee Rowena Akana  
Membership: All Nine (9) Trustees

**Trustee Stender** Moves to confirm Chairperson Machado's appointments for both committees.

**Committee on Asset and Resource Management (ARM)**

Chairperson: Trustee Oswald Stender  
Vice Chair: Trustee Robert Lindsey  
Membership: All Nine (9) Trustees

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Chairperson: Trustee John Waihe'e IV  
Vice Chair: Trustee Rowena Akana  
Membership: All Nine (9) Trustees

**Trustee R. Lindsey** Seconds the motion.

There was no discussion on the motion. Chairperson Machado asks for a roll call vote.

**Trustee Stender** Moves to confirm Chairperson Machado's appointments for both committees.

**Committee on Asset and Resource Management (ARM)**

Chairperson: Trustee Oswald Stender  
Vice Chair: Trustee Robert Lindsey  
Membership: All Nine (9) Trustees

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Chairperson: Trustee John Waihe'e IV.  
Vice Chair: Trustee Rowena Akana  
Membership: All Nine (9) Trustees

**Trustee R. Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with Nine (9) YES votes.						

### **III. NEW BUSINESS**

#### **B. ELECTION OF VICE-CHAIR OF THE BOARD OF TRUSTEES**

**Chairperson Machado** Calls on Trustee Stender.

**Trustee Stender** Nominates Trustee Peter Apo for the position of Vice-Chairperson of the Office of Hawaiian Affairs Board of Trustees.

**Trustee Lindsey** Seconds the motion.

There was no discussion on the motion. Chairperson Machado asks for a roll call vote.

**Trustee Stender** Nominates Trustee Peter Apo for the position of Vice-Chairperson of the Office of Hawaiian Affairs Board of Trustees.

**Trustee Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) YES votes.						

**Chairperson Machado** Congratulates Trustee Peter Apo as the Board of Trustee's new Vice Chair.

### **III. NEW BUSINESS**

#### **C. ARM 12-01 APPROVAL OF THE REVISED POSITION DESCRIPTION FOR THE POSITION OF CHIEF EXECUTIVE OFFICER AS DISCUSSED AT THE ASSET AND RESOURCE MANAGEMENT (ARM) COMMITTEE MEETING OF OCTOBER 12, 2011; JANUARY 11 & 19, 2012.**

**Trustee Stender** The Committee on Asset and Resource Management having met on January 19, 2012; and after full and free discussion, recommends approval of the following action: to approve the Revised Position Description for the Office of Hawaiian Affairs' Chief Executive Officer Position.

**Trustee Robert Lindsey** Seconds the motion.

**Trustees Akana** States that she will be voting no. Trustee Stender appointed Trustees Apo and Akana to review and recommend changes to the Position Description (PD). She is disappointed that her changes are not included in the version before the Board. There are four issues in the PD that should not be listed. The CEO should not have control over Trustee's staff. She also believes that the Board's Attorney should be the person to review and approve decisions and contracts made by the Board. Corporate Counsel should review what the organization does.

**Trustee Apo** States that having Corporate Counsel review all contracts is another layer of protection for the Trustees and the organization. Board Counsel can review the important items, but Corp. Counsel should handle everything else.

**Trustee Stender** The Committee on Asset and Resource Management having met on January 19, 2012; and after full and free discussion, recommends approval of the following action: to approve the Revised Position Description for the Office of Hawaiian Affairs' Chief Executive Officer Position.

**Trustee Robert Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA					X	Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E					X	
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			6	1	2	0
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Six (6) YES votes, One (1) No vote and Two (2) Absentions.</b>						

### **III. NEW BUSINESS**

#### **D. SELECTION OF OHA CHIEF EXECUTIVE OFFICER.**

**Chairperson Machado** Calls on Trustee Stender to for the next item. She notes that Trustees have spent all morning interviewing candidates in the ARM Committee. She'll allow ARM Chair Stender to make the announcement.

**Trustee Stender** Moves to select Dr. Kamana'opono Crabbe to serve as the Office of Hawaiian Affairs' Chief Executive Officer.

**Trustee Lindsey** Seconds the motion.

There was no discussion on the motion. Chairperson Machado asks for a roll call vote.

**Trustee Stender** Moves to select Dr. Kamana’opono Crabbe to serve as the Office of Hawaiian Affairs’ Chief Executive Officer.

**Trustee Lindsey** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE’E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9		0	0
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) YES votes.</b>						

**Chairperson Machado** Congratulates Dr. Kamana’opono Crabbe.

*Dr. Crabbe receives congratulations from the audience including oli Ua Hawai’i and lei. Trustees and staff takes pictures with Dr. Kamana’opono Crabbe. Kupuna Earl Kawa’a is called upon to offer words of encouragement. Unfortunately, Kupuna Kawa’a was not at a microphone, his comments are not transcribed herein.*

**Dr. Crabbe** Acknowledges the Trustees of the Office of Hawaiian Affairs. He is a child of this land of Hawai’i. He states that his foremost commitment is to strengthen the leadership of OHA’s Hale. It is only then that OHA can resonate and be a beacon to the beneficiaries it serves. They have his commitment to carry out this kuleana. Building on the relationships is valuable and important to him. The traditional practices and beliefs of our forefathers is what connects us to those who have come before.

He acknowledges his brothers in the audience and his’ ohana for their support throughout the process. At Thanksgiving dinner he announced to his family that he would be applying for the position, there was silence among them. Everyone knew the enormity of the task ahead for OHA and it would mean hard work ahead. He thanks his brothers for representing his ‘ohana in supporting him. He acknowledges the OHA’s Research Line of Business for their kokua and support. He acknowledges Momi Lazo his Executive Assistant for her support. He acknowledges Kealoha Fox and Keola Chan for their help with developing the document and presentation.

This is a new era for the Office of Hawaiian Affairs, he asks for solidarity in helping all of the beneficiaries. He thanks Trustees for the honor and privilege to serve.



### **III. EXECUTIVE SESSION**

#### **A. ATTORNEY-CLIENT LEGAL ADVISORY BY LISA W. CATALDO, ESQ., AND BOARD ATTORNEY WILLIAM MEHEULA, ESQ., RE: QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES AND LIABILITIES AS TRUSTEES AND MANAGERS OF THE REVENUES DERIVED FROM THE PUBLIC LAND TRUST. *PURSUANT TO HRS 92-5(A)(4).***

**Chairperson Machado** Asks for a motion to resolve into Executive Session.

**Trustee Stender** Moves to resolve into Executive Session to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties and liabilities.

**Trustee Lindsey** Seconds the motion.

Hearing no discussion, Chairperson Machado asks for a roll call vote.

**Trustee Stender** Moves to resolve into Executive Session to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties and liabilities.

**Trustee Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9		0	0

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

**Motion passes with Nine (9) YES votes.**

The Board moved into Executive Session at 3:46 a.m.

The Board reconvened into open session at 4:55 p.m.

*Note: The videoconference feed from Kaua'i ends at 4:00 p.m. Trustee Cataluna is no longer participating in the meeting.*

### **IX. BENEFICIARY COMMENTS ANNOUNCEMENTS**

**Chairperson Machado** Announces that there are no beneficiaries sign up to speak.

**X. ANNOUNCEMENTS**

**Chairperson Machado** Announces the following

- January 24<sup>th</sup> TUESDAY –OHA/DHHL Joint Meeting
- January 25<sup>th</sup> Wednesday – OHA Board Room
- February 2<sup>nd</sup> – BOT Meeting 10:00 am.

She thanks Richard Pezzulo and Malia Ka' aihue for their leadership throughout this transition period.

**VII. ADJOURNMENT**

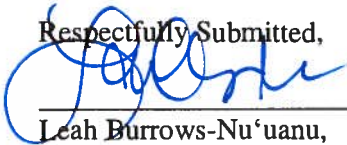
**Trustee Apoliona** Moves for adjournment.

**Trustee Apo** Seconds the motion.

There was no discussion and Chairperson Machado notes a unanimous consensus.


The meeting was adjourned due to a lack of quorum at 4:55 P.M.

Respectfully Submitted,



Leah Burrows-Nu'uano,  
Board Secretary

As approved by the Board of Trustees on February 2, 2012.

  
Trustee Colette Y. Machado, Chairperson  
Board of Trustees

**ATTACHMENTS:**

1. February 2, 2012 BOT Community Sign in Sheet