

BOARD OF TRUSTEES

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



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

LIEUTENANT GOVERNOR'S
 OFFICE

'12 FEB -3 10:11

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, February 9, 2012

TIME: 9:00 a.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. Approval of Minutes
 - A. January 25, 2012
- III. Community Concerns**
- IV. New Business
 - A. Committee on Beneficiary Advocacy and Empowerment
 1. 2012 OHA Legislative Positions: Matrix of proposed legislation consisting of measures which cannot be summarized separately. Matrix may be available upon request.
 2. BAE 12-01 New Board of Trustees Executive Policies on Proposed Legislative Measures Seeking OHA Funding or the Placement of Entities Within OHA - 1st Reading
 - B. Kaka'ako Makai Community Planning Advisory Council Presentation by Wayne Takamine.
- V. Executive Session***
 - A. Attorney-Client legal advisory by OHA Board Counsel Robert Klein, Esq., OHA Attorneys William Meheula, Esq. and Randall Sakumoto 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).*
 - B. Attorney-Client legal advisory by OHA Board Counsel Robert G. Klein, Esq. and Corporation Counsel Ernest Kimoto, Esq. Re: Questions and issues pertaining to the Board's duties, powers and privileges to adopt and approve a contract for the position of OHA CEO.
- VI. Beneficiary Comments*
- VII. Announcements
- VIII. Adjournment

*Notice: The public may attend the meeting at either of the specified locations. **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

02/03/12
 Date

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BLVD., 5TH FLOOR
HONOLULU, HI 96813

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, February 9, 2012 9:00 a.m.

ATTENDANCE:

TRUSTEE ROWENA AKANA
TRUSTEE PETER APO
TRUSTEE DONALD B. CATALUNA (VideoCon. Kaua'i)
TRUSTEE C. HULU LINDSEY
TRUSTEE ROBERT K. LINDSEY JR
TRUSTEE COLETTE Y. MACHADO
TRUSTEE JOHN WAIHE'E IV (10:14 AM)
TRUSTEE OSWALD STENDER

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

RICHARD PEZZULO, INTERIM CEO
HAWLEY ALAMODIN CFO
ERNIE KIMOTO, CORP COUNSEL
DIRK SOMA, OUTR
JIM MCMAHON, ADV
JIM PATTERSON, PROG
JERRY NORRIS, COMP
KOALANI KAULUKUKUI, LMP
LUCI MEYER, OUTR
GARRETT KAMEMOTO, MRM

GUESTS:

KAMUELA KALA'I

EXCUSED:

TRUSTEE HAUNANI APOLIONA

BOT STAFF:

CAROL HO'OMANAWANUI, COS
LEAH BURROWS-NU'UANU, BOT SEC
DAYNA PA, TRUSTEE AIDE
LEIANN DURANT, TRUSTEE AIDE
REYNOLD FREITAS, TRUSTEE AIDE
ANI PANG, TRUSTEE AIDE
CAPSUN POE, TRUSTEE AIDE (KAUA'I)
SHELSEA APANA, TRUSTEE AIDE
CRAYN AKINA, TRUSTEE AIDE
NATHAN TAKEUCHI, TRUSTEE AIDE
KAMA HOPKINS, TRUSTEE AIDE
MAKANA CHAI, TRUSTEE SEC.
LEHUA ITOKAZU, TRUSTEE SEC.
LOUISE YEE HOY, TRUSTEE SEC.

GUESTS:

RANDALL SAKUMOTO, ESQ.
BRUCE, TSUCHIDA
WAYNE TAKAMINE
JAMES STONE
FUMIKO WELLINGTON
ROBERT RICHMOND
JUANITA KAMAMOTO

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 9:06 a.m. Roll call is taken; those present are Trustees Akana, Apo, Cataluna, H. Lindsey, R. Lindsey, Machado, Waihee and Stender constituting a quorum of eight (8) trustees. Trustee Cataluna is attending the meeting via videoconference from the Kaua'i State Office Building in Lihu'e.

Chairperson Machado Requests a 72-Hour Waiver for material received under agenda item IV. A. 1. & 2.

Trustee Waihe'e Moves to approve a 72-Hour Waiver for agenda item IV. A. 1. & 2. OHA Legislative Positions, and BAE 12-02 New Board of Trustees Executive Policies on Proposed Legislative Measures.

Trustee Apo 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 agenda item IV. A. 1. & 2. OHA Legislative Positions, and BAE 12-02 New Board of Trustees Executive Policies on Proposed Legislative Measures.

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						Excused
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, one (1) EXCUSED.						

II. APPROVAL OF MINUTES

Chairperson Machado Requests a motion to approve the minutes of January 25, 2012.

Trustee Apo Moves to approve the minutes of January 25, 2012.

Trustee Waihe'e Seconds the motion.

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

Trustee Apo Moves to approve the minutes of January 25, 2012.

Trustee Waihe'e 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						Excused
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, one (1) EXCUSED.						

III. COMMUNITY CONCERNS

Chairperson Machado Notes that there are no beneficiaries signed up to speak on O'ahu or Kaua'i.

IV. NEW BUSINESS

A. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

1. 2012 OHA LEGISLATIVE POSITIONS: MATRIX OF PROPOSED LEGISLATION CONSISTING OF MEASURES WHICH CANNOT BE SUMMARIZED SEPARATELY.

Chairperson Machado Calls on Trustee Waihe'e for the next item

Trustee Waihe'e Moves to approve Administration's recommendations on the matrix titled Twenty-Sixth State Legislature, 2012 and dated February 7, 2012, as follows:

Item #	Bill #	Report	Position
2012 Legislative Session			
New Bills			
1	HB1611 HD1	RELATING TO THE SUNSHINE LAW.	S
2	HB1711	RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.	M
3	HB1724	RELATING TO HEALTH AND HUMAN SERVICES.	M
4	HB1764	RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS.	M
5	HB1825	RELATING TO BINGO.	M
6	HB1858	RELATING TO WORKFORCE INFORMATION.	S
7	HB1864	RELATING TO THE STATE ETHICS CODE.	M
8	HB1871	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	M
9	HB1931	RELATING TO EDUCATION.	S
10	HB1947	RELATING TO AGRICULTURE.	M
11	HB1950	RELATING TO FIREARMS.	O
12	HB2026	RELATING TO FUNDS.	M
13	HB2041	RELATING TO ELECTRICITY.	M
14	HB2046	RELATING TO ADULT AND COMMUNITY EDUCATION.	C
15	HB2056	RELATING TO EDUCATION.	S
16	HB2073	RELATING TO THE HAWAII LEGACY TRUST FUND.	M
17	HB2088	RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE.	M
18	HB2145	RELATING TO ECONOMIC DEVELOPMENT.	C
19	HB2175	RELATING TO ETHICS.	M
20	HB2198	RELATING TO KUPUNA CARE.	M
21	HB2210	RELATING TO RENEWABLE FUELS.	M
22	HB2211	RELATING TO NON-GENERAL FUNDS.	C
23	HB2212	RELATING TO CLEAN ENERGY BONDS.	M
24	HB2217 HD1	RELATING TO EMPLOYMENT VACANCIES.	C
25	HB2228 HD1	RELATING TO BREASTFEEDING IN THE WORKPLACE.	S
26	HB2250	RELATING TO THE EMERGENCY ENVIRONMENTAL WORKFORCE.	M
27	HB2286	RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.	M
28	HB2292	RELATING TO FOSTER YOUTH.	S
29	HB2316	RELATING TO A LOTTERY.	M
30	HB2324	RELATING TO BROADBAND.	O
31	HB2350 HD1	RELATING TO APPROPRIATIONS FOR THE HONOLULU FAMILY JUSTICE CENTER.	M
32	HB2371	RELATING TO ENDANGERED AND THREATENED SPECIES.	M

33	HB2381	RELATING TO AQUACULTURE AND MARICULTURE.	M
34	HB2383	RELATING TO AQUACULTURE AND MARICULTURE.	C
35	HB2384	RELATING TO LAND USE.	M
36	HB2400	RELATING TO PUBLIC UTILITIES.	M
37	HB2404	RELATING TO PUBLIC INFORMATION.	M
38	HB2413	RELATING TO CLEAN AND SOBER HOMES AND HALFWAY HOUSES.	M
39	HB2414	RELATING TO CLEAN AND SOBER AND HALFWAY HOME REGULATION.	M
40	HB2422	RELATING TO INTERNET GAMING.	M
41	HB2423	RELATING TO THE KAAHAPALI AQUATIC RECREATIONAL PARK.	M
42	HB2426	RELATING TO CHILD VISITATION.	C
43	HB2430 HD1	RELATING TO AGRICULTURE.	M
44	HB2456	RELATING TO THE PUBLICATION OF NOTICES.	M
45	HB2464	RELATING TO LANDOWNERS' LIABILITY.	S
46	HB2473	RELATING TO PRISON LITIGATION.	M
47	HB2474	RELATING TO PRISON LITIGATION.	M
48	HB2523	RELATING TO INTERISLAND ELECTRIC TRANSMISSION CABLE SYSTEMS.	C
49	HB2542	RELATING TO THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS.	S
50	HB2590 HD1	RELATING TO AQUATIC RESOURCE VIOLATIONS.	M
51	HB2597	RELATING TO OPEN GOVERNMENT.	C
52	HB2634	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	M
53	HB2653	RELATING TO TELECOMMUNICATIONS.	C
54	HB2666	RELATING TO AGRICULTURAL LAND.	M
55	HB2689	RELATING TO GEOTHERMAL ENERGY.	O
56	HB2690	RELATING TO GEOTHERMAL RESOURCES.	O
57	HB2703	RELATING TO FOOD SELF-SUFFICIENCY.	M
58	HB2729	MAKING AN APPROPRIATION FOR ADULT EDUCATION.	C
59	HB2756	RELATING TO PLANNED DEVELOPMENT.	O
60	HB2788	RELATING TO GAMING.	M
61	HB2793	RELATING TO BOARD OF LAND AND NATURAL RESOURCES.	M
62	HB2807	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	M
63	HB2808	RELATING TO KIKALA-KEOKEA.	M
64	HB2812	RELATING TO TOURISM.	M
65	HB2820 HD1	RELATING TO HAWAIIAN FISHPONDS.	S
66	HB2848	RELATING TO PUBLIC SAFETY.	C
67	HB2853	RELATING TO LAND USE ENFORCEMENT.	S
68	HB2856	RELATING TO COMMUNITY DEVELOPMENT.	O
69	HB2860	RELATING TO AGRICULTURE.	M
70	HB2871	RELATING TO THE WEST MAUI OCEAN RECREATION MANAGEMENT AREA.	M
71	HB2872	RELATING TO AEROSPACE HIGH TECHNOLOGY DISTRICTS.	M
72	HB2876	RELATING TO HAWAIIAN HOME LANDS.	M
73	HB2880	RELATING TO HUNTING.	M
74	HCR022	Community Placement Programs; Non-violent female offenders	M
75	SB2032	RELATING TO GAMBLING.	M
76	SB2070	RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS.	M
77	SB2095	RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.	M
78	SB2096	RELATING TO AGRICULTURE.	M
79	SB2116	RELATING TO CHARTER SCHOOLS.	S
80	SB2117	RELATING TO THE HOMELESS.	M
81	SB2210	RELATING TO GAMING.	M
82	SB2212	RELATING TO HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	M
83	SB2219	RELATING TO PUBLICATION OF NOTICES.	M
84	SB2233	RELATING TO ELECTRONIC INFORMATION.	M

85	SB2234	RELATING TO ELECTRONIC INFORMATION.	M
86	SB2240	RELATING TO THE STATE CODE OF ETHICS.	M
87	SB2301	RELATING TO CHILD VISITATION.	C
88	SB2319	RELATING TO THE HOMELESS.	M
89	SB2337	RELATING TO TRANSPORTATION.	O
90	SB2353	RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.	C
91	SB2355	RELATING TO DEVELOPMENT.	M
92	SB2360	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	M
93	SB2365	RELATING TO BUILDING PERMITS.	M
94	SB2368	RELATING TO HUNTING.	M
95	SB2369	RELATING TO PUBLIC LANDSCAPING.	S
96	SB2372	RELATING TO ENDANGERED SPECIES.	M
97	SB2377	RELATING TO HUNTING.	O
98	SB2381	RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES MARITIME FACILITIES.	M
99	SB2382	MAKING AN APPROPRIATION FOR THE NATIVE HAWAIIAN HOSPITALITY ASSOCIATION.	M
100	SB2408	RELATING TO AQUATIC LIFE.	M
101	SB2428	RELATING TO MORTGAGE FORECLOSURES.	M
102	SB2452	RELATING TO LEASEHOLD CONVERSION.	O
103	SB2454	RELATING TO EDUCATION.	M
104	SB2459	RELATING TO SUSTAINABILITY.	M
105	SB2512	RELATING TO SUSTAINABILITY.	M
106	SB2520	RELATING TO PUBLIC INFORMATION.	M
107	SB2536	RELATING TO CLEAN AND SOBER HOMES AND HALFWAY HOUSES.	M
108	SB2554	RELATING TO PUBLIC AGENCY MEETINGS.	M
109	SB2560	RELATING TO ETHICS.	M
110	SB2573	RELATING TO BREASTFEEDING IN THE WORKPLACE.	S
111	SB2587	RELATING TO CHARTER SCHOOLS.	S
112	SB2589	RELATING TO FOSTER YOUTH.	S
113	SB2594	RELATING TO THE HOMELESS.	M
114	SB2608	RELATING TO HUMAN SERVICES.	M
115	SB2613	RELATING TO ELECTRIC UTILITIES.	M
116	SB2633	RELATING TO CONTESTS.	M
117	SB2634	RELATING TO CONTESTS OF SKILL.	M
118	SB2639	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	M
119	SB2647	RELATING TO FIREARMS.	O
120	SB2664	RELATING TO MARINE LIFE.	M
121	SB2670	RELATING TO PUBLIC LAND LEASEHOLDERS RIGHTS.	M
122	SB2679	RELATING TO CORRECTIONS.	M
123	SB2682	RELATING TO CLEAN AND SOBER AND HALFWAY HOME REGULATION.	M
124	SB2691	RELATING TO THE BOARD OF AGRICULTURE.	M
125	SB2692 SD1	RELATING TO AGRICULTURE.	M
126	SB2716	RELATING TO THE RAP BACK PROGRAM OF THE HAWAII CRIMINAL JUSTICE DATA CENTER.	M
127	SB2717	RELATING TO THE STATE CODE OF ETHICS.	M
128	SB2718	RELATING TO THE PUBLICATION OF NOTICES.	M
129	SB2726	RELATING TO LANDOWNERS' LIABILITY.	S
130	SB2735	RELATING TO PRISON LITIGATION.	M
131	SB2736	RELATING TO PRISON LITIGATION.	M
132	SB2737	RELATING TO PUBLIC MEETINGS.	M
133	SB2740	RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM.	S
134	SB2745	RELATING TO ENVIRONMENT.	M
135	SB2775	RELATING TO EDUCATION.	M

136	SB2776	RELATING TO PUBLIC SAFETY.	S
137	SB2777 SD1	RELATING TO CRIME.	S
138	SB2792	RELATING TO RENEWABLE ENERGY REVENUE.	SA
139	SB2804	RELATING TO THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS.	C
140	SB2850	RELATING TO GROUNDED VESSELS.	M
141	SB2852	RELATING TO AQUATIC RESOURCE VIOLATIONS.	M
142	SB2861	RELATING TO REENTRY INTAKE SERVICE CENTERS.	M
143	SB2866	RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM.	M
144	SB2876	RELATING TO THE COMMERCIAL HARBORS.	M
145	SB2893	RELATING TO GAMBLING.	M
146	SB2911	RELATING TO KAHOO LAWE ISLAND RESERVE.	O
147	SB2915	RELATING TO FOOD SELF-SUFFICIENCY.	M
148	SB2916	RELATING TO AGRICULTURE.	M
149	SB2921	RELATING TO AGRICULTURE.	M
150	SB2926	RELATING TO LAND USE.	M
151	SB2927	RELATING TO COMMUNITY PLANNING.	M
152	SB2936	RELATING TO PUBLIC ASSISTANCE PROGRAMS.	S
153	SB2937	RELATING TO PUBLIC ASSISTANCE PROGRAMS.	S
154	SB2962	RELATING TO WATER USE.	O
155	SB2980	RELATING TO INTERNET GAMING.	M
156	SB2981	RELATING TO RENEWABLE ENERGY.	M
157	SB2982	RELATING TO PUBLIC UTILITIES.	M
158	SB2984	RELATING TO GAMING.	M
159	SB3003	RELATING TO GEOTHERMAL RESOURCES.	O
160	SB3011	RELATING TO PUBLIC LANDS.	O
161	SB3012	RELATING TO LAND USE.	O
162	SB3023	RELATING TO HAWAIIAN FISHPONDS.	M
163	SB3044	RELATING TO STATE MARINE WATERS.	C
164	SB3056	RELATING TO THE KAHOLA'OLAWE ISLAND RESERVE COMMISSION.	O
165	SB3064	RELATING TO HAWAIIAN FISHPONDS.	S
166	SB3065	RELATING TO AEROSPACE HIGH TECHNOLOGY DISTRICTS.	M
167	SB3066	RELATING TO COMMUNITY DEVELOPMENT.	O
168	SB3067	RELATING TO THE OFFICE OF PLANNING.	M
169	SB3069	RELATING TO LAND USE ENFORCEMENT.	S
170	SR002	Aquatic Life Resolution; Kauai County Package	M
Bill Positions for Reconsideration			
171	SB2859	RELATING TO OPEN GOVERNMENT.	C > SA
172	HB2424	RELATING TO AGRICULTURAL BUILDING PERMITS.	C > M
173	HB1780	RELATING TO AQUATIC LIFE.	C > M
174	HB2301	RELATING TO AGRICULTURE.	S > M

Trustee Akana Seconds the motion.

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

Trustee Waihe'e Moves to approve Administration's recommendations on the matrix titled Twenty-Sixth State Legislature, 2012 and dated February 7, 2012, as follows: (listed above)

Trustee Akana Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA		X	X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA						Excused
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, one (1) EXCUSED.						

2. BAE 12-01 NEW BOARD OF TRUSTEES EXECUTIVE POLICIES ON PROPOSED LEGISLATIVE MEASURES SEEKING OHA FUNDING OR THE PLACEMENT OF ENTITIES WITHIN OHA - 1ST READING

Chairperson Machado Calls on Trustee Waihe'e to offer the next motion.

Trustee Waihe'e Moves to approve, adopt, and ratify new Board of Trustees executive policies as proposed in Action Item BAE 12-01, which was amended to contain the language:

Position on Certain Proposed Legislative Measures

2.1.d. The Board of Trustees shall take a position of Oppose on any legislative measure that places an entity into OHA, or that requires an OHA funding allocation, without prior consultation with, and approval by, the Board of Trustees.

Trustee Akana Seconds the motion.

Chairperson Machado Reminds members that the policy change will need two (2) readings at the Board level. It will be placed on the next agenda for a second reading.

Trustee Waihe'e Moves to approve, adopt, and ratify new Board of Trustees executive policies as proposed in Action Item BAE 12-01, which was amended to contain the language:

Position on Certain Proposed Legislative Measures

2.1.d. The Board of Trustees shall take a position of Oppose on any legislative measure that places an entity into OHA, or that requires an OHA funding allocation, without prior consultation with, and approval by, the Board of Trustees.

Trustee Akana Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA		X	X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA						Excused
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, one (1) EXCUSED.						

C. KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL PRESENTATION BY WAYNE TAKAMINE.

Chairperson Machado Calls on Mr. Bruce Tsuchida to introduce the members of the Kaka'ako Makai Community Planning Advisory Council.

Mr. Tsuchida Thanks Trustees for inviting the group to make this presentation. He is the head of a local planning company called Townscape Inc. They have been involved with planning for the Kaka'ako Makai.

The community group here today has been working with the State agency Hawai'i Community Development Authority (HCDA) for the past seven years in planning for the Kaka'ako area. Mr. Wayne Takamine is the President and can introduce the other members of the community group.

Mr. Takamine Introduces the members of the CPAC.

Wayne Takamine, President of CPAC
James Stone, Hawaiian Music Hall of Fame
Fumiko Wellington, Hawai'i Symphony
Robert Richmond, Kewalo Marine Lab

Note: Please refer to the 29 slide presentation attached.

V. EXECUTIVE SESSION

CI. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA BOARD COUNSEL ROBERT KLEIN, ESQ., OHA ATTORNEYS WILLIAM MEHEULA, ESQ. AND RANDALL SAKUMOTO 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 Waihe'e 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 Stender Seconds the motion.

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

Trustee Apo 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 Stender 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						Excused
TRUSTEE DONALD CATALUNA			X			Video Conference
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, one (1) EXCUSED.						

The Board moved into Executive Session at 9:48 a.m.

The Board moved into Open Session at 11:43 a.m.

IV. BENEFICIARY COMMENTS

Chairperson Machado Recognizes Ms. Kamuela Kala'i to address the trustees.

Ms. Kala'i States that the Oahu Island Burial Council meeting was cancelled yesterday because they lacked quorum. She passes out copies of a document titled *Cultural Surveys Hawai'i* - Job code: Kawa 20 – The Kawaiaha'o Church Cemetery. She states that the survey shows names of grave lots from 1912 and 1920 in the immediate Vicinity of Likeke Hall.

She states that the Church knew there were graves there when the project was being planned. Over 200 kupuna have come out of the ground. The survey shows that there are at least 300 kupuna in the area.

Two of the main conditions of the decertification permit is to get consultation by lineal descendants and to file weekly surveys of the iwi they are uncovering. OHA's help in requesting these reports is greatly appreciated. These weekly reports after November 26th will be very important because they should include the numbers of burials uncovered since November 4th.

Chairperson Machado Recognizes Trustee Rowena Akana as the next beneficiary speaker.

Trustee Akana States that at a recent interaction with the DHHL Chairperson, she was told that the DHHL/OHA Adhoc Committee is not meeting because OHA's Board Counsel told them that it was a violation of Sunshine Laws.

Chairperson Machado States that Counsel Klein opined that the Adhoc committee needed to file an official agenda because three of its members are trustees. On our end, we've always agendized any adhoc committee meetings. On their end, they were told they didn't need to. To be cautious, we should file an agenda. That seemed to be a big problem and the meetings have stalled. We will get this thing going by either removing one of the members from each side or filing an agenda.

Trustee Akana States that the Board should have been notified that the committee wasn't meeting. She has been telling people that there were meetings happening when there weren't any.

Chairperson Machado States that the adhoc committee will meet soon. She has not given up on the joint adhoc committee idea. The logistics are a pain, but it should be happening soon.

X. ANNOUNCEMENTS

Chairperson Machado Announces the following:

- February 16th – BOT Meeting 10:00 am.
- February 23rd – BOT Meeting 10:00 am.

VII. ADJOURNMENT

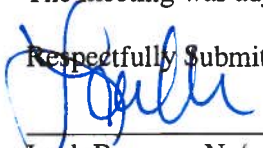
Trustee Apo Moves for adjournment.

Trustee Stender Seconds the motion.

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

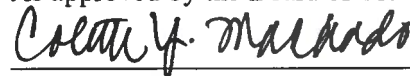
The meeting was adjourned at 11:56 A.M.

Respectfully Submitted,



Leah Burrows-Nu'uanu,
Board Secretary

As approved by the Board of Trustees on February 23, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. February 9, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustee Haunani Apoliona
3. Kaka'ako Makai Community Planning Advisory Council Presentation
4. Cultural Surveys Hawai'i – Handout from Ms. Kamuela Kala'i