

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*LIEUTENANT GOVERNOR
OFFICE

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

12 FEB 10 AM 10:10

MEETING OF THE BOARD OF TRUSTEES**DATE:** Thursday, February 16, 2012**TIME:** 10:00 a.m.

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

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. February 2, 2012
- III. Community Concerns*
- IV. Unfinished Business
 - A. Interim Chief Executive Officer's Update on Ho'oulu Lāhui Aloha & OHA activities.
- V. 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 - 2nd Reading
- VI. Executive Session**
 - A. Attorney-Client legal advisory by OHA Attorney Sheryl Nicholson, Esq., Re: questions and issues pertaining to the Board's powers, duties and privileges with respect to Hi'ilei Aloha LLC. Pursuant to HRS 92-5(a)(4).
 - B. Attorney-Client legal advisory by OHA Board Counsel Robert G. 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).
 - C. Attorney-Client legal advisory by OHA Board Counsel Robert G. Klein, Esq. re: questions and issues regarding the Board's duties and responsibilities with respect to OHA Contract #1979, Kawaiaha'o Church. Pursuant to HRS 92-5(a)(3) and 92-5(a)(4)
 - D. 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.
 - E. Attorney-Client legal advisory by OHA Attorneys Neil T. Proto, Esq. of Schnader Attorneys At Law; lawyer representative, Denis Dwyer of Williams & Jensen, PLLC, and OHA Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the Board's powers and duties under its federal recognition initiative. Pursuant to HRS 92-5(a)(4). Telephonic Conference at 11:30 a.m. (HST)
 - F. Approval of Executive Session Minutes for February 2, 2012.
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. 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

02/09/12
 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 16, 2012 10:00 a.m.

ATTENDANCE:

TRUSTEE ROWENA AKANA
TRUSTEE PETER APO
TRUSTEE HAUNANI APOLIONA
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
KAI MARKELL, COMP
DEIDRA ALO, ADV
SHIRLEY OKAMOTO, LEGAL
GARRETT KAMEMOTO, MRM

EXCUSED:

TRUSTEE DONALD B. CATALUNA

BOT STAFF:

CAROL HO'OMANAWANUI, COS
LEAH BURROWS-NU'UANU, BOT SEC
DAYNA PA, TRUSTEE AIDE
ANI PANG, TRUSTEE AIDE
REYNOLD FREITAS, TRUSTEE AIDE
NATHAN TAKEUCHI, TRUSTEE AIDE
CAPSUN POE, TRUSTEE AIDE
SHELSEA APANA, TRUSTEE AIDE
KAMA HOPKINS, TRUSTEE AIDE
MAKANA CHAI, TRUSTEE SEC
LEHUA ITOKAZU, TRUSTEE SEC.

GUESTS:

KAMUELA KALA'I
CLAIRE STEELE
RANDALL SAKUMOTO, ESQ.

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 10:06 a.m. Roll call is taken; those present are Trustees Akana, Apo, Apoliona, H. Lindsey, R. Lindsey, Machado, Waihee and Stender constituting a quorum of eight (8) trustees. Trustee Cataluna is excused.

Chairperson Machado States that she will defer item VI. E. and item VI.B. will be addressed first in the Executive Session portion of the agenda. She requests a 72-Hour Waiver for material received under agenda item V. A. 1.

Trustee Waihe'e Moves to approve a 72-Hour Waiver for agenda item V. A. 1. OHA Legislative Positions.

Trustee Akana 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 V. A. 1. OHA Legislative Positions.

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			X			
TRUSTEE DONALD CATALUNA						Excused
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 February 2, 2012.

Trustee Apo Moves to approve the minutes of February 2, 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 February 2, 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			X			
TRUSTEE DONALD CATALUNA						Excused
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 States there are two members of the community who wish to address the Board. She recognizes Ms. Kamuela Kala'i as the first speaker.

Ms. Kala'i States that she is thankful for OHA helping to facilitate the ho'oponopono process with the Kawaiaha'o Church and the iwi kupuna. She congratulates Dr. Kamana'opono Crabbe for being selected as the new OHA CEO. She hopes that trustees continue to remember the kupuna at Kawaiaha'o. She states that she plans to ask each of the Ali'i Trusts to take a stand and make a public statement against what is happening at Kawaiaha'o.

Trustee Stender Asks what happened to the ho'oponopono.

Ms. Kala'i States that there were several agreements made in the group between the families and the church. The agreements were generally that the Church would not use heavy machinery in the excavations, the Church would allow the families to monitor the excavations, the kupuna already taken out of the ground would be interred, and the trespassing charges against Ms. Kaleikini and her would be dropped.

The construction continued with heavy equipment and the Church members stopped coming to the table.

Chairperson Machado Recognizes Ms. Claire Steele as the next speaker.

Ms. Steele Speaks against the building of the multipurpose center that Kawaiaha'o. She states that yesterday some students of the UH Hawaiian Studies program held a peaceful protest at Kawaiaha'o Church. She distributes a picture of her great-grandmother and her mother on the steps of the church.

She states that Dana Hall was also present at the peaceful protest and has received a motion for payment of attorney fees and costs from the Church's attorneys in the amount of \$437,000. Her lawsuit is still being appealed in the State Supreme Court.

Chairperson Machado Announces that the Kawaiaha'o Church matter is on today's agenda, in Executive Session.

IV. UNFINISHED BUSINESS

A. INTERIM CHIEF EXECUTIVE OFFICER'S UPDATE ON HO'OULU LAHUI ALOHA & OHA ACTIVITIES

Interim CEO Pezzulo Announces that over the next several meetings there will be presentations on the five Advocacy Initiatives being implemented by OHA. The two presentations on today's agenda are Income Advocacy Initiative and the Housing Advocacy Initiative.

He introduces Mr. Dirk Soma as the lead on the Income Advocacy Initiative.

Mr. Soma Gives trustees an overview of the Income Advocacy Initiative. The OHA working group is starting with 2 pilot communities – Hana and Waimanalo. Both have community projects and champions within them which OHA can help to build capacity and measure for modeling and effectiveness for other communities. The communities are geographically distinct that they can be measured effectively.

**KAIPU WAI
INCOME ADVOCACY INITIATIVE
UPDATE FOR THE OHA BOARD OF TRUSTEES
February 16, 2012**

WHERE ARE WE?

- 2 Pilot Communities
 - o Hana (Median Family Income - \$58,750 %of HP -76.6%)
 - o Waimanalo (Median Family Income - 58,173, %of NHP - 78%)
- Identified Community-Driven Projects with Community Champions
 - o Hana
 - Career Development Fairs
 - Commercial Kitchen – Existing
 - Career Technical Education Courses
 - Agriculture Co-op
 - o Waimanalo
 - Culinary/Business Training Program
 - TARGET Employment Preparation
 - Business Incubation Centers
- 'Ohana Income Fairs
 - o Loan information
 - o Personal Finance Checks
 - o Tax Preparation assistance
- Ka Ipu Wai Framework
 - o 2 Tracks,
 - o Public Policy – Change through legislation
 - o Programs and Services – Indirect services who have best practices
 - o 3 Tiers, of income earners
 - o Foundational Tier
 - o Bubble Group Tier
 - o Business owner Tier
 - o 4 E's
 - o Education
 - o Enterprise
 - o Entrepreneurship
 - o Empowerment
- 3 Strategies
 - o Career Development
 - o Youth and Adult Entrepreneurship
 - o Business Capacity Building

HOW DID WE GET HERE?:

- Core Team Meetings
 - o Research
 - o Force Field Analysis
 - o SWOT Analyses

- Key Stakeholder Meetings
 - o Oahu
 - o Maui
- Pilot Community Meetings

WHAT'S THE "SO WHAT?":

Strategic Priority: HO'OKAHUA WAIWAI (Economic Self-Sufficiency)

Strategic Result: Native Hawaiian Median Family Income will be equal to, or greater than, 92% of the Statewide Median Family Income.

Ka Ipu Wai: OHA Income Advocacy Initiative.

In a report prepared for OHA by Asia Pacific Exchange & Development (2010), several factors leading to the income disparity of Native Hawaiians were revealed:

- (1) Native Hawaiians are younger than other ethnic groups-asset building is not as high as older populations and career advancement or self-employment is not as high a priority.
- (2) Fewer Native Hawaiians have attained a bachelor's degree or above-thus wages are lower.
- (3) Fewer Native Hawaiians work in management and professional occupations-a result of lower educational attainment.
- (4) Fewer Native Hawaiians are self-employed-more Native Hawaiian- owned businesses can lead to the hiring of more Native Hawaiians to work in those businesses.
- (5) Native Hawaiians have larger family and household sizes multigenerational living has been a way to cope with the high cost

Native Hawaiians have lower incomes across several measures when compared to the State of Hawai'i as a whole. The latest U.S. Census American Community Survey reports that Native Hawaiian median family income in Hawai'i is \$67,682, while the statewide median family income is \$76,134.

The median divides the population in half. In terms of family income, half of Native Hawaiians make more than \$67, 682, and half make less than \$67, 682. The census defines a family as 2 or more people who are *related by birth, marriage, or adoption*, and are living together; while household members, according to the census, are *not necessarily* related and occupy the same residence.

Native Hawaiian: Any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawai'i.

Household: A household includes all the people who occupy a housing unit as their usual place of residence. (U.S., Bureau of the Census)

Income: "Total income" is the sum of the amounts reported separately for wages, salary, commissions, bonuses, or tips; self-employment income from own nonfarm or farm businesses, including proprietorships and partnerships; interest, dividends, net rental income, royalty income, or income from estates and trusts; Social Security or Railroad Retirement income; Supplemental Security Income (SSI); any public assistance or welfare payments from the state or local welfare office; retirement, survivor, or disability pensions; and any other sources of income received regularly such as Veterans' payments, unemployment compensation, child support, or alimony. (U.S., Bureau of the Census)

Per capita income: Average obtained by dividing aggregate income by total population of an area. (U.S., Bureau of the Census)

Trustee Apoliona Asks if the Hawaiian service providers are a part of the key stakeholder meetings.

Mr. Soma States that the working group has a number of direct service providers in both communities, some are Alu Like, HACBED, and Work Links Hawaii are some of them.

Trustee Apo Thanks Mr. Soma for his update to the Board. He thinks that income is important but isn't always the way to measure the quality of life. Some Hawaiians living on the beach with zero income are the happiest people alive.

Trustee Akana Agrees and thanks Mr. Soma for his hard work.

Trustee Robert Lindsey States that he is pleased to see that OHA's Strategic Plan is moving forward.

Mr. Soma Thanks the members of the Board for allowing him time to do his presentation. He thanks trustees for attending the settlement meetings in the community because it makes a world of difference when they are out there.

Interim CEO Pezzulo Introduces Mr. Jim Patterson as the next presenter. He is the lead on the Housing Advocacy Initiative.

Mr. Patterson Thanks Trustees for the opportunity to present the Housing Advocacy Initiative Update. He states that his purpose statement is the first item of discussion.

PURPOSE STATEMENT

The purpose of the Housing Advocacy Initiative is to provide public policy changes, programmatic housing services and economic development strategies to Native Hawaiians so that they can improve their capacity to own or rent a home.

STRATEGIC PRIORITY & RESULT

KAHUA WAIWAI

Increase the percentage of Native Hawaiians who improve their capacity to own or rent a home by:

- Decreasing from 55% to 50% the percentage of Native Hawaiian renters who are paying more than the HUD standard housing cost to no more than 30% of income
- Increasing Native Hawaiian Owner-Occupied housing from 56.62% to 58%

Strategic Result #10: Increase the percent of Native Hawaiians who improve their capacity to own or rent a home

Baseline Measures: decreasing from 55% to 50% the percent of Native Hawaiian renters who are paying more than the HUD standard housing cost and increasing Native Hawaiian owner-occupied housing from 56.62% to 58%

Benchmarks & Milestones

Short-term: Comprehensive

- Increase the number of Native Hawaiians enrolled in financial literacy courses to budget and manage finances
- Increase Native Hawaiian enrollment for Individual Development Account to build rental housing

Short-term: Renters

- Increase access to tenant-based and other Rental Assistance Programs (Section 8), HUD Housing, Public Housing, etc.
- Decrease the number of rental evictions of Native Hawaiians (Increase the number of referrals to social service agencies to access emergency funds to prevent eviction)

Short-Term: Homeownership

- Increase the enrollment rates of financial literacy for Native Hawaiians to decrease or eliminate debts, refinance if possible, and/or prevent foreclosures
- Increase awareness among Native Hawaiians of homeownership programs, loans and various financial institutions to prepare qualified individuals for homeownership

Mid-Range: Comprehensive

- Increase job training/job placement to increase monthly income
- Increase the number of Native Hawaiians building wealth through "good" credit, equity and or increasing income.

Mid-Range: Renters

- Decrease the long wait list of accessing: public housing to increase the number of individuals accessing: affordable rentals
- Decrease the number of Native Hawaiians spending more than 30% of their income on rental housing
- Increase the number of Native Hawaiians progressing from transitional housing to independent living (may include affordable rentals, Section 8, DHHL, or rentals)
- Increase access to higher wage paying jobs to assist Native Hawaiians in wealth building and asset accrual
- Provide access to low-interest mortgage products for renters prepared to enter homeownership

Mid-Range: Homeownership

- Increase the enrollment rates of financial literacy for Native Hawaiians to decrease or eliminate debts, refinance if possible, and/or prevent foreclosures
- Increase enrollment in homeownership programs for Native Hawaiians who are able to meet the basic requirements to qualify for a home
- Increase enrollment in DHHL homeownership programs for native Hawaiians on the DHHL wait list

Long-term: Renters

- Decrease expenditures for renters spending 30% or more on rental expenses
- Increase access to affordable rental units (Public Housing, Section 8, HUD) in a timely manner
- Increase affordable rentals for special populations (disabled, single-parents and kupuna)

Long-Term: Homeownership

- Increase the number of Native Hawaiians attaining homeownership
- Increase the stock of affordable homes for all populations (including the disabled, single-parents and kupuna)
- Decrease the blood quantum qualification requirement so more Native Hawaiians can obtain and retain DHHL homes
- Assist in mortgage refinancing to make homes more affordable

Trustee Apoliona States that she is thankful to Interim CEO Richard Pezzulo for spearheading these Advocacy Initiatives and allowing trustees to see the Strategic Plan at work in the community.

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 14, 2012, for new bills and changes of positions, numbered items 1-49 as follows:

Item #	Bill #	Report	Position
2012 Legislative Session			
New Bills			
1	GM	KAHOOLAWE ISLAND RESERVE COMMISSION	S
2	GM	KAHOOLAWE ISLAND RESERVE COMMISSION	S
3	GM	KAHOOLAWE ISLAND RESERVE COMMISSION	S
4	HB2429	RELATING TO THE BOARD OF AGRICULTURE.	M
5	HB2435 HD1	RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS.	M
6	HB 2455	RELATING TO THE STATE CODE OF ETHICS	M
7	HB2475 HD1	RELATING TO PUBLIC MEETINGS.	S
8	HB2483 HD 1	RELATING TO ENVIRONMENT.	M
9	HB 2531 HD1	RELATING TO EDUCATION.	M
10	HB 2527 HD1	RELATING TO EDUCATION	C
11	HB2588 HD1	RELATING TO GROUNDED VESSELS	M
12	HB 2614 HD1	RELATING TO COMMERCIAL HARBORS	M
13	HB 2671 HD1	RELATING TO SUSTAINABILITY	O
14	HB2740	RELATING TO TAXATION.	M
15	HB2828	RELATING TO GAMBLING.	M
16	HR006	Aquatic Life Resolution; Kauai County Package	M
17	HR008	Incarceration; Rehabilitation	S
18	HR010	Chronic Obstructive Pulmonary Disease	M
19	SB0833	RELATING TO FOOD ESTABLISHMENTS.	M
20	SB2134	RELATING TO HEALTHCARE.	M
21	SB2140 SD1	RELATING TO HUMAN SERVICES.	M
22	SB2143	RELATING TO MEDICAID.	M
23	SB2154	RELATING TO EDUCATION.	S
24	SB2158	RELATING TO BAIL.	S
25	SB2169	RELATING TO FUNDS.	M
26	SB2305	RELATING TO OCEAN RESOURCES.	SA
27	SB2307	RELATING TO KUPUNA CARE.	M
28	SB2370	RELATING TO COMMUNITY DEVELOPMENT.	O
29	SB2376	RELATING TO AGRICULTURAL LANDS.	M
30	SB2574	RELATING TO COMMUNITY PLACEMENT PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM INCARCERATION TO THE COMMUNITY.	S
31	SB2645	RELATING TO PUBLIC UTILITIES.	M
32	SB2646	RELATING TO BUILDING PERMITS.	C
33	SB2650	RELATING TO PROMOTION OF CONTROLLED SUBSTANCES.	M
34	SB2572 SD1	RELATING TO ELECTRIC UTILITIES.	M
35	SB2781	RELATED TO EARLY LEARNING.	M
36	SB2817	RELATING TO VITAL STATISTICS FEES.	O
37	SB2834	RELATING TO STATE EMPLOYMENT.	M
38	SB2855	RELATING TO EMERGENCY RULES FOR THREATS TO NATURAL RESOURCES OR THE HEALTH OF THE ENVIRONMENT	M
39	SB2864	RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE	M
40	SB2895	RELATING TO NEW MARKETS TAX CREDITS	M
41	SB2935	RELATING TO HEALTH CARE COORDINATION	M
42	SB3059	RELATING TO SUSTAINABILITY.	M

43	SR005	Chronic Obstructive Pulmonary Disease	M
Bill Positions for Reconsideration			
44	SB2804	RELATING TO THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS.	C > S
45	HB2634	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	M > S
46	SB2047	RELATING TO HOUSING	M > O
47	SB2197	RELATING TO LAND USE.	C > M
48	SB2639	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	M > S
49	SB2936	RELATING TO PUBLIC ASSISTANCE PROGRAMS.	S > C
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 14, 2012, for new bills and changes of positions, numbered items 1-49 as follows:

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			X			
TRUSTEE DONALD CATALUNA						Excused
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 – 2nd 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 Apo Seconds the motion.

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

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 Apo Seconds the motion.						
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	EXCUSED
TRUSTEE ROWENA	AKANA					Not present at vote
TRUSTEE PETER	APO		X	X		
TRUSTEE HAUNANI	APOLIONA			X		
TRUSTEE DONALD	CATALUNA					Excused
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				7		1/1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes, one (1) EXCUSED and one (1) NOT PRESENT.						

VI. EXECUTIVE SESSION

- A. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA ATTORNEY SHERYL NICHOLSON, ESQ., RE: QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES AND PRIVILEGES WITH RESPECT TO HI'ILEI ALOHA LLC. PURSUANT TO HRS 92-5(A)(4).
- B. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA BOARD COUNSEL ROBERT G. 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).
- C. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ. RE: QUESTIONS AND ISSUES REGARDING THE BOARD'S DUTIES AND RESPONSIBILITIES WITH RESPECT TO OHA CONTRACT #1979, KAWAIAHA'O CHURCH. PURSUANT TO HRS 92-5(A)(3) AND 92-5(A)(4)
- D. 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.
- E. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA ATTORNEYS NEIL T.

**PROTO, ESQ. OF SCHNADER ATTORNEYS AT LAW; LAWYER
REPRESENTATIVE, DENIS DWYER OF WILLIAMS & JENSEN, PLLC, AND
OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., RE: QUESTIONS AND
ISSUES PERTAINING TO THE BOARD'S POWERS AND DUTIES UNDER ITS
FEDERAL RECOGNITION INITIATIVE. PURSUANT TO HRS 92-
5(A)(4). TELEPHONIC CONFERENCE AT 11:30 A.M. (HST)
F. APPROVAL OF EXECUTIVE SESSION MINUTES FOR FEBRUARY 2, 2012.**

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

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 Waihe'e 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 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			X			
TRUSTEE DONALD CATALUNA						Excused
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.						

The Board moved into Executive Session at 11:05 a.m.

The Board moved into Open Session at 1:06 p.m.

IV. BENEFICIARY COMMENTS

Chairperson Machado States that there are no beneficiaries signed up to speak.

X. ANNOUNCEMENTS

Chairperson Machado Announces the following:

- February 23rd – BOT Meeting 10:00 am.
- March 1st – BOT Meeting 10:00 am.

VII. ADJOURNMENT

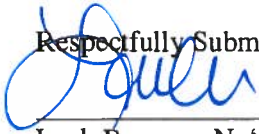
Trustee Apo Moves for adjournment.

Trustee Stender Seconds the motion.

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

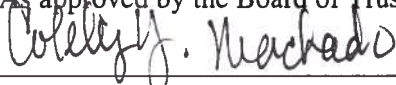
The meeting was adjourned at 1:08 P.M.

Respectfully Submitted,



Leah Burrows-Nu'uano,
Board Secretary

As approved by the Board of Trustees on March 1, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. February 16, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustee Donald Cataluna