

## 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 24 NO 123

**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Thursday, March 1, 2012

**TIME:** 10:00 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. February 16, 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. Ratification of the joint resolution by the Hawaiian Homes Commission and Office of Hawaiian Affairs on the State of Hawai'i and Office of Hawaiian Affairs Settlement of Public Land Trust Income for the Period of 1978 to 2012.
  - B. 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.
- VI. Executive Session\*\*\*
  - A. 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.
  - 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. Approval of Executive Session Minutes for February 8, 9, & 16, 2012.
- VII. Beneficiary Comments\*\*
- VIII. Announcements
- IX. 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

*02/23/12*  
 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, March 1, 2012 10:00 a.m.

**ATTENDANCE:**

TRUSTEE PETER APO  
TRUSTEE HAUNANI APOLIONA  
TRUSTEE DONALD B. CATALUNA  
TRUSTEE C. HULU LINDSEY  
TRUSTEE ROBERT K. LINDSEY JR  
TRUSTEE COLETTE Y. MACHADO  
TRUSTEE OSWALD STENDER  
TRUSTEE JOHN WAIHE'E IV

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  
KAI MARKELL, COMP  
GARRETT KAMEMOTO, MRM  
STERLING WONG, ADV  
MOMILANI LAZO, RES  
DEIDRA ALO, ADV  
JERY NORRIS, COMP  
LUCI MEYER, OUTR

**EXCUSED:**

TRUSTEE ROWENA AKANA

**BOT STAFF:**

CAROL HO'OMANAWANUI, COS  
LEAH BURROWS-NU'UANU, BOT SEC  
DAYNA PA, TRUSTEE AIDE  
CAPSUN POE, TRUSTEE AIDE (KAUAI)  
NATHAN TAKEUCHI, TRUSTEE AIDE  
SHELSEA APANA, TRUSTEE AIDE  
ANI PANG, TRUSTEE AIDE  
LEIANN DURANT, TRUSTEE AIDE  
SHIRLEY NAKANISHI, TRUSTEE SEC  
LEHUA ITOKAZU, TRUSTEE SEC  
MAKANA CHAI, TRUSTEE SEC

**GUESTS:**

RANDALL SAKUMOTO, ESQ.

**I. CALL TO ORDER**

**Vice Chair Apo** Calls the Board of Trustees meeting to order at 10:04 a.m. Roll call is taken; those present are Trustees Apo, Apoliona, Cataluna, H. Lindsey, R. Lindsey, Stender and Waihe'e constituting a quorum of seven (7) trustees. Trustee Akana is excused. Chairperson Machado is at the Legislature for the Settlement Bill Hearing and should be arriving shortly. Vice-Chairperson Apo will convene the meeting until the Chairperson returns.

**Vice Chair Apo** Announces that the agenda will be rearranged to address item V.B. after Executive Session. Requests a 72-Hour Waiver for material received under agenda items V. A. and B.

**Trustee Apoliona** Moves to approve a 72-Hour Waiver for agenda items V. A. and B.

**Trustee Waihe'e** Seconds the motion.

There was no discussion on the motion. Vice-Chair Apo asks for a roll call vote.

Trustee Apoliona Moves to approve a 72-Hour Waiver for agenda items V. A. and B.							
Trustee Waihe'e Seconds the motion.							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA	AKANA						Excused
TRUSTEE PETER	APO			X			
TRUSTEE HAUNANI	APOLIONA	X		X			
TRUSTEE DONALD	CATALUNA			X			
TRUSTEE HULU	LINDSEY			X			
TRUSTEE ROBERT	LINDSEY			X			
TRUSTEE OSWALD	STENDER			X			
TRUSTEE JOHN	WAIHE'E		X	X			
TRUSTEE COLETTE	MACHADO						Not Present
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.							

## II. APPROVAL OF MINUTES

Vice-Chair Apo Requests a motion to approve the minutes of February 16, 2012.

Trustee Apoliona Moves to approve the minutes of February 16, 2012.

Trustee R. Lindsey Seconds the motion.

There was no discussion on the motion. Vice-Chair Apo asks for a roll call vote.

Trustee Apoliona Moves to approve the minutes of February 16, 2012							
Trustee R. Lindsey Seconds the motion.							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA	AKANA						Excused
TRUSTEE PETER	APO			X			
TRUSTEE HAUNANI	APOLIONA	X		X			
TRUSTEE DONALD	CATALUNA			X			
TRUSTEE HULU	LINDSEY			X			
TRUSTEE ROBERT	LINDSEY		X	X			
TRUSTEE OSWALD	STENDER			X			
TRUSTEE JOHN	WAIHE'E			X			
TRUSTEE COLETTE	MACHADO						Not Present
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.							

### **III. COMMUNITY CONCERNS**

**Vice Chair Apo** Recognizes Mr. Leigh-Wai Doo as the first speaker.

**Mr. Doo** States that he is here speaking in support of House Bill 1793 H.D. 2. and Senate Bill 3028 S.D. 1. titled "A Bill For An Act Relating To Conservation and Resources." He is here to make the Trustees aware of the bills which aim to save Hawaiian Forests. Right now on Native Hawaiian forests on private land can be legally cut down. Hawai'i is one of the few remaining places in the world where sandalwood can be cut down without regulations. Mature sandalwood trees are rare and we need to save them. He asks for oversight of the harvesting of the ' iliahi. Perhaps a permit process for harvesting of the native forests.

The purpose of this measure is to protect native species of sandalwood trees by:

- 1) Requiring the Department of Land and Natural Resources to establish rules regarding sandalwood; and
- 2) Establishing penalties for the illegal destruction or harvesting of native sandalwood trees.

The Department of Land and Natural Resources and the Foundation for Islands of Harmony supported this measure with amendments. The Hawaii Forest Industry Association offered comments on the measure. The Judiciary amended the measure by:

- 1) Expanding protection under the measure to include native forest resources deemed in need of conservation by the Department of Land and Natural Resources, in addition to sandalwood;
- 2) Defining "native forest resources deemed in need of conservation";
- 3) Clarifying the penalty provisions to be both criminal and administrative; and
- 4) Changing the effective date to January 7, 2059, to encourage further discussion.

**Vice Chair Apo** Calls Sterling Wong to the table to update Trustees on OHA's position.

**Sterling Wong, PUBL** Defers to Jocelyn Doane for the update.

**Jocelyn Doane, PUBL** States that OHA staff have been monitoring the bills. The bills have changed dramatically since their introduction. OHA obviously supports the concept but staff needs to carefully assess the impact on the broadness of the language.

### **IV. UNFINISHED BUSINESS**

#### **A. INTERIM CHIEF EXECUTIVE OFFICER'S UPDATE ON HO'OU LU LAHUI ALOHA & OHA ACTIVITIES**

**Interim CEO Pezzulo** States that there is nothing to report this week, the ceded lands settlement community meetings continue to be held and updates on the bills will continue to be sent daily.

### **IV. NEW BUSINESS**

#### **A. RATIFICATION OF THE JOINT RESOLUTION BY THE HAWAIIAN HOMES COMMISSION AND OFFICE OF HAWAIIAN AFFAIRS ON THE STATE OF HAWAI'I AND OFFICE OF HAWAIIAN AFFAIRS SETTLEMENT OF PUBLIC LAND TRUST INCOME FOR THE PERIOD OF 1978 TO 2012.**

**Chairperson Machado** Asks Trustees for a motion to approve and ratify the joint resolution by the Hawaiian Homes Commission and Office of Hawaiian Affairs on the State of Hawai'i and Office of Hawaiian Affairs Settlement of Public Land Trust Income for the Period of 1978 to 2012.

**Hawaiian Homes Commission and Office of Hawaiian Affairs Joint Resolution on State of Hawai'i and Office of Hawaiian Affairs Settlement of Public Land Trust Income for the Period of 1978 to 2012**

**WHEREAS**, the United States Congress has the plenary power to address the conditions of Native peoples, including Native Hawaiians, Alaska Natives and American Indians and enacted the Hawaiian Homes Commission Act of 1920 in recognition of the United States' trust responsibility to native Hawaiians to establish a land trust to promote self-sufficiency, self-determination and the perpetuation of cultural values and traditions in the administration of the Act; and

**WHEREAS**, in 1959, as part of the compact with the United States admitting Hawai'i into the Union, Congress delegated the authority and responsibility to administer the Hawaiian Homes Commission Act of 1920 to the State of Hawai'i with oversight by the federal government, wherein the Department of Hawaiian Home Lands (DHHL) was established in 1961; and

**WHEREAS**, DHHL is managed under the authority of the Hawaiian Homes Commission defined in the Act and appointed by the Governor of the State of Hawai'i with the advice and consent of the Hawai'i Senate, which exercises its fiduciary duty to ensure that the Act is administered in a manner consistent with the State of Hawai'i and United States trust responsibility to native Hawaiians as defined by the Hawaiian Homes Commission Act; and

**WHEREAS**, in 1978, through a constitutional amendment, the State of Hawai'i established the Office of Hawaiian Affairs for the benefit of native Hawaiians, as defined by the Hawaiian Homes Commission Act, and Hawaiians, and, pursuant to the Hawai'i Constitution, Article XII, Sections 4 and 6, to receive and in its discretion use income and proceeds from that pro rata portion of the trust referred to in Article XII, Section 4, for native Hawaiians; and

**WHEREAS**, Governor Abercrombie has authorized the Attorney General to negotiate and settle claims by the Office of Hawaiian Affairs to income and proceeds due to the agency from the public land trust for the period of 1978 through June 30, 2012, valued at \$200 million dollars subject to the approval of the Hawai'i State Legislature; and

**NOW THEREFORE BE IT RESOLVED**, that the Hawaiian Homes Commission commends Governor Abercrombie and the Office of Hawaiian Affairs for their dedication to resolving this dispute concerning the Office of Hawaiian Affairs' right to receive and in its discretion use income and proceeds from that pro rata portion of the Trust referred to in Article XII, Section 4, for native Hawaiians for the period of 1978 through June 30, 2012; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Hawaiian Homes Commission supports a settlement value of \$200 million dollars as a fair and just amount for the period in question, and further encourages the Attorney General, the Office of Hawaiian Affairs and the Hawaii State Legislature to finalize a settlement agreement in the 2012 Legislative Session; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Hawaiian Homes Commission and the Office of Hawaiian Affairs commit to work collaboratively to establish goals, projects and programs that serve their mutual native Hawaiian beneficiaries.

**Chairperson Machado** Asks Trustees if they have any questions on the resolution. She States that the Hawaiian Homes Commission has not taken a position on the resolution because their meeting is scheduled for March 12, 2012.

**Trustee Stender** Moves to approve and ratify the joint resolution by the Hawaiian Homes Commission and Office of Hawaiian Affairs on the State of Hawai'i and Office of Hawaiian Affairs Settlement of Public Land Trust Income for the Period of 1978 to 2012.

**Trustee Apo** Seconds the motion.

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

<b>Trustee Stender</b> Moves to approve and ratify the joint resolution by the Hawaiian Homes Commission and Office of Hawaiian Affairs on the State of Hawai'i and Office of Hawaiian Affairs Settlement of Public Land Trust Income for the Period of 1978 to 2012.						
<b>Trustee Apo</b> Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA						Excused
TRUSTEE PETER APO		X	X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA			X			
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>			8			1
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight (8) YES votes, one (1) EXCUSED.</b>						

Note: Chairperson Machado reminds Trustees that Item V. B. 1. will be addressed when the Board reconvenes into open session.

## **VI. EXECUTIVE SESSION**

- A. 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.**
- 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. APPROVAL OF EXECUTIVE SESSION MINUTES FOR FEBRUARY 8, 9, & 16, 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.

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

The Board moved into Executive Session at 10:22 a.m.

The Board moved into Open Session at 11:45 a.m.

## V. NEW BUSINESS

### B. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

#### 1. 2012 OHA LEGISLATIVE POSITIONS:

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

**Trustee Waihe'e** Moves to approve Administration's recommendations regarding New Bills and Bill Positions for Reconsideration on the matrix titled *Twenty-Sixth State Legislature, 2012* and dated February 29, 2012, as amended:

Item #	Bill #	Report	Position
<b>New Bills</b>			
1	GM754	Commission on Water Resource Management	C
2	GM755	Commission on Water Resource Management	O
ADDED	GM726	King Kamehameha Celebration Commission	S
3	HB1589	FEBRUARY AS HAWAIIAN GROWN CACAO MONTH.	M
4	HB2416 HD1	RELATING TO EDUCATION.	S
5	HB2516 HD1	APPROPRIATION FOR EARLY CHILDHOOD HEALTH.	M

6	SB682 Proposed SD1	RELATING TO KAKAAKO.	S
7	SB2778 SD1	APPROPRIATION FOR EARLY CHILDHOOD HEALTH.	S
<b>Bill Positions for Reconsideration</b>			
<b>Item #</b>	<b>Bill #</b>	<b>Report</b>	<b>Position</b>
8	HB2412	RELATING TO HOUSING.	C > M
9	HB2808	RELATING TO KIKALA-KEOKEA.	M > S
10	SB2378 SD1	RELATING TO LEGACY LANDS.	O > C
11	SB2936 SD1	RELATING TO PUBLIC ASSISTANCE PROGRAMS.	C > M
12	HB2531	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	C > SA
13	SB2793 SD1	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	C > SA
14	SB2792 SD1	RELATING TO RENEWABLE ENERGY REVENUE.	SA > S
15	HB2530 HD1	RELATING TO RENEWABLE ENERGY REVENUE.	SA > S
16	HB2246 HD1	RELATING TO HAIKU VALLEY.	SA > C

**Trustee Apoliona** Seconds the motion.

**Chairperson Machado** States that the SB 682 should be amended from Support to Comments.

**Trustee Apoliona** Agrees.

**Trustee Waihe'e** Moves to amend the original motion to change OHA's position on SB 682, from Support to Comment.

**Trustee Apoliona** Seconds.

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

<b>Trustee Waihe'e</b> Moves to amend the original motion to change OHA's position on SB 682, from Support to Comment.						
<b>Trustee Apoliona</b> Seconds.						
<b>TRUSTEE</b>	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA ABSTAIN</b>	<b>EXCUSED</b>
<b>TRUSTEE ROWENA AKANA</b>						Excused
<b>TRUSTEE PETER APO</b>			X			
<b>TRUSTEE HAUNANI APOLIONA</b>		X	X			
<b>TRUSTEE DONALD CATALUNA</b>			X			
<b>TRUSTEE HULU LINDSEY</b>			X			
<b>TRUSTEE ROBERT LINDSEY</b>			X			
<b>TRUSTEE OSWALD STENDER</b>			X			
<b>TRUSTEE JOHN WAIHE'E</b>	X		X			
<b>TRUSTEE COLETTE MACHADO</b>			X			
<b>TOTAL VOTE COUNT</b>			8			1
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight (8) YES votes, one (1) EXCUSED.</b>						



**Trustee Waihe'e** Moves to approve Administration's recommendations regarding New Bills and Bill Positions for Reconsideration on the matrix titled *Twenty-Sixth State Legislature, 2012* and dated February 29, 2012, as amended:

Item #	Bill #	Report	Position
<b>New Bills</b>			
1	GM754	Commission on Water Resource Management	C
2	GM755	Commission on Water Resource Management	O
ADDED	GM726	King Kamehameha Celebration Commission	S
3	HB1589	FEBRUARY AS HAWAIIAN GROWN CACAO MONTH.	M
4	HB2416 HD1	RELATING TO EDUCATION.	S
5	HB2516 HD1	APPROPRIATION FOR EARLY CHILDHOOD HEALTH.	M
6	SB682 Proposed SD1	RELATING TO KAKAAKO.	C
7	SB2778 SD1	APPROPRIATION FOR EARLY CHILDHOOD HEALTH.	S
<b>Bill Positions for Reconsideration</b>			
Item #	Bill #	Report	Position
8	HB2412	RELATING TO HOUSING.	C > M
9	HB2808	RELATING TO KIKALA-KEOKEA.	M > S
10	SB2378 SD1	RELATING TO LEGACY LANDS.	O > C
11	SB2936 SD1	RELATING TO PUBLIC ASSISTANCE PROGRAMS.	C > M
12	HB2531	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	C > SA
13	SB2793 SD1	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	C > SA
14	SB2792 SD1	RELATING TO RENEWABLE ENERGY REVENUE.	SA > S
15	HB2530 HD1	RELATING TO RENEWABLE ENERGY REVENUE.	SA > S
16	HB2246 HD1	RELATING TO HAIKU VALLEY.	SA > C

**Trustee Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA						Excused
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE DONALD CATALUNA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			8			1

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

**Motion passes with eight (8) YES votes, one (1) EXCUSED.**

#### **IV. BENEFICIARY COMMENTS**

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

#### **X. ANNOUNCEMENTS**

**Chairperson Machado** Announces the following:

- March 8, 2012 – BOT Meeting 10:00 am.
- March 15, 2012 – No BOT Meeting
- March 22, 2012 – BOT Meeting 10:00 am.
- CPAC Quarterly Meeting – Tonight at 5:30 pm.

**Board Counsel Klein** Announces that with regard to the Amsterdam case, Judge Ezra has granted a dismissal in OHA's favor. If trustees recall, Mr. Amsterdam feels that OHA should provide funds to him and those in his nation to go to Washington D.C. to oppose the Akaka Bill. Judge Ezra let Mr. Amsterdam make his case and ruled in favor of OHA.

**Trustee Cataluna** Announces that he has submitted testimony on behalf of SCR 52 and SR 19 Urging Grove Farm Company to allow Koloa Plantation Camp Tenants to remain on the property past the eviction date and to assign the Tenants to Designated Affordable Homes Developed at Koloa Plantation Camp. He asks that a letter be drafted by the Chair to support his position on the resolution.

**Chairperson Machado** States that once the BAE Committee adds it to the official matrix, testimony in support of the resolution can be drafted and sent to the respective committees.

## VII. ADJOURNMENT

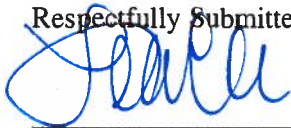
**Trustee Apoliona** Moves for adjournment.

**Trustee Stender** Seconds the motion.

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

The meeting was adjourned at 11:58 A.M.

Respectfully Submitted,



Leah Burrows-Nu'uuanu,  
Board Secretary

As approved by the Board of Trustees on March 22, 2012.



Trustee Colette Y. Machado, Chairperson  
Board of Trustees

### ATTACHMENTS:

1. March 1, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustee Akana