

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 MAR 30 AM 10:05

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, April 5, 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. March 22, 2012
- III. Community Concerns**
- IV. Unfinished Business
 - A. 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.
 - B. Joint Asset & Resource Management and Beneficiary Advocacy & Empowerment
 1. ARM/BAE 12-01 Funding for Proposed Aha Moku Advisory Committee
 - C. Ratification of OHA Resolution of Respect in Loving Memory of Lawrence Kaihi'ihikapuokalani "Boyce" Rodrigues
- VI. Executive Session***
 - A. 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).*
 - B. Discussion and deliberations concerning the authority of persons designated by the Board to negotiate the acquisition of public property and Attorney-Client legal advisory by OHA Board Counsel Robert G. Klein, Esq., and OHA Corporate Counsel Ernest Kimoto, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities to negotiate for and acquire public property. *Pursuant to HRS 92-5(a)(3) and 92-5(a)(4).*
 - C. Approval of Executive Session Minutes for March 22, 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

3/29/12
 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, April 5, 2012 10:00 a.m.

ATTENDANCE:

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

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
ERNIE KIMOTO, CORP COUNSEL
HAWLEY ALAMODIN CFO
BREANN NU'UHIWA, ADV
DIRK SOMA, OUTR
JIM MCMAHON, ADV
KAI MARKELL, COMP
GARRETT KAMEMOTO, MRM
STERLING WONG, ADV
KAMAILE MOLDANADO, ADV
JOCELYN DOANE

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
CAPSUN POE, TRUSTEE AIDE (KAUAI)
NATHAN TAKEUCHI, TRUSTEE AIDE
SHELSEA APANA, TRUSTEE AIDE
LEIANN DURANT, TRUSTEE AIDE
REYNOLD FREITAS, TRUSTEE AIDE
CRAYN AKINA, TRUSTEE AIDE
MAKANA CHAI, TRUSTEE SEC
SHIRLEY NAKANISHI, TRUSTEE SEC
LEHUA ITOKAZU, TRUSTEE SEC

GUESTS:

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 10:01 a.m. Roll call is taken; those present are Trustees Apo, Apoliona, H. Lindsey, R. Lindsey, Machado, Stender and Waihe'e constituting a quorum of seven (7) trustees. Trustee Cataluna has submitted a letter of excuse for today's meeting. Trustee Akana should be here shortly.

She announces that the agenda will be rearranged to address item VI.C. first.

Chairperson Machado Calls on Trustee Waihe'e to make a motion to approve the 72-Hour Waiver for item V.A. 1. & V.B. 1.

Trustee Waihe'e Moves to approve a 72-Hour Waiver for agenda items:

V. A. 1. 2012 OHA Legislative Positions: Matrix

B. 1. ARM/BAE 12-01 Funding for Proposed Aha Moku Advisory Committee

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 items:

V. A. 1. 2012 OHA Legislative Positions: Matrix

B. 1. ARM/BAE 12-01 Funding for Proposed Aha Moku Advisory Committee

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 and one (1) EXCUSED.

II. APPROVAL OF MINUTES

Chairperson Machado Requests a motion to approve the minutes of March 22, 2012.

Trustee Apo Moves to approve the minutes of March 22, 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 March 22, 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 and one (1) EXCUSED.

III. COMMUNITY CONCERNS

Chairperson Machado Notes that there are no community members signed up to visit.

IV. UNFINISHED BUSINESS

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

Chairperson Machado Calls on Ka Pouhana Dr. Kamana'opono Crabbe to provide his update to the Board.

Ka Pouhana Crabbe Reminds Trustees that the Bill Signing Ceremony for SB 2783 is scheduled for next Wednesday, April 11, 2012. The Governor's office has allocated 75 invitations to OHA. He is working with the Chair's office to finalize the list of invitees.

He adds that he has completed interviews for OHA's Executive Team. A memo will be sent to the Trustees to notify them of the appointments this afternoon.

Administration is preparing for the all Staff meeting on May 7th. The meeting will include the introduction of the Executive team as well as a presentation to staff members on OHA's focus for the next several years. It will be an all-day event and he encourages Trustees to participate.

V. NEW BUSINESS

A. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

1. 2012 OHA LEGISLATIVE POSITIONS:

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

Trustee Waihe'e Moves to approve Administration's recommendations regarding New Bills and Bill Positions for Reconsideration on the OHA Legislative matrix dated April 4, 2012, as amended.

New Bills			
#	Bill #	Report	Position
1	GM828	Board of Directors of the Hawai'i Health Connector	S
2	HCR084	Hunting; Trespass on Private Lands; Written Permission	O
3	SCR117 SD1	DLNR; Inventory of Public Lands and Facilities	M
Bill Positions for Reconsideration			
4	HB2121 HD2	RELATING TO RENEWABLE ENERGY.	C > M
5	HB2338 HD2	RELATING TO THE CREATIVE MEDIA INDUSTRY.	C > M
6	HB2819 HD1 SD1	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	M > C
7	HB2848 HD3 SD1	RELATING TO PUBLIC SAFETY.	C > O
8	HCR166	Department of Education; MOA; 'Aha Kauleo Kaiapuni Hawai'i	C > S
9	SB2927 SD2 HD1	RELATING TO COMMUNITY PLANNING.	O > M
10	SCR086	Department of Education; MOA; 'Aha Kauleo Kaiapuni Hawai'i	C > SA

Trustee Akana Seconds the motion.

Trustee Waihe'e Moves to amend the original motion to add GM 869 Relating to the King Kamehameha Celebration Commission, to the New Bills section of the Legislative Matrix, with the position of Support.

Trustee Apoliona Seconds the Motion.

Hearing no discussion, Chairperson Machado asks for a roll call vote on the amendment to the motion.

Trustee Waihe'e Moves to amend the original motion to add GM 869 Relating to the King Kamehameha Celebration Commission, to the New Bills section of the Legislative Matrix, with the position of Support.

Trustee Apoliona 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	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: ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

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

Chairperson Machado Returns to the main motion and asks for a roll call vote.

Trustee Waihe'e Moves to approve Administration's recommendations regarding New Bills and Bill Positions for Reconsideration on the OHA Legislative matrix dated April 4, 2012, as amended.

New Bills			
#	Bill #	Report	Position
1	GM828	Board of Directors of the Hawai'i Health Connector	S
2	HCR084	Hunting; Trespass on Private Lands; Written Permission	O
3	SCR117 SD1	DLNR; Inventory of Public Lands and Facilities	M
4	GM869	King Kamehameha Celebration Commission	S
Bill Positions for Reconsideration			
4	HB2121 HD2	RELATING TO RENEWABLE ENERGY.	C > M
5	HB2338 HD2	RELATING TO THE CREATIVE MEDIA INDUSTRY.	C > M
6	HB2819 HD1 SD1	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	M > C
7	HB2848 HD3 SD1	RELATING TO PUBLIC SAFETY.	C > O
8	HCR166	Department of Education; MOA; 'Aha Kauleo Kaiapuni Hawai'i	C > S
9	SB2927 SD2 HD1	RELATING TO COMMUNITY PLANNING.	O > M
10	SCR086	Department of Education; MOA; 'Aha Kauleo Kaiapuni Hawai'i	C > SA

Trustee Akana 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	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 and one (1) EXCUSED.

**B. JOINT ASSET & RESOURCE MANAGEMENT AND BENEFICIARY
ADVOCACY & EMPOWERMENT**
**1. ARM/BAE 12-01 FUNDING FOR PROPOSED AHA MOKU ADVISORY
COMMITTEE**

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

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

Trustee Akana Seconds the motion.

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

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

Trustee 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 and one (1) EXCUSED.

C. RATIFICATION OF OHA RESOLUTION OF RESPECT IN LOVING MEMORY OF LAWRENCE KAIHI'HIKAPUOKALANI "BOYCE" RODRIGUES

Chairperson Machado Calls on Trustee Akana to make the next motion.

Trustee Akana Moves to approve and ratify the OHA Resolution of Respect in Loving Memory of Lawrence Kaihi'ihikapuokalani "Boyce" Rodrigues.

Trustee Apoliona Seconds the motion.

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

Trustee Akana Moves to approve and ratify the OHA Resolution of Respect in Loving Memory of Lawrence Kaihi'ihikapuokalani "Boyce" Rodrigues.

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

Trustee Akana States that the family of Boyce thanks the Trustees for the resolution. They were very appreciative.

VI. EXECUTIVE SESSION

- A. 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).**
- B. DISCUSSION AND DELIBERATIONS CONCERNING THE AUTHORITY OF PERSONS DESIGNATED BY THE BOARD TO NEGOTIATE THE ACQUISITION OF PUBLIC PROPERTY AND ATTORNEY-CLIENT LEGAL ADVISORY BY OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., AND OHA CORPORATE COUNSEL ERNEST KIMOTO, ESQ. RE: QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES,**

**IMMUNITIES AND LIABILITIES TO NEGOTIATE FOR AND ACQUIRE
PUBLIC PROPERTY. PURSUANT TO HRS 92-5(A)(3) AND 92-5 (A)(4).**

C. APPROVAL OF EXECUTIVE SESSION MINUTES FOR MARCH 22, 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 Apoliona 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 Apoliona 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						Excused
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED.						

The Board moved into Executive Session at 10:14 a.m.

The Board moved into Open Session at 11:22 a.m.

X. ANNOUNCEMENTS

Chairperson Machado Announces the following:

1. BOT Meeting on April 19, 2012
2. SCIA Briefing with OHA Trustees – Monday April 9, 3:00 pm BoardRoom
3. Settlement Bill Signing – Wednesday – April 11, 10:30 – 11:30 Shuttles for Trustees leaving OHA at 10:00 am

VII. ADJOURNMENT

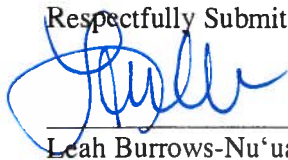
Trustee Apoliona Moves for adjournment.

Trustee Stender Seconds the motion.

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

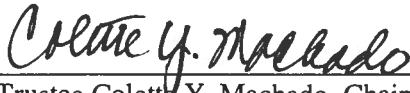
The meeting was adjourned at 11:27 A.M.

Respectfully Submitted,



Leah Burrows-Nu'uano,
Board Secretary

As approved by the Board of Trustees on April 19, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. April 5, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustee Cataluna