



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, Kaula'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

LIUTENANT GOVERNOR'S
 OFFICE

'12 MAY 10 P1:54

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, May 17, 2012
TIME: 9:00 a.m.
PLACE: Lihu'e Neighborhood Center
 3353 'Eono Street
 Lihu'e, Hawai'i 96766

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. May 3, 2012
- III. Community Concerns**
- IV. Unfinished Business
 - A. Ka Pouhana Update on Ho'oulu Lāhui Aloha & OHA activities.
- V. New Business
 - A. Ka Pouhana Presentations and Discussions:
 - 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., OHA Attorney 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. BOT 12-02: Commercial Property Acquisition - Deliberations concerning the authority of persons designated by the Board to negotiate the acquisition of public property or during the conduct of such negotiations and consultation with Robert G. Klein, Esq. Board Counsel, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to *HRS 92-5(a)(3) and 92-5 (a)(4).*
 - C. Approval of Executive Session Minutes for May 3, 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

5/10/12
 Date

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
Līhu'e Neighborhood Center
3353 'Eono Street
Līhu'e, Hawai'i 96766

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, May 17, 2012 9:00 a.m.

ATTENDANCE:

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:

AEDWARD LOS BANOS, COO
BREANN NU'UHIWA, ADV
KEHAU ABAD, CED
CONNIE CHENG, INV
JOHN ROSA, OUTR
GARRETT KAMEMOTO, MRM
KALIKO SANTOS, COC
NOALANI OBA, COC

GUESTS:

MONA BERNARDINO
PETER HANO HANO
LIBERTA ALBAE
ERIN WILSON
UILANI MANOI
RANDALL SAKUMOTO, ESQ.
KALEI SHINTANI

EXCUSED:

TRUSTEE ROWENA AKANA
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
NATHAN TAKEUCHI, TRUSTEE AIDE
SHELSEA APANA, TRUSTEE AIDE
LEIANN DURANT, TRUSTEE AIDE
KAMA HOPKINS, TRUSTEE AIDE
CRAYN AKINA, TRUSTEE AIDE
SHIRLEY NAKANISHI, TRUSTEE SEC

BEN BRIGHT
TIM REIS
LEIALOHA SANCHEZ
LISA RAPOZO
WILMA HOLI
TIA KOERTE
HO'OMAIKA'I KELLEY

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 9:04 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. Trustees Akana and Cataluna have submitted letters of excuse for today's meeting. She notes that agenda items V.A. & B. require no action and will be deferred.

Students from Ke Kula Ni'ihau o Kekaha offer oli and song to greet OHA Trustees and Staff. Kumu Tia Koerte, Kalei Shintani and Ho'omaika'i Kelley express their gratitude for OHA's assistance over the years especially for helping transfer the lease of their school. The keiki present handmade plumeria lei to the Trustees.

Chairperson Machado Asks Trustee Oswald Stender to offer some words about Ke Kula Ni'ihau o Kekaha. Trustee Stender was part of the group that had the vision of helping these native speaking youngsters through an executive order.

Trustee Stender Offers history about Ke Kula Ni'ihau o Kekaha. He states that it makes him feel very good that the school has flourished the way that it has. Dwayne Steele, Ron Poepoe and Carlos Andrade were involved from the beginning. Carlos Andrade approached him asking for help for the Ni'ihau children who were having a hard time settling into the conventional schools in Waimea and Kekaha. The school started to help transition the Ni'ihau children from Hawaiian to English. After being in existence for a year they realized that the keiki didn't need to learn English, they heard it every day. The whole idea was to perpetuate the Ni'ihau dialect. He is so proud that the school has flourished.

He states that the group could not have been successful without the help of the Office of Hawaiian affairs. When it started he was not yet a Trustee of the Office of Hawaiian Affairs. He came to OHA to ask that they accept the lease on behalf of the school. At the time 'Aha Punana Leo was not recognized and could not accept the lease on behalf of Ke Kula Ni'ihau. DLNR was willing to transfer the lease and OHA accepted it on the school's behalf. We have come full circle now that OHA could transfer the lease to the school. It has taken many years but finally it has happened.

Trustee Apoliona States that she cannot come to Kaua'i without thinking of Kumu Ni'ihau Elama Kanahele who loved the children so much that she endured personal heartache for what she felt was right for the keiki.

II. APPROVAL OF MINUTES

Chairperson Machado Requests a motion to approve the minutes of April 19, 2012. She also notes that Trustee Waihee has arrived.

Trustee Apo Moves to approve the minutes of May 3, 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 May 3, 2012.

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		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			2
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes and two (2) EXCUSED.						

III. COMMUNITY CONCERNS

Chairperson Machado Recognizes Ms. Lisa Rapozo to speak to Trustees under Community Concerns.

Ms. Rapozo States that she is representing Mr. Kimo Perry who is the Wai'ale'ale Project Coordinator. Mr. Perry is at Waimea High School presenting awards to the high school student coming into the new cohort. He is sorry that he could not be here today but is excited about welcoming the third group of students into the program.

She is the Senior Mentor for the project along with U'i Manoi who is the newest mentor for the project. They are present to thank OHA for all of the support for the Wai'ale'ale project. The Wai'ale'ale project allows nonconventional students who haven't been to college the opportunity to attend. The project pays for tuition, books and fees for students to attend college. The project is funded by the Office of Hawaiian Affairs and private donors. Ms. Rapozo is the product of the first cohort and they are on the third cohort.

Trustee Apo Asks what a non-traditional student is.

Ms. Rapozo States that the project's definition of the non-traditional student is a student who is not a graduating senior of a high school. There are students who are in their 50's, who have the opportunity now to attend college.

Chairperson Machado Thanks Ms. Rapozo for attending the meetings and updating Trustees on the project. She recognizes Mr. Tim Reis as the next speaker.

Mr. Reis States that he is a wood carver from Princeville. He was not raised in Hawai'i but has returned to Kaua'i to embrace his Hawaiian heritage. He and his cousins have recently formed a nonprofit organization called Kanaka Maoli Cultural Restoration. They focus on community based projects using Hawaiian ideology to guide them. Projects include reforestation using native Hawaiian plants including Papala trees. Another project is planting the olona shrub. It was traditionally used for cordage and making rope for lashing canoes.

He states that he hasn't read a book in 15 years but in the last year alone he's read at least 15 books on Native Hawaiian culture and Native Hawaiian history. They plan to plant a koa grove to form trees to carve canoes. Everything they aim to do is for the next generation, for the keiki.

He expresses concern over the balance between development and agriculture. He wonders where the keiki will live if development isn't kept in check. He believes that Hawai'i can offer so much more in the area of agricultural. He hopes more children will grow up to be farmers instead of house cleaners.

Chairperson Machado Asks Trustees if there are any questions for Mr. Reis.

Trustee Apo Asks Mr. Reis which island his family comes from.

Mr. Reis States that his family is from Hawai'i Island.

Trustee Stender Asks if Mr. Reis has engaged the keiki from the Hawaiian focused schools to help with plantings and reforestation.

Chairperson Machado Introduces Peter Hanohano and asks that Mr. Reis be familiarized with the programs Mr. Hanohano provides. She thanks Mr. Reis for attending the meeting today.

She acknowledges the receipt of a letter from Chucky Boy Chock thanking the OHA Board for coming to Kaua'i.

IV. UNFINISHED BUSINESS

A. KA POUHANA UPDATE ON HO'OU LU LĀHUI ALOHA & OHA ACTIVITIES.

Chairperson Machado States that Ka Pouhana is not present at today's meeting. He is represented by his Chief Operating Officer Aedward Los Banos.

COO Los Banos Introduces the Administration staff present at the meeting. He thanks the community for attending the community meeting last night. He states that aside from the Makaweli Poi situation he has nothing further to report.

Chairperson Machado States that since there is time she would like the Line of Business Directors to share a little bit about themselves and their programs. She introduces Dr. Kehaulani Abad as the Community Engagement Director.

Dr. Abad States that she is three weeks into the position, but is very excited to be a part of the Office of Hawaiian Affairs. They are bringing together community relations and community outreach to do a better job of engaging with the community. She looks forward to a two way dialog with the community to be more effective in advocating for the issues that are important to our beneficiaries. She invites everyone to participate in the process.

Chairperson Machado Introduces OHA's Chief Advocate Breann Nu'uhiwa to talk a little about herself and the projects in her line of business.

Ms. Nu'uhiwa States that she is also a new Line of Business Director. She was appointed to the position several weeks ago and is honored to serve in this capacity. She thanks Trustees for their leadership in getting the OHA bills through the legislature this session and congratulates them on the success of having the settlement bill pass through the legislature in record time. She notes the work of the Advocacy Line of Business is daunting and includes everything from compliance issues to federal legislation. She looks forward to working with Trustees and the Native Hawaiian community.

Chairperson Machado Thanks Dr. Abad and Ms. Nu'uhiwa for their presentations. She thanks the community members who are present and asks if they have any final comments before the Board moves into Executive Session.

V. NEW BUSINESS

A. KA POUHANA PRESENTATIONS AND DISCUSSIONS:

B. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

1. 2012 OHA LEGISLATIVE POSITIONS:

Chairperson Machado Notes that these items have no action and are being deferred.

VI. EXECUTIVE SESSION

- A. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., OHA ATTORNEY 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. COMMERCIAL PROPERTY ACQUISITION - DELIBERATIONS CONCERNING THE AUTHORITY OF PERSONS DESIGNATED BY THE BOARD TO NEGOTIATE THE ACQUISITION OF PUBLIC PROPERTY OR DURING THE CONDUCT OF SUCH NEGOTIATIONS AND CONSULTATION WITH ROBERT G. KLEIN, ESQ. BOARD COUNSEL, ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES PURSUANT TO *HRS 92-5(A)(3) AND 92-5 (A)(4).***
- C. APPROVAL OF EXECUTIVE SESSION MINUTES FOR MAY 3, 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. *Pursuant to HRS 92-5(a)(4).*

Trustee Robert Lindsey 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. *Pursuant to HRS 92-5(a)(4).*

Trustee Robert Lindsey 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						Excused
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2

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

Motion passes with seven (7) YES votes and two (2) EXCUSED.

The Board moved into Executive Session at 9:36 a.m.

The Board moved into Open Session at 11:41 a.m.

X. ANNOUNCEMENTS

Chairperson Machado Announces the following Board Meetings and Workshop relative to the Kaka'ako Planning process.

1. BOT Meeting May 22, 2012 – Executive Session
2. BOT Workshop May 23, 2012 - Community Presentations
3. BOT Meeting May 24, 2012 – Executive Session
4. BOT Meeting May 25, 2012 – Public Meeting

VII. ADJOURNMENT

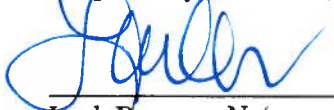
Trustee Hulu Lindsey Moves for adjournment.

Trustee Apoliona Seconds the motion.

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


The meeting was adjourned at 11:42 A.M.

Respectfully Submitted,



Leah Burrows-Nu'uanu,
Board Secretary

As approved by the Board of Trustees on June 7, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. May 17, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustees Akana and Cataluna