



## 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

DEPUTY GOVERNOR'S  
OFFICE

'12 MAY 16 09:54

**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Tuesday, May 22, 2012  
**TIME:** 10:00 a.m.  
**PLACE:** 5<sup>th</sup> Floor Conference Room #506  
Army & Air Force Exchange Service Building (AAFES)  
919 Ala Moana Boulevard  
Honolulu, HI 96813

**AGENDA**

- I. Call to Order
- II. Community Concerns\*
- III. Executive Session\*\*
  - A. Consultation, briefing and legal advisory by Ka Pouhana and OHA staff, Board Counsel Robert G. Klein, Esq. and Corporation Counsel Ernest Kimoto, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in the land use planning process implementing the ceded lands settlement under Act 15 SLH 2012.
- IV. Announcements
- V. 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

*5/16/12*  
Date

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
5<sup>th</sup> Floor Conference Room #506  
Army & Air Force Exchange Service Building (AAFES)  
919 Ala Moana Boulevard  
Honolulu, HI 96813

**Minutes of the Office of Hawaiian Affairs Board of Trustees**  
**Tuesday, May 22, 2012 10:00 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:**

KAMANA'OPONO CRABBE, CEO  
AEDWARD LOS BANOS, COO  
HAWLEY ALAMODIN CFO  
BREANN NU'UHIWA, ADV  
ERNIE KIMOTO, CORP COUNSEL  
KEHAU ABAD, CED  
LISA WATKINS-VICTORINO, RES  
HOLLY COLEMAN, RES  
KAIPO MORALES, IT  
WHITNEY HO, IT

**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  
KAMA HOPKINS, TRUSTEE AIDE  
NATHAN TAKEUCHI, TRUSTEE AIDE  
SHELSEA APANA, TRUSTEE AIDE  
LEIANN DURANT, TRUSTEE AIDE  
REYNOLD FREITAS, TRUSTEE AIDE  
LEHUA ITOKAZU, TRUSTEE SEC  
MAKANA CHAI, TRUSTEE SEC  
SHIRLEY NAKANISHI, TRUSTEE SEC

**GUESTS:**

NORMA WONG  
LINDA TAYLOR

**I. CALL TO ORDER**

**Chairperson Machado** Calls the Board of Trustees meeting to order at 10:04 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 thanks Trustees for their support throughout the legislative session and adds that it was a tumultuous session at times, but Trustees stuck with it and the outcome is unprecedented. She notes that her decision to hold the meeting at the AAFES Building was meant to keep Trustees focused on being in the moment and centered for the decisions ahead.

She notes that Governor Abercrombie will join Trustees this afternoon for a short period. Trustees will have a chance to address him with questions and concerns expressed in the discussion today.

**Chairperson Machado** Introduces Norma Wong as the facilitator of the discussion for the next four days and acknowledges that Trustees are blessed to have her. Norma comes with years of political and public policy experience in a way that is based on a Hawaiian point of view.

## **II. COMMUNITY CONCERNS**

**Chairperson Machado** Notes that there are no community members signed up to speak. She requests a motion to recuse the Board into Executive Session pursuant to HRS 92-5(a)(4).

## **III. EXECUTIVE SESSION**

### **A. CONSULTATION, BRIEFING AND LEGAL ADVISORY BY KA POUHANA AND OHA STAFF, BOARD COUNSEL ROBERT G. KLEIN, ESQ. AND CORPORATION COUNSEL ERNEST KIMOTO, ESQ. RE: QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES IN THE LAND USE PLANNING PROCESS IMPLEMENTING THE CEDED LANDS SETTLEMENT UNDER ACT 15 SLH 2012.**

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

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

**Trustee Stender** 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 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			
TRUSTEE DONALD CATALUNA						Excused
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			7			2
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with seven (7) YES votes and two (2) EXCUSED.						

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

**The Board moved into Open Session at 3:15 p.m.**

## **X. ANNOUNCEMENTS**

**Chairperson Machado** Reminds Trustees that tomorrow's meeting will start at 9:00 a.m. and is a workshop being convened in open session to accommodate the public that may want to listen in on the presentations.

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

## **VII. ADJOURNMENT**

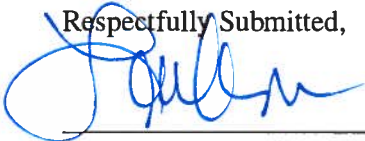
**Trustee Apoliona** Moves for adjournment.

**Trustee Stender** Seconds the motion.

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

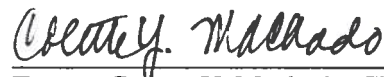
The meeting was adjourned at 3:15 P.M.

Respectfully Submitted,



Leah Burrows-Nu'uani,  
Board Secretary

As approved by the Board of Trustees on July 5, 2012.



Trustee Colette Y. Machado, Chairperson  
Board of Trustees

### **ATTACHMENTS:**

1. May 22, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustees Akana and Cataluna