



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

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MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, May 24, 2012
TIME: 10:00 a.m.
PLACE: 5th 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
5th 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

Thursday, May 24, 2012 10:00 a.m.

ATTENDANCE:

TRUSTEE ROWENA AKANA (ARRIVED 11:16 AM)
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 (ARRIVED 10:25 AM)

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO/KA POUHANA
KEHAU ABAD, CED
HAWLEY ALAMODIN CFO
BREANN NU'UHIWA, ADV
KAIPO MORALES, IT

EXCUSED:

TRUSTEE DONALD B. CATALUNA

BOT STAFF:

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

GUESTS:

NORMA WONG
LINDA TAYLOR
LORRAINE ROBINSON

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 10:12 a.m. Roll call is taken; those present are Trustees Apo, Apoliona, H. Lindsey, R. Lindsey, Machado, and Stender constituting a quorum of six (6) trustees. Trustees Akana and Waihe'e are expected to arrive shortly. Trustee Cataluna has submitted a letter of excuse for today's meeting.

II. COMMUNITY CONCERNS

Chairperson Machado Recognizes Ms. Lorraine Robinson as the meeting's first speaker to address Trustees.

Ms. Robinson States that she will be reading from a prepared letter which Trustees have been provided. She reads as follows:

My name is Lorraine Robinson, and I am the Executive Director of TJ Mahoney & Associates, Ka Hale Ho'ala Hou No Na Wahine, (the home of reawakening for women), a program for women transitioning from prison to the community.

Yesterday I had the opportunity to sit and listen to the presentations and the Trustee questions and comments. When I returned to work I received an email from Jeffrey Kent, Public Policy Advocate for OHA, inviting me to attend the 2012 Native Hawaiian Justice Task Force Summit, E Ho'okanaka. The summit announcement told of the directive that Kamehameha, on his deathbed, gave to his grieving young son, Liholiho: E Ho'okanaka, be a person of worth.

These words get to the very root of why it is so important that you deliberate and stay steadfast with the values you put forth during yesterday's discussions. To create a sense of place that is truly reflective of the culture, history and values of the Hawaiian people; that Kaka'ako Makai serves as a reminder and a tribute to the richness, aliveness and vitality of the Native Hawaiian culture, its history and values, and is a place that teaches and celebrates the intrinsic value of all Native Hawaiians, not only those who can afford or choose an urban lifestyle, but for those on the margins for whom that reminder is so vital to their being able to become that person of worth.

You have before you a critical opportunity; I heard you say that you cannot afford to squander this historic moment, and so are putting forth a tremendous effort to be sure that what you do is pono. I see that you are all taking this to heart. That is tremendously encouraging and important. What you do will matter to many over time.

I want to thank you on behalf of those I work with, women in the criminal justice system, their children and families, for recognizing the incredible importance of your historic and transformational task. As is framed so clearly in your study on the Disparate Treatment of Native Hawaiians in the Criminal Justice System, the over representation of Native Hawaiians in Hawaii's Criminal Justice System is intergenerational, destroys families and devastates lives. Please remember them as you deliberate, so that they too may find their worth through your work and deeds.

Trustee Stender Asks Ms. Robinson to tell Trustees about her program. He is familiar with her program, but some Trustees were not around when she made her presentation to the Board several years ago.

Ms. Robinson States that she is happy to do so. She ran the program that helps transition women from prison back into society. The women who participate in the program are still incarcerated when they check-in. The program helps them build the foundation to help transition them from being incarcerated to being released into society. The program gradually transitions these women from a structured life to a life where decisions are made by them. While in the program the women have jobs, they have a savings account and they have a foundation to help them be successful. The program provides just enough structure so that when the mistakes are made they can still be fixed.

Over 50% of the women in the program, on a regular basis, are Native Hawaiian. This is another area where Native Hawaiians are overrepresented. Because of this fact, the program involves a strong cultural-based philosophy. One of the main points about the program is that it tries to establish pride with in these women. We want them to have pride in themselves, their families and in their communities.

The Office of Hawaiian Affairs has been very supportive over the years and she's very thankful for that.

Trustee Apoliona Thanks Ms. Robinson for attending today and yesterday's meetings, and for her work with Native Hawaiian women.

Ms. Robinson States that she is very comforted by what Trustees said during the community presentations yesterday. She knows that Trustees want what is best for the area and won't be pushed by the special interest groups.

Chairperson Machado Thanks Ms. Robinson for her mana'o.

Kamana'opono Crabbe, CEO/ Ka Pouhana Announces that the Criminal Justice Task Force Summit is scheduled for June 7 & 8, 2012, at the State Capitol. It is a two-day conference with 30 confirmed invitees and 40 unconfirmed invitees. The purpose of the summit is to follow-up on OHA's report on the Disparate Treatment of Incarcerated Native Hawaiians in the justice system. The goal is to elicit community feedback on programs that have been successful in a broad range of surveying offenders, ex-offenders and reintegration programs. If trustees recall the purpose of the report is to bring awareness to the legislature and administration to enact programs to fix the problem.

Ms. Robinson's program has done tremendous work so we are asking her do a formal presentation at the summit. Recommendations from the summit will be compiled and given to those who have the power to make systemic changes.

Ms. Robinson States that because OHA is driving the issue she knows it'll go far.

Chairperson Machado Thanks Ms. Robinson for attending and looks forward to seeing her at the summit.

IV. ANNOUNCEMENTS

Chairperson Machado Announces that she is rearranging the agenda and will take up item IV. Announcements at this time. She asked staff to distribute an updated timeline for trustees attending the Washington DC Kamehameha Day Lei draping ceremony. The distribution also includes an invitation from the University of Hawaii to participate in the Smithsonian Folklife opening ceremony and reception.

She also announces Board of Trustees meeting on May 31, 2012. Of the agenda items will include briefing on the Native Hawaiian Roll Commission.

Trustee Apoliona Asks if the item on the Native Hawaiian Roll Commission is decision making.

Chairperson Machado States that it is. The Native Hawaiian Roll Commission's request for funding is not currently in the 2013 budget realignment.

Trustee Apoliona States that trustees asked for a workshop on the Native Hawaiian Roll Commission's budget before making a decision. This request was made in a committee meeting.

Trustee Stender States that the workshop was pending Administration's receipt of the Commission's detailed budget. He asks if it has been received yet.

Kamana'opono Crabbe, CEO/Ka Pouhana States that he received the detailed budget two days ago from Governor Waihe'e. She and chief financial officer Hawley Alamodin have had a chance to review it and believe that it is worth a discussion. Their budget turns out to be a bit more than what was previously stated, so discussion is in order. The majority of their contracts to kickstart their operations in June need to be procured before the ending of June. Our staff is working diligently to get those contracts completed before June.

Trustee Apoliona States that that money has already been encumbered. The workshop she is requesting is on new money for 2013. She asks if the Board can approve the 2012 realignment on June 7, and approve the 2013 realignment at a later date.

Kamana'opono Crabbe, CEO/ Ka Pouhana States that a second realignment could be done at a later date. Administration wants to project a full picture for the Board. They want to limit piecemeal budgetary actions so trustees can see everything at the same time. Administration wants to firm up the 2013 budget as soon as possible because there are many prior commitments, current commitments and future commitments that will require the board to be extremely careful with spending. Admin feels we need to stay committed to the advocacy and grant programs that are part of the strategic plan. Big-ticket items affect the total operating budget which in turn affects the strategic plan outcomes. One of these items is the board's support of charter schools.

Trustee Stender States that it sounds like the 2013 budget cannot be approved until after all of this is cleared. The 2013 realignment does not include the Native Hawaiian Role Commission's budget because we hadn't received the material. Now that the material has been received he can see that there are items in the material that needs clarification. He is looking at approving the 2013 realignment in July.

Trustee Apoliona States that Trustees should look carefully at the Native Hawaiian Roll Commission's detailed budget.

Chairperson Machado States that her concerns involve opportunities the Board has for the approval. Many of the Trustees will be on travel to Washington D.C. and the next meeting on July 5th comes after a holiday. Following that meeting the Board is again on travel to Lāna'i.

Trustee Stender States that he will schedule a workshop sometime early in June. There is no reason why the Board can't approve the realignment we have and come back with the rest of it.

Chairperson Machado Asks if there is funding for the personnel budget for the work going forward on July 1st.

Kamana'opono Crabbe, CEO/ Ka Pouhana States that as of right now there is no funding for personnel from July 1st. He adds that Trustees will find that once the Roll Commission gets started their expenses will rise dramatically. A thorough vetting is in order.

Chairperson Machado States that to relieve the anxiety about the budget she wanted to have the discussion on May 31st, but if that's not going to work we can look at something else.

Trustee Hulu Lindsey States that the Board should approve the personnel portion of the budget and the rest at a later date.

Trustee Robert Lindsey Reiterates that he believes the Board should take its time and not rush the issue. There are many issues that are all very worthy causes and we need to look at everything carefully. DHHL will be looking for help in two years.

Kamana'opono Crabbe, CEO/ Ka Pouhana Concludes the discussion with a reminder that Administration is working hard to provide accountability to the organization and all of its priorities. OHA needs to be sustainable and complete our goals in the community in a measurable way. The process on how and when to do these things is what the Board needs to guide for staff. He adds that Trustees be provided with copies of the Native Hawaiian Roll Commission's detailed budget by the end of the day.

Chairperson Machado States that she will call a 5 minute recess to prepare for Executive Session.

Note: The meeting stands in recess from 10:58 am 11:16 am.

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.**

Chairperson Machado Entertains a motion to resolve the Board into Executive Session.

Trustee Robert Lindsey 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 Robert Lindsey 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						Not Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE DONALD CATALUNA						Excused
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE OSWALD STENDER		X	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, one (1) NOT PRESENT, and one (1) EXCUSED.						

The Board moved into Executive Session at 11:16 a.m.

The Board moved into Open Session at 3:45 p.m.

VII. ADJOURNMENT

Trustee Apoliona Moves for adjournment.

Trustee Stender Seconds the motion.

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

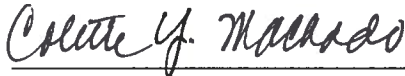
The meeting was adjourned at 3:45 P.M.

Respectfully Submitted,



Leah Burrows-Nu'uano,
Board Secretary

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



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. May 24, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustee Cataluna