



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

*Amended

MEETING OF THE BOARD OF TRUSTEES

DATE: Tuesday*, August 21, 2012
TIME: 9:00 a.m.
PLACE: OHA Board Room, Suite 500
711 Kapiolani Blvd.
Honolulu, HI 96813

AGENDA

- I. Call to Order
- II. Community Concerns**
- III. Executive Session***
 - A. Consultation, briefing and legal advisory by Ka Pouhana, OHA staff, Board Counsel Robert G. Klein, Esq., Corporation Counsel Ernest Kimoto, Esq. and Ms. Norma Wong 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

8/14/12
Date

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
KAPI'OLANI BLVD., 5TH FLOOR
HONOLULU, HI 96813

Minutes of the Office of Hawaiian Affairs Board of Trustees
Tuesday, August 21, 2012 9:00 a.m.

ATTENDANCE:

TRUSTEE PETER APO
TRUSTEE ROWENA AKANA (ARRIVED 9:50 AM)
TRUSTEE HAUNANI APOLIONA
TRUSTEE C. HULU LINDSEY
TRUSTEE COLETTE Y. MACHADO
TRUSTEE OSWALD STENDER
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, KA POUHANA
AEDWARD LOS BANOS, COO
HAWLEY ALAMODIN, CFO
ERNEST KIMOTO, CC
KEALOHA FOX, RES

EXCUSED:

TRUSTEE DONALD B. CATALUNA
TRUSTEE ROBERT K. LINDSEY JR

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, AIDE
REYNOLD FREITAS, AIDE
CRAYN AKINA, AIDE
MAKANA CHAI, TRUSTEE SEC
LEHUA ITOKAZU, TRUSTEE SEC

GUESTS:

NORMA WONG
LINDA TAYLOR
SHERYL NICHOLSON, ESQ.
JEFF PIPER, ESQ.

I. CALL TO ORDER

Chairperson Machado Calls the Board of Trustees meeting to order at 9:06 a.m. Roll call is taken; those present are Trustees Apo, Apoliona, Hulu Lindsey, Machado, Stender and Waihe'e constituting a quorum of six (6) trustees. Trustees Cataluna and Robert Lindsey have submitted letters of excuse for today's meeting. Trustee Akana is expected to arrive shortly.

She notes for the record that after the Community Concerns portion of the agenda the Board will recuse itself into Executive Session where today's discussion will be held. At the end of today's discussion the Board will return to open session for Announcements and Adjournment.

Chairperson Machado States that it is her hope that at the end of today's session there will be a formal policy for the development of Kaka'ako Makai.

II. COMMUNITY CONCERNS

Chairperson Machado Notes that there are no beneficiaries signed up to speak under this section of the agenda.

III. EXECUTIVE SESSION

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

Trustee Apoliona 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) & 5(a)(2).*

Trustee Apo Seconds the motion.

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

Trustee Apoliona 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. <i>Pursuant to HRS 92-5(a)(4) & 5(a)(2).</i>						
Trustee Apo Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO	X		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			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			1/2
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with six (6) YES votes, one (1) NOT PRESENT and two (2) EXCUSED.						

The Board moved into Executive Session at 9:09 a.m.

- A. CONSULTATION, BRIEFING AND LEGAL ADVISORY BY KA POUHANA, OHA STAFF, BOARD COUNSEL ROBERT G. KLEIN, ESQ., CORPORATION COUNSEL ERNEST KIMOTO, ESQ. AND MS. NORMA WONG 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.

The Board moved into Open Session at 2:03 p.m.

VII. ANNOUNCEMENTS

Chairperson Machado Announces that the next Board of Trustees meeting is on Thursday, August 30, 2012.

VIII. ADJOURNMENT

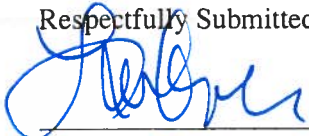
Trustee Apoliona Moves for adjournment.

Trustee Waihe'e Seconds the motion.

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

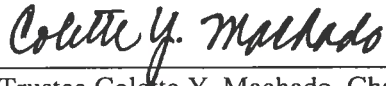
The meeting was adjourned at 2:04 p.m.

Respectfully Submitted,



Leah Burrows-Nu'uanu,
Board Secretary

As approved by the Board of Trustees on September 20, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. August 21, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustees Cataluna and Robert Lindsey