

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

LEUTENANT GOVERNOR
 OFFICE

'12 AUG 24 P2 02

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, August 30, 2012
TIME: 10:00 a.m.
PLACE: OHA Board Room, Suite 500
 711 Kapiolani Blvd.
 Honolulu, HI 96813

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. August 16, 2012
- III. Community Concerns*
- IV. Unfinished Business
 - A. Ka Pouhana/CEO's Update on Ho'oulu Lahui Aloha & OHA activities.
- V. New Business
 - A. OHA Resolution Encouraging Collaboration Among the Office of Hawaiian Affairs, the Kamehameha Schools and the Howard Hughes Corporation Towards Creating a Kaka'ako Urban Forest.
- VI. Executive Session**
 - A. Consideration of a performance evaluation process/information re: Ka Pouhana from the Board's Ad Hoc Committee for Ka Pouhana's six month review. Per HRS § 92-5 (a) (2).
 - B. Briefing and Legal Advisory by Ka Pouhana, 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 for the Adoption of Action Item Number BOT 12-05, Kaka'ako Policy First Reading. Per HRS § 92-5 (a) (4).
 - C. Approval of Executive Session Minutes for August 16, 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

Date

8/24/12

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
Thursday, August 30, 2012 10:00 a.m.

ATTENDANCE:

TRUSTEE ROWENA AKANA (ARRIVED 10:03 AM)
TRUSTEE HAUNANI APOLIONA
TRUSTEE C. HULU LINDSEY
TRUSTEE ROBERT K. LINDSEY JR
TRUSTEE COLETTE Y. MACHADO
TRUSTEE OSWALD STENDER
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

AEDWARD LOS BANOS, COO
HAWLEY ALAMODIN, CFO
BREANN NU'UHIWA, ADV
ERNEST KIMOTO, CC
JOCELYN DOANE, PUBL
DAVID OKAMOTO, INVST
LAURA KAMALANI-PAIKAI

EXCUSED:

TRUSTEE PETER APO
TRUSTEE DONALD B. CATALUNA

BOT STAFF:

CAROL HO'OMANAWANUI, COS
LEAH BURROWS-NU'UANU, BOT SEC
DAYNA PA, TRUSTEE AIDE
ANI PANG, TRUSTEE AIDE
NATHAN TAKEUCHI, TRUSTEE AIDE
CAPSUN POE, TRUSTEE AIDE
SHELSEA APANA, TRUSTEE AIDE
KAMA HOPKINS, TRUSTEE AIDE
KAUI WAILEHUA, TRUSTEE SEC
MELISSA WENNIHAN, TRUSTEE SEC
LEHUA ITOKAZU, TRUSTEE SEC
MAKANA CHAI, 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 Apoliona, Hulu Lindsey, Robert Lindsey, Machado, Stender and Waihe'e constituting a quorum of six (6) trustees. Trustees Apo and Cataluna have submitted letters of excuse for today's meeting. Trustee Akana is expected to arrive shortly.

II. APPROVAL OF MINUTES

Chairperson Machado Asks for a motion to approve the minutes of August 16, 2012.

Trustee Hulu Lindsey Moves to approve the minutes of August 16, 2012.

Trustee Waihe'e Seconds the motion.

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

Trustee Hulu Lindsey Moves to approve the minutes of August 16, 2012.

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						X
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5			2/1

MOTION: ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

Motion passes with six (6) YES votes, two (2) EXCUSED and one (1) NOT PRESENT.

III. COMMUNITY CONCERNS

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

IV. UNFINISHED BUSINESS

A. KA POUHANA/CEO'S UPDATE ON HO'OULU LAHUI ALOHA & OHA ACTIVITIES.

Chairperson Machado Calls on Chief Operating Officer Aedward Los Banos to provide his update on OHA activities.

Chief Advocate (CA) Breann Nu'uhiwa Updates Trustees that she and several OHA staff attended a meeting at Senator Inouye's office last week. They were among several Hawaiian organizations in attendance that day.

Trustee Akana States that many agencies have been federally funded over the years and it was their job to gather the type of data the Senator is looking for.

CA Nu'uhiwa States that they have not seen the data yet, it may be that the data is exactly what is needed. The data might not have been presented in a collaborative way to mean something. But it is something we will find out as we start the process. They are hoping to get some data in over the next week or so. It will help determine how much research and work will need to be done by October.

Trustee Apoliona Asks when the update on initiatives and work plans are coming.

COO Los Banos States that Administration is on track to do a presentation to Trustees in September.

Chairperson Machado Asks for a motion for a 72 hour waiver of item VI. A & B.

VI. Executive Session

A. Consideration of a performance evaluation process/information re: Ka Pouhana from the Board's Ad Hoc Committee for Ka Pouhana's six month review. Per HRS § 92-5 (a) (2).

B. Briefing and Legal Advisory by Ka Pouhana, 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 for the Adoption of Action Item Number BOT 12-05, Kaka'ako Policy First Reading. Per HRS § 92-5 (a) (4).

Trustee Waihe'e Moves to approve 72 hour waiver of item VI. A & B.

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Trustee Hulu Lindsey Seconds the motion.

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

Trustee Waihe'e Moves to approve 72 hour waiver of item VI. A & B.

VI. Executive Session

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Trustee Hulu Lindsey 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			
TRUSTEE DONALD CATALUNA						X
TRUSTEE HULU LINDSEY		X	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.						

V. NEW BUSINESS

A. OHA RESOLUTION ENCOURAGING COLLABORATION AMONG THE OFFICE OF HAWAIIAN AFFAIRS, THE KAMEHAMEHA SCHOOLS AND THE HOWARD HUGHES CORPORATION TOWARDS CREATING A KAKA'AKO URBAN FOREST.

Chairperson Machado Asks for a motion to approve the Resolution Encouraging Collaboration Among the Office Of Hawaiian Affairs, the Kamehameha Schools and the Howard Hughes Corporation Towards Creating a Kaka'ako Urban Forest.

Trustee Stender Moves to approve the Resolution Encouraging Collaboration Among the Office Of Hawaiian Affairs, the Kamehameha Schools and the Howard Hughes Corporation Towards Creating a Kaka'ako Urban Forest.

Trustee Hulu Lindsey Seconds the motion.

Trustee Apoliona Asks if trustees want to wait until Trustee Apo is present before approving the resolution. She asked if trustees can wait until Trustee Apo gets back.

Chairperson Machado States that she spoke with Trustee Apo who feels that the resolution is self-explanatory. He has had conversations with Kamehameha schools.

Trustee Hulu Lindsey Thinks the resolution is a good idea and the trustees should approve it today.

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

Trustee Stender Moves to approve the Resolution Encouraging Collaboration Among the Office Of Hawaiian Affairs, the Kamehameha Schools and the Howard Hughes Corporation Towards Creating a Kaka'ako Urban Forest.

Trustee Hulu Lindsey 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			
TRUSTEE DONALD CATALUNA						X
TRUSTEE HULU LINDSEY		X	X			
TRUSTEE ROBERT LINDSEY			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 and two (2) EXCUSED.

VI. EXECUTIVE SESSION

Chairperson Machado Asks for a motion to move into Executive Session.

Trustee Akana 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 Waihe'e Seconds the motion.

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

Trustee Waihe'e 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 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						X
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.						

The Board moved into Executive Session at 10:23 a.m.

- A. CONSIDERATION OF A PERFORMANCE EVALUATION PROCESS/INFORMATION RE: KA POUHANA FROM THE BOARD'S AD HOC COMMITTEE FOR KA POUHANA'S SIX MONTH REVIEW. PER HRS § 92-5 (A) (2).
- B. BRIEFING AND LEGAL ADVISORY BY KA POUHANA, 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 FOR THE ADOPTION OF ACTION ITEM NUMBER BOT 12-05, KAKA'AKO POLICY FIRST READING. PER HRS § 92-5 (A) (4).
- C. APPROVAL OF EXECUTIVE SESSION MINUTES FOR AUGUST 16, 2012

The Board moved into Open Session at 10:50 a.m.

VI. BENEFICIARY COMMENTS

Chairperson Machado Notes that there are no beneficiaries signed up to speak.

VII. ANNOUNCEMENTS

Chairperson Machado Announces the following Board Meetings:

1. Board of Trustees Meeting – September 20, 2012
2. Board of Trustees Meeting – September 27, 2012

VIII. ADJOURNMENT

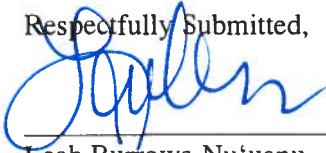
Trustee Apoliona Moves for adjournment.

Trustee Stender Seconds the motion.

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

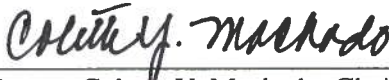
The meeting was adjourned at 11:05 a.m.

Respectfully Submitted,



Leah Burrows-Nu'uanu,
Board Secretary

As approved by the Board of Trustees on August 30, 2012.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

1. August 30, 2012 BOT Community Sign in Sheet
2. Excused Absence Memo from Trustees Apo and Cataluna,