

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

12 OCT 26 11:11

MEETING OF THE BOARD OF TRUSTEES**DATE:** Thursday, November 1, 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. Unfinished Business
 - A. Ka Pouhana/CEO's Update on Ho'oulu Lahui Aloha & OHA activities.
- IV. New Business
 - A. Presentation of 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.
 - B. Native Hawaiian Roll Commission Report Presentation
 - C. Committee on Asset and Resource Management
 1. ARM 12-11 Native Hawaiian Trust Fund Approved Advisors List and Addition of JP Morgan as a Non-Marketable Alternatives Provider
 - D. Committee on Beneficiary Advocacy and Empowerment
 1. BAE 12-04 OHA 2013 Legislative Package
- V. Executive Session**
 - A. Attorney-Client legal advisory by Board Attorneys Neil T. Proto, Esq. of Schnader Attorneys At Law; lawyer representative, Denis Dwyer of Williams & Jensen, PLLC, and OHA Board Counsel Robert G. Klein, Esq., re: questions and issues pertaining to the Board's powers and duties under its federal recognition initiative. *Pursuant to HRS 92-5(a)(4).*
 - B. Acquisition of land surrounding Kukaniloko. Legal advisory and 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 Sheryl S. Nicholson, Esq., OHA Corporate Counsel Ernest Kimoto, Esq. and OHA Board Counsel Robert G. Klein, Esq., 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. ARM 12-12: Corporate Office Building Transition and Capital Improvements Budget - Discussions and deliberations concerning the authority of persons designated by the Board to execute documents necessary for transition of OHA's Corporate Headquarters and Attorney-Client legal advisory by OHA Corporate Counsel Ernest Kimoto, Esq., Sheryl S. Nicholson, Esq. and OHA Board Counsel Robert G. Klein, Esq. 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).*
 - D. Discussion of the Board's Ad Hoc Committee's recommendation for Ka Pouhana's six month review. *Per HRS § 92-5 (a)(2).*
 - E. Approval of Executive Session Minutes October 11, 2012.
- VI. Beneficiary Comments*
- VII. Announcements
- VIII. 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

10/25/12
 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
Thursday, November 1, 2012 9:00 a.m.

ATTENDANCE:

TRUSTEE ROWENA AKANA
TRUSTEE PETER APO
TRUSTEE HAUNANI APOLIONA
TRUSTEE C. HULU LINDSEY
TRUSTEE ROBERT K. LINDSEY JR (ARRIVED 9:30 AM)
TRUSTEE COLETTE Y. MACHADO
TRUSTEE JOHN WAIHE'E IV
TRUSTEE OSWALD STENDER

ROBERT G. KLEIN ESQ., BOT COUNSEL

ADMINISTRATION STAFF:

AEDWARD LOS BANOS, COO
BREANN NU'UHIWA, ADV
KEHAU ABAD, CED
JOHN KIM, CONTROLLER
JIM MCMAHON, ADV
MOMILANI LAZO, CEO
MEHANA HIND, KO
DAVID OKAMOTO, INV
JOCELYN DOANE, PUBL
RYAN GONZLES, COMM
STERLING WONG, PUBL

GUESTS

NEIL PROTO, ESQ.
DENIS DWYER
SHERYL NICHOLSON, ESQ.

EXCUSED:

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
LEIANN DURANT, TRUSTEE AIDE
REYNOLD FREITAS, TRUSTEE AIDE
CRAYN AKINA, TRUSTEE AIDE
KAMA HOPKINS, TRUSTEE AIDE
LEHUA ITOKAZU, TRUSTEE SEC
MAKANA CHAI, TRUSTEE SEC
SHIRLEY NAKANISHI, TRUSTEE SEC
LAURENE KALUAU-KEALOHA, SEC
MELISSA WENNIHAN, SEC
TIONA WAILEHUA, SEC

GUESTS

GOV. JOHN WAIHEE III
CLYDE NAMU'O
NORMA WONG
ELIZABETH HOKADA
NICK VANDERBOOM
DAVID STRIPH

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 Akana, Apo, Apoliona, Hulu Lindsey, Machado, Waihe'e and Stender constituting a quorum of seven (7) trustees. Trustee Cataluna has submitted a letter of excuse for today's meeting. Trustee Robert Lindsey is expected to arrive shortly.

Chairperson Machado Requests a 72 hour waiver for material received from yesterday's ARM Committee Meeting. The waiver is for the following agenda item:

IV. New Business

D. Committee on Beneficiary Advocacy and Empowerment

1. BAE 12-04 OHA 2013 Legislative Package

V. Executive Session

C. ARM 12-12: Corporate Office Building Transition and Capital Improvements

Budget - Discussions and deliberations concerning the authority of persons designated by the Board to execute documents necessary for transition of OHA's Corporate

Headquarters and Attorney-Client legal advisory by OHA Corporate Counsel Ernest Kimoto, Esq., Sheryl S. Nicholson, Esq. and OHA Board Counsel Robert G. Klein, Esq. 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).

Trustee Waihe'e Moves to approve a 72 hour waiver for item IV.D.1., and V. C.

Trustee Stender Seconds the motion.

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

Trustee Waihe'e Moves to approve a 72 hour waiver for item IV.D.1., and V. C.						
Trustee Stender 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			
TRUSTEE ROBERT LINDSEY						Not Present
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			1/1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with seven (7) YES votes, one (1) NOT PRESENT and one (1) EXCUSED.						

II. COMMUNITY CONCERNS

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

III. UNFINISHED BUSINESS

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

Chairperson Machado States she will come back to Ka Pouhana's Updates after the presentation of the OHA Resolutions under New Business.

IV. NEW BUSINESS

A. PRESENTATION OF 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 Calls on Trustee Peter Apo to introduce the next item.

Trustee Apo States the notion in Kaka'ako is one of the biggest challenges is establishing a sense of Hawaiian place. One of the most obvious ways to do it in his opinion is to establish an urban forestry district using native Hawaiian plants. Having an entire district with urban forestry landscaping using native plants will make a statement and define the area. It's something that they need to do anyway. He thanks the Trustees for their support and the Howard Hughes Corporation and the Kamehameha Schools for being here. He reads a portion of the resolution as follows:

NOW THEREFORE BE IT RESOLVED that wherever and whenever feasible, all plans, designs, and specifications for new or renovated landscaping of any building, complex of buildings, facility, complex of facilities, or housing developed by the parties in Kaka'ako shall incorporate indigenous land plant species, and plant species brought to Hawaii by Polynesians before European contact, such as the kukui, noni, and coconut; provided that:

(1) Suitable cultivated plants can be made available for this purpose without jeopardizing wild plants in their natural habitat; and

(2) Wherever and whenever possible, indigenous plants from the Island of Oahu where the species originated shall be used for landscaping in Kaka'ako; and

(3) Wherever and whenever possible, each plant or group of plants shall be clearly identified with signs for the edification of the general public.

BE IT FURTHER RESOLVED that the Board of the Office of Hawaiian Affairs invites the Kamehameha Schools and the Howard Hughes Corporation to dialogue with the Office of Hawaiian Affairs with the intention of developing a unified approach to designing planted landscaping that would prominently exhibit native Hawaiian plants as the dominant landscaping theme to achieve a dynamic expression of a Hawaiian sense of place; and

BE IT FURTHER RESOLVED that the three organizations consider applying to the Hawai'i state legislature for a Kaka'ako urban forest special design district in furtherance of the goal of creating a Hawaiian sense of place; and

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to the Kamehameha Schools and Howard Hughes Corporation.

Chairperson Machado Introduces Nick Vanderboom and David Striph from the Howard Hughes Corporation and Elizabeth Hokada from Kamehameha Schools.

Trustees present the framed Resolutions to both organizations and give gifts of maile lei. They gather for a few pictures.

Trustee Apo Asks the representatives to offer a few words on behalf of their organization's vision for Kaka'ako.

Mr. Striph States the Howard Hughes Corporation appreciates the resolution and is committed to creating an authentic Hawaiian place. Idea of using native plants and materials is a step in the right direction.

Mr. Vanderboom Appreciates the vision of the resolution and it's a vision that we share and he is thankful.

Ms. Hokado States she is honored to be here on behalf of Kamehameha Schools. She welcomes the opportunity to meet and work with OHA Trustees. Like OHA, Kamehameha Schools is here to serve the lāhui with many of the same purposes. Certainly in Kaka'ako they want to have a shared vision. Kamehameha Schools is building an urban island community and trying to do more than build buildings. They are trying to build the community there. With all this help and other partners they hope to move forward together.

Chairperson Machado Acknowledges Norma Wong as the facilitator for the 2 1/2 day retreat OHA Trustees had in planning for Kaka'ako. As a result of the planning session at Kaka'ako, Trustee Apo felt strongly that a collaborative effort should be forged with the other major land owners of the area.

Trustee Akana States she thinks it's a wonderful effort by everyone involved and she looks forward to working with both organizations.

Trustee Hulu Lindsey States she is very excited to see that OHA will be part of the partnership in the Kaka'ako area. She thinks it will be a beautiful project having seen sketches of what is planned by both Kamehameha schools and Howard Hughes.

Trustee Waihe'e States he looks forward to the project and working with everyone involved

Trustee Apoliona States she would like to keep communications going and get updates on a regular basis on where things are at.

Trustee Stender Thanks the organizations for coming in for being a part of the vision moving forward. Collaboration is always good for the betterment of the community.

Chairperson Machado Notes that Trustee Apo will have the final word. She thanks the representatives for taking the time to attend OHA's meeting today.

Trustee Apo States - Hawai'i loa kū like kakou. All Hawai'i stand together.

IV. NEW BUSINESS

B. NATIVE HAWAIIAN ROLL COMMISSION REPORT PRESENTATION

Chairperson Machado Calls on Clyde Nāmu'o, Executive Director of the Native Hawaiian Roll Commission for their updates on the status of Kana'iowalu.

Mr. Nāmu'o Introduces Sugi Carlson-Suganuma and Carleen Ornellas as NHRC staff members, along with Governor John Waihe'e III.

Gov. John Waihe'e III States he is happy to provide an update on the Native Hawaiian Roll Commission's efforts to date with the Kana'iowalu project. Norma Wong and Clyde Nāmu'o will provide the details and explanation of the documents Trustees received in their folders.

Mr. Nāmu'o Reviews the Progress Report in the documents distributed at the table. Most expenses were for media exposure. The campaign season has been a challenge for getting the word out about Kana'iowalu. They've decided to hold off on further television advertisements until the campaign season is completed. The price for television commercials has gone up exponentially during the campaign season. It has simply become too expensive at this point.

Trustee Robert Lindsey States that there are only eight (8) months left until the Commission is disbanded. He asks if the Commission is on track to finishing its work before time runs out.

Trustee Stender Suggests all the expenditures for 2012 and 2013 be listed separately to make it less confusing.

Mr. Nāmu‘o States this report is different from the variance report that is produced by OHA monthly. He does not believe that it is disseminated to trustees. It lists every vendor they have used and details for all of the expenditures. If trustees are interested in seeing the variance reports he can work with administration to have them disseminated.

Trustee Stender States he can sit down with the CFO to discuss the variance reports.

Mr. Nāmu‘o Concludes the updated with a three minute video featuring testimony by Dr. John Osorio and Dr. Lilikala Kame‘elehiwa.

KANA'IOLOWALU PROGRESS REPORT (October 25, 2012 draft)

Progress To Date (July to October 2012)	In Progress and Coming Up (November to December 2012)
1544+ on-line registrations 257 paper registrations in database 800 (est) paper registrations not in database 728 Kau Inoa conversions (as result of test email notification) 20,000 paper registrations distributed; in field	
WEBSITE <ul style="list-style-type: none"> Website Active 7000+ visits On-line registration live On-line petition live to increase registrations Responses to web inquiries Analytics 	<ul style="list-style-type: none"> Changing home page to focus more on converting visits to actual registrations More educational content More robust analytics and use of analytics to make changes to increase registrations <ul style="list-style-type: none"> Creating unique urls to track source of registrations (for example, # of on-line registrations as a result of an ad or sponsor/partner promotion) - in place for direct mail promotion On-line newsletter to registrants - begin in Nov
REGISTRATION PROCEDURES AND DATA ENTRY <ul style="list-style-type: none"> Registration Procedures Policy officially adopted Paper Registration Data Entry Standard Software system set up for data entry, management, tracking, and communications with on-line inquiries and registrants Data entry of 250+ registrations to test procedures and system Training and procedures established for receiving and preparing forms for data entry Laptops for data entry on order 	<ul style="list-style-type: none"> Training for data entry (week of Oct 29) Data entry begin (1st week in November) Continuing refinements to data entry, management, tracking and communications system
ANCESTRAL VERIFICATION	<ul style="list-style-type: none"> OHA to run Kau Inoa registrants list with DOH

<ul style="list-style-type: none"> • Verification protocols established • MOU signed with Department of Health (OHA and NHRC) • Hierarchy of verification sources established (ie. source will be checked first, second, third, etc.) • Standard operating procedures for follow up (draft) 	<ul style="list-style-type: none"> • Verification process to begin first week of November • In conversation with DHHL and Kamehameha Schools regarding procedures
DIRECT MAIL <ul style="list-style-type: none"> • Direct mail campaign strategy developed • Direct mail brochure written; package of materials designed • Direct mail universes developed and pursued 	<ul style="list-style-type: none"> • Series of direct mail to # Hawaii voters who had registered in NH-only OHA elections (arrive 1st week in Nov, Dec, Jan) • Series of direct mail to # voters on U.S. continent who have Hawaiian surnames (arrive 1st week in Nov) • Series of direct mail to Kau Inoa registrants, contents provided byNHRC, to be sent by OHA (Nov, Dec, Jan) - request to OHA • Series of direct mail to Ka Wai Ola recipients, removing any Kau Inoa registrants, to be sent by OHA (Nov, Dec, Jan) - request to OHA • Series of direct mail to DHHL lessees, renters, and waiting list- Request to DHHL
GENERAL MEDIA <ul style="list-style-type: none"> • Overall media campaign developed and mapped • 2 television ads produced • 1 television ad aired - week of the launch • 1 on-line ad - during hula festival • 1 ad in Ka Wai Ola • Registration form printed in special issue of Ka Wai Ola • 1 ad in Mana Magazine • Newsletter-style "ads" requested by organizations; Designed 	<ul style="list-style-type: none"> • Print ads in Neighbor Island newspapers (post-election Nov and Dec) • Radio ads (post-election Nov and Dec)
SOCIAL MEDIA <ul style="list-style-type: none"> • Response to on-line questions • Conceptual development petition signings • Social media lead - addition to team (last week in Oct) 	<ul style="list-style-type: none"> • Pro-active engagement with individuals and organizations to get out the word and stimulate on-line registrations and petition signings • Pro-active engagement of on-line conversations as part of the educational effort • Creating registration portal for Facebook users • Creating short message and link for email users
MATERIALS <ul style="list-style-type: none"> • Registration forms • What is Kanaiolowalu? • Act 195 • FAQs • Petition • Poster • Envelopes, labels, etc. 	<ul style="list-style-type: none"> • Registration forms (typo corrected; reprint delivered) • Direct mail brochure to take "What is Kana'iolowalu" place • Act 195 re-ordered • FAQs updated; ordered • Petition – redo • Smaller sized poster in design



**Outreach Report to
Trustees of the Office of Hawaiian Affairs
10-26-12**

PRESENTATIONS & Numbers attended:

DATES	No. of Events	Attendance at Event
Quarter 1 January to March	4 events	550
Quarter 2 April to June	15 events	1200
Quarter 3 July to September	25 events	10,000
Quarter 4 October to December	18 events	4500

Partnership Organizations:

Office of Hawaiian Affairs	Kamehameha Schools
Queen Lili'uokalani Childrens' Center	Department of Health
Department of Hawaiian Home Lands	ALU LIKE, Inc.
Royal Order of Kamehameha	Royal Societies
Council for Native Hawaiian Advancement	Papa Ola Lokahi
Department of Education (to include Charter and Immersion Schools)	Department of Public Safety
Hawaii Government Employment Association	Association of Hawaiian Home Lands
Association of Hawaiian Civic Clubs	SHOPO
Native Hawaiian Chamber of Commerce	Kohala Lions Club
Hawaiian Canoe Racing Association	

Pending:

University of Hawaii	United Public Workers Union
Punahou Schools	'Iolani Schools
Hawai'i National Guard, Reserves	Veterans
Active Services	Polynesian Voyaging Society

Statewide & Continent Volunteers: 100 active

Staff:

Oahu: Executive Director	Clyde W. Namu'o
Admin Assistant	Sugi Suganuma-Carlson
Outreach	Carleen Ornellas
Office Clerks -	Cathy Ho Hedges
	Robyn Keala Hara
Outreach Assistants	Nani Akeo*
(*Pending)	Annie Au Hoon*
	Kumu Vasoncellos*
	Sou lee Strand*

Hawaii Island -	Maxine Leinaala Wilcox Diana Sukanuma Diane Kanealii
Maui -	Rhonda Nani Santos*
Molokai - Kauai - Lanai -	Gladys Nani Brandt



Calendar of Events

July

July 19	Hale O Na Alii
July 20, 201	Kana'iowalu Launch
July 20 - 22	Alondra Park, LA.

August

August 1	NHRC Volunteer Training
Aug 3	Ka Lei Maile Ali'i Hawaiian Civic Club
Aug 4	HCRA State Championships.
Aug 5	Waimanalo Carnival
Aug 16	NHRC Volunteer Training
Aug 17-18	SCHHA convention.
	Aha Wahine
Aug 25	Waimanalo Health Center
Aug 30-31	Queen Lili'uokalani Canoe Race
Aug 30-Sept 1	Purdy Family Reunion

September

Sept 2	Onipa'a Celebration
Sept 2	Ki Ho Alu Slack Key Concert
Sept 4	Ko'olaupoko Hawaiian Civic Club
Sept 9	Live Aloha Ho'olaulea Seattle Washington
Sept 12	SHOPO - Russ Akana
Sept 15-16	Prince Kuhio - Las Vegas Hawaiian Civic Club
Sept 16	Aloha Festivals - Hawaiian Composers Competition Windward Mall
Sept 18	DHHL Community Meeting - Pahala Community Center
Sept 19	Volunteer Training Kana'iowalu
Sept 20	Native Hawaiian Chamber of Commerce
	Ko'olaupoko Hawaiian Civic Club
Sept 21	Na Wahine O Ke Kai Moloka'i Ho'e Kana'iowalu Registration
Sept 28	Meeting w/olani Palace sovereignty group
Sept 29	NHRC community workshop and commission meeting Moloka'i

October

Oct 1 HGEA Presentation, Randy Perreira
Oct 2 CNHA CONVENTION, NHRC Info booth
Oct 2 & 18 Mtg with Volunteers, UH Hilo Campus
Oct 6 A Day at Queen Emma Palace
Oct 6 Kupukupu Benefit Concert, Miloli'i
Oct 8 Mtg with DOE Superintendent C Matayoshi
Oct 9 Molokai Aloha Week Celebration
Oct 11 Mtg with Public Safety, Ted Sakai
Oct 11 & 13 Royal Order of Kamehameha Convention, Hilo
Oct 11 - 14 Pure Aloha Festival - Las Vegas, NV
Oct 14 - 21 Association of Hawaiian Civic Club Convention, Washington DC
Kana'iolowalu Workshop - 10/17, 1-2:30; 2:45 - 4:15
Oct 20 Chair Waihee keynote speaker at convention
Oct 22 UH Law School OHA candidates panel, 5:30 - 8 pm
Oct 26 NHRC Commission meeting, 10 a.m.
Oct 26 UH Hawaiian Studies Kamakakuokala, 4:30 - 8 pm
Oct 28 Kapolei Slack Key Guitar Fest
Oct 28 Kamehameha Schools Hawaiian Colorado Reunion
Oct 29 Follow up DOE mtg w/ Cheryl Kauhane Lupenui
Oct 30 Waimanalo Parks & Rec Sr. Citizen Presentation
Oct 31 Data Entry Training

November

Nov 1 UH Ka Huliau lunch panel discussion
Nov 3 Kamehameha Schools Alumni Reunion, Las Vegas
Nov 5 Mtg with UH President MRC Greenwood
Nov 6 Election Day - everyone vote
Nov 7 Mtg with Dayton Nakanelua, UPW
Nov 7 OHA Governance meeting 2
Nov 9 Tentative Commission Meeting
Nov 11 Lui Hokoana Family Reunion, Paia Community Center, Maui
Nov 16 Mtg with Dr. Jim Scott, Punahou School
Nov 19 DHHL Community Workshop, Waimanalo Center
Nov 20 Hawaiian Homes Commission Meeting, 10 a.m.
Nov 21 Waimanalo Hawaiian Civic Club meeting Uncle Joe Tassill
Nov 30 Hawaii Government Employee Ass'n meeting with Chair Waihee,

Native Hawaiian Roll Commission Summary of Finances as of September 30, 2012

2012

Amount Appropriated	\$1,158,260
Amount Encumbered	<u>-900,000</u>
Fund Expended or Returned to OHA as of June 30, 2012	\$ 258,260

2013

Amount Appropriated	\$2,108,850
Expended as of 9-30-12	<u>- \$328,752</u>
Available from 2013 App.	\$1,795,598
Encumbered Funds from 2012	\$ 900,000
Total Funds available in 2013	\$2,695,598

IV. NEW BUSINESS

C. COMMITTEE ON ASSET AND RESOURCE MANAGEMENT

1. ARM 12-11 NATIVE HAWAIIAN TRUST FUND APPROVED ADVISORS LIST AND ADDITION OF JP MORGAN AS A NON-MARKETABLE ALTERNATIVES PROVIDER

Chairperson Machado Calls on Trustee Stender for the next action item motion.

Trustee Stender Moves to approve the Native Hawaiian Trust Fund Approved Advisors and Non-Marketable Asset Providers List as described in Attachment "A" (Approved Advisors List) and add JP Morgan Asset Management as an Approved Provider of Non-Marketable Alternatives.

Trustee Robert Lindsey Seconds the motion.

Chairperson Machado Asks if there are any further questions or comments.

Trustee Stender Clarifies the purpose of this action is to further diversify OHA's Investments.

Chairperson Machado Asks if there are any further questions or comments. Hearing none, she asks for a roll call vote.

Trustee Stender Moves to approve the Native Hawaiian Trust Fund Approved Advisors and Non-Marketable Asset Providers List as described in Attachment "A" (Approved Advisors List) and add JP Morgan Asset Management as an Approved Provider of Non-Marketable Alternatives.

Trustee Robert 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			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER	X		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7	1		1

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

Motion passes with seven (7) YES votes, one (1) NO and votes and one (1) EXCUSED.

IV. NEW BUSINESS

D. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

2. BAE 12-04 OHA 2013 LEGISLATIVE PACKAGE

Chairperson Machado Calls on Trustee Waihe'e to read the next motion.

Trustee Waihe'e Moves to support the following new legislative proposals and approve their inclusion in the 2013 OHA Legislative Package (See attachments for text of the proposals):

- **OHA-1 OHA Budget:** Provides for OHA's General Fund Biennium Budget FY2013-14/FY2014-15. (Attachment A)
- **OHA-2 Hawaiian Language Assessments:** Requires the Department of Education to develop reading, math and science assessments in the Hawaiian language for grades three through six Hawaiian Language Immersion Program students. (Attachment B)
- **OHA-3 'Ōlelo Hawai'i Month:** Designates February as 'Ōlelo Hawai'i Month to celebrate and encourage the use of Hawaiian language. (Attachment C)
- **OHA-4 Apology Resolution 20-Year Commemoration:** Commemorates the 20th anniversary of the adoption of the Apology Resolution. (Attachment D)
- **OHA-5 Island Burial Councils Composition:** Reduces the minimum number of island burial council members and makes the island burial council seats for large landowner representatives optional. (Attachment E)
- **OHA-6 Native Hawaiian Law Training Course:** Requires the members of certain boards and commission to attend a Native Hawaiian law and public trust training course developed and paid for by OHA. (Attachment F)
- **OHA-7 Public Land Development Corporation:** Amends HRS Ch. 171C to add two new seats to the PLDC board and incorporate language to confirm the PLDC's compliance with 1) Act 176 related to the exchange of state-controlled land; 2) Act 178 related to OHA's pro rata portion of the public land trust revenue; and 3) laws that protect Native Hawaiian traditional and customary rights. (Attachment G)
- **OHA-8 Native Hawaiian Justice Task Force Recommendation #1:** Short form bill. (Attachment H)
- **OHA-9 Native Hawaiian Justice Task Force Recommendation #2:** Short form bill. (Attachment I)
- **OHA-10 OHA Bonding Authority:** Short form bill. (Attachment J)

Trustee Akana Seconds the motion.

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

Trustee Waihe'e Moves to support the following new legislative proposals and approve their inclusion in the 2013 OHA Legislative Package (See attachments for text of the proposals):

- **OHA-1 OHA Budget:** Provides for OHA's General Fund Biennium Budget FY2013-14/FY2014-15. (Attachment A)
- **OHA-2 Hawaiian Language Assessments:** Requires the Department of Education to develop reading, math and science assessments in the Hawaiian language for grades three through six Hawaiian Language Immersion Program students. (Attachment B)
- **OHA-3 'Ōlelo Hawai'i Month:** Designates February as 'Ōlelo Hawai'i Month to celebrate and encourage the use of Hawaiian language. (Attachment C)
- **OHA-4 Apology Resolution 20-Year Commemoration:** Commemorates the 20th anniversary of the adoption of the Apology Resolution. (Attachment D)
- **OHA-5 Island Burial Councils Composition:** Reduces the minimum number of island burial council members and makes the island burial council seats for large landowner representatives optional. (Attachment E)
- **OHA-6 Native Hawaiian Law Training Course:** Requires the members of certain boards and commission to attend a Native Hawaiian law and public trust training course developed and paid for by OHA. (Attachment F)
- **OHA-7 Public Land Development Corporation:** Amends HRS Ch. 171C to add two new seats to the PLDC board and incorporate language to confirm the PLDC's compliance with 1) Act 176 related to the exchange of state-controlled land; 2) Act 178 related to OHA's pro rata portion of the public land trust revenue; and 3) laws that protect Native Hawaiian traditional and customary rights. (Attachment G)
- **OHA-8 Native Hawaiian Justice Task Force Recommendation #1:** Short form bill. (Attachment H)
- **OHA-9 Native Hawaiian Justice Task Force Recommendation #2:** Short form bill. (Attachment I)
- **OHA-10 OHA Bonding Authority:** Short form bill. (Attachment J)

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			8			1

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

Motion passes with eight (8) YES votes, and one (1) EXCUSED.

III. UNFINISHED BUSINESS

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

Chairperson Machado Calls on COO Aedward Los Banos to provide Trustees with administrative updates.

COO Los Banos States Administration will be communicating with the Board of Trustees primarily through memos during the upcoming election period. The Palauea issue was extended to close before November 30th. The previous closing date was set for October 31st but there was a slight hold up with the Lehman Brothers. Mr. Dowling stated he may take a trip to New York to close the deal.

Updates on Kaka‘ako Makai, Gentry relocation and Galbraith properties will be handled through memos. Starting next week there will be Grant Preview Workshops on the neighbor islands. The TAPS staff will be traveling to the neighbor islands to hold these meetings. The grant solicitations are set for November 19th. Grant proposals will be due on January 16th in order to launch the grants by July 1st. A memo will be distributed to Trustees to let you know about the upcoming grant schedule.

Trustee Apoliona Asks that it be sent electronically.

COO Los Banos States the grants workshop and solicitation schedule will be sent to Trustees today.

Chairperson Machado Asks if there are any questions.

Trustee Hulu Lindsey Asks if an OHA Resolution can be prepared for Trustee Donald Cataluna.

Chairperson Machado States that it is already being worked on by Trustee Cataluna’s staff along with a gift reflective of his years of service.

V. EXECUTIVE SESSION

Chairperson Machado Asks for a motion to move 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 Stender 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. *Pursuant to HRS 92-5(a)(4) & 5(a)(2).*

Trustee Stender 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		X			
TRUSTEE DONALD CATALUNA						X
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) YES votes, and one (1) EXCUSED.						

The Board moved into Executive Session at 10:15 a.m.

- A. ATTORNEY-CLIENT LEGAL ADVISORY BY BOARD ATTORNEYS NEIL T. PROTO, ESQ. OF SCHNADER ATTORNEYS AT LAW; LAWYER REPRESENTATIVE, DENIS DWYER OF WILLIAMS & JENSEN, PLLC, AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., RE: QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS AND DUTIES UNDER ITS FEDERAL RECOGNITION INITIATIVE. *PURSUANT TO HRS 92-5(A)(4).*
- B. ACQUISITION OF LAND SURROUNDING KUKANILOKO. LEGAL ADVISORY AND 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 SHERYL S. NICHOLSON, ESQ., OHA CORPORATE COUNSEL ERNEST KIMOTO, ESQ. AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., 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. ARM 12-12: CORPORATE OFFICE BUILDING TRANSITION AND CAPITAL IMPROVEMENTS BUDGET - DISCUSSIONS AND DELIBERATIONS CONCERNING THE AUTHORITY OF PERSONS DESIGNATED BY THE BOARD TO EXECUTE DOCUMENTS NECESSARY FOR TRANSITION OF OHA'S CORPORATE HEADQUARTERS AND ATTORNEY-CLIENT LEGAL ADVISORY BY OHA CORPORATE COUNSEL ERNEST KIMOTO, ESQ., SHERYL S. NICHOLSON, ESQ. AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ. 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).*
- D. DISCUSSION OF THE BOARD'S AD HOC COMMITTEE'S RECOMMENDATION FOR KA POUHANA'S SIX MONTH REVIEW. *PER HRS § 92-5 (A)(2).*
- E. APPROVAL OF EXECUTIVE SESSION MINUTES OCTOBER 11, 2012.

The Board moved into Open Session at 12:07 p.m.

VI. BENEFICIARY COMMENTS

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

VII. ANNOUNCEMENTS

Chairperson Machado Announces the next Board Meeting will be scheduled for some time in December after elections have concluded.

VIII. ADJOURNMENT

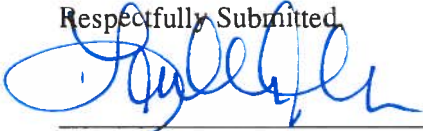
Trustee Apoliona Moves for adjournment.

Trustee Stender Seconds the motion.

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

The meeting was adjourned at 12:27 p.m.

Respectfully Submitted,



Leah Burrows-Nu'uano,
Board Secretary

As approved by the Board of Trustees on January 3, 2013.



Trustee Colette Y. Machado, Chairperson
Board of Trustees

ATTACHMENTS:

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