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BOARD OF TRUSTEES

Robert K. Lindsey, Jr., Hawai'i Island, *Chair*  
Dan Ahuna, Kaua'i & Ni'ihau, *Vice Chair*

*Members*

Lei Ahu Isa, At-Large  
Rowena Akana, At-Large  
Peter Apo, O'ahu  
S. Haunani Apoliona, At-Large  
Carmen Hulu Lindsey, Maui  
Colette Y. Machado, Moloka'i & Lāna'i  
John D. Waihe'e IV, At-Large

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

LIEUTENANT GOVERNOR'S  
OFFICE

'14 DEC 31 AIO :25

**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Thursday, January 8, 2015  
**TIME:** 12:30 p.m.  
**PLACE:** OHA Maui Ola Boardroom  
Nā Lama Kukui, 560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817

**AGENDA**

- I. Call to Order
- II. Approval of Minutes
  - A. October 2, 2014
  - B. October 14, 2014
  - C. October 16, 2014
- III. Discussion on Kuleana
- IV. Community Concerns\*
- V. Unfinished Business
  - A. CEO's Update on Ho'oulu Lāhui Aloha and OHA Activities
    - 1) Nation Building
    - 2) New OHA Website
    - 3) Multimedia Displays
- VI. New Business
  - A. Committee on Beneficiary Advocacy and Empowerment
    - 1) BAE 15-01, Revisions to the 2015 OHA Legislative Package
- VII. Beneficiary Comments\*
- VIII. Announcements
  - A. BOT Workshop (Ethics and OIP Training): Thursday, January 15, 2015, 9:30 a.m.
  - B. Next BOT Meeting: Thursday, January 22, 2015, 12:30 p.m.
- IX. Adjournment

\*Notice: Persons wishing to provide testimony are requested to submit 10 copies of their testimony to the CEO at 560 N. Nimitz Hwy., Ste. 200, Honolulu, HI 96817 or fax to 594-1865 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting. Oral testimony shall be limited to five minutes.

A handwritten signature in black ink, appearing to read "Robert K. Lindsey, Jr.", is written over a horizontal line.

Trustee Robert K. Lindsey, Jr.  
Chair, Board of Trustees

**DEC 31 2014**

Date

Office of Hawaiian Affairs  
Board of Trustees  
January 8, 2015  
12:30 p.m.

## II. Approval of Minutes

- A. October 2, 2014
- B. October 14, 2014
- C. October 16, 2014

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY, SUITE 200  
HONOLULU, HI 96817**

**DRAFT**  
For Approval on 1-8-2015

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, October 2, 2014 10:00 a.m.**

**ATTENDANCE:**

DAN AHUNA, KAUA'I TRUSTEE  
ROWENA AKANA, AT-LARGE TRUSTEE  
PETER APO, O'AHU TRUSTEE (ARRIVE 10:33 AM)  
HAUNANI APOLIONA, AT-LARGE TRUSTEE  
C. HULU LINDSEY, MAUI TRUSTEE  
ROBERT K. LINDSEY JR, HAWAII TRUSTEE  
COLETTE Y. MACHADO, MOLOKA'I & LANA'I TRUSTEE  
OSWALD STENDER, AT-LARGE TRUSTEE  
JOHN WAIHE'E IV, AT-LARGE TRUSTEE

ROBERT G. KLEIN, ESQ. BOARD COUNSEL

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE KA POUHANA/CEO  
KAWIKA BURGESS, KA POU NUI/COO  
HAWLEY IONA, KA POU KIHII/CFO  
ERNEST KIMOTO, CORP COUNSEL  
DEREK KAUANOE, KA POU KAKO'O/GOV  
MEHANA HIND, CKO  
JOHN JAMES MCMAHON, ADV  
KEOPULAULANI REELITZ, GOV  
LUCI MEYER, ADV

**EXCUSED:**

**BOT STAFF:**

CAROL HO'OMANAWANUI, COS  
LEAH BURROWS-NUUANU, BOTS  
DAYNA PA, AIDE  
LOUISE YEE HOY, AIDE  
CLAUDINE CALPITO, AIDE  
LEIANN DURANT, AIDE  
LEHUA ITOKAZU, AIDE  
MELISSA WENNIHAN, AIDE  
REYNOLD FREITAS, AIDE  
CAPSUN POE, AIDE  
LIANA PANG, AIDE

**GUESTS:**

MARIE KUMABE  
DAYNA KAMIMURA-CHING, ESQ.  
LOUIS "BUZZY" AGARD  
LEIMANA DAMATE

**I. CALL TO ORDER**

**Chairperson Machado** Calls the Board of Trustees meeting to order at 10:06 a.m. Roll call is taken; Trustees Ahuna, Akana, Apoliona, Hulu Lindsey, Robert Lindsey, Machado, Stender and Waihe'e are present constituting a quorum of eight (8) Trustees. Trustee Apo is expected momentarily.

**Chairperson Machado** Announces individuals interested in testifying before the Board needs to sign up; testimonies are limited to 5 minutes.

She requests a 72-hour waiver for the agenda item V.A.1.

V. New Business

A. Committee on Asset and Resource Management.

1. ARM 14-06 FY 2015 Total Operating Budget Realignment #1

**Trustee Waihe'e** Moves to waive the 72-Hour meeting materials requirement for items identified by Chairperson Machado as V.A.1.

**Trustee Robert Lindsey** Seconds the motion.

**Chairperson Machado** Asks for a roll call vote.

**Trustee Waihe'e** Moves to waive the 72-Hour meeting materials requirement for items identified by Chairperson Machado as V.A.1.

**Trustee Robert Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO						Not Present
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			8			1
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight (8) YES votes, and one (1) NOT PRESENT.</b>						

## **II. APPROVAL OF MINUTES**

### **A. SEPTEMBER 4, 2014**

**Chairperson Machado** Asks for a motion to approve the minutes listed on the agenda.

**Trustee Apoliona** Moves to approve the meeting minutes of September 4, 2014.

**Trustee Hulu Lindsey** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the minutes. Hearing none, she asks for a roll call vote.

**Trustee Apoliona** Moves to approve the meeting minutes of September 4, 2014.

**Trustee Hulu Lindsey** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO						Not Present
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY		X	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			8			1
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight (8) YES votes, and one (1) NOT PRESENT.</b>						

### **III. COMMUNITY CONCERNS**

**Chairperson Machado** Asks if there are any Community Concerns. She calls on Ms. Leimana Damate as the first speaker. She will be followed by Mr. Louis “Buzzy” Agard.

**Ms. Damate** Greets Trustees and thanks them for the opportunity to address them today. She will provide Trustees with a brief update on the Aha Moku Advisory Committee. Her name is Leimana Damate and she serves as the executive director for the Committee. The Committee was created by Act 288 in 2012. The purpose of the Aha Moku Advisory Committee [AMAC] is to bring Native Hawaiian traditional resources and methodology forward so that it can be put into state policy. When the Legislature created the Act, they specifically asked that the Native Hawaiian cultural practitioners and their practices be put into the fabric of state policy.

In the past year they have been successful in building a strong rapport with the Department of Land and Natural Resources [DLNR] and getting our families who have site specific natural resource management knowledge brought to the forefront so they can be addressed by the DLNR.

One of the Committee’s mandates is that they submit recommendations to DLNR and the decisions will be listed in an annual legislative report. They were able to submit five recommendations this year, which is significant for having only been in operations for a year. She has draft copies for Trustees.

The office of Hawaiian affairs is a major factor in their progression. She works with the divisions within DLNR to mitigate the issues that don't make it up to the board and into the report. The Hawaiian people are being helped more now with this open-door policy than ever before. Other than that, it follows OHA strategic plan because the committee strategic plan was fashioned after OHA strategic plan so that the results could help OHA with achieving its priorities in this area.

She thanks Trustees for supporting them, without OHA there would be no Aha Moku Advisory Committee. They are very appreciative.

**Trustee Robert Lindsey** Asks Ms. Damate to list the five rules that made it into the legislative report.

**Ms. Damate** Reviews the list of concerns submitted to the DLNR.

Natural resource issues and concerns from the ahupua‘a and moku of the islands were conveyed to the AMAC [Aha Moku Advisory Committee] and addressed. However, true to the intent of the Act, these issues were shared with the DLNR and many were resolved between the department and the communities without the need to bring it before the BLNR [Board of Land and Natural Resources]. To date, there are still issues that are in progress. These issues are on-going and are listed as an attachment to this report.

Following are a list of submittals to the BLNR and the recommendations rendered by the AMAC. The testimonies of the AMAC are attached as Appendix A.

*Submitted Request to BLNR by the Trilogy Corporation for Extension of Lease Term, Manele Small Boat Harbor, Lāna‘i, Tax Map Key: (2) 4-9-017-006-0002.*

BLNR Decision: The request was unanimously approved.

AMAC Recommendation of Support – That the BLNR approve this request as the ahupua‘a and moku resource practitioners of Lāna‘i support the Trilogy request. The purpose of the extension is to allow for maintenance and the operation of a pavilion and appurtenant marine facilities. There are no adverse impacts, either on land or in the ocean where the improvements are proposed and this action would actually benefit the community.

*Submitted Request to BLNR by the University of Hawai‘i - Manoa: Consent to Sublease under General Lease No. S-4191 to the University of Hawai‘i, Lessee, to TMT International Observatory LLC, Sub-lessee, Kaohe, Hamakua, Island of Hawai‘i, Tax Map Key: 3rd/4-4-15:09 por.*

BLNR Decision: The request was deferred on June 17, 2014 to allow the University of Hawai‘i time to address certain questions raised during the public testimony portion of the Land Board meeting.

AMAC Recommendation of Opposition – That the BLNR wait to approve until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawai‘i State Intermediate Court of Appeals and the Hawai‘i State Supreme Court; until Section 106 and the consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act; and until all concerns presented in the November 2013 meeting have been addressed.

*Submitted Request to BLNR for Mutual Termination, Grove Farm Fish & Poi, LLC, Lessee, General Lease No. 5654, off Ewa Coast, Ewa, O‘ahu, TMK: (1)9-1-005:000 seaward.*

BLNR Decision: The Request was unanimously approved as submitted. Much discussion centered on this issue and the decision to grant was based on the department’s analysis of coral growing on the concrete blocks left behind which now provide a habitat for fish and coral. This was a case situation and will not set precedence.

AMAC Recommendation of Opposition – This General Lease, under Grove Farm Fish & Poi (GFFP) centered on fish cages off of the Ewa coast of O‘ahu. In 2010, GFFP declared bankruptcy and liquidated all of their assets. After paying all debts, they were not able to

remove the four concrete ballast weights that now sit on the ocean floor. The AMAC opposition was based on the fear that a precedence of entities leaving their equipment behind on the ocean floor when their activity was over would be a dangerous one.

*Submitted Request for BLNR to Grant a Term, Non-exclusive Easement to Lāna‘i Resorts, LLC dba Pūlama Lāna‘i for Tide Pool Stairs Encroachment Purposes, Pulawai, Lāna‘i, Seaward of Tax Map Key: (2) 4-9-017:002.*

BLNR Decision: Approved as submitted.

AMAC Recommendation of Support – The Tide Pool Stairs area, more commonly known as the “Keiki Pond” is located on the lava shelf of the eastern cliffs of Hulopo‘e and has been consistently used by the people of Lāna‘i since 1951. In recent times, the original steps became a safety hazard for the community. The “Pipi Chute” was built in 1919-1920 and used to load/unload interisland steamers-livestock, supplies and passengers. This chute is part of the area containing the Keiki Pond. Both are considered historic sites by the people of Lāna‘i and access to both are through the Tide Pool Stairs. AMAC supports Pūlama Lāna‘i in their efforts to stabilize the Tide Pool Stairs as well as commending the BLNR in granting the easement that would make the stabilization possible.

*Submitted Request that the Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai‘i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands be granted.*

BLNR Decision: Unanimously approved as submitted.

AMAC recommendation of Support – Ho‘ala Loko Ia, the name of the Statewide Programmatic General Permit and Agreement of this CDUA Application will provide cultural practitioners with a single application and permit. It will enable Native Hawaiians who have generational knowledge of loko I‘a in their specific ahupua‘a and moku to restore and maintain important fishponds that can benefit their ‘ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared – an important part of the sustainability of a Hawaiian ecosystem.

**Trustee Robert Lindsey** Thanks Ms. Damate for her summary. He is very supportive of the AMAC because it provides Native Hawaiian people another avenue for access to policy makers in the natural resource management area. He asks who helps the Aha Moku Advisory Committee when it needs legal advice.

**Ms. Damate** States a deputy attorney general is assigned to the AMAC and attends all of their committee meetings.

**Trustee Akana** Thanks Ms. Damate for the work AMAC is doing. OHA cannot be everywhere and is thankful that there are others in the community who are willing to give time to protect natural resources in the specific areas that they live.

*Note: Trustee Apo arrives at 10:33 am.*

**Ms. Damate** States the AMAC would not have been possible without OHA and they tell people this

wherever they go. She believes they are on the same path in terms of protection and preservation of Hawai'i's natural and cultural resources. They hope to make a difference in the Native Hawaiian community.

**Trustee Apoliona** States OHA is working toward a co-trusteeship status for Papahānamokuākea. She hopes the committee is supportive.

**Ms. Damate** States the AMAC is very supportive of OHA becoming a co-trustee of Papahānamokuākea.

**Chairperson Machado** States she is concerned about the Aha Moku Advisory Committee with the changing of the leadership in the executive chambers. She worries that without Chairman Aila's continued support and commitment, the Committee will not be a priority. She is disappointed that the legislature did not fund the AMAC.

She states it may be a good idea to meet with Chairperson Aila to discuss how best to move forward during the transition.

**Ms. Damate** States she will let Chair Aila know and is sure he would be willing to talk with the Trustees about their concerns.

**Chairperson Machado** States she too is thankful to Ms. Damate and the AMAC for the dedication and perseverance they demonstrate in keeping the mission going.

**Ka Pouhana Crabbe** States OHA has gotten a number of beneficiary concerns about the structure of the AMAC. He asks Ms. Damate to clarify the issue for Trustees.

**Ms. Damate** States the issue stems from a letter from the AMAC to the Department of the Interior in support of the rule-making process.

The structure of the AMAC is like an inverted pyramid. The people are at the top followed by the moku representatives and at the very bottom is the executive director position. All of their meetings are posted to the State Calendar and are open to the public. There is another entity from Maui that is trying to put island councils but the AMAC is unable to support their structure because their meetings are closed, no agendas are shared, and the representation is hand-picked. Sometimes people don't agree, even within the same district, so the AMAC tries to base its positions on site specific generational knowledge and practices.

**Chairperson Machado** Thanks Ms. Damate for her update. She calls on the next speaker, Mr. Louis "Buzzy" Agard.

**Mr. Agard** Greets Trustees and thanks them for listening to him. He appreciates the effort of Trustees and knows it is a difficult task.

He speaks on behalf of his grandparents who were part of the 38,000 who signed the Kū'e Petition. He suggests that OHA follow up on what is Hawai'i's official status with regard to the United States. The Department of Justice issued a letter to the Department of the Interior in 1988 stating that Hawai'i was never annexed. He suggests OHA make inquiries to get the facts straight.

**Trustee Akana** Asks for a copy of the letter from the Department of Justice to the Department of the Interior.



**Mr. Agard** States OHA needs to write to the Department of Justice to get a copy of the letter.

**Ka Pouhana Crabbe** States last year Mr. Agard brought this information to the Trustees at a Board meeting. At that time, his book was not yet published so OHA helped fund the book and Trustees were given a copy of the books. The title of the book is *Politics, Sandalwood and Hope*.

**Chairperson Machado** Thanks Mr. Agard for his mana'o and for always being at OHA's meetings.

She moves on to the next agenda item.

#### **IV. UNFINISHED BUSINESS**

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

##### **1. GOVERNANCE NATION BUILDING UPDATE**

**Chairperson Machado** Calls on Ka Pouhana Crabbe for the Governance Nation Building Update.

**Ka Pouhana Crabbe** States he, along with Chief Advocate Riley and Governance Manager Derek Kauanoe has been meeting with the Ali'i Consortium. They've already met eight times.

As requested, this memo serves as an update to the Board regarding the status of Nation Building.

##### **EXECUTIVE SUMMARY**

- Consortium members are reviewing a timeline that places elections in June 2015.
- The main and general issue impacting the signing of an MOA between and among Consortium members is legal liability, and the Consortium is working through this issue by contacting insurance brokers for quotes and other information.
- Other issues include the withdrawal of the Royal of Kamehameha from the Consortium and unique issues with the Association of Hawaiian Civic Clubs.

The content below provides an update on nation-building with the "Ali'i" Consortium ("Consortium"). The Consortium is understood as being comprised of Ali'i-founded institutions and organizations. This update is focused on the two issues identified below:

1. Status of timeline for January elections.
2. Status of Consortium: has an agreement been reached, have governing documents been established.

Information provided in this update is based on comments and discussions from weekly Consortium meetings.

##### **STATUS OF TIMELINE FOR JANUARY ELECTIONS**

Consortium participants unanimously agree that January 2015 elections are impractical and require a more realistic timeline that includes an adequate time-period to educate participating voters about apportionment, the process, and individual candidates. Consortium participants continue to discuss recommended timelines and are working to finalize a proposed timeline prior to the Office of Hawaiian Affairs' Board of Trustees' October 16, 2014 meeting. A draft timeline that Consortium participants discussed at their most recent, September 29, 2014, meeting is enclosed.

The author of the draft timeline acknowledged that his own timeline could be revised to reflect a shorter time period by executing certain efforts concurrently.

### STATUS OF CONSORTIUM

The Consortium continues to meet on a weekly basis and is working to finalize an internal Memorandum of Agreement prior to the Office of Hawaiian Affairs' Board of Trustees' October 16, 2014 meeting.

Consortium partners asked one member's legal counsel to review the draft MOA. This legal counsel has provided his own comments and recommendations and Consortium participants discussed these comments and recommendations at their September 29, 2014 meeting. The MOA serves as the governing document for the Consortium. The current draft of this MOA is enclosed.

Several issues impacting or related to the status of the Consortium were discussed at the meeting and likely affect the Consortium's ability to finalize an MOA by October 16, 2014.

- The Royal Order of Kamehameha withdrew from the Consortium
- The remaining participating organizations have concerns regarding liability in the Consortium
- 'Ahahui Ka'ahumanu, in a meeting on September 29, 2014, questioned the Consortium's capacity to administer contracts with third party vendors.
- The Association of Hawaiian Civic Clubs is dealing with a few issues that may be resolved at the 2014 Convention scheduled for October 26 through November 2, 2014.

#### *The Royal Order of Kamehameha*

As you know, the Royal Order of Kamehameha (ROK) recently withdrew its participation in the Consortium. What may not be known is that the ROK has requested a meeting with Hale O Nā Ali'i ("HONA"). Although the intent for this meeting has not been disclosed, there is a concern among a few HONA members that ROK may want to start its own Consortium and pursue nation-building. To clarify, this "concern" has not been confirmed and is not ripe for sharing.

#### *Liability Issues*

Participating Ali'i-founded institutions, including the Association of Hawaiian Civic Clubs (AHCC), have raised concerns about legal liability with regard to Consortium participation. Generally, the sentiment expressed so far is that if liability issues can be resolved then support can be finalized. Throughout several meetings, Consortium members understand that liability at the convention is one issue that can be more easily addressed through event insurance.

Generally, their concern is getting sued for the activities and decisions that occur before the convention. This issue is currently being worked out.

- King Lunalilo Trust ("KLT") has consulted with their insurance broker regarding their own insurance coverage and how that protects their representatives' participation in the Consortium.
- Nalei Akina, from KLT is seeking a quote from her insurance broker for Consortium coverage as a "Consulting entity" that includes all individual participants.
- HONA members have Director and Officer (D & O) coverage through their individual chapters. Chapter 7 states their insurance covers their participation in the Consortium,

while Chapter 1 is confirming today with their insurance carrier whether there is coverage.

- The AHCC does not currently have D & O coverage that would insure their Consortium participation but is in the process of securing it.

#### *Consortium Capacity*

Pauline Namu‘o with ‘Ahahui Ka‘ahumanu (in a meeting with the Governance Manager and Members of the royal society) asked whether the Consortium had the capacity to administer contracts with third-party vendors. This inquiry was addressed immediately by discussing Participation of a fiscal sponsor and what the administrative fee charged by a fiscal sponsor would cover. During the actual Consortium later in the day, the Consortium discussed the names of three potential fiscal sponsors it could approach: the Council for Native Hawaiian Advancement, Hawai‘i Maoli, and Native Hawaiian Legal Corporation.

#### *Association of Hawaiian Civic Clubs*

Soulee Stroud, President of AHCC shared that he was surprised to find that several AHCC board members have described him as a maverick even though there are several previously-approved AHCC resolutions that generally support Native Hawaiian federal recognition and the participation of AHCC in nation-building processes. Relying on the previously-approved resolutions, Soulee, as the President, has participated in the Consortium and Board members have indicated mixed opinions about this. Soulee expected to find out the results of his Board's decision on September 29, 2014, (whether the AHCC will commit to the Consortium for nation building) but the vote has not concluded and some board members are asking for in-person discussions with Soulee.

#### RECOMMENDATION

The Governance program recommends Ka Pouhana to attend the next scheduled Consortium meeting on Monday, October 6, 2014 at 2:30 pm.

**Ka Pou Kāko‘o Kauanoē** States the group unanimously felt that a more realistic timeline for an election is around June of next year. They believe an educational campaign is more important than seeing how much they can get done in a short period of time. The entire group is very concerned about liability issues and how it would affect their organizations. They don't want their organizations subjected to legal exposure.

**Trustee Akana** Asks for clarification about the \$3.9 million funding allocation. She was made to understand that the entire amount would be used to fund third party contracts but yesterday staff said \$2 million of that amount was staying with OHA staff.

**Ka Pouhana Crabbe** States there will be awards for three primary contracts: the elections, the ‘aha, and a referendum. The Consortium will decide who those contracts will go to. Some of the funding will be used for education about the elections, campaigns, etc. Some of the \$3.9 million will be used for the Governance staffing.

**Trustee Akana** States the staff already works for OHA why do we need more money for staffing. She doesn't understand that. How much will it cost to do the educational piece?

**Ka Pouhana Crabbe** States CFO Iona will clarify the breakdown for Trustees, but \$2 million dollars is not going to fund staff.

**Trustee Hulu Lindsey** Asks if the ‘aha is a state run function.

**Ka Pou Kāko‘o Kauanoē** States he would not characterize it as a State of Hawai‘i ‘āha; it is definitely a private ‘āha and not a public ‘āha.

**Trustee Hulu Lindsey** Asks for an explanation about how the contracts will be procured.

**Ka Pou Kāko‘o Kauanoē** States the Consortium is responsible for developing its own RFP process. The Consortium then selects from the proposals that have been submitted by the third-party vendors that will carry out those contracts.

**Trustee Hulu Lindsey** Asks who among the Consortium will be the chief procurement officer.

**Ka Pou Kāko‘o Kauanoē** States they have not decided that yet but from their draft memorandums an entity like the Lunalilo Home Trust who already has a procurement process would take the lead in designing the procurement process and designing the procurement guidelines. The Consortium as a whole would use that process to make determinations on proposals.

**Trustee Hulu Lindsey** States so even if they are using OHA's money, OHA will not be involved in this thing.

**Ka Pou Kāko‘o Kauanoē** States that is correct.

**Ka Pouhana Crabbe** States the Consortium is looking for a fiscal sponsor so OHA will transfer the allocation to the fiscal sponsor and when the Consortium is ready to make a decision on who to contract, the fiscal sponsor will cut the checks.

**Trustee Apoliona** Asks for clarification on the list of actual participants.

**Ka Pouhana Crabbe** States the active members are:

- Mamakakāua,
- Hale O Nā Ali‘i
- ‘Ahahui Ka‘ahumanu,
- King Lunalilo Trust
- Association of Hawaiian Civic Clubs
- DHHL as an observer.

**Trustee Apo** Asks how can OHA issue money, based on a contract that OHA devises, where there are deliverables which tie OHA directly to the ‘āha. It will automatically trigger *Rice v. Cayetano*. In order to be completely free of the legal issue, OHA has to be almost completely trusting of whoever the money goes to, or the third party needs to come forward to apply for a grant.

**Ka Pouhana Crabbe** States there have been a number of discussions surrounding the distance OHA has to be from the decision making and or directives regarding the process. The structure the Consortium agreed to make the members the decision maker. OHA is not a decision maker and we are not coming up with the contract or deciding who gets the contract. Based on that rationale, the legal team feels OHA is a safe distance from the decision making.

**Trustee Akana** Asks if OHA’s staff is helping, based on the budget discussion from yesterday’s meeting, it means we’re involved. She needs clarification on that.

**Trustee Stender** Suggests OHA contracts with the Coalition to do this work. The Coalition comes to OHA with a proposal and a financial plan. OHA can take out only what it needs, when it needs it. OHA then only manages the contract with the Coalition to make sure the money is not being wasted.

**Ka Pouhana Crabbe** States it is what is currently happening except the agreement is being called a MOA or MOU instead of a contract.

**Ka Pou Kāko'o Kauanoë** States he appreciates Trustee Akana's question and would like to clarify what he tried to explain at yesterday's committee meeting. His understanding is that \$3.9 million was approved and a portion of that money would go to Community Engagement to work on education and PR type campaigns. Another portion went to Advocacy activities in the Governance program. The funding tables were provided to Trustees in the meeting.

**Trustee Akana** Asks if the governance activities are being determined by the Consortium or are they part of the OHA work plans.

**Ka Pouhana Crabbe** States some of advocacy work includes research on international recognition and other research that may be applicable to nation building. That is the kind of work and activities the staff is doing to help educate us and the community.

**Trustee Stender** States the report identified that liability is a big issue. Is someone trying to see if we could get insurance?

**Ka Pou Kāko'o Kauanoë** States the Consortium will need to purchase event insurance should someone fall and get hurt or a fight breaks out. There will be event insurance for the 'aha and maybe the election as well. The Consortium may decide to get insurance to cover their decisions during the convention.

**Ka Pouhana Crabbe** States the Consortium is also talking about getting its own attorney.

## **V. NEW BUSINESS**

### **A. COMMITTEE ON ASSET AND RESOURCE MANAGEMENT.**

#### **1. ACTION ITEM ARM #14-06 FY 2015 TOTAL OPERATING BUDGET REALIGNMENT #**

**Chairperson Machado** States the action item was bifurcated into 10 separate motions because Trustees voted differently on some motions and agreed unanimously on others. The motions will be taken separately at the table today. She asks for a motion to approve the first item.

**Trustee Hulu Lindsey** Moves to approve increasing the part-time Lāna'i Community Outreach Coordinator III to full-time (0.5 FTE to 1.0 FTE).

**Trustee Apoliona** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the Lāna'i COC. Hearing none, she asks for a roll call vote.

**Trustee Hulu Lindsey** Moves to approve increasing the part-time Lāna‘i Community Outreach Coordinator III to full-time (0.5 FTE to 1.0 FTE).

**Trustee Apoliona** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9			

**MOTION:** ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

**Motion passes with nine (9) YES votes.**

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Hulu Lindsey** Moves to approve \$94,607 for continued support of the ‘Aha Moku Advisory Committee.

**Trustee Apo** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the ‘Aha Moku Advisory Committee. Hearing none, she asks for a roll call vote.

**Trustee Hulu Lindsey** Moves to approve \$94,607 for continued support of the ‘Aha Moku Advisory Committee.

**Trustee Apo** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO		X	X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9			

**MOTION:** ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

**Motion passes with nine (9) YES votes.**

**Chairperson Machado** Asks for a motion to approve the next item. She states the funding is going only to the kupuna in the program. The kupuna on Moloka'i are a part of this program and the funding will go to their participation only.

**Trustee Akana** Thanks Chairperson Machado for the clarification as she was inclined withhold her support.

**Trustee Apoliona** Moves to approve \$90,000 in continued support of Consuelo Foundation's Moloka'i Childhood Sexual Abuse Prevention Pathway (MCSAPP).

**Trustee Apo** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion. Hearing none, she asks for a roll call vote.

<b>Trustee Apoliona</b> Moves to approve \$90,000 in continued support of Consuelo Foundation's Moloka'i Childhood Sexual Abuse Prevention Pathway (MCSAPP).						
<b>Trustee Apo</b> Seconds the motion.						
<b>TRUSTEE</b>	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA ABSTAIN</b>	<b>EXCUSED</b>
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE ROWENA <b>AKANA</b>			X			
TRUSTEE PETER <b>APO</b>		X	X			
TRUSTEE HAUNANI <b>APOLIONA</b>	X		X			
TRUSTEE HULU <b>LINDSEY</b>			X			
TRUSTEE ROBERT <b>LINDSEY</b>			X			
TRUSTEE OSWALD <b>STENDER</b>			X			
TRUSTEE JOHN <b>WAIHE'E</b>			X			
TRUSTEE COLETTE <b>MACHADO</b>			X			
<b>TOTAL VOTE COUNT</b>			9			
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine (9) YES votes.</b>						

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Apoliona** Moves to approve \$500,000 in support of the International Union for the Conservation of Nature (IUCN) 2016 World Conservation Congress (WCC) from OHA's FY 2015 Fiscal Reserve Authorization.

**Trustee Stender** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion.

**Trustee Akana** States she doesn't see how this funding will help individual Hawaiians.

**Trustee Ahuna** States he too voted against this motion in Committee because he thinks it is too large a sum of money to give to any single organization. The amount is too big.

**Trustee Hulu Lindsey** Asks if it is possible to propose less.

**Ka Pouhana Crabbe** States OHA's commitment with the Governor is \$500,000.

**Trustee Hulu Lindsey** Asks if the Governor is telling Trustees what to do.

**Chairperson Machado** States the amount came from Esther Kia'aina when she was the deputy with DLNR. They wanted \$1,000,000 from OHA. We lessened the amount to \$500,000. This is how this amount came about. At the Governor's level Esther Kia'aina was made the point person.

**Trustee Ahuna** States it sounds like an agreement was already made and it makes him uncomfortable that the question isn't being brought to Trustees first. This is the first time he is hearing about the agreement and it bothers him.

**Trustee Robert Lindsey** States the current amount was discussed in the ARM Workshop.

**Trustee Stender** Asks for the OHA Staff person who is involved in the whole situation.

**Chairperson Machado** States she would like Mehana Hind to come to the table to explain the proposal to Trustees. She states she will move on to the next item and come back to the IUCN when Ms. Hind arrives.

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Waihe'e** Moves to approve \$135,804 for Native Hawaiian Legal Corporation Salary Increases.

**Trustee Apoliona** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion. Hearing none, she asks for a roll call vote.

**Trustee Waihe'e** Moves to approve \$135,804 for Native Hawaiian Legal Corporation Salary Increases.

**Trustee Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	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: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with seven (7) YES votes and two (2) NO votes.						

**Chairperson Machado** Asks for a motion to approve the next item.



**Trustee Apoliona** Moves to approve \$85,000 for 2 years of funding for a Communications Position to promote the Native Hawaiian Legal Corporation.

**Trustee Stender** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion.

**Trustee Akana** States she would like to know from the NHLC Executive Director if this is a one-time appropriation or if they will try to put it in the budget every biennium.

**NHLC Executive Director Moses Haia** Greets Trustees and thanks them for the opportunity to speak. This request is for the next two-years and that's all they are asking for.

**Trustee Akana** States last year the Legislature didn't fund a dollar for dollar match and OHA was stuck with the entire amount. It adds to OHA's fiscal budget every year.

<b>Trustee Apoliona</b> Moves to approve \$85,000 for 2 years of funding for a Communications Position to promote the Native Hawaiian Legal Corporation.						
<b>Trustee Stender</b> Seconds the motion.						
<b>TRUSTEE</b>	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA ABSTAIN</b>	<b>EXCUSED</b>
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY				X		
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			7	2		
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with seven (7) YES votes and two (2) NO votes.</b>						

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Apoliona** Moves to approve \$218,885 in continued support of the development, implementation, and evaluation of the Hawaiian Learning Program (HLP) in the Myron B. Thompson School of Social Work.

**Trustee Stender** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion. Hearing none, she asks for a roll call vote.

**Trustee Apoliona** Moves to approve \$218,885 in continued support of the development, implementation, and evaluation of the Hawaiian Learning Program (HLP) in the Myron B. Thompson School of Social Work.

**Trustee Stender** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY				X		
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			7	2		
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with seven (7) YES votes and two (2) NO votes.</b>						

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Apoliona** Moves to approve the Native Hawaiian Legal Corporation to retain 100% of recovered legal fees beginning retroactively as of July 1, 2014 through June 30, 2015 (FY 2015).

**Trustee Waihe‘e** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the motion. Hearing none, she asks for a roll call vote.

**Trustee Apoliona** Moves to approve the Native Hawaiian Legal Corporation to retain 100% of recovered legal fees beginning retroactively as of July 1, 2014 through June 30, 2015 (FY 2015).

**Trustee Waihe‘e** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA				X		
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE‘E		X	X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			8	1		
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight (8) YES votes and one (1) NO vote.</b>						

**Chairperson Machado** Asks Trustees if they would like to wait for Ms. Hind to return before taking the motion on the IUCN, or if they'd rather just take the motion.

**Trustee Apoliona** States she will be recusing herself from the discussion and motion relating to the funding of the Native Hawaiian Roll Commission, but would like to vote on the IUCN motion.

**Ka Pouhana Crabbe** States he understands Trustees' concerns about the amount and the benefit to the Native Hawaiian community. He will share that the conference is an international conference and it is the first year that they have chosen the main theme in the area of indigenous cultural knowledge in the area of conservation and land resource management. That was part of the reasoning for Hawai'i's active role in bidding for the conference. The primary theme has always been a focus on Native Hawaiians and indigenous knowledge. OHA has the opportunity to highlight Native Hawaiian organizations and the work they do. We want to share our knowledge with the world to be incorporated into the world-wide stage for conservation and land management.

He suggests cultural packages and is on the planning committee. He may ask Trustees for recommendations on projects and community initiatives they would like to highlight and organize packages to be offered for the visitors to attend.

**Trustee Stender** States at first he couldn't justify the money with the benefit. He thought about it a little more and decided that Native Hawaiians should be tooting our horns about things we have done in the conservation area. OHA has done enough in terms of our conservation property and land management efforts that we should be a resource for the world on how to conserve land and manage it in a cultural manner. It would bring a lot of good attention to OHA.

**Ka Pouhana Crabbe** States the breakout community visits will be about highlighting conservation land resource management projects so that the international community can see what Native Hawaiians are doing and have done for generations to take care of our land. The Native Hawaiian ahupua'a management paradigm is extremely unique and something we would like to show the international conservation community.

**Trustee Akana** Asks what kind of guarantee is there that Hawaiians will be the highlight.

**Ka Pouhana Crabbe** States the planning committee has committed to it. The main members of the planning committee include DLNR, Hawai'i Tourism Authority, OHA and Chipper Wichman's group, the National Tropical Botanical Garden based on Kaua'i.

**Chairperson Machado** States Chipper Wichman is responsible for this whole thing. He has caused the world to look at Hawai'i.

**Trustee Akana** States a lot of times OHA gets a little byline for huge amounts of money. Will Hawaiians be able to attend this conference or is there a fee?

**Chairperson Machado** States those kinds of issues can be worked out. This conference is comparable to the APEC where there was an international competition to host it. It has never been hosted in the United States before.

**Trustee Akana** States APEC did nothing for Native Hawaiians.

**Chairperson Machado** States Chipper and Hau'oli dedicate their lives to aloha 'āina and malama 'āina.

**Trustee Apoliona** States it will be up to Ka Pouhana Crabbe and the OHA representation that there will be substantive information shared and highlighted to those who attend the conference.

**Trustee Apo** States he supports it and hopes that it will produce some intellectual property to present that codifies for Hawai'i the natural resource management system under the concept of native wisdom.

**Trustee Robert Lindsey** States the conference is global and will bring conservationists to Hawai'i and it is a big deal. This is the first time it will ever be hosted in the United States. As indigenous people, we have a good model to show off to the world. Hawaiians have a sustainable model and he wants the world to learn about it. He will be supporting this motion.

**Trustee Ahuna** States one of the most important aspects is how the money will be spent to benefit Native Hawaiians. The fact that Chipper Wichman is involved in this changes things for him. A lot of times Kaua'i gets left out. He is glad this is generated from Kaua'i.

**Ka Pouhana Crabbe** States the original ask was \$1 million of the \$12 million needed to run the conference. If OHA can commit to \$500,000 we will have a say in the decisions made at the table. He calls on Mehana Hind to add to the discussion.

**Ka Pou Kāko'o Hind** States the IUCN has thousands of members throughout the honua [world]. They are able to set policy on 'āina [land], wai [water] and kai [ocean] throughout the world. They expect eight to ten thousand people to come to Hawai'i to attend this conference. The conference directly impacts those who make decisions throughout the world in the area of conservation. Countries in Asia, Africa, South America and Europe all attend and are influenced by the conference. The IUCN is a gathering of these leaders who are specifically there to talk about the impact of things like climate change on the world.

Hawaiians will be showing these leaders how we are impacted by these issues and we will also be able to show them solutions. They picked Hawai'i because the visiting selection committee went from Volcano National Park to O'ahu and ended on Kaua'i.

The other option for the convention was Istanbul, Turkey. Istanbul was a forerunner because of its convenience geographically but when the delegation visited our fire and then our water, they knew Hawai'i would be able to offer them something unique for their decision makers. They would be able to see something that they cannot see anywhere else in the world in one week.

The United States has never been considered for hosting this event. IUCN believes it will still be able to attract leaders and decision-makers from the United States the way it does for other world leaders. They may also be held accountable for their actions here on our home turf.

Three days out of the week will be reserved for the congress and is for members only; the rest of the week is used for highlights of the host area. Kamehameha Schools will be having a part in the presentations.

**Trustee Akana** Asks if there is an entry fee.

**Ka Pou Kāko'o Hind** States they are negotiating those kinds of things and will start winding down decisions once the MOUs are signed. Anyone who plays a participatory role will hopefully receive a waiver for entrance to the conference. We want our people to present and actually be a part of the

knowledge sharing. The goal is to prep our people to be able to participate at a level where they are not just sitting in the chairs but actually educating the attendees to be able to affect the decision makers.

**Trustee Robert Lindsey** States Hawai'i is the endangered capital of the world. We could sneak into the conversation our nation building effort. We are the host people of this land and we are becoming endangered along with our plants and animals. This is our chance to advance our agenda.

**Chairperson Machado** Asks if there is any further discussion. Hearing none, she asks for a roll call vote.

**Trustee Apoliona** Moves to approve \$500,000 in support of the International Union for the Conservation of Nature (IUCN) 2016 World Conservation Congress (WCC) from OHA's FY 2015 Fiscal Reserve Authorization.

**Trustee Stender** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9			
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine (9) YES votes.</b>						

**Chairperson Machado** Calls on Trustee Apoliona to make a declaration for the next item.

**Trustee Apoliona** States at the advice of Counsel and the State Ethics Commission she requests that the record reflect that she will be recusing herself from the discussion and action on motion #9 as it deals with funding for the Native Hawaiian Roll Commission from a line of credit from the Bank of Hawai'i.

**Chairperson Machado** Asks for a motion to approve the next item.

**Trustee Apo** Moves to approve \$407,331 for the Native Hawaiian Roll Commission's FY 2015 Operating Budget from OHA's Governance Planning Operating Budget pursuant to BOT approval of the \$3,971,008 budget via ARM/BAE #14-02 on March 6, 2014 and further approval to allow OHA's Ka Pouhana to execute a financing agreement for OHA's Governance Planning Operating Budget via ARM #14-04 on August 13, 2014.

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

**Chairperson Machado** Asks if there is any discussion on the motion.

**Trustee Akana** States she wants to make sure there is enough money for the Consortium to do its work even if some of the money is going to Roll Commission and Community Engagement and Advocacy.

		Core Operating	Fiscal Reserve Authorizations	Governance Planning			Commercial Properties		Legacy Properties	Special Programs		FY 2015 Total Operating Budget
Summary FY 2015				Community Engagement Activities	Advocacy Activities	Native Hawaiian Roll Commission	Na Lama Kukui	Kaka'ako Makai	Palauea Culture Preserve	Federal Funded	OHA Funded	
	FTE											
Personnel & Fringe	179.0	\$ 13,921,590	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 206,500	\$ -	\$ 664,206	\$ -	\$ 14,792,296
Program		2,021,860	-	-	-	-	274,000	21,000	-	42,201	-	2,359,061
Contracts		7,596,756	-	-	-	-	410,000	1,555,000	-	415,381	-	9,977,137
Grants		8,410,442	2,346,232	-	-	-	-	-	76,500	-	-	10,833,174
Travel		616,560	-	-	-	-	-	19,000	-	28,550	-	664,110
Equipment		516,950	-	-	-	-	547,000	428,500	-	4,366	818,998	2,315,814
Overhead		2,134,231	-	-	-	-	1,366,000	210,340	-	72,549	-	3,783,120
Debt Service		-	-	-	-	-	894,000	-	-	-	-	894,000
Governance Planning		-	-	-	-	-	-	-	-	-	-	-
Apportionment & Election		-	-	-	276,750	-	-	-	-	-	-	276,750
Governance 'Aha		-	-	-	1,324,625	-	-	-	-	-	-	1,324,625
Referendum		-	-	-	137,250	-	-	-	-	-	-	137,250
OHA Governance Program		-	-	-	379,920	-	-	-	-	-	-	379,920
Community Engagement		-	-	1,041,661	132,463	-	-	-	-	-	-	1,174,124
Native Hawaiian Roll Commission		-	-	-	-	407,331	-	-	-	-	-	407,331
*Cost Contingencies		-	-	-	-	-	-	-	-	-	-	-
Total FY 2015 Operating Budget:		\$ 35,218,389	\$2,346,232	\$ 1,041,661	\$ 2,251,008	\$ 407,331	\$3,491,000	\$ 2,440,340	\$ 76,500	\$ 1,227,253	\$ 818,998	\$49,318,712

**Ka Pou Kihl Iona** States she wanted to point out that the \$407,331 is coming from the Community Engagement portion of the \$3.9 million allocation. The \$1.9 million that is estimated to be available to the Consortium remained untouched. She calls on Ka Pou Kihl Abad to talk about the impact the allocation will have to the education aspect of the governance effort.

**Ka Pou Kihl Abad** Greets Trustees and explains that Community Engagement has roughly encumbered \$122,000 for the PR Contract which has not been invoiced at this time. Nothing has been finalized regarding that PR Contract. Of the \$1,138,000 that was originally allotted from the \$3.9 million for education efforts, very little has actually been spent. There is roughly \$940,000 that could be transferred to the Consortium from the money they had allocated. The Consortium could decide to pull out the \$407,331 from that pocket of funds. The important thing to consider is that it would impact the educational efforts. Education about the apportionment process, delegates, what the 'aha is about, what is a governing document, etc. This educational effort will be impacted by the \$407,331 that will be pulled from the Consortium's budget.

**Trustee Akana** Asks how much is going to be used for television campaigns. She feels most of the money should be placed on the process for selecting delegates and what happens during the election. At some point the Trustees need to make a decision on how much of the education budget should be used for what.

**Ka Pou Kihl Abad** States the foundational history education pieces have already been paid for. The website will take no more than \$15,000. There is \$940,000 is left for the Consortium to use for the rest of the education for elections and apportionment. After the Consortium uses \$407,000 for the Roll Commission, the remaining \$500,000 is what will be used for the other educational efforts. What is the process? What are the roles of the delegates? Who are the delegates and what do they stand for? What is a governing document? What are the different referendum questions?

**Trustee Akana** States the education has to reach thousands of people. These small meetings aren't going to reach the amount of people we need it to reach. The education needs to be done through television commercials and advertisements.

**Ka Pou Kihl Abad** States they have a list of things but the warm touch face-to-face kinds of things would be how it would begin. She mentions them first, but the list continues. Further in the list would be other virtual means like websites, TV, print media, social media and all of that. The Consortium will be deciding what kinds of educational efforts can be purchased with the amount of funds available.

**Ka Pouhana Crabbe** States the \$900,000 would go to the Consortium and they will make the decisions on education efforts and whether or not to fund Kanaʻiolowalu as part of the elections process.

**Trustee Apo** States that's not the way he is reading the motion.

**Trustee Ahuna** States he does not support any of this and will never support any of it. He needs to say it for the record. OHA is a State generated and facilitated organization and there is nothing Trustees can do to get away from that. We don't know where we are going or where we will be stopped. We can discuss a lot about how to get around things, but he doesn't want to get around things, he wants to do it right. He doesn't want to do anything that will open OHA up to more liabilities. He will say again, OHA is attached to the state. Kanaʻiolowalu is a state appointed agency. This goes along with the processes and laws of the state. No matter what he feels that OHA opens the door for a lot of attack. He thanks the Administrative staff for moving this to where the majority of the Trustees want it to go. He cannot support something that will eventually lead to him having to show up to court to defend himself.

**Trustee Apo** States he is unclear about the motion. Does the motion not guarantee that the Native Hawaiian Roll Commission will get the \$407,000 Trustees are trying to give it?

**Ka Pouhana Crabbe** States from the discussion it sounded like the Trustees wanted the \$407,000 to come out of the Governance budget. The Governance budget goes to the Consortium.

**Ka Pou Kihi Iona** States she would like to clarify the disagreement at the table. She believes the Board is delegating its spending authority to Ka Pouhana Crabbe that the \$407,331 would be available to the Native Hawaiian Roll Commission immediately and not subject to the Consortium's decision making.

**Trustee Stender** States he does not understand the spreadsheet because the \$3.9 and the \$407,331 are supposed to come from the line of credit which is being administered by the Consortium. He didn't want it to come from the Operating Budget. He added up the numbers and they don't come out to \$3.9 million.

**Ka Pou Kihi Iona** States the \$3.9 million was not specific to any fiscal year. The \$3.7 which is what it comes out to is what is available after what was spent in fiscal year 2014, when the motion was approved in March.

**Trustee Stender** States so we have already spent money from the \$3.9 million.

**Ka Pou Kihi Iona** States Trustee Stender is correct.

**Trustee Stender** States he thought the \$3.9 million was going to be passed to the Consortium to spend, but now we are spending it ourselves. It bothers him and he cannot approve what is on the Board today. It has to be fixed. Administration is spending money on things the Consortium should be doing. No wonder people are telling us to keep out of it. He thought everyone agreed that the Consortium would use the \$3.9 million to do their thing.

**Ka Pou Kihi Iona** States on March 6<sup>th</sup>, when the Board approved the funding, it was actually in support of the facilitator framework and not necessarily of the Consortium. It is her understanding that the Consortium was actually discussed at the time, but nothing was confirmed. It is the intent for the listed allocations to go to the Consortium, but the Consortium has not been formed yet.

Apportionment & Election	-	276,750
Governance 'Aha	-	1,324,625
Referendum	-	137,250
OHA Governance Program	-	379,920
Community Engagement	<b>1,041,661</b>	132,463

**Chairperson Machado** Asks Trustees how they would like to proceed.

**Trustee Stender** States he didn't want the funding to come from the Core Operating Budget, but from a separate line of credit.

**Trustee Akana** States the Board approved the \$407,331 and the money was coming out of the \$3.9 million. After all of the deductions there isn't enough money to cover everything we will need. There was confusion and she has to leave.

**Trustee Stender** Asks the motion be deferred because he cannot approve what is on this paper. He thinks there should be two separate spreadsheets one for the Coalition and one for the Operating Budget.

**Trustee Apo** States the question is not whether or not to fund Kana'iowalu, the question is how to do it. He thinks it is important to be clear on how it is done. He agrees with a deferral and to recommit the item back to the ARM Committee. He withdraws his motion to approve.

**Trustee Waihe'e** Withdraws his second.

**Chairperson Machado** Asks for a motion to recommit the action to the ARM Committee.

**Trustee Hulu Lindsey** Moves to recommit to the ARM Committee, approval of \$407,331 for the Native Hawaiian Roll Commission's FY 2015 Operating Budget from OHA's Governance Planning Operating Budget pursuant to BOT approval of the \$3,971,008 budget via ARM/BAE #14-02 on March 6, 2014 and further approval to allow OHA's Ka Pouhana to execute a financing agreement for OHA's Governance Planning Operating Budget via ARM #14-04 on August 13, 2014.

**Trustee Stender** Seconds the motion.

**Chairperson Machado** Asks if there is any further discussion. Hearing none, she asks for a roll call vote.



**Trustee Hulu Lindsey** Moves to recommit to the ARM Committee, approval of \$407,331 for the Native Hawaiian Roll Commission's FY 2015 Operating Budget from OHA's Governance Planning Operating Budget pursuant to BOT approval of the \$3,971,008 budget via ARM/BAE #14-02 on March 6, 2014 and further approval to allow OHA's Ka Pouhana to execute a financing agreement for OHA's Governance Planning Operating Budget via ARM #14-04 on August 13, 2014.

**Trustee Stender** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						Note Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA						Not Present/Recused
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E				X		
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			6	1		2
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with six (6) YES votes, one (1) NO vote, and two (2) NOT PRESENT.</b>						

**Chairperson Machado** Asks for a motion to approve motion #10, approval of the Total Operating Budget Realignment totaling \$49,318,712. She asks Ka Pou Kihl Iona if the total of the realignment remains the same.

**Ka Pou Kihl Iona** States the total amount is unaffected by the recommitment of motion #9, however, the attachment will have to be changed. She can get that amendment to Trustees after the meeting.

**Trustee Hulu Lindsey** Moves to recommit the Total Operating Budget Realignment #1 for the fiscal year 2015 as outlined in Attachment #1 (as amended totaling \$49,318,712), to the ARM Committee for further discussion and deliberation.

**Trustee Ahuna** Seconds the motion.

**Chairperson Machado** Clarifies the motion made and seconded is not to approve, but to recommit the Total Operating Budget Realignment to the ARM Committee. Hearing a consensus, she asks for a roll call vote.

**Trustee Hulu Lindsey** Moves to recommit the Total Operating Budget Realignment #1 for the fiscal year 2015 as outlined in Attachment #1 (as amended totaling \$49,318,712), to the ARM Committee for further discussion and deliberation.

**Trustee Ahuna** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE ROWENA AKANA						Note Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA						Not Present/Recused
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			7			2
<b>MOTION: [ X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with seven (7) YES votes and two (2) NOT PRESENT.</b>						

## **VI. EXECUTIVE SESSION**

**Chairperson Machado** Asks for a motion to recuse the Board into Executive Session.

**Trustee Hulu 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 Stender** Seconds the motion.

**Chairperson Machado** Asks for a Roll Call Vote.

**Trustee Hulu 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 Stender** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA						Not Present
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER		X	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			7			2
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with seven (7) YES votes and two (2) NOT PRESENT.</b>						

**Chairperson Machado** Asks to clear the room for Executive Session.

*Note: Trustees, Board Counsel Klein, Marie Kumabe and Chairperson Machado's staff are the only ones allowed in the room during this discussion. Ka Pouhana Crabbe and the rest of the staff will be asked to rejoin the meeting when the next item is called to the table.*

*Note: Trustees take a short recess from 12:00 – 12:06p.m.*

**The Board moved into Executive Session at 12:06 p.m.**

- A. CONSULTATION WITH KUMABE HR AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., REGARDING THE BOARD'S 2<sup>ND</sup> YEAR KA POUHANA (CEO) REVIEW, RECOMMENDATIONS, AND POSSIBLE BOARD APPROVALS. PURSUANT TO HRS § 92-5 (A) (2), (4).
- B. CONSULTATION WITH BOARD COUNSEL ROBERT G. KLEIN, ESQ. AND OHA CONSULTANT BREANN S. NU'UHIWA, 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).
- C. CONSULTATION WITH OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., OHA ATTORNEY DAYNA KAMIMURA-CHING, ESQ., AND KA POUHANA DR. KAMANA'O CRABBE RE: QUESTIONS AND ISSUES PERTAINING TO OHA'S POWERS, DUTIES, AND LIABILITIES IN CIVIL NO. 13-1-2401-06 GWBC, KEOLA AKANA V. OHA, ET. AL. PURSUANT TO HRS 92-5(A) (4).
- D. ATTORNEY-CLIENT LEGAL ADVISORY BY OHA'S SENIOR ATTORNEY ERNEST KIMOTO, ESQ., RE: OHA BOARD COUNSEL CONTRACT #1631, PURSUANT TO HRS 92-5(A) (2), (4).
- E. APPROVAL OF EXECUTIVE SESSION MINUTES: JULY 24, 2014.

**The Board moved into Open Session at 1:58 p.m.**

## **VII. BENEFICIARY COMMENTS**

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

## **VIII. ANNOUNCEMENTS**

**Chairperson Machado** Reminds Trustees the regularly scheduled Board meeting is on Thursday October 16, 2014, starting at 9:00 a.m.

## **IX. ADJOURNMENT**

**Chairperson Machado** Asks for a motion to adjourn.

**Trustee Waihe'e** Moves to adjourn the meeting.

**Trustee Stender Seconds** the motion.

**Chairperson Machado** Notes a unanimous consensus and the motion carried.

The meeting was adjourned at 2:00 p.m.

Respectfully Submitted,

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Leah Burrows-Nu'uanu  
Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_, 2015.

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Robert K. Lindsey, Jr.  
Chair, Board of Trustees

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY, SUITE 200  
HONOLULU, HI 96817**

**DRAFT**  
For Approval on 1-8-2015

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Tuesday, October 14, 2014 10:00 a.m.**

**ATTENDANCE:**

DAN AHUNA, KAUA'I TRUSTEE  
ROWENA AKANA, AT-LARGE TRUSTEE (ARRIVE 10:41 AM)  
PETER APO, O'AHU TRUSTEE  
HAUNANI APOLIONA, AT-LARGE TRUSTEE  
C. HULU LINDSEY, MAUI TRUSTEE  
ROBERT K. LINDSEY JR, HAWAII TRUSTEE  
COLETTE Y. MACHADO, MOLOKA'I & LANA'I TRUSTEE  
OSWALD STENDER, AT-LARGE TRUSTEE  
JOHN WAIHE'E IV, AT-LARGE TRUSTEE

ROBERT G. KLEIN, ESQ. BOARD COUNSEL

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE KA POUHANA/CEO  
KAWIKA RILEY, KA POU KIHII/CHIEF ADVOCATE  
DEREK KAUANOE, KA POU KAKO'O/GOV  
JOHN JAMES MCMAHON, ADV

**EXCUSED:**

**BOT STAFF:**

CAROL HO'OMANAWANUI, COS  
LEAH BURROWS-NUUANU, BOTS  
DAYNA PA, AIDE  
LOUISE YEE HOY, AIDE  
CLAUDINE CALPITO, AIDE  
LEIANN DURANT, AIDE  
LEHUA ITOKAZU, AIDE  
MELISSA WENNIHAN, AIDE  
REYNOLD FREITAS, AIDE  
CAPSUN POE, AIDE  
LIANA PANG, AIDE

**GUESTS:**

MARIE KUMABE  
BREANN NU'UHIWA, ESQ.

**I. CALL TO ORDER**

**Chairperson Machado** Calls the Board of Trustees meeting to order at 10:04 a.m. Roll call is taken; Trustees Ahuna, Apo, Apoliona, Hulu Lindsey, Robert Lindsey, Machado, Stender and Waihe'e are present constituting a quorum of eight (8) Trustees. Trustee Akana is expected momentarily.

The Board will not be taking Community Concerns or Beneficiary Comments at this meeting. The next opportunity for beneficiaries is this Thursday, October 16<sup>th</sup>. If anyone wishes to wait, the BOT Reception area is open.

**II. EXECUTIVE SESSION**

**Chairperson Machado** Asks for a motion to recuse 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 Apoliona** Seconds the motion.

**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 Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			8			1

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

**Motion passes with eight (8) YES votes and one (1) NOT PRESENT.**

**Chairperson Machado** Asks to clear the room for Executive Session.

**The Board moved into Executive Session at 10:05 a.m.**

- A. CONSULTATION WITH BOARD COUNSEL ROBERT G. KLEIN, ESQ. AND OHA CONSULTANT BREANN S. NU'UHIWA, 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) (VIA VIDEOCONFERENCE 10:05 A.M. HST).
- B. CONSULTATION WITH KUMABE HR AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., REGARDING THE BOARD'S 2<sup>ND</sup> YEAR KA POUHANA (CEO) REVIEW, RECOMMENDATIONS, AND POSSIBLE BOARD APPROVALS. PURSUANT TO HRS § 92-5 (A)(2), (4).

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

### **III. ANNOUNCEMENTS**

**Chairperson Machado** Reminds Trustees the regularly scheduled Board meeting is on Thursday starting at 9:00 a.m.

### **IV. ADJOURNMENT**

**Chairperson Machado** Asks for a motion to adjourn.

**Trustee Apoliona** Moves to adjourn the meeting.

**Trustee Stender** Seconds the motion.

**Chairperson Machado** Notes a unanimous consensus and the motion carried.

The meeting was adjourned at 12:13 p.m.

Respectfully Submitted,

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Leah Burrows-Nu‘uanu  
Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_, 2015.

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Robert K. Lindsey, Jr.  
Chair, Board of Trustees

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HWY, SUITE 200  
HONOLULU, HI 96817**

**DRAFT**  
For Approval on 1-8-2015

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, October 16, 2014 9:00 a.m.**

**ATTENDANCE:**

DAN AHUNA, KAUA'I TRUSTEE (ARRIVE 9:29 AM)  
ROWENA AKANA, AT-LARGE TRUSTEE (ARRIVE 9:28 AM)  
PETER APO, O'AHU TRUSTEE (ARRIVE 9:24 AM)  
HAUNANI APOLIONA, AT-LARGE TRUSTEE  
C. HULU LINDSEY, MAUI TRUSTEE  
ROBERT K. LINDSEY JR, HAWAII TRUSTEE  
COLETTE Y. MACHADO, MOLOKA'I & LANA'I TRUSTEE  
OSWALD STENDER, AT-LARGE TRUSTEE  
JOHN WAIHE'E IV, AT-LARGE TRUSTEE (ARRIVE 9:45 AM)

ROBERT G. KLEIN, ESQ. BOARD COUNSEL

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE KA POUHANA/CEO  
KAWIKA RILEY, KA POU KIH/CHIEF ADVOCATE  
DEREK KAUANOE, KA POU KAKO'O/GOV  
MOMILANI LAZO, ADMIN  
MEHANA HIND, CKO  
CANDICE ANCHETA, HR  
DEIDRA ALO, ADMIN  
GAY SHIMABUKURO, HR  
JOHN KIM, CONTR  
JOHN ROSA, OUTR  
KEOPULAULANI REELITZ, GOV  
LISA ASATO, COMM

**EXCUSED:**

**BOT STAFF:**

CAROL HO'OMANAWANUI, COS  
LEAH BURROWS-NUUANU, BOTS  
DAYNA PA, AIDE  
LOUISE YEE HOY, AIDE  
CLAUDINE CALPITO, AIDE  
LEIANN DURANT, AIDE  
MAKANA CHAI, AIDE  
KAMA HOPKINS, AIDE  
REYNOLD FREITAS, AIDE  
CAPSUN POE, AIDE  
LIANA PANG, AIDE

**ADMINISTRATION STAFF:**

STERLING WONG, PUBL  
GARETT KAMEMOTO, MRM  
JOHN JAMES MCMAHON, ADV  
SHANNON CHANG, HR  
LUCI MEYER, ADV  
LORNA LOEBL, AS

**GUESTS:**

DAN PURCELL  
MARIE KUMABE

**I. CALL TO ORDER**

**Chairperson Machado** Calls the Board of Trustees meeting to order at 9:23 a.m. Roll call is taken; Trustees Apoliona, Hulu Lindsey, Robert Lindsey, Machado, and Stender are present constituting a quorum of five (5) Trustees. Trustees Ahuna, Akana, Apo and Waihe'e are expected momentarily.

**Chairperson Machado** Announces individuals interested in testifying before the Board needs to sign up; testimonies are limited to 5 minutes.

She requests a 72-hour waiver for the agenda item V. C. & D.

**V. New Business**

**C. Committee on Asset and Resource Management**

1. ARM 14-07 OHA's Governance Planning Operating Budget Realignment #1
2. ARM 14-08 Fiscal Year 2015 Total Operating Budget Realignment #1A.

**D. Committee on Beneficiary Advocacy and Empowerment.**

1. BAE 14-03 2015 OHA Legislative Package



**Trustee Hulu Lindsey** Moves to waive the 72-Hour meeting materials requirement for items identified by Chairperson Machado as V. C. & D.

**Trustee Apoliona** Seconds the motion.

**Chairperson Machado** Asks for a roll call vote.

**Trustee Hulu Lindsey** Moves to waive the 72-Hour meeting materials requirement for items identified by Chairperson Machado as V. C. & D.

**Trustee Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA						Not Present
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO						Not Present
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E						Not Present
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			5			4
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with five (5) YES votes, and four (4) NOT PRESENT.</b>						

## **II. APPROVAL OF MINUTES**

### **A. SEPTEMBER 18, 2014**

**Chairperson Machado** Asks for a motion to approve the minutes listed on the agenda.

**Trustee Apoliona** Moves to approve the meeting minutes of September 18, 2014.

**Trustee Hulu Lindsey** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the minutes. Hearing none, she asks for a roll call vote.

**Trustee Apoliona** Moves to approve the meeting minutes of September 18, 2014.

**Trustee Hulu Lindsey** Seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA						Not Present
TRUSTEE ROWENA AKANA						Not Present
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	X		X			
TRUSTEE HULU LINDSEY		X	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE‘E						Not Present
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			6			3
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with six (6) YES votes, and three (3) NOT PRESENT.</b>						

### **III. COMMUNITY CONCERNS**

**Chairperson Machado** Asks if there are any Community Concerns. Hearing none, she moves to Unfinished Business.

### **IV. UNFINISHED BUSINESS**

#### **A. KA POUHANA/CEO’S UPDATE ON HO‘OULU LĀHUI ALOHA & OHA ACTIVITIES.**

##### **1. GOVERNANCE NATION BUILDING UPDATE**

**Chairperson Machado** Calls on Ka Pouhana Crabbe for the Governance Nation Building Update.

**Ka Pouhana Crabbe** States he will ask Governance Manager Derek Kauanoe to update Trustees on the ongoing discussions with the Ali‘i Consortium.

**Ka Pou Kāko‘o Kauanoe** Greets Trustees and thanks them for the opportunity to share an update on the Consortium. He has been attending the Consortium’s weekly Monday meetings for some time. This past Monday the following Consortium members signed a commitment form to participate in a nation building process with the understanding that their duties will be to select third-party vendors to facilitate the process.

- King Lunalilo Trust (“KLT”)
- Hale O Na Ali‘i (“HONA”)
- ‘Ahahui Ka‘ahumanu

Consortium members have developed a Memorandum of Agreement which is on its second review with KLT Attorney Nathan Aipa. Liability has been a concern and since then an application has been sent to an insurance broker describing the activities of the Consortium. They hope to get quotes from insurance companies in the near future.

**Trustee Stender** Asks if there are any major changes since the first draft.

**Ka Pou Kāko‘o Kauanoë** States there is an indemnification clause that may still need to be removed. The way it was worded, one entity in the Consortium would have to indemnify all the other organizations that are a part of the consortium. In a review by several attorneys it has been a recommendation to strike the language.

Since the last update the Association of Hawaiian Civic Clubs has withdrawn from participation because they want to play a different role in the nation building process. They want to be a vendor and do the work.

**Trustee Apoliona** States this is a tremendous step and she congratulates all those involved. She encourages them to keep moving forward.

**Trustee Akana** Asks if there is a conflict with the Council for Native Hawaiian Advancement as a vendor if Robin Danner is a Native Hawaiian Roll Commissioner.

**Ka Pou Kāko‘o Kauanoë** States he is not sure what role Ms. Danner has with CNHA but knows that Ms. Michelle Kauhane is currently at the helm.

**Trustee Akana** Wonders if ‘Ahahui Ka‘ahumanu and HONA have the organizational capabilities and wherewithal to conduct the work this will require.

**Ka Pou Kāko‘o Kauanoë** States he has been asked the same question a number of times so he clarifies that the only responsibility of the Consortium is to select the third party vendors.

The Lunalilo Trust has their own procurement and soliciting services for their own programs and so their expertise has been used to draft the procurement process, guidelines and criteria. The other two organizations will help with the selection of the vendors.

In terms of administering the contract, there will be the need to have a fiscal sponsor since this is a joint venture and they, in and of itself, do not constitute a non-profit organization. They do understand that in using a fiscal sponsor a small percentage of the funding will go toward administration of the contracts.

**Trustee Hulu Lindsey** Asks how many individuals from each of the organizations are on the Consortium.

**Ka Pou Kāko‘o Kauanoë** States each organization can bring up to 2 members to the meetings. That was a decision made by the Consortium members. Originally they agreed on only one member per organization, but later felt that each organization could be better represented if they had two people present at each meeting. Each organization is only entitled to one vote.

**Trustee Hulu Lindsey** States the Consortium is made up of three voting members.

**Ka Pou Kāko‘o Kauanoë** States Trustee Hulu Lindsey is correct and clarifies that the Consortium members are only tasked with choosing the vendors. They are not the ones actually running the convention.

**Trustee Hulu Lindsey** Asks how the Consortium will include the neighbor islands.

**Ka Pou Kāko‘o Kauanoë** States if you look at the structure of these organizations, they are statewide organizations.

**Ka Pouhana Crabbe** States OHA does not want to get into the affairs of the individual organizations. The

three organizations are the founding members. They can provide additional organizations as advisory groups. They can elicit participation from other organizations as they see fit.

**Ka Pou Kāko‘o Kauanoë** States HONA has seven chapters and the head of their state Board is Auntie Ku‘ulei Hughes-Okada. She lives on the neighbor islands and cannot attend every meeting. She has designated two Chapter Presidents to represent her. Everything goes through her and they check with her before making any decision. To that extent we have a person in the Consortium who lives on a neighbor island and her decisions are conveyed to her representatives here.

**Ka Pouhāna Crabbe** States the Consortium has begun discussions about other organizations they should invite.

**Trustee Apo** Asks what authority will be extended to this Consortium.

**Ka Pou Kāko‘o Kauanoë** States the authority is to enter into agreements with third-party vendors.

**Trustee Apo** Asks will OHA have an agreement with the Consortium.

**Board Counsel Klein** Cautions Trustees that the discussion may be leading to an executive session.

**Trustee Stender** Asks for an updated timeline.

**Ka Pou Kāko‘o Kauanoë** States the Consortium members believe a January election is impractical at this time. The educational initiative is necessary to educate the electorate on the entire process. What has been discussed in the Consortium is an election that will take place in June.

**Trustee Stender** Asks how are people receiving communication about the status of the process. People are emailing him for an update. People want to know what will happen next and when. People are waiting for something to happen.

**Ka Pou Kāko‘o Kauanoë** States it is identified generally in the action item where one of the conditions we thought was necessary if this Board were to provide the Native Hawaiian Roll Commission with the funding is that either the Consortium or one of the vendors is going to need some type of access to the list. Those vendors would contact people on the list to start educating them.

**Chairperson Machado** Asks if there are any further questions. Hearing none she moves on to the next agenda item.

*Note: Trustee Akana arrives at 9:27 a.m. Trustee Ahuna arrives at 9:29 a.m.*

## **V. NEW BUSINESS**

### **A. PRESENTATION OF OHA RESOLUTION TO OFFICE OF HAWAIIAN AFFAIRS TRUSTEE OSWALD KOFOAD STENDER FOR HIS SERVICE TO THE STATE OF HAWAII AND THE HAWAIIAN COMMUNITY**

**Chairperson Machado** Calls on Trustees Apo and Apoliona to do the presentation.

*Note: Trustee Stender, wife Ku‘ulei, daughter Lei-Ann, son Patrick, Son-in-law Ron, grandchildren U‘i, Moku, Haku and Brandi, join him in the presentation of the OHA Resolution.*

**Trustee Apo** States Trustee Stender is just beginning but we are here to acknowledge all the work he has done here at the Office of Hawaiian Affairs. On behalf of the Board and the Hawaiian people he thanks Trustee Stender for his service, not just with OHA but throughout Hawai'i. He is a major contributor to the quality growth of the islands. It is partly because of Trustee Stender that we now have a second city in Kapolei.

The OHA Resolution has 13 “whereas clauses” but it doesn’t even scratch the surface of what Trustee Stender has done in his lifetime.

<p><b>Trustee Oswald K. Stender</b></p>  <p><b>At-Large Trustee</b></p> <p><b>2000-2014</b></p>	<p><b>Businessman</b></p>  <p>2000-present: American Land 1990Bernice Pauahi Bishop Est 1974The Estate of James Campbell 1972 Grosvenor International 1958The Estate of James Campbell 1951US Marine Corps 1950Hawaiian Electric Company</p>
<p><b>Board Memberships</b></p> <p>Hawaiian Electric Industries The Nature Conservancy Hawaii Tax Free Trust American Red Cross Pacific Capital Funds Cash Assets Trust Mamaka 'Aialo Aloha United Way Grace Pacific</p> 	<p><b>Community Service</b></p> <p>Mutual Housing Association Pacific Housing Alliance Association Kawaiahao Church Advisory Board Liliuokalani Trust Advisory Board President, Friends of Iolani Palace Helping Hands Hawaii Pacific Gateway Inc.</p> 
<p>NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Office of Hawaiian Affairs that the Board <b>acknowledges</b> and <b>commends</b></p> <p><b>Oswald K. Stender</b></p>  	<p>...for his <b>outstanding service</b> the Office of Hawaiian Affairs and <b>the Hawaiian community</b> and extends to him...</p>  

the **gratitude** and **appreciation** of  
the Office of Hawaiian Affairs Board,  
Administration, staff, and the **Native**  
**Hawaiian beneficiaries**, .....



...for his **commitment** and  
**passionate, selfless**  
**achievements** in **serving** the  
people of Hawai'i.

**Mahalo Nui**



Mahalo Auntie Ku'ulei and the  
Stender 'ohana for sharing him with  
OHA for 14 years. We will miss him!

*Note: Trustees present Trustee Stender with lei and gifts of appreciation. Administration presents him with a Nā Lama Kukui Spreadsheet. Trustee Apo sings a song by Bob Dylan called Forever Young.*

#### Forever Young by Bob Dylan

May God bless and keep you always  
May your wishes all come true  
May you always do for others  
And let others do for you  
May you build a ladder to the stars  
And climb on every rung  
May you stay forever young  
Forever young, forever young  
May you stay forever young.

May you grow up to be righteous  
May you grow up to be true  
May you always know the truth  
And see the lights surrounding you  
May you always be courageous  
Stand upright and be strong  
May you stay forever young  
Forever young, forever young  
May you stay forever young.

May your hands always be busy

May your feet always be swift  
May you have a strong foundation  
When the winds of changes shift  
May your heart always be joyful  
And may your song always be sung  
May you stay forever young  
Forever young, forever young  
May you stay forever young.

*Note: Trustee Waihe'e arrives at 9:45 a.m.*

**Ka Pouhana Crabbe** States Trustee Stender is like an elder statesman for the Hawaiian Community. Whenever he or Ka Pou Nui Burgess has a meeting with Trustee Stender, they have to take an anxiety pill because he is so intimidating. He has been a role model in terms of helping leadership mature.

*Note: Trustee Stender offers a heart-warming speech which unfortunately was not captured in the recording as he was standing next to his family and away from a microphone.*

*Trustees and staff stand and sing Ka Na'i Aupuni with Trustee Stender before heading to the Lili'uokalani Hall for picture taking. The Meeting stands in recess from 9:53 a.m. -10:13 a.m.*

## **B. AHA MOKU ADVISORY COMMITTEE UPDATE BY EXECUTIVE DIRECTOR LEIMANA DAMATE**

**Chairperson Machado** States she is pleased to have the Aha Moku Advisory Committee Executive Director Leimana Damate and Board of Land and Natural Resources Chairman William Aila, joining Trustees at the table for an update. She thanks them for their attendance.

**Mr. Aila** States he is thankful to be here today as OHA bids farewell to Trustee Oswald Stender who has been an inspiration to him and a big part of his professional and personal development.

**Ms. Damate** Greets Trustees and thanks Trustee Stender for everything he has done for the Native Hawaiian community.

As Trustees know, the Aha Moku Advisory Committee is attached, through Act 288, to the Department of Land and Natural Resources [DLNR]. The Committee is attached to OHA emotionally and in every other way but Chairman Aila was gracious enough to put the Aha Moku into the Chairman's office which gave them the opportunity to work with all of the divisions.

**Mr. Aila** Thanks Trustees for the bridge funding the Board approved to carry the Aha Moku through the end of this legislative session. The future of 'Aha Moku with regard to its connection to the DLNR will depend on what the legislature decides to do. They are hoping to go back to the legislature with funding through the Governor's budget. They will have to wait and see what the political process reveals and what the priorities of the incoming administration will be.

The relationship between the Department and the 'Aha Ki'ole Council has been one of mutual respect. The information and recommendations that have been passed through the Board of Land and Natural Resources and his office has been very fruitful and beneficial. In addition they've listened to all of the other Native Hawaiian organizations out there and the advice has been consistent regarding cultural practices with the exception of one or two controversial issues the Board has had to make.

There is a puka [hole] in the legislation that did not make clear the method of organizing. What has

happened because of that is in some areas there are dueling organizations. This is one of the areas they would like to go back to the legislature to clarify how it should be done. As you know well, Hawaiians don't like to be told what to do. As part of the deliberative process they hope to gain consensus by which to move forward.

The legislation was also not clear on succession. How someone else succeeds a current Ki'ole member is unclear. They hope policy makers can clarify how it should be done. Previously the Governor chose from a list of recommendations from Native Hawaiian groups who then went through a Senate confirmation process.

In the next legislative session they will be seeking clarification and the appropriate amount of funding to move forward on the 'Aha Ki'ole process. From a personal standpoint the island of Moloka'i seems to be the most organized moku. From the pure sense of how the 'Aha Moku were to be set up, he has attended several meetings on Moloka'i and although there isn't always agreement, they find a way to achieve consensus. He hopes it can be a model for the other moku to adopt. It is the best process he has seen so far at the grassroots level.

**Trustee Apo** Asks Mr. Aila to talk about the situation in Hā'ena where the community is setting up a process similar to, but outside of the 'Aha Moku process.

**Mr. Aila** States fourteen years ago the legislature set forth a process to create community based subsistence fishing areas. It took a while before any community was able to organize itself because the statute said the community had to develop proposed rules and a management plan. The community in Hā'ena has been working at this for almost 14 years.

Mac Poepoe who did it at Mo'omomi on Moloka'i has been at it even longer. The management plan on Moloka'i is still being worked on which is why Hā'ena went first. When Governor Abercrombie first took office they realized there weren't enough biologists on staff needed to do these things highlighted the need to work with communities to take care of their own ahupua'a. He is proud to be able to implement these community based management fisheries.

They also have Makai Watch Programs where community members get trained to help report incidents to DOCARE officers to be more efficient with enforcement resources. This is able to happen in communities who understand their resources both in today's world and in yesterday's world and make recommendations based on sustainable Hawaiian fishing practices. This is happening in Hā'ena right now.

The Hā'ena Community-based Management Rules had a hearing last week in Hā'ena where more than 200 people attended. More than 99% of the folks spoke in support of the rules. Families got up to testify together. He has never seen it occur before; it was a historic night.

The rules will be heard on October 24<sup>th</sup> and if the outcome is positive it will go to the Governor for signature and will become effective after the Lieutenant Governor posts it.

**Trustee Apo** States to the outside observer it seems like the model is moving quickly and parallel to the work of the 'Aha Moku. At what point can the two intersect to where the investment in the development of the 'Aha Moku can be supported by an actual transfer of authority to a community-based organization?

**Mr. Aila** States in the case of Hā'ena, the 'Aha Ki'ole of Kaua'i has been integral in the development of the management plan. There were also many folks on Kaua'i who have helped in major ways to the plan. There are many other communities who are lined up in various stages of preparation to move along the same path.



**Trustee Apo** States if the model works it could go a long way to establishing a track record of native wisdom particularly for the fisheries which is different than the Western idea of sanctuaries. Native Hawaiians need to show that we know what we are doing when it comes to managing fisheries in our communities.

**Trustee Apoliona** States Trustee Apo's comment on the Kaua'i model proves that it boils down to the leadership in the communities. If Mr. Hashimoto and others like him can guide other communities toward the same path they won't have to reinvent the wheel in every community.

**Mr. Aila** States within the State Parks System there is a parcel of land that Mr. Hashimoto and others have rehabilitated with lo'i kalo. The value of community-based management is that enforcement won't be an issue because the community has a stake in its success and will educate folks of the benefits of the rules.

**Trustee Akana** Asks for clarification on the rules surrounding the extension of the Papahānamokuākea National Marine Monument.

**Mr. Aila** States the President's proclamation has not changed the rules of Papahānamokuākea in any way. There are unincorporated and unassociated territories that had pre-existing sanctuaries established out to 50 miles, before the proclamation. In some of those places the sanctuary has been extended to 200 miles. In about half of those islands where the sanctuaries have been extended, U.S. fishermen will still be allowed to fish.

The Hawai'i based long-line fleet will be able to fish in half of those islands where the sanctuary was expanded. In addition, in Hawai'i's testimony we are recommending the traditional and customary practices of the native people of the areas be allowed to continue. In the Presidential Proclamation traditional and customary practices are protected.

They specifically asked that voyaging vessels like the Hōkūle'a be allowed to fish when passing through those areas. This is covered in the Presidential Executive Order in pointing out that Polynesian, Micronesians and Melanesians all practice the same traditions in the sanctuary zone.

The NOAA folks will be releasing the proposed expansion of the Whale Sanctuary here in Hawai'i. Governor Abercrombie has been clear that Hawai'i's state rights and Hawaiian Rights must be protected when this process is reviewed.

The Governor has the ability to sign-off, not sign-off or recommend specific changes in whatever language comes out of the current review of the expansion.

**Trustee Akana** States at the last hearing the halls were overflowing with testifiers who were against the expansion. Not a single person was in favor of the expansion.

**Mr. Aila** States the President's Executive Order did not change the Whale Sanctuary or the Papahānamokuākea Monument in any way.

He thanks the OHA Board of Trustees for assisting the 'Aha Moku with continued funding when the legislature failed to do so in the last session.

**Chairperson Machado** States Trustees acknowledge the work of the 'Aha Moku is critical. Trustees support the incorporation of native intelligence into the mainstream conservation discussion.

**Mr. Aila** States he thanks OHA for the IUCN funding. As the host state and committee, they will be pushing strongly for the concept of incorporating customary and traditional practices in the Western

decision making process.

**Chairperson Machado** States the action item for OHA's funding toward the IUCN passed committee yesterday and will be up for final review later in this meeting. She thanks Ms. Damate and Mr. Aila for coming and for their work for Native Hawaiians.

**Mr. Aila** Thanks Trustees for their support of all things Hawaiian.

**C. COMMITTEE ON ASSET AND RESOURCE MANAGEMENT**  
**1. ARM 14-07 OHA'S GOVERNANCE PLANNING OPERATING BUDGET REALIGNMENT #1**

**Chairperson Machado** Calls on Trustee Apoliona for a statement on her participation.

**Trustee Apoliona** States at the advice of counsel and the State Ethics Commission, she asks the record reflect that she will be recusing herself from the discussion and vote on agenda item V.C.1 ARM 14-07.

*Note: Trustee Apoliona steps away from the board table and sits in the gallery for this discussion and vote.*

**Chairperson Machado** Calls on Trustee Apo for a motion to approve action item ARM 14-07.

**Trustee Apo** Moves To approve and recommend that the Board of Trustees approve OHA's Governance Planning Operating Budget Realignment #1 as summarized in Table 1.

Governance Planning	Approved Budget	Proposed Realignment #1	Adjustments
Advocacy			
Apportionment & Election	\$ 276,750	\$ 0	-276,750
Governance 'Aha	1,324,625	0	-1,324,625
Referendum	137,250	0	-137,250
*Cost Contingencies	132,463	0	-132,463
OHA Governance Program	379,920	307,524	-72,396
Community Engagement	1,720,000	657,606	-1,062,394
Consortium	0	2,598,547	2,598,547
Native Hawaiian Roll Commission	0	407,331	407,331
<b>TOTALS:</b>	<b>\$ 3,971,008</b>	<b>\$ 3,971,008</b>	<b>0</b>

**Trustee Robert Lindsey** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the minutes. Hearing none, she asks for a roll call vote.

**Trustee Apo** Moves To approve and recommend that the Board of Trustees approve OHA's Governance Planning Operating Budget Realignment #1 as summarized in Table 1.

Governance Planning	Approved Budget	Proposed Realignment #1	Adjustments
Advocacy			
Apportionment & Election	\$ 276,750	\$ 0	-276,750
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Referendum	137,250	0	-137,250
*Cost Contingencies	132,463	0	-132,463
OHA Governance Program	379,920	307,524	-72,396
Community Engagement	1,720,000	657,606	-1,062,394
Consortium	0	2,598,547	2,598,547
Native Hawaiian Roll Commission	0	407,331	407,331
<b>TOTALS:</b>	<b>\$ 3,971,008</b>	<b>\$ 3,971,008</b>	<b>0</b>

**Trustee Robert Lindsey** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA				X		
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO	X		X			
TRUSTEE HAUNANI APOLIONA						Recused
TRUSTEE HULU LINDSEY				X		
TRUSTEE ROBERT LINDSEY		X	X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			6	2		1

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

**Motion passes with six (6) YES votes, two (2) NO votes, and one (1) RECUSAL.**

## 2. ARM 14-08 FISCAL YEAR 2015 TOTAL OPERATING BUDGET REALIGNMENT #1A.

**Chairperson Machado** Calls on Trustee Apo for a motion to approve action item ARM 14-08.

**Trustee Apo** Moves to approve the Total Operating Budget Realignment #1A for the fiscal year 2015 as outlined in Attachment #1A to include the following:

1. Disbursement of funding totaling \$300,000 from OHA's FY 2015 Fiscal Reserve Authorization for the purpose of providing emergency assistance to Native Hawaiian residents of the Puna district directly impacted by the lava flow.
2. To approve and recommend that the Board of Trustees approve the Total Operating Budget Realignment #1A for the fiscal year 2015 as outlined in Attachment #1.

**Trustee Akana** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the minutes. Hearing none, she asks for a roll call vote.

**Trustee Apo** Moves to approve the Total Operating Budget Realignment #1A for the fiscal year 2015 as outlined in Attachment #1A to include the following:

1. Disbursement of funding totaling \$300,000 from OHA's FY 2015 Fiscal Reserve Authorization for the purpose of providing emergency assistance to Native Hawaiian residents of the Puna district directly impacted by the lava flow.
2. To approve and recommend that the Board of Trustees approve the Total Operating Budget Realignment #1A for the fiscal year 2015 as outlined in Attachment #1.

**Trustee Akana** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA		X	X			
TRUSTEE PETER APO	X		X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9			
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine (9) YES votes.</b>						

#### **D. COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT.**

##### **1. BAE 14-03 2015 OHA LEGISLATIVE PACKAGE**

**Chairperson Machado** Calls on Trustee Waihe'e for a motion to approve action item BAE 14-03.

**Trustee Waihe'e** Moves to support the following new legislative proposals and approve their inclusion in the 2015 OHA Legislative Package:

- OHA-1 OHA Budget:  
Provides for OHA's General Fund Biennium Budget FY2015-2016 / FY2016-2017.
- OHA-2 Hawaiian Language Immersion Program Assessments
- OHA-3 Native Hawaiian Law Training Course
- OHA-4 Hawaiian Crops and Small-Scale Farms
- OHA-5 Hawaiian Plants
- OHA-6 Data Collection Pa'ahao Children: Short Form
- OHA-7 Public Land Trust Revenue Increase Stage-Setting: Short Form

**Trustee Ahuna** Seconds the motion.

**Chairperson Machado** Asks if there is any discussion on the minutes. Hearing none, she asks for a roll call vote.

**Trustee Waihe'e** Moves to support the following new legislative proposals and approve their inclusion in the 2015 OHA Legislative Package:

- OHA-1 OHA Budget  
Provides for OHA's General Fund Biennium Budget FY2015-2016 / FY2016-2017.
- OHA-2 Hawaiian Language Immersion Program Assessments
- OHA-3 Native Hawaiian Law Training Course
- OHA-4 Hawaiian Crops and Small-Scale Farms
- OHA-5 Hawaiian Plants
- OHA-6 Data Collection Pa'ahao Children: Short Form
- OHA-7 Public Land Trust Revenue Increase Stage-Setting: Short Form

**Trustee Ahuna** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E	X		X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>			9			

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

**Motion passes with nine (9) YES votes.**

## **VI. EXECUTIVE SESSION**

**Chairperson Machado** Asks for a motion to recuse the Board into Executive Session.

**Trustee Hulu 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 Apoliona** Seconds the motion.

**Chairperson Machado** Asks for a Roll Call Vote.

**Trustee Hulu 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 Apoliona** Seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		X	X			
TRUSTEE HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE OSWALD STENDER			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
<b>TOTAL VOTE COUNT</b>						
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine (9) YES votes.</b>						

**Chairperson Machado** Asks to clear the room for Executive Session.

*Note: Trustees, Board Counsel Klein, Marie Kumabe and Ka Pouhana Crabbe are the only ones in the room during this discussion.*

**The Board moved into Executive Session at 10:41 a.m.**

- A. CONSULTATION WITH KUMABE HR AND OHA BOARD COUNSEL ROBERT G. KLEIN, ESQ., REGARDING THE BOARD'S 2<sup>ND</sup> YEAR KA POUHANA (CEO) REVIEW, RECOMMENDATIONS, AND POSSIBLE BOARD APPROVALS. PURSUANT TO HRS § 92-5 (A) (2), (4).
- B. APPROVAL OF EXECUTIVE SESSION MINUTES: OCTOBER 2, 2014.

**The Board moved into Open Session at 11:50 a.m.**

## **VII. BENEFICIARY COMMENTS\***

**Chairperson Machado** Notes there are no beneficiaries signed up to speak at this time.

## **VIII. ANNOUNCEMENTS**

**Chairperson Machado** States Trustee Stender has asked to address the Board.

**Trustee Stender** States he wanted to thank Trustees and the staff of OHA for all the time he has been a part of the organization. It has been very rewarding. Of all of the jobs he has had in his lifetime this one ranks at the top as one that has done the most good for the most people.

He is humbled and thankful for having this opportunity to do this work. He only wishes he wasn't too old to continue. He needs to step down even though his heart will always be at OHA. He thanks everyone for their patience and the courtesies extended to him to do his best the best way he could do it.

He is grateful for the time he has spent here at OHA. He will be watching because OHA has many opportunities to go further. OHA is in a position now to take the next level of change with the balance sheet it has. OHA shouldn't be shy about venturing out into investments that would increase its growth. If we have to buy back our land, we have to do it. We need to be aggressive in trying to settle the overthrow issue and improve that situation. OHA needs to be aggressive with the State of Hawai'i in what they owe.

He leaves with mixed emotions because he loves what he has been doing and he is going to miss doing it.

He thanks everyone for the Aloha extended to him and his family over the years. It has been a great experience.

**Chairperson Machado** States it has been an honor for everyone to have Trustee Stender as a colleague and mentor. She asks Trustee Apo to repeat the words of the song *Forever Young*.

## **IX. ADJOURNMENT**

**Chairperson Machado** Asks for a motion to adjourn the meeting.

**Trustee Stender** Moves to adjourn.

**Trustee Hulu Lindsey** Seconds the motion.

**Chairperson Machado** Notes a unanimous consensus and the motion carried.

The meeting was adjourned at 11:58 a.m.

Respectfully Submitted,

---

Leah Burrows-Nu'uano  
Board Secretary

As approved by the Board of Trustees on \_\_\_\_\_, 2015.

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Robert K. Lindsey, Jr.  
Chair, Board of Trustees

Office of Hawaiian Affairs  
Board of Trustees  
January 8, 2015  
12:30 p.m.

### III. Discussion on Kuleana

*Chair Lindsey will ask each of the Trustees and the CEO to answer, in 1-2 minutes, the question:*

*“What is my kuleana to the Office of Hawaiian Affairs and our beneficiaries?”*



Office of Hawaiian Affairs  
Board of Trustees  
January 8, 2015  
12:30 p.m.

V. Unfinished Business

- A. 1) Nation Building
- 2) New OHA Website
- 3) Multimedia Displays

*Note: Materials, if any, for the above items will be distributed at the Board table.*

Office of Hawaiian Affairs  
Board of Trustees  
January 8, 2015  
12:30 p.m.

VI. New Business

A. Committee on Beneficiary Advocacy and Empowerment

1) BAE 15-01, Revisions to the 2015 OHA Legislative Package

*Note: The above Action Item was distributed as part of the January 7, 2015 BAE Folder. Additional material will be distributed when it becomes available.*