

**STATE OF HAWAI'I**  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES

December 12, 2022 11:00 a.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee C. Hulu Lindsey  
Trustee Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

BAE STAFF:

Nathan Takeuchi  
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Poe, Capsun / Interim Chief Advocate  
Chak, Kevin, IT

EXCUSED:

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, October 25, 2022 to order at **11:03 a.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (11:03 a.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRICKWOOD	GALUTERIA	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEONI	SOUZA	PRESENT	
TRUSTEE	MILILANI	TRASK	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9)** Trustees are PRESENT, thereby constituting a quorum.

II. New Business

A. **Action Item BAE #22-04A:** Approval of the 2023 Legislative Package as Updated

**NO TESTIFIERS ON THIS ITEM**

**Chair Akaka:** The committee folder was distributed within the 72 hour deadline for board materials thereby requiring a waiver of the 72 hour deadline for board materials.

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Chair. I will go ahead and ask Ka Pou Nui Casey Brown to go ahead and walk us through the action item.

**COO Brown:** Aloha Trustees, congratulations on your reorganization and welina mai to new Trustees Galuteria and Souza. OK, so we're in late October.

**Board Chair Hulu Lindsey:** Excuse me, Casey. Chair, may I recommend that we make an action item and then go into executive session?

**COO Brown:** Chair Akaka, can I respond real quickly to Chair Hulu?

**Board Chair Hulu Lindsey:** Go ahead, Casey.

**COO Brown:** Chair Hulu, I got you, I understand your intent here. Allow me to do a quick intro. I'm going to stay real high level, give an overview and then I'll recommend that timing of when to move into executive session.

**Chair Akaka:** Yes please proceed forward, Casey.

**COO Brown:** Okay mahalo, Chair. So in late October Administration brought you the legislative package for 2023 session, and you folks gave your approval, but as a condition of your approval, we were to bring back a complete draft of OHA-2. OHA-2 is our Kaka'ako Makai Bill and that bill is now drafted and was shared along in your meeting folders and that will be the focus of our discussion today.

Real quickly for the two new Trustees, I know you folks got some introduction on this, but OHA submits a bill package every session. This year we have two bills, our Budget Bill and our Kaka'ako Makai Bill. We also track and monitor OHA named bills and bills that affect Native Hawaiians. It's a big pool of bills and it's a lot of work and we work heavily with you folks, with the Trustees throughout session so that you folks can form your positions. The heart and soul of this work is our Public Policy Team, so mainly this is for the two new Trustees and so you folks will meet them in the coming weeks and they are led by Capsun Poe, who's our Interim Chief Advocate who's on the line. Okay, so let me let me give a quick overview of the bill and then we can dive in and I'll make the recommendation to move into executive.

So the bill outlines Act 15 of 2012 Legislature. This bill is in your meeting folder, I think it starts on page eight of your guys meeting folder and at that Legislature, Act 15 was the act that conveyed the lands of Kaka'ako Makai to OHA to address past due amounts related to income and proceeds of the Public Land Trust. This bill that's drafted that we're going to review, also recognizes a further need to make OHA whole and in the bill it

will propose four ways to go about that. Foremost of those ways are to lift the existing residential on that. So we have asked Kuilei members the consultants, and Sherry Broder to join this discussion today and they will take us and dig into the detail and the main elements of this bill and this measure, with going over the main elements of this bill. Those elements will have pieces that pertain to liabilities due to OHA. So it's for that reason I recommend at this time to the BAE committee that we excuse ourselves into Executive Session.

**Board Chair Hulu Lindsey:** Chair, so moved.

**Chair Akaka:** Is there a second?

**Chair Akaka:** It's been moved by our Board Chair Lindsey and seconded by Trustee Trask. Can we please have a roll call vote, Nathan?

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
KEONI	SOUZA			X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

11:12 a.m.

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

III. EXECUTIVE SESSION

**A. Consultation with Sherry Broder, Esq. and Interim General Counsel, Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to legislation related to OHA lands in Kaka’ako Makai, O’ahu. Pursuant to HRS §92-5(a)(4)\***

The BAE Committee recuses into Executive Session at 11:13 a.m.

The BAE Committee resumes open session at 12:31 p.m.

II. New Business (CONTINUED)

**A. Action Item BAE #22-04A: Approval of the 2023 Legislative Package as Updated**

**Chair Akaka** recognizes Board Chair Hulu Lindsey

**Board Chair Hulu Lindsey:** Madam Chair, I'd like to propose that we approve the measure entitled OHA-2 - RELATING TO HOUSING, to be included in the 2023 OHA Legislative Package, as drafted at attachment A.

**Trustee Waihe'e:** I'd like to second that motion.

**COO Brown:** Madam Chair, there is a revised motion on the screen.

**Chair Akaka:** Chair, would you like to read the revised version on the screen?

**Trustee Waihe'e:** I rescind my second.

**Board Chair Hulu Lindsey:** I move that we **Approve the measure entitled OHA-2 - RELATING TO HOUSING, to be included in the 2023 OHA Legislative Package, as distributed at today's 12/12 BAE Committee meeting.**

**Trustee Waihe'e:** Second

**Chair Akaka:** It's been moved and seconded, any other questions or comments members? Yes, Trustee Akina.

**Trustee Akina:** Is this the text referred to as version 9?

**Chair Akaka:** Yes

**Trustee Akina:** Okay, thank you.

**Chair Akaka:** Mahalo for that clarification.

**Chair Akaka** recognizes Ka Pouhana Hussey

**Ka Pouhana Hussey:** E kala mai, Everett reminded us to please let the public know that a copy of this revised item is available for public inspection here at the office.

**Chair Akaka:** Mahalo and one other thing I will read regarding this action. We just came out of Executive Session regarding consultation with Sherry Broder, Esq. and Interim General Counsel, Everett Ohta regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to legislation related to OHA lands in Kaka'ako Makai, O'ahu. Pursuant to HRS §92-5(a)(4)\*

Alright, can we please have a **roll call vote**.

**Nathan - BAE Staff:** Chair Akaka, there are no testifiers for this item.

							12:34 p.m.
TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
KEONI	SOUZA			X			
JOHN	WAIHE`E, IV		2	X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				9	0	0	0

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

IV. ANNOUNCEMENTS

**Chair Akaka** recognizes Trustee Trask

**Trustee Trask:** I’m making a request that the minutes of this meeting have included a statement that’s fine with me as attributed to myself. If this measure does not pass in this session, or is amended in a manner which diminishes the rights of our people, I will move the Board that we file in Federal District Court a 1983 Action. Just that comment and I will follow up and talk with the Senators and the Members of the House. But when they see this bill and they review these minutes, I want them to know that if they’re playing games here with our development rights or our rights to develop our own cultural center that I will move the Board that we go into the Federal Court and at that time demand that we have a full accounting from the state for all Ceded Lands, submerged lands, minerals and every asset that we have in the Ceded Lands and Hawaiian Homelands. Put it in the report, when I go down to lobby I will show them that.

**Chair Akaka:** Mahalo nui our newly chosen Board Vice Chair, Trustee Trask

V. ADJOURNMENT

**Board Chair Hulu Lindsey:** Madam Chair, I move that we adjourn.

**Trustee Ahuna:** Second

**Chair Akaka:** It’s been moved and seconded. Any other comments or questions members? Seeing none, I also want to say mahalo nui for this wonderful meeting and for your patience as we move forward with some technical challenges but we’re running right on time. So I’m honored to serve again as your Beneficiary Advocacy & Empowerment Chair, mahalo nui. **Roll call vote** to adjourn this meeting.

TRUSTEE		1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		2	X			
KELI’I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
KEONI	SOUZA			X			
JOHN	WAIHE`E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				8	0	0	1

MOTION:  UNANIMOUS  PASSED  DEFERRED  FAILED

**Chair Akaka:** The meeting is now adjourned.

**Chair Akaka** adjourns the BAE meeting at **12:38 p.m.**

Respectfully submitted,

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Mark Watanabe Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

DRAFT