

**BOARD OF TRUSTEES**

Carmen. Hulu Lindsey, Chairperson  
Mililani Trask, Vice Chairperson  
Dan Ahuna, Trustee Kaua'i & Ni'ihau  
Kaleihikina Akaka, Trustee O'ahu  
Keli'i Akina, Trustee At-Large  
Luana Alapa, Trustee Moloka'i & Lāna'i  
Brickwood Galuteria, Trustee At-Large  
Keoni Souza, Trustee At-Large  
John Waihe'e IV, Trustee At-Large



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE BOARD OF TRUSTEES**

**DATE:** Tuesday, March 5, 2024

**TIME:** 10:00 A.M.

**PLACE:** Virtual Meeting

560 N. Nimitz Hwy.

Honolulu, HI. 96817

Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) Or

Listen by phone: (213) 338-8477, Webinar ID: 813 6213 7536

**This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.**

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. July 26, 2023

B. August 17, 2023 – 10:00 AM Meeting

C. August 17, 2023 – 1:30 PM Meeting

**III. New Business**

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

1. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, February 21, 2024

2. OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, February 28, 2024.

**B. Committee on Resource Management**

1. Action Item RM #24-05: OHA's August 2023 Maui Wildfire Disaster Aid Response: Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

C. **Action Item BOT #24-02:** Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs.

**IV. Community Concerns and Celebrations\***

**V. Executive Session‡**

A. Consideration of Trustee's Counsel's request for legal assistance from OHA in the matter of: CAAP-19-0000668 IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII: FORMER OHA TRUSTEE v. HAWAII STATE ETHICS COMMISSION, EXECUTIVE DIRECTOR, ON APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT. Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Robert G. Klein on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Trustee's Counsel's request for legal assistance from OHA in the matter of: CAAP-19-0000668



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**BOARD OF TRUSTEES**

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John Waihe'e IV, Trustee At-Large

- B. Consideration of Action Item BOT #24-02: Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs. Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Robert G. Klein on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Action Item BOT #24-02.

**VI. Announcements****VII. Adjournment**

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

Meeting materials will be available to the public at least 48-hours prior to the meeting at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Meeting materials will also be available to view at OHA's neighbor island offices and will be posted to OHA's website <https://www.oha.org/bot>.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings are available upon request to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) until the written meeting minutes are posted to OHA's website.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda.

**\* Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.**

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Testimony can be provided to the OHA Board of Trustees either as: (1) *written testimony emailed* at least 24 hours prior to the scheduled meeting, (2) *written testimony mailed* and received at least two business days prior to the scheduled meeting, or (3) live, *oral testimony online or at the physical meeting location* during the virtual meeting.

- (1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via *email* to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least 24 hours prior to the scheduled meeting or via *postal mail* to Office of Hawaiian Affairs, Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817 to be received at least two business days prior to the scheduled meeting. Any testimony received after these deadlines will be late testimony and will be distributed to the Board members after the scheduled meeting.

- (2) Persons wishing to provide *oral testimony online* during the virtual meeting must first register at: [https://us06web.zoom.us/webinar/register/WN\\_FkeDXWPtTQCIPHDIUgWcKQ](https://us06web.zoom.us/webinar/register/WN_FkeDXWPtTQCIPHDIUgWcKQ)

You need to register if you would like to orally testify online. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

PHONE (808) 594-1888

FAX (808) 594-1868



BOARD OF TRUSTEES

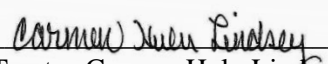
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STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS

Oral testimony by telephone/landline **will not** be accepted at this time. Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

- (3) Persons wishing to provide *oral testimony at the physical meeting location* can sign up the day-of the meeting at the physical meeting location.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes.

  
\_\_\_\_\_  
Trustee Carmen Hulu Lindsey  
Chairperson, Board of Trustees

2/28/2024  
Date

**Office of Hawaiian Affairs**  
**Meeting of the Board of Trustees**  
**March 5, 2024**  
**10:00 A.M.**

**II. Approval of Minutes**

**A. July 26, 2023**

**B. August 17, 2023 – 10:00 AM Meeting**

**C. August 17, 2023 – 1:30 PM Meeting**

# DRAFT

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

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**Minutes of the Office of Hawaiian Affairs  
Board of Trustees  
MINUTES  
July 26, 2023**

ATTENDANCE:

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

BOT STAFF:

Amber Kalua, Trustee Aide  
Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Richelle Kim, Trustee Aide  
LeiAnn Durant, Trustee Aide  
Ruben Sierra, Trustee Aide  
Evalani Canto, Trustee Aide

ADMINISTRATION:

Colin Kippen, Interim CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Daniel Santos, IT Support  
Arlene Aguinaldo, IT Support  
Dave Kozuki, IT Support  
Tiger Li, IT Manager

GUEST:

Sherry Broder

## Call to Order

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Wednesday, July 26, 2023, at 10:04 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	<b>AHUNA</b>	X	
TRUSTEE	KALEI	<b>AKAKA</b>	X	
TRUSTEE	KELI'I	<b>AKINA</b>	X	
TRUSTEE	LUANA	<b>ALAPA</b>		Excused
TRUSTEE	BRICKWOOD	<b>GALUTERIA</b>	X	
TRUSTEE	J. KEONI	<b>SOUZA</b>	X	
TRUSTEE	MILILANI	<b>TRASK</b>	X	
TRUSTEE	JOHN	<b>WAIHE'E</b>	X	
CHAIRPERSON	CARMEN HULU	<b>LINDSEY</b>	X	
			8	1

At the Call to Order, **Eight (8)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** Aloha kākou everyone and welcome to our Board of Trustees meeting, this meeting can be viewed and observed via livestream at [www.oha.org/livestream](http://www.oha.org/livestream). We are recording today's meeting for the sole purpose of producing written minutes which will become the official record of this meeting. Joining the Trustees today are Lehua Itokazu-Board Secretary, my Aides-Kanani Iaea and Amber Kalua, and our Board Counsel-Robert Klein. Also, we have our Interim CEO-Colin Kippen; Colin, please introduce our Administrative staff joining us today.

**Colin Kippen, Interim CEO** Good Morning, I want to introduce Casey Brown, our COO, he will introduce our staff.

**Casey Brown, COO** From Administration, we have CFO-Ramona Hinck, Interim SR. Legal Counsel-Nietzsche Ozawa, and we supported by our IT staff.

**Chair Hulu Lindsey** Next on the agenda is approval of minutes. Lehua, do we have any testifiers on these minutes?

*No testifiers.*

## Approval of Minutes

**Trustee Akina** moves to approve the minutes of October 25, 2022.

**Trustee Ahuna** Seconds the motion.

**Trustee Akina Moves to approve the minutes**

**October 25, 2022**

**Trustee Ahuna Seconds the motion.**

	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA	X		X			
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA					X	
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>7</b>		<b>1</b>	<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Seven ( 7 ) Yes votes, One ( 1 ) Excused and One ( 1 ) Abstentions.</b>						

### Community Concerns and Celebrations

**Chair Hulu Lindsey** I would like to take the agenda out of order. We will take up community concerns next.

**Napua Kahunahana** Since 2018, she has tried to get the Department of Health Vital Statistics to change her birth certificate as from Hawaiian to Kanaka Maoli and her country to Kingdom of Hawai'i. She has been denied. She has gone to the Legislature to get a resolution so that she can exercise her right as a protected person, a Hawaiian subject. In the process of doing this, she has also been denied by the Hawaiian Affairs Committee of the Legislature. She is asking OHA for their support. She is seeking her rights and the rights of all k̄naka and Hawaiian subjects, those who are descendants of those who naturalized into the Hawaiian Kingdom. She states that because she has been denied, it is a violation of the State Constitution to which they, the Legislature, has taken an oath to. She feels that she is being discriminated of her origin and nationality. She has tried to get an identification card. She was also told when seeking employment that she needed to go to the immigration office. When she arrived and told them that she was born at Kapi'olani Hospital, they told her she was a US Citizen. She states she is a victim of circumstance. The State of Hawai'i created this entity that they are United States Citizens forcing us to take an allegiance to their country, the occupiers, which is a violation of the international law of war. As she exercises her right, she has not been able to get employment, open a bank account because she is forced to be a US citizen. She chooses not to be but she is not afforded that either. She believes what has been created is called a legal fiction and it is used as a corporation. This entity is used as a uniform commercial code, we are all cattle. She is seeking the help from the Trustees and support for our people seeking justice and their own independence. It is her right and their truth. She wants the ability to choose her inherent right, life and liberty.

**Chair Hulu Lindsey** I will look into this further and see if this would be possible legislation. Please leave your name and number with our staff.

## New Business

### **1. Update to the Board of Trustees on Act 226 (2022) Public Land Trust working group**

**Colin Kippen, Interim CEO** Act 226 was a bill that was passed in the 2022 legislative session. This bill set up a working group to discuss the ceded land trust and the inventory. We had a first meeting which was a meet and greet. This was not an official meeting because all meetings have to comply with the Open Meetings Act. Members of this working group are Chair Hulu Lindsey, Trustee Trask, Sherry Broder-Outside Legal Counsel, Dawn Chang-DLNR Director, Luis Salaveria-Director of Finance, and Ryan Kanaka'ole-Deputy Attorney General. Meetings will be in-person and livestreamed as well. A summary was provided to you.

**Trustee Ahuna** This is important and very necessary. Thank you for doing the hard work.

**Sherry Broder** I will add that the meet and greet was good. I think this might be an opportunity to move forward.

**Trustee Akina** What is the mandate of the working group, and what is the product you will be completing? Also, what is the authority of any recommendations they may make?

**Colin Kippen, Interim CEO** In section 3 of Act 226, it says: establish a working group to

- 1) account for all ceded lands in the Public Land Trust (PLT) inventory
- 2) account for incoming proceeds from the PLT and
- 3) subsequently determine the 20% pro-rata share of income and proceeds from the PLT to do annually the Office of Hawaiian Affairs for the benefit and conditions of Native Hawaiians

There is no date to when we are supposed to complete that but we want to move forward as quickly as we can.

**Trustee Galuteria** I just want to add a couple of thoughts to the working groups process. As I have worked with many of the different agencies that are responsible for providing revenues of ceded lands, it was evident that there was no real formula established for everyone to follow. At the time when I had a conversation with the Budget and Finance (BNF) Chair, I asked him *is this an honor system?* His answer was yes. If the working group can come up with a formula that everybody follows consistently that would be very helpful.

**Colin Kippen, Interim CEO** I want to confirm that conversation. I was there at that meeting with the BNF Chair and then, the Senator Galuteria.

**Chair Hulu Lindsey** Yes, we knew that the true numbers were not being recorded. We will move on to the next agenda item.

### **2. Update to the Board of Trustees on meetings to discuss ceded lands, consultation, and other federal issues with the Department of Interior.**

**Colin Kippen, Interim CEO** We have a report provided, and we have had a series of meetings with DOI officials. These meetings were the fruit of the Permitted Interaction Group (PIG) regarding the ceded lands

inventory and ceded land revenues. We were fortunate to get some meetings with higher up people; Joan Mooney-Principal Deputy Assistant Secretary for Policy Management and Budget. She is important because she oversees the Office of Native Hawaiian Relations. She is also the money person for the Department of Interior (DOI). Our request to her was related primarily to expanding the scope of DOI's work with us as Native Hawaiians. The following things we asked for:

- 1) Questions on the ceded lands inventory
- 2) Could she support an expansion of services to assist us in accomplishing a ceded lands inventory
- 3) An increase in consultation and technical assistance to increase the consultation opportunities for Native Hawaiians, not only with the DOI but with all Federal agencies.

The second group of meetings was with Robert Anderson-Lead Attorney from the Department of Interior. Again, we raised the same issues and discussed the Cobell case, which was a federal lawsuit that was eventually settled by the United States for \$3.4 billion dollars. This case had to do with the Federal Government's failure to account for all the assets they held in trust for individuals, Indians, and tribes. We spoke to this solicitor because he is familiar with that lawsuit, the Cobell lawsuit. If you were to draw an analogy to what those tribes asked for and why we were meeting the officials in DC, it is a very similar thing. We also discussed our role as Native Hawaiians, we are not federally recognized but it is clear that the United States has a trust responsibility to Native Hawaiians. We discussed the need for all agencies in the federal government to understand this continuing trust duty that the United States owes the Native Hawaiians.

Finally, we discussed our parity in funding for programs and in consultation with all the federal departments. We also met with Secretary of Interior Deb Haaland, and Fish and Wildlife Secretary-Shannon Estenoz, and Summer Sylva-our representative to the Department of Interior, and she is the Senior Advisor to the Secretary of the Interior. We asked the same questions.

In conclusion, I want to highlight one of the things that was very clear to us in these meetings. President Biden has told his officials that he needs to engage and work with Native Hawaiians, that came through loud and clear in all our meetings. That is my report.

**Sherry Broder, Legal Counsel** I thought the meetings were very good first steps. I think the meeting with the Department of Interior finance person was good. The Biden Administration seems to have been able to get a lot of funding for Native people in the federal budget 2022, and those monies are being spent now. Hopefully, we can find a way to ensure some of the fundings for Native Hawaiians. I think this is just the first steps and I would be interested in the follow up.

**Trustee Trask** When we had the ceded land inventory PIG, we put out a framework of going forward. One of those things was to send letters out to all the federal agencies and other bodies to see what records they had related to the ceded lands. If you go back to the time of the Organic Act, everything is under the Feds but when 1959 comes, certain lands are transferred to the State and others are retained by the federal government. We are looking for those records, the federal agency records and the records from the State. At the time, we came out of the PIG stating we wanted to move forward by sending the letters of request, but that request was never processed. I still think that is an important first step. The general impression I had when the ceded land PIG was ending was that we didn't have a comprehensive federal inventory of what was transferred to the state in '59. It is about time we do this; it will take awhile but it can be done.

**Chair Hulu Lindsey** I just want to add the dinner we had with Secretary Haaland was very special, as we shared our concerns, needs, and wants, Secretary shed tears. She was taken with our needs she tuned to Summer

and said we have to do something about this, be sure to follow up and see what we can do. That was heart warming and we felt special to have her tell us she understood how we felt as indigenous people.

**Trustee Akina** I appreciate your description of the recent meetings with the Washington officials as first steps. I do think this administration in DC is very open but there have been first steps for many decades before this. I was intrigued by Colin's description of the Cobell case that appears to be a strong precedence for action that we might take as OHA. I know this can only be addressed in general terms in this session, but I was wondering what threshold or what are we waiting for or what do we need to see happen before we might consider moving in that direction of federal litigation.

**Sherry Broder, Legal Counsel** Colin did ask me to take a look at the Cobell case and to see what steps they took before they filed the lawsuit. The second thing we need to do *inaudible*. We need more detail. The task that needs to be done is 1) examine the Cobell case, and 2) determine what has been done thus far. There is a state inventory. *inaudible*

**Trustee Galuteria** For clarity, I would like to ask what do you envision the Office of Native Hawaiian Relations doing in relation to this effort?

**Colin Kippen, Interim CEO** The Office of Native Hawaiians Relations exists as the only entity in the Department of Interior that is dedicated to Native Hawaiians. I am aware of what you said about wanting to move the management to that office back to Hawai'i rather than having them in DC, but there is still a staffer in DC who interacts with staff there. Our hope and conversation with various officials are that we need services provided here, particularly the technical assistance, and the assistance to have the other federal agencies understand who we are as Hawaiians. It is our vehicle, it maybe not be fastest or fanciest vehicle at this time, but it is our vehicle. We are trying to improve that vehicle so that it can carry more Native Hawaiians issues and consultation. We will be holding a consultation here at the Office of Hawaiian Affairs for the Department of Interior on August 23<sup>rd</sup>, it has to do with cultural items. It will be livestreamed.

**Trustee Galuteria** Am I hearing they do not have the heft that we need? How do we help them help us help them? Just tossing that out for discussion as they go on because we have boots on the ground out there.

**Trustee Ahuna** Trustee Galuteria hit it on the nail. For me, it is all about how we help them help us. It is about engagement, and we cannot be sitting at the table if we haven't been at the table all these years.

**Trustee Trask** The Office of Native Hawaiian Relations is the lowest realm of the Department of Interior. They basically provide notice, facilitate consultation, but they are not at the level that we are currently at with the Interior. When we met with Secretary Haaland here in Hawai'i, she said we will help you and do whatever we can. Summer Sylva is the one that will be working with us, she is at a much higher level than the Office of Native Hawaiian Relations. I am not saying do not work with Stanton Enomoto folks, go ahead and work with them but they are not really at the level we need to look at our inventory. I think we need to strengthen our ties with the upper level of the Interior. We need to get our letters out. I want to ask Chair, I think we need to have the Trustees read the Cobell case and have a presentation from our attorneys, Sherry and Judge Klein, about the significance of that case. It directly relates to us. We need to look at the federal land in which we get nothing because federal law says that all revenues from airports are held in a revolving fund. Why do we not get it? We need to just go forward.

**Announcements**

**Chair Hulu Lindsey** The next Board meeting will on Lana'i, August 5<sup>th</sup> at 11:00 am.

**Adjournment**

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

**Trustee Ahuna Seconds the motion.**

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA		X	X			
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						X
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E	X		X			
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 10:58 a.m.

Respectfully submitted,

\_\_\_\_\_  
Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on XXXXXXXX 2023.

\_\_\_\_\_  
Carmen Hulu Lindsey  
Chairperson, Board of Trustees

# DRAFT

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

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**Minutes of the Office of Hawaiian Affairs  
Board of Trustees  
MINUTES  
August 17, 2023**

ATTENDANCE:

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

BOT STAFF:

Richelle Kim, Trustee Aide  
LeiAnn Durant, Trustee Aide  
Mark Watanabe, Trustee Aide  
Nathan Takeuchi, Trustee Aide  
Ruben Sierra, Trustee Aide  
Evalani Canto, Trustee Aide  
Pohai Ryan, Trustee Aide  
Kyla Hee, Trustee Aide  
Melissa Wennihan, Trustee Aide

ADMINISTRATION:

Colin Kippen, Interim CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Arlene Aguinaldo, IT Support

GUEST:

Jeff Gilbreath  
Kamuela Kala'i  
Blossom Feiteira  
Andy Umi Sexton

## Call to Order

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, August 17, 2023, at 10:02 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA		Joins meeting at 10:18 am
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	J. KEONI	SOUZA	X	
TRUSTEE	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE'E		Joins meeting at 10:04 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			7	

At the Call to Order, **seven (7)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** Aloha kākou everyone and welcome to our Board of Trustees meeting, this meeting can be viewed and observed via livestream at [www.oha.org/livestream](http://www.oha.org/livestream). We are recording today's meeting for the sole purpose of producing written minutes which will become the official record of this meeting, joining the Trustees today are Lehua Itokazu, Board Secretary, and Board Counsel, Robert Klein. We also have our interim CEO Colin Kippen with us today. Colin, would you introduce our Administrative staff joining us today?

**Colin Kippen, Interim CEO** Thank you. Good morning, I'm joined this morning by our Chief Operations Officer, Casey Brown. Casey, would you please introduce those who are on the call from our staff?

**Casey Brown COO** We have Interim General Counsel – Everett Ohta, Interim Sr. Legal Counsel – Nietzsche Ozawa, CFO – Ramona Hinck, and supported by our IT team – Arlene Aguinaldo.

## Community Presenter

**Kamuela Kala'i** Aloha mai, I am Kamuela Kala'i. I'm the daughter of Edwin *in audible* I'm here today to ask for your help. We need help to protect our iwi kūpuna from the ongoing desecration that has been happening to them for over 100 years with the help of the State of Hawai'i, specifically the State Historic Preservation Division (SHPD) and it's Culture and History Branch Chief, Hinano Rodriguez, who has been derilic in his duties to protect our kūpuna. Instead, he has been designating hundreds, if not thousands of our kūpuna as inadvertent discoveries, which means the unanticipated finding of iwi kūpuna *in audible* One thing I want to make clear about that is none of our iwi kūpuna are inadvertent. They all deserve to stay buried in the ground that they were laid in by their 'ohana. The designation is a term that is used in the burial laws and has been used as an excuse to dig up and desecrate our kūpuna. The State of Hawai'i and SHPD need to be held accountable for their role in allowing this to happen, in giving permission to take kūpuna out of their graves, put them into storage, sometimes for years or forgotten in storage lockers, sometimes in mold and mildew; I've seen it with my own eyes. Developers, home owners, churches can their toilets, parking lots, high rises and nobody is holding the agencies accountable. I want to include the Department of Health who gave a blanket disinterment

permit to Kawaiaha‘o Church, which allowed them to dig up over 800-900 iwi kūpuna. Many of them are still in the basement of their church and have been there for over ten years. I’ve attended many of these meetings and I attended for one year straight prior to the mass desecration and excavation of our kūpuna at Kawaiaha‘o to beg OHA to help stop desecration. An entire year I came to meetings and at the end of that year, all I got was a letter from the Chair telling me that the Trustees of the church had been admonished. They didn’t stop the desecration or the excavation. If anything, it prompted the mass excavation of our kūpuna. My heart breaks everytime I think about them.

I’m here to ask for your help in whatever way you think you can, whether it’s taking the State of Hawai‘i to court, we have enough evidence. It’s happening right now as we speak on Ke‘eaumoku street, the park which is being developed by a Korean developer. 22 iwi kūpuna have been taken out of their graves with the blessing of Hinano Rodrigues and the State Historic Preservation Division. They’re being stored right now. Why? Kūpuna are not inadvertent, those kūpuna were all found in a concentration of burials in a family cemetery. There were recognized decendants that came forward that said you need to preserve them in place. Another ‘ohana said *we think we should relocate them*. They’re being stored right now as we speak. The ‘ohana wants to preserve them in place, they at least want to bury them in a timely fashion. I don’t know if you have it in your power to persuade SHPD specifically Hinano Rodriguez for the reburial to not take place. The same thing that happened at Kawaiaha‘o Church. The first 69 iwi that came out were designated as inadvertent. When do you stop? *In audible* I have enough experience to tell me this is beyond wrong. Our community on the front line need help. We’re doing our best to protect kūpuna. We need to train others on what to do in crisis. Developers’ interest is happening everywhere and you would think it would be getting better because we have really good burial laws but they are not being enforced or they are finding ways to get around the burial laws. The only way to stop this is to have people with integrity, who are pono, and have aloha for our kūpuna. Our kūpuna are our foundation and we need help. Whatever you can do. Thank you for the opportunity to speak to you today.

**Chair Hulu Lindsey** Mahalo for all that you do for our iwi. We know what you are doing, we have heard you for the last ten years and we appreciate your advocacy. Mahalo nui.

### **New Business**

- 1. Action Item BOT#23-06: Nomination of the Office of Hawaiian Affairs Representative to the Kaho‘olawe Island Reserve Commission pursuant to HRS §6K-5.**

**Trustee Akaka Approve the nomination of Trustee Keoni Souza as the Office of Hawaiian Affairs’ (OHA) Representative to the Kaho‘olawe Island Reserve Commission (KIRC) pursuant to HRS §6K-5.**

**Trustee Ahuna Seconds the motion.**

**Chair Hulu Lindsey** Before we call for the vote, I would like to thank Trustee Souza for accepting the nomination. It was my pleasure to serve on this Commission for eight years. My term finally expired on the 30<sup>th</sup>. I know we are turning it over to the very trusted hands of our Trustee. I will call for the vote.

**Trustee Akina** Thank you to Trustee Souza who I know will represent us well. It will take you a long time to complete the restoration, are there any projections of when that may be completed?

**Chair Hulu Lindsey** There are no projections. The KIRC Commission is in good hands with the Executive Director that they have at the time, Mike Naho‘opi‘i. He requires funds from the general funds from our legislature and he has had a tuff time getting those funds just to maintain the island. We may have to step up our

advocacy for the island. All of the years I have been going to Washington DC, I have asked every single delegate from Hawai'i for money for that island because so much work is needed to clean up still.

**Trustee Souza** Thank you Chair for the motion. I hope I get the support, and I will continue to meet and advocate for Kaho'olawe. I was able to participate multiple times to help with the restoration and forestation, it was a great opportunity. I appreciate the opportunity and I will be sure to report back to the Board. You speak about advocacy and legislation, and I know we can do more.

<b>Trustee Akaka Moves</b>						
<b>Approve the nomination of Trustee Keoni Souza as the Office of Hawaiian Affairs' (OHA) Representative to the Kaho'olawe Island Reserve Commission (KIRC) pursuant to HRS §6K-5.</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes, and Zero (0) Abstentions.</b>						

- Request for approval to waive Action Item BOT #23-07: Approval for Emergency Disaster Relief to Address the Impacts of the 2023 Maui Island Wildfires from the Committee on Resource Management to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L.**

**Trustee Waihe'e** I move to to waive Action Item BOT #23-07: Approval for Emergency Disaster Relief to Address the Impacts of the 2023 Maui Island Wildfires from the Committee on Resource Management to

**the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L**

**Trustee Akaka Seconds the motion.**

<b>Trustee Waihe'e Moves</b>						
<b>Request to waive Action Item BOT #23-07: Approval for Emergency Disaster Relief to Address the Impacts of the 2023 Maui Island Wildfires from the Committee on Resource Management to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L</b>						
<b>Trustee Akaka Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes, and Zero (0) Abstentions.</b>						

**3. Action Item BOT #23-07: Approval for Emergency Disaster Relief to Address the Impacts of the 2023 Maui Island Wildfires.**

***Motion 1***

**Trustee Ahuna I move to Approve the carryforward budget from Fiscal Year 2021-2022 (FY22) and Fiscal Year 2022-2023 (FY23) unspent, uncommitted, unencumbered, and unaccrued funds in Appropriation Supplemental Trust Funds (930), Grants in Aid Disaster Aid (56570) in the amount of \$182,158 to Fiscal Year 2023-2024 (FY24) Grants in Aid Disaster Aid (56570).**

**Trustee Akina Seconds the motion**

*Discussion/ testimony*

**Germaine Meyers** Aloha Trustees. My name is Germaine Meyers, I am a OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead lessee. Mahalo Trustees for supporting today's action item BOT #23-07. The approval for emergency disaster relief to address the impacts of the 2023 Maui island wildfires. Jeff and his team at Hawai'i Community Lending (HCL) are great partners to execute the distribution of funds on Maui, the nonprofit Hawai'i Community Assets founded HCL. The Co-founders of HCA, Blossom and Kehaulani, are both residents of Maui. Blossom is a long time DHHL waitlist advocate, and Kehaulani was a 9-1-1 Dispatch Supervisor at Maui Police Department. These nonprofits are serious about caring for Hawaiian families and disbursing the monies in a pono manner. Trustees, yesterday DHHL posted their agenda and packet for this coming week's DHHL Hawaiian Homes Commission meetings on Monday and Tuesday, included on the agenda is an action item, C.1., for the approval of DHHL Emergency Rental Assistance Program pursuant to the Disaster Declaration relating to wildfires in Maui county. Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager, is seeking Commission approval to utilize native Hawaiian Housing Block Grant (NHHBG) funds made available in accordance with the NAHASDA, which may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Homelands. The Commission is being asked to authorize DHHL to utilize up to \$5 million of NHHBG funds to assist Native Hawaiian families on Maui and allow the Department to increase funding for the program in response to the demand. Currently, \$7,125,000 in the NAHASDA funds remain unspent that was allocated for the pandemic relief. The activity envisions providing funds for one rental, housing vouchers, rent, security deposit, temporary lodging fees and two the emergency assistance; rent and utilities arrears for up to six months, with additional six months on a case by case, subject to funding availability to mitigate financial hardships associated with the wildfires to ensure housing stability. The NHHBG funds are aimed to 1) Native Hawaiian lessees 2) undivided interest lessees, and 3) those on the applicant waiting lists who may need temporary housing or may be experiencing difficulty paying rent as a result of income and/or job loss due to the wildfire. There is an income qualification for NHHBG funds. The household annual income cannot exceed 120% AMI as defined by HUD for the NHHBG program. However, there are flexibilities available to assist with recovery and relief efforts on behalf of families affected by the presidentially declared disasters. At last month's agency meeting, Lehua shared the report that showed over 50% of lessees and applicant waitlisters are HUD income qualify. I share these things with you, Trustees, to take into consideration having Jeff and his HCL team verify with households seeking all OHA funds because one of the DHHL criteria states emergency rental assistance should not be duplicative of any other assistance provided to the household. Maybe OHA Administration can contact Lehua to coordinate resources to avoid duplication so more Hawaiian families can be helped for different issues. Mahalo Trustees for allowing me to talk about this action item.

**Jeff Gilbreath** Very brief, I do not need to tell you the devastation that we know happened. The Hawai'i Community Lending (HCL) team we have on the ground and our partnership with Hawaiian Community Asset and Council for Native Hawaiian Advancement, we are ready to go on day one. We administered emergency assistance for OHA previously during the COVID pandemic, and we can easily just restand up that program to address the needs of the families and Maui. I think you folks know our organization, I'm happy to take any questions you may have regarding this motion, but please know that our team stands by ready regardless of what decision you make and we know that families not only in Lāhainā that have been impacted, but all the families that work in Lāhainā no longer have jobs and businesses are also impacted. Thank you very much. Happy to take any questions.

**Trustee Ahuna** I thought I read this is about freeing up money. Is it being allocated to somebody or something? Or I just wanted to see the action.

**Chair Hulu Lindsey** We are moving the monies that were sitting since the last grants and aid to this fiscal year but we have not appropriated any new monies yet.

**Trustee Ahuna** I just want it to be clear because I hear people speaking on getting money. I think this action item speaks to releasing money to our people so that we can help the wildfire victims, right?

**Chair Hulu Lindsey** Correct, and we have more discussions to come on that.

**Trustee Souza** So just to be clear, are we looking at partnering up with Hawai'i Community Lending to distribute the overall funds that we potentially approved today to go towards the recovery efforts in Lāhainā? Is that the discussion here?

**Chair Hulu Lindsey** No, that has not been discussed among our people yet.

**Trustee Galuteria** For clarity, we are looking to approve existing monies. Give us an idea of what your boots on the ground are over there. If we appropriate \$182,158, what and how does it make its way to the people intended?

**Jeff Gilbreath** Currently, we have 7 full-time staff on the ground. We're working with Council for Native Hawaiian Advancement who is putting up a hub office in West Maui, and we're working through our partnership with Blossom, one of our co-founders, as well as leaders who are in Lāhainā. We work closely with all of those partners to be able to disperse the funds quickly. There is potential and we're in discussion. We've submitted a proposal to Maui County per their request to even expand and increase additional staff so that it will allow us not only to do emergency assistance, but also to help families with homeowner insurance claims, disaster application, disaster assistance applications, and accessing mortgage assistance and mortgage counseling to make sure that families can hold on to what they've got and get what they deserve.

**Chair Hulu Lindsey** Trustee Galuteria, just so that you understand, we will do a due diligence as to what is needed in the disaster community. The Board will decide where our monies go. Who distributes the money is another decision, but we will decide where our monies goes.

**Colin Kippen, Interim CEO** I just want to say the sequence of this action item is to first transfer these funds into a space where the Trustees will then be able to make a decision as to where they want to put the funds. The understanding was Mr. Jeff Gilbreath was simply going to be available to answer any questions when you got to the third step here. What's happening is the this conversation is out of place. I just want to clarify to the Board that it appears that we are taking matters out of order and that we will get to those conversations and questions.

**Blossom Feiteira** Aloha Chair, Vice Chair, and Trustees. Mahalo for the opportunity regarding item B. 23-07 motion 1. I would like to ask that you support the transfer of the existing funds from FY22, 23 into FY24. I can tell you from experience working on the ground here with our people that all money, any money, that can be made available to help them is certainly needed. I ask for your support for that motion. Mahalo.

**Trustee Ahuna Moves to approve the minutes**

**Approve the carryforward budget from Fiscal Year 2021-2022 (FY22) and Fiscal Year 2022-2023 (FY23) unspent, uncommitted, unencumbered, and unaccrued funds in Appropriation Supplemental Trust Funds (930),**

<b>Grants in Aid Disaster Aid (56570) in the amount of \$182,158 to Fiscal Year 2023-2024 (FY24) Grants in Aid Disaster Aid (56570).</b>						
<b>Trustee Akina Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OL E (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine ( 9 ) Yes votes, Zero ( 0 ) Excused and Zero ( 0 ) Abstentions.</b>						

**Chair Hulu Lindsey** I would like to read the language prepared by our Corp Counsel and CEO. If you have any questions afterwards, we do have our Board Counsel available as well as our Corp Counsel.

In further support of OHA’s response to the recent wildfires, I am proposing that the Board form a Permitted Interaction Group (PIG) to immediately begin gathering information about the needs of our beneficiaries affected by the wildfires. In order to meet the Sunshine Law requirements to properly notice the Board’s action to form a PIG for OHA’s wildfire response, I am proposing that we hold an emergency meeting this afternoon at 1:30 PM to approve the formation of the PIG. In order to hold an emergency meeting, I need the Board's approval of certain findings that the conditions for an emergency meeting are met, specifically, that an imminent peril to the public health, safety or welfare requires a meeting in less time than is provided for, under the Sunshine Laws, six day notice requirement. I would therefore ask that the Board approve the following findings to support the need for an emergency meeting this afternoon.

The findings are pursuant to Hawai‘i Revised Statutes HRS 92-8A, the OHA Board of Trustees, finds that the August 2023 wildfires affecting Maui and Hawai‘i counties caused a significant loss of life and property, and created an imminent peril to public health, safety and welfare. The unprecedented impacts from the wildfires necessitate a coordinated response from OHA, which can best be facilitated. By the formation of a Permitted

Interaction Group pursuant to HRS 92-2.5 B1 that will immediately begin gathering emerging information about the needs of the community in order to guide an expeditious response from OHA that meets the needs of its beneficiaries directly impacted by the wildfires. Are there any questions?

**Trustee Akina** What will be the objective of the PIG in terms of what it will report back to the Board?

**Chair Hulu Lindsey** The expeditious decisions to be made to recommend to the Board. Every gathering needs 6 days’ notice for the agenda. This way the PIG, the four people can meet every day if they want to and do not have to agendize. Then we do a report back to the Board, the Board reviews the report, ask any questions, add anything they want, and then we move for approval.

**Trustee Akina** You are saying from what you mentioned earlier, 1. They will gather information, and 2. they will formulate recommendations to the Board and report those back. Those will be recommendations for our action.

**Chair Hulu Lindsey** Yes, four people cannot pass anything.

**Everett Ohta, Interim General Counsel** What’s being proposed is the basis for holding an emergency meeting, at which time the Board may take up the formation of a Permitted Interaction Group as an agenzized item. There’s a requirement, of course, under the Sunshine law that the matters for Board decisions be agenzized, but that would allow for an emergency meeting in this case to take up action based on the Board’s approval of these findings. If the Board does take up approval of those findings, then we can then hold the emergency meeting under that basis, and I would say that at the subsequent meeting is the time for the Board to have discussions about the Permitted Interaction Groups purview and authority.

**Colin Kippen, Interim CEO** In order to have an emergency meeting, there has to be imminent peril. What the Chair has just read to you is a statement that these fires have created imminent peril for the people who are affected by it. We do a two-step process; the first step is that we agenzize the emergency meeting, and then the second step is that you have that emergency meeting and discuss the things that are in that meeting which is whether you want to form a PIG.

<b>Trustee Souza Moves</b>						
<b>to hold an emergency meeting this afternoon at 1:30 PM to approve the formation of the PIG.</b>						
<b>Trustee Akaka Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			

<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine ( 9 ) Yes votes, Zero ( 0 ) Excused and Zero ( 0 ) Abstentions.</b>						

**Trustee Akina** I am in full support of this, but I want to make sure that we have correctly validated that there is an imminent loss of life. Does that mean there is potential further loss of life?

**Chair Hulu Lindsey** No, imminent, already happened, 111 fatalities in Lāhainā.

**Trustee Akina** Does that qualify for the emergency meeting?

**Chair Hulu Lindsey** I believe the situation in Lāhainā qualifies for this emergency meeting. I would be more than happy to discuss with you in person.

**Trustee Akina** I don't have any question that there's an emergency. I just want to make sure that we've correctly validated our ability to use this provision.

**Chair Hulu Lindsey** The attorneys ruled on it.

**Trustee Akina** I am not trying to delay or resist this. I am making sure we are dotting our I's and crossing our T's.

**Trustee Trask** I want to clarify that the language and the standard is imminent danger is that correct, or is the standard imminent loss of life? You know, we've been talking about it for 40 minutes now. My understanding is the phrase imminent danger, is that correct?

**Chair Hulu Lindsey** I would say it can qualify for both. There could be people who may not survive this fire.

**Trustee Trask** I agree, so shall we take the vote now?

**Robert Klein, Board Counsel** Just for clarity, the exact language for conducting an emergency meeting is if a Board finds that an imminent peril to the public health, safety or welfare requires a meeting in less time than is provided for your normal meetings, then 2/3 of the members to which the Board is entitled agree that those findings are correct. Then you can schedule and have your emergency meeting. That comes from 92.8 Hawai'i Revised Statute. My personal opinion is nothing could be clearer. There's a continuing imminent peril to people's public health, safety, and welfare in the Lāhainā, Kula area. Is there any doubt? That's why so many

emergency personnel are on the ground still looking for victims. Come on, I'm not voting, but I'm just explaining.

**Trustee Ahuna I move to**

**Motion 2**

**Approve and authorize the distribution of up to \$332, 158 in emergency disaster relief funds:**

- A. To address the impacts of the August 2023 wildfires on Maui Island;**
- B. Via a non-solicited, Board -directed “2023 Maui Island Wildfire Emergency Disaster Relief Grant” to the Hawai‘i Community Lending organization;**
- C. For the distribution of financial resources to Native Hawaiian families impacted by the wildfires;**
- D. From unallocated FY24 Grants Program (3800), Grants in Aid Disaster Aid (56570)**

**Trustee Waihee Seconds the motion.**

**Chair Hulu Lindsey** I would like to bifurcate item B to the PIG because it has not been decided yet on who will distribute the money. This will be for the PIG to decide.

**Trustee Souza** I think the verbiage we should use is that we should move it to the emergency meeting. We have not established a PIG yet, that will be the topic of conversation at the emergency meeting.

**Chair Hulu Lindsey** Yes, we will defer to the emergency meeting.

**Trustee Souza** I also think that this motion needs to be amended or deferred.

**Board Secretary** Someone made the motion, and it was seconded. I believe we can bifurcate or amend, but I would like to call upon Everett.

**Colin Kippen, Interim CEO** You already voted to have the emergency meeting and you had the votes. You need to set up a PIG. At the present time, you have an action item to deploy money. If you put this into the hands of the PIG, the way the PIG works it will be formed and delay the deployment until the PIG can come back and report. The law with respect to a PIG is that it cannot act on the same day the PIG comes back to report. You will have a report from the PIG, but you cannot take any action on that day. You will then agendize another meeting and at that second meeting is where the Board will be able to act. Unfortunately, all of this is happening because of the open meetings act which creates a six-day delay in any action this Board wants to take. If this motion is sent to the PIG to decide, you will have at a minimum of six days after the PIG report is issued to take action. I want you to realize the time constraints because I am hearing from many Trustees that they want funds deployed right away.

**Trustee Ahuna** My question is did I read the action correctly? Is it \$332,000 for the disaster relief fund? That's all?

**Chair Hulu Lindsey** Yes.

**Trustee Ahuna** My suggestion is we need to talk about the situation so we can have an understanding about how much money we need. Right now, we are talking about \$332,000. We have to understand what is going on in Maui. Right now, they have no electricity, an entire town lost. They have nothing, they're gonna have to rebuild. This is a long haul, and this is not a short thing that's going to happen. This money is very important, and it will take more than \$332,000. I do not want to go there with \$332,000, I want to start at \$5M. If we cannot do that then give me a number that we can do. The reason why is because we will be in this for the long haul. I want to make sure we have clarity on this.

**Trustee Souza** Thank you, is there an opportunity to increase this number? I think this is the amount that was already allocated for emergency disaster relief funds, am I correct? How did we come to this number?

**Casey Bown, COO** The \$332,000 was available funds that we could deploy right away. It is left over disaster funds from FY23, which you approved in the first motion and budgeted disaster relief funds from fiscal 24. We combined to form \$332,000. We have more money if the Trustees sole desire. You can talk and deliberate now, and we will find more money if you wish.

**Trustee Souza** Thank you Casey for clearing that up. I do agree with Trustee Ahuna. Being on the ground a couple of days ago, we visited the hubs and we reported back to the Board, devastating is the word everyone's using and it's more than that, it's beyond words. We came back to the Board, we put together a report of what is needed. There's different hubs and different areas that need different things. Right now, they're overwhelmed and I'm going to say this on record, and the people of Maui and different community leaders would agree, they're overwhelmed with goods. They're overwhelmed with containers coming into the island and now they're starting to look for different places to distribute and receive. Monetary donations are recommended and encouraged at this point. This is a time for OHA to really show up and understand we're not emergency responders or first responders, but we need to respond. I understand it takes us some time to agendize items and so this is our opportunity. I agree with Trustee Ahuna, I think it should be no less than \$5,000,000.

We need to assess along the way and determine if more is needed. We need to fill the gaps, there is lack of communication on Maui, and we need someone who can go to the different hubs and coordinate who has what and what they need. It was good to go there and see what exactly is happening since there is so much on social media that you cannot trust or believe. This is why I went so that I can see, and we can determine what is the best baseline for right now in funds. We want to maximize our resources at OHA. I understand that we are bound by certain things, by the law, but we also need to look at other aspects like Lāhainā, the original State Capitol, our ali'i was there, it goes beyond. Many people lost their debit card and cannot put gas or go to the bank and take out money. They want to be able to start rebuilding in a sense. We need to look at how we can get this money out and I know I want to get this money out in a timely manner. I do agree with Trustee Ahuna, nothing less than \$5M to start.

**Trustee Waihee** I would rather us maybe give \$332,000 to somebody, like Hawai'i Community Foundation, just so they can do something right now and not put everything on the on us or the PIG. Let's get something out now and the PIG can decide about \$5,000,000 based on our research, then at that time we can give out additional money that the PIG decides we need to give out, but I don't want to just do nothing. We can do something quickly now and do more after the PIG does its job, that would be what I would want. Thank you.

**Trustee Ahuna** The only reason why I was saying this was because we had an action item to give an organization \$400K and we are going to give only \$332K to our fire people right now. Come on, we need to get higher than that. We need money for our people.

**Chair Hulu Lindsey** Yes, we need money for our people but how are they going to get the money in their hands? That is the problem.

**Trustee Ahuna** In the past, we directed funds. We work directly with them, with direct services that provide for Native Hawaiians, and that is how we do it. We write for them; we help them along. If you want to give today, we need to go over \$400K today.

**Trustee Souza** I think this should be a two part; we initially approved and allocated funds that's going to be distributed, and the second part that we need to talk about in our emergency meeting is how we are going to get it out, and if we do form a PIG, you folks are going to be the ones to make the recommendations on how we are going to get out in a timely fashion, and then we will have the report and we will make an informed decision. I would support increasing this amount of money to \$5M right now and we figure out how we are going to get it out.

**Chair Hulu Lindsey** Thank you, I really appreciate your folks generosity because Maui really needs it.

**Trustee Souza** Chair, this is your island. We want to support you and our beneficiaries. You are a beneficiary, what do you think is a starter or substantial amount?

**Chair Hulu Lindsey** As you all know, I am a prudent person but I will go with the \$5,000,000 but every penny of that \$5,000,000 has to be accounted for, that money belongs to all of our people, not only Maui. I want to report briefly that in the last two days, we were very fortunate to be contacted by the Global Empowerment Mission, which is a mission that is presently in Ukraine. They're helping the people there find housing. Their sole mission is to house people. When they heard about the fires, they flew to Hawai'i. Somehow somebody gave that president and founder of the mission my phone number, and he called me and we talked. He gave out \$750,000 in two days, most of it to our beneficiaries for short term rentals. They walked in the OHA office in Maui, which my staff and I staffed. They brought applications and the only thing people needed to provide his group with was their driver's license and the house that burned down. They verified the fact that that property did burn down, then they were handed a voucher, \$7,000 worth. However, the voucher can be stretched out to carry rentals. What was given to them is according to how many people they have in their household. They were given gift cards, each one worth \$100. The challenge right now is finding out where our people are. Did they move to Vegas with a daughter? Are they living on another island with family? How do we help them? All these questions need to be investigated by the PIG so that we can be fair with our people. I do not know how we can distribute money immediately when we do not have those answers.

**Trustee Souza** I think what's important is \$5,000,000 to start with of monies that are going to be released, not towards administrative fees, not towards hiring staff to build your nonprofit organization but these are monies that every dollar is going to be watched because we need to be held accountable. These nonprofits are trying to figure out how to get the monies out and navigate while having to report. This would show our beneficiaries that we are showing up, we are here to assess and we are going to fill the gaps that are needed.

**Trustee Galuteria** Thank you for this discussion, Trustees, although my line of questioning for Jeff seemed premature, I think I can, with some type of assurance, understand what they will offer for the monies we give them. They explained the boots on the ground and what that meant. I have a thought about being able to accommodate everybody, if you will, on the short-term, mid-term, and the long-term which allows us to expand immediately and then get the PIG up and running with a major figure to start with. I wanted to ask Bob or Everett if it's possible to get an amendment to move the \$332,000 to community lending for the first action item, and then include in this motion the \$5,000,000 appropriation.

**Trustee Souza** I think we need to understand the process first with Community Lending before we determine if they are going to be the ones distributing money because we talk about how this money needs to get out right away.

**Trustee Galuteria** Knowing that everyday matters, how long, if we do this through the PIG, will it actually take to decide? Because at 1:30, whenever the emergency meeting is, that's when we're going to establish the PIG. Then when can the PIG start to happen? From there, the PIG comes back for approval. Whatever makes things move quicker I will advocate for. If we have to wait for the PIG to meet, then so be it.

**Chair Hulu Lindsey** I think because we have not directed where these funds are going or how they will deploy to our people, I do not want to blanket \$5,000,000 to one agency. I don't know who they're going to give it to.

**Trustee Galuteria** There has to be a reason that Community Lending even made its way to our table.

**Chair Hulu Lindsey** We have done a lot of business with them. They've gotten much money from us. We love Jeff.

**Trustee Galuteria** So we know what they do. If we approve that, then we know it will get to where it has to go.

**Chair Hulu Lindsey** No, we cannot assure anything.

**Trustee Galuteria** Okay, I want to be clear in my mind before I vote on anything. If Community Lending still needs to be vetted, then obviously we're going to go through a process.

**Trustee Souza** Again bringing it back to approve the initial amount, see where it's needed, and which organization is able to do that fastest. If they got to be vetted, if it's an organization at that point, then we have to understand that you have to come back to us and we decide. It will take a bit longer, but I think it's important.

**Trustee Akina** Many good things we're trying to do today and we're trying to do something immediate to show our compassion for those who have lost so much and to help those who are in danger, I would support that. I support the sentiment of increasing the amount that we will give. I want us to be careful. I affirm completely what you said, Madam Chair, that we have to make sure we're accounting for every dollar that goes out. If we just simply send money out there, we won't have an accountability. I agree with Trustee Brickwood, that we should look at the recommendation that was given to us by the Administration. The question of vetting Hawai'i Community Lending came up, our Administration is representing that they have vetted them and it is the most long term, reliable organization we have worked with in the distribution of funds to those on the ground. It is one with whom we have the longest track record. As I read the packet in preparation for today, we could perhaps refer some questions back to Administration, but they have made a very robust recommendation to this group. We could consider doing today, in the immediate, is approving the recommendation that has come to us from the Administration of \$332,000 to go into immediate use, as described by Hawai'i Community Lending, and also authorize a larger disbursement, which naturally the PIG will determine recommendations for. That way we can have some immediate action taken today and communicate to our beneficiaries and constituencies that we do care deeply, and then we can rely upon the work of the PIG to do further research for us.

**Casey Brown, COO** What I wanted to mention is what Trustee Akina said, Administration did perform the vetting based on our prior relationship with Hawai'i Community Lending, and in our action item we talked a little bit about that. The other thing we also talked about in our action item is that we are directing Hawai'i

Community Lending, the recipient, as much as we can with whatever information we had. We wrote the action to give us flexibility to continue to assess and make some small refinements in how money is deployed and for what reasons. We did put parameters, like a range of \$2,000 to \$5000 per family. We put in criteria like reasons of eligibility such as loss of life of a family member, loss or damage to household residence, loss or damage to personal belongings. We have certain criteria that we know holds water in times like this, but we have some flexibility in there so that we can continue to assess and then further refine. Hawai'i Community Lending, one thing I want to add about them on why they were chosen is not only the boots on the ground, but because of their purview, their subject matter expertise with their partner agency. HCA is in housing and lending for housing. This means, they have counselors on staff. They have counselors at HCA that are HUD and counselors at HCL that are mortgage counselors. These counselors are the wrap around support services that continue beyond just handing a check. They provide these services to guide any recipients of funds through the process of obtaining documentation, insurance claims, other emergency support monies, like FEMA. These wrap around services are very key. This catapults HCL to the top of the list on top of the fact that HCL also receives a very positive evaluation from our grants program. Our own grants program evaluates every grantee and HCL is evaluated as one of the most proficient organizations we've worked with. There's a lot of info in the action item and we're happy to take questions. I'm happy to hear you folks are talking about adding more money.

**Trustee Souza** I am going to go back to approving an initial amount because we do not know, and that is for us to determine potentially in a PIG, what the initial needs are. How are we supposed to get them funds for housing? They cannot even get a car to get to a house or get a phone to look for a rental. We need to go back to basics. OHA needs to show up and show our beneficiaries that OHA is right there with them. We need to make sure that funds going out are not only accounted for, but they are used in the best possible way. I feel the best possible way is to approve an initial budget, no less than \$5,000,000, and if a PIG is necessary. At this emergency meeting, we may figure out how to distribute these funds. We also need to understand the process in which it is going out. What is the application process? What is needed in order to get the money out on time? Many things need to be amended. I also want to point out that we just approved, I abstained, but we approved \$1.5M to Hawai'i Community Assets, a sister company of Hawai'i Community Lending, so I am sure they reallocated certain funds to support HCL to get funds out on their end.

**Trustee Ahuna** I want to reiterate what Trustee Souza was saying, I think HCL is a big part of our solution, I really do. I think the services they provide is something our community needs right now. Our community needs our support, boots on the ground, people like Hawai'i Canoe Club, as an example, and other Native Hawaiian Organizations. It is just a survival mode at the moment, they have no place to live. If we give our money to HCL, they will still need to provide services at a place. Right now, our people on the ground need our help. There is no community, and it will take a while to rebuild all these things. We need to understand that this will be a long-term thing. We need more money out there.

**Trustee Akaka** I have some questions and perhaps our CFO can kōkua us on this. I wanted to know what the process is and where these funds would be allocated from? Being that you would sign off on this as a CFO, up to how much is available? Numbers are being thrown out but what would we be working with? What do we have on hand?

**Ramona Hink, CFO** The \$332,158 amount, that is what we have. It's a carryover from budget fiscal 2022/23 and our current disaster recovery for budget 2024, that is what we have off the top. Of course, there is low hanging fruit at about \$1,000,000 we could easily allocate from the fiscal 2024 budget for disaster recovery. There is also fiscal 2022/23 carry forward grant budget where we can get the \$5,000,000 from. It is all about how much you want, and we can get the funds. We have a \$15.1M budget for grants budgeted for fiscal 2024,

we can reallocate those categories to disaster recovery. It does not have to stay in those categories, but it was approved by the BOT this past fiscal year. There are options.

**Trustee Galuteria** Question for Casey in regard to HCL and your vetting process, are there any conflicts of interest that you can think of that you can share with the Board about your vetting process with HCL?

**Casey Brown, COO** There are no conflicts of interest. If you are referring to any employee on staff, that employee has a relationship with HCL and is completely removed and recused from any process to do with HCL. There are no conflicts of interest.

**Trustee Souza** Jeff, I heard you mention earlier, to hire staff or increase staff, of the \$332,000 what is the administrative fees?

**Jeff Gilbreath, HCL** It would be minimal admin cost. Straight financial assistance is not tied to any specific purpose is my understanding. It would go out very quickly based on what the needs are in the community. I think we could do it with 10% with that kind of money. I would need enough to just tee up my team and do the proper reviews. We would use a portion of the funds for the community organizations that are on the ground and to help with the application process.

**Trustee Souza** Thank you for clearing that up but potential administrative cost would be about \$33,800, roughly. This is just to get started and to get the money out. I want all \$5 million dollars to go to a company that has figured it out and already has the proper staffing. Thank you for everything that you folks do, you folks do great work, but we did just approve a \$1.5million dollar grant that go towards covering administrative fees as well. I'm very concerned as to if we're going to maximize the potential of this budget that we create, we don't want to be double dipping in administrative costs. For me, that's important. If we create a PIG, then we will cover that. Thank you.

**Jeff Gilbreath, HCL** I will say, during COVID, we managed \$50 million dollars in federal, state, and private funds, all which needed to be accounted for. We have had clean audits for twenty-three years. I suggest that we can manage these funds in a way so that we are not double dipping. I do understand that you want to get this money into the hands. Whoever will be delivering it, HCL will always support if we have the funds, or we don't have the funds. We are on the ground, and we will get your guys back in any way we can.

**Trustee Souza** Thank you so much.

**Trustee Akina** I'd like to direct this to Casey, if I may. We've had many conversations about the administrative fees that are charged by contractors we've used in emergency and grant situations in years past. I'm assuming that in your vetting of Hawai'i Community Lending, you've taken that into consideration and with your knowledge of what is necessary to charge as administrative fees. What are your thoughts about the appropriateness of the fees that HCL would charge or the administrative portion they would take from the grant? What's the appropriateness of that? And #2, what is your level of confidence that they're ready to go and accomplish what we want them to accomplish if we approve the grant today?

**Casey Brown, COO** Question one, the market rate for administrative fees that we see ranged from 15 to 25%. 20% is the median average that we see. Jeff just said they would do it for 10%, that's better than market. To answer your second question, I cannot think of another organization that's more prepared than them. They have boots on the ground, they have connections on the ground, they have people that work out in the Maui area that know the history and the context there. They have a history of giving out aid. Even though they are formed, and

their original purpose focuses on lending and housing, in cases like these, they have proven to be a well-oiled, well versed to deliver funding for any kind of need. Their infrastructure is there and it's operating and firing on all cylinders.

**Trustee Akina** Thank you. To the Board, I would say let's accomplish three things today. Let's do the immediate and take the Administration's recommendation to fund Hawai'i Community Lending because of the extent of flexible aid that it can provide for our beneficiaries immediately. That would be first, second, either formally or informally make it known that we are committing ourselves as a Board to the very minimum of \$5,000,000, and if there's a formal way to do it, we can make that motion and pass that. In addition to the HCL, we will authorize a budget for OHA to use at least \$5,000,000. Third, approve the meeting that we have discussed to create a PIG for emergency planning. I hope we can do those things today.

**Trustee Trask** I want to point out a couple of things; HCL are people we know, and we worked with them for a while. We also know that HCL has years of background working with federal agencies, such as HUD, and things like housing. One of the big needs that we have coming out of the current assessment for Maui is a huge need for housing for those who lost their shelter. Based on that, I feel good about looking at an interim first step with HCL. I also wanted to let you folks know there was some things we did up here on the Big Island when we got burned out in 2018. One problem that came up was that some federal agencies wanted to know if you had received funding from other federal agencies because they didn't want to duplicate. There was also concern that things like vouchers might not go for what the emergency was: food and gasoline for your car.

What we decided to do here on the Big Island, the nonprofits, we raised our funds and then we went and talked with Foodland and Safeway. When you give somebody something that is worth money, you don't know if they're going to spend that on food, but when you give someone a Safeway card or a Foodland card, you know that will be used for food, and if it goes with Safeway in Hilo, Safeway provides food, but they also pump gas. Safeway is one that we have in Hilo where we put money there. The other thing we did was buy cards for people who needed to wash laundry and all the laundry businesses in Hilo joined us. That's the kind of thing we can do ourselves too. I just wanted to say that HCL, we know them, and we know their background working with the Feds, so I feel good about taking the first step, working with Jeff them.

**Trustee Ahuna** Thank you for saying that, me too, I know HCL very well. My question is where would you go to intake some of these people so that you can help service them?

**Jeff Gilbreath, HCL** We've been working with five Native Hawaiian community leaders inside of Lāhainā right now, one being the homesteaders in Leiali'i who have their own response hub set. We would work directly with them to be able to do the applications, work with the families so we can get the dollars to them as fast as possible. Also, Council for Native Hawaiian Advancement (CNHA) is dropping pods in West Maui, we're planning to have those dropped on August 25<sup>th</sup>. Blossom is going to lead that, and our team will be there on the ground to help but, Trustee Ahuna to your point, I think we need to make sure that we're working closely with the community leaders on the ground who are doing the work and that's what we've always done. That's been the only way you can get this done during this time. Blossom probably has more to share because she's on the ground coordinating all of this.

**Blossom Feiteira** I guess for transparency purposes, I served as a program coordinator for the Council of Native Hawaiian Advancement (CNHA) on Maui. We run the Trades Academy program out of UHMC and, as you all know, I am a founder of Hawai'i Community Assets. This is not HCA/HCL's first rodeo in terms of addressing disasters. We played an integral role in delivering much needed relief to the community statewide and was very successful at deploying those funds very efficiently. Taking those lessons that we learned from

COVID, we're now looking at a scenario that is much more dire and, unfortunately, much more long term. As you are talking about deploying \$5 million to the westside community, I can tell you that all of the things that you brought up, they need gas for their car, they need propane to be able to cook, they need money to wash their clothes. These are just basic needs that any family would need in any situation. We have a perfect partnership in the delivery of much needed disaster relief funds.

Working with our native people, we've come to identify those critical needs, besides food and water, which all of our hubs are meeting quite adequately. They need help with accessing emergency applications the FEMA applications, insurance claim filings. We have instances where landlords are serving our people, who are tenants, notices to vacate in Lāhainā. HCA is well suited to be able to pull the resources together, consequent CNHA has begun the process of partnering up with all of our service providers. On Maui, we have initiated and partnered up with DHHL. DHHL has provided us with the use of a trailer that we can put on the ground where we can house all our service providers so that we can be efficient in serving the community that most needs it. Deployment of these funds is absolutely critical. I can tell you that right now, you know we have the direct impacts who lost their house, they lost everything, but you also need to look at the indirect impacts. While they still retain housing, they lost their job because there's no businesses open. People are being laid off by the hotels, car rentals, and restaurants because there are not enough tourist or people are coming. These are all the indirect things happening because of what happened in Lāhainā. Currently, Hawaiian Electric has been able to get homes power and they are still working on another 2,000. They recently released 110 names that were identified. I personally know six of them and they are Native Hawaiian. Their families are begging for help to bury their loved ones. When you talk about emergency relief, please take these things into consideration. They are estimating that it will cost \$5.2 billion to rebuild Lāhainā. We are looking at years for recovery. Mahalo for the opportunity.

**Trustee Ahuna** When you do intakes, where and how do you take care of them? Where do you setup shop? Where would you go?

**Blossom Feiteira** CNHA has partnered with DHHL. DHHL has secured a 56 foot office trailer for us to deploy to Lāhainā so that we can serve families in Lāhainā. We have it located near the civic center with easy access. We will have CNHA, HCA, HCL, Legal Aid Society, and a mental health service co-hort. The other thing is that many of the non-profits like Nā 'Aikāne and small community organizations burned down. They have no place to provide service. Based on community discussions with beneficiaries and non-beneficiaries, these are the critical services they need to have access to, hard core disaster relief; it is about cash, making maoney available for these families to address their everyday needs.

**Trustee Souza** You mentioned Archie Kalepa, very well respected community member. We saw his operation, he's got it figured out. I was with the longshoremen and the union, they identified the gravel pit to set it up through DHHL and will have the containers over. I want to say we have identified the problem and the question is, how we are going to distribute these funds? There is no confirmation, but we have been hearing that payments are going directly to people. Do we have a Native Hawaiian type of list? Is there something current with Native Hawaiians that have lost homes? The most effective and timely manner would require us to have that list, or an understanding of who to give it to. If we give you the money, then it is for you to figure out who those people are. I've also been hearing CNHA come up as you speak, CNHA is one of our partners and we support them but if we are going to work with CNHA, then we can give them the money directly and collaborate with them. We are OHA and we are not trying to capitalize on an opportunity or get into a contest with another organization because our thing is to support. What I have been learning lately on who we support and give money to is that there is no real connection to the source. As I mention earlier, for example, the \$1.5 million that we gave to Hawai'i Community Assets. There needs to be something in our grant process that states

the money came from OHA. Right now, a lot of times, people say what does OHA do. OHA does a lot; OHA gives so much money out. Currently, we do not have the capacity to be the ones to give these monies out directly. We are OHA, is there an opportunity for us to potentially contract out because we do not have the capacity to give this money out to our people. I want people watching this meeting to know that we are here rebuilding and rebranding our organization. This is our time to show you guys what we can do. This is your time to come to us and tell us. I don't need to have a third party to come and tell me this is what is going on. I was there two days ago, my staff, Chair and her staff were there too. I apologize to everyone out there, I come across a little aggressive sometimes, but I am passionate. I really feel this is a time for us to say this is what we are going to start off with and we will continue to assess. We have the resources at OHA to be the ones in the community. This is why I don't think we should make a decision on how these monies will be disbursed. Thank you.

**Chair Hulu Lindsey** Thank you, Trustee. Our CEO can verify that I asked him last week for OHA to distribute these funds. I am so tired of other people taking advantage of taking credit for the monies that OHA is giving to the community. When we go out to the community, they tell us what does OHA do for us? OHA has plenty, money being distributed by other people, other people taking the credit, and they're not acknowledging. I think that's a great idea, even if we have to contract a group of people to cut those checks from OHA to our beneficiaries. I think that's a great idea.

**Trustee Alapa** Is our OHA BSAs doing anything to help our Lāhainā beneficiaries? Are they actively engaged in anything or seeking them out or anything so that we know the status of our people?

**Chair Hulu Lindsey** No, the fires happened last Tuesday, and the place has been chaos. There is nothing that we per se have been doing except what Trustee Souza reported what he did, and what I reported I did with our staff and that was a lot, but our community is receiving tons of goods. They're okay that way, but they're living with families all over the island. I think that the short-term housing that was given to us in the last two days will be help. Like Trustee Akina asked, if there was a list of our Hawaiian people, we need a list, and that's what I've been asking the County for. I know the addresses that were burned down is listed somewhere. That is all part of a possible FIG.

**Trustee Alapa** Is it possible to have all of us there to be a part of discussions?

**Chair Hulu Lindsey** No. I'll tell you one thing that they've asked family and friends from off island, to be sensitive, we have plenty help, please stay away. We do not need any more bodies on our island. The clean-up in Lāhainā is only one-third done as far as looking for missing persons.

May I propose to approve and authorize the distribution of up to \$332,158 in emergency disaster relief funds, which is available today, and amend this motion to take out B as to who is going to distribute it so that it can be left for this discussion. Then if you so desire to also add in more funds, this would be the time to offer your amendments.

**Approve and authorize the distribution of up to \$332,158 in emergency disaster relief funds:**

- A. To address the impacts of the August 2023 wildfires on Maui Island;**
- ~~**B. Via a non-solicited, Board-directed "2023 Maui Island Wildfire Emergency Disaster Relief Grant" to the Hawai'i Community Lending organization;**~~
- C. For the distribution of financial resources to Native Hawaiian families impacted by the wildfires;**

**D. From unallocated FY24 Grants Program (3800), Grants in Aid – Disaster Aid (56570).**

**Trustee Souza Remove letter B. “Via a non-solicited, Board-directed “2023 Maui Island Wildfire Emergency Disaster Relief Grant” to the Hawai‘i Community Lending organization” from Motion 2**

**Trustee Alapa Seconds the motion**

<b>Trustee Souza Moves</b>						
<b>MOTION 2:</b>						
Approve and authorize the distribution of up to \$332,158 in emergency disaster relief funds:						
A. To address the impacts of the August 2023 wildfires on Maui Island;						
B. Via a non-solicited, Board-directed “2023 Maui Island Wildfire Emergency Disaster Relief Grant” to the Hawai‘i Community Lending organization;						
C. For the distribution of financial resources to Native Hawaiian families impacted by the wildfires;						
D. From unallocated FY24 Grants Program (3800), Grants in Aid – Disaster Aid (56570).						
<b>AMENDMENT #1:</b> Remove letter B. “Via a non-solicited, Board-directed “2023 Maui Island Wildfire Emergency Disaster Relief Grant” to the Hawai‘i Community Lending organization” from Motion 2						
<b>Trustee Alapa Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>				<b>X</b>		
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>	<b>1</b>		
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Eight ( 8 ) Yes votes, One ( 1 ) No and Zero ( 0 ) Abstentions.</b>						

**Trustee Souza I move to ammend motion 2**

- *Change \$332,158 to \$5 Million*
- *Remove “For the distribution of financial resources” from letter B.*

- *Remove “From unallocated FY24” Add language “From carryover FY22 and/or FY23 unused Grants Budgets” before Grants Program (3800).*
- *Add after (56570), “and to be reallocated from other Grant Categories in the carryover Grants Budget”*

*\*new motion reflective from amendment 1*

**Trustee Ahuna** Seconds the motion.

**Trustee Trask** It does seem that we have a floating agreement in terms of putting together a PIG. Are we going to wait for the advice of our PIG group to look at the actual disbursement of the \$5 million or will we proceed before?

**Chair Hulu Lindsey** I believe that the PIG will recommend installments of expenditures of that \$5million.

**Trustee Akina** clarification for the language *For the distribution of financial resources to Native Hawaiian Families does that language include individuals or should we specify?*

**Chair Hulu Lindsey** I believe it does include individuals.

**Trustee Souza** We can change it to beneficiaries to be consistent.

**Trustee Akina** The next question is the sources in item C. that was written originally with the \$332K in mind. The unallocated FY24 grants program and the grants in aid, does that need to be modified because the \$5 million dollars is much broader than that?

**Chair Hulu Lindsey** We need to ask our staff, Casey.

**Casey Brown, COO** I wanted to mention one thing, being that you folks are not going to select a recipient, this could give you an opportunity to think further on all of these other factors because, without a recipient, nothing can happen anyway. If this is going to happen in a PIG, you can sort of move the entire conversation to the PIG. It would be cleaner, and nothing can happen until you get a recipient.

**Chair Hulu Lindsey** I think our people need to know how much we are willing to give them.

**Casey Brown, COO** Trustee Akina, what was your question?

**Trustee Akina** In light of the fact that we are changing this to an approval of \$5,000,000, do you need to modify line C which states the sources from which the funds will come?

**Casey Brown, COO** Yes

**Trustee Akina** Can we have a recommendation from Administration, or Counsel, as to how we can modify line C so that we can appropriately vote on it now?

**Ramona Hinck, CFO** I would suggest that we leave it unallocated FY24 grant funds 3800 grants and a disaster fund 56570 to be reallocated from other grant categories currently in the fiscal 24 budget. We don't have that amount, the \$5million and the 56570, but there is the amount in the fiscal 24 grant program budget, but it has to be reallocated from other categories that were actually approved and budgeted for someplace else.

**Chair Hulu Lindsey** We have \$15million in grants and aid just approved June 30<sup>th</sup>.

**Ramona Hinck, CFO** This also means this will come from the fiscal 24 grant budget because we do have carryover from fiscal '22 and '23. I would recommend using the older funds.

**Trustee Souza** Are you able to provide us with the amount in the future? I think would help us make a decision in the future, potential monies on where they might come from.

**Ramona Hinck, CFO** Yes, I will. So, you want to do fiscal '22 and/or fiscal '23 because there two different fiscal years.

**Robert Klein, Board Counsel** For consistency, if you look at B, it is repetitive with the introductory phrase. It talks about distribution, and it should be more about beneficiaries. I think B should focus on who gets the distribution. The mechanism for doing that will be determined by the PIG.

**Chair Hulu Lindsey** The problem is we have a fund called the Emergency Disaster Relief Funds, but B tells what disaster. We have the Puna disaster, Hanalei disaster, Kaua'ula fires, but this is for the Lāhainā disaster.

**Trustee Akina** Let's put that in the first sentence.

**Chair Hulu Lindsey** The name of the fund is Emergency Disaster Relief Fund that Administration named it. If you want to be more specific, you can say *impacted by the Maui wildfires*.

**Robert Klein, Board Counsel** I think it is important to be clear on who is on the receiving end, and to be specific. One other point, there was discussion by Trustee Galuteria about how long this process can go if you keep having PIG meetings, PIG reports, discussions of PIG reports as if each period needs to be a six-day period. I don't think that's true; we're creating a PIG in the emergency meeting today. Once you create the PIG, you give it a deadline to come back with a report, that is meeting two. Once that report is circulated to the to the Board, which can be that day, you can conduct an emergency meeting and approve the report so you can truncate, collapse the period of time which I suggest you do, because we're treating this as an emergency. If there's an imminent peril, let's get this money out there into the right hands for distribution to the right people as quickly as possible.

**Trustee Akaka** I think it is important to activate our Communications team, Advocacy team, and let our people know that this funding is available to them. It is important that we get this information out to our people. Besides radio, another way would be social media and word of mouth. I was encouraged and inspired while I was at our Hawai'i State Capitol, and the activation that was done by the legislature. It was shared on television, and it really activated the community to come and help. It is so important to get the proper messaging out, so our people know that this funding is available to them and how it will help them.

**Trustee Souza Moves**

**MOTION 2:**

**Approve and authorize the distribution of up to \$332,158 in emergency disaster relief funds:**

**A. To address the impacts of the August 2023 wildfires on Maui Island;**

**B. For the distribution of financial resources to Native Hawaiian families impacted by the wildfires;**

**C. From unallocated FY24 Grants Program (3800), Grants in Aid – Disaster Aid (56570).**

\*New motion reflective from amendment 1

**AMENDMENT # 2:**

- Change \$332,158 to \$5 Million
- Remove “For the distribution of financial resources” from letter B.
- Remove “From unallocated FY24” Add language “From carryover FY22 and/or FY23 unused Grants Budgets” before Grants Program (3800).
- Add after (56570), “and to be reallocated from other Grant Categories in the carryover Grants Budget”

Trustee Ahuna Seconds the motion.

	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			

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

**Motion passes with Nine (9) Yes votes, Zero (0) No votes, and Zero (0) Abstentions.**

**Vote taken on the main motion as amended.**

**Approve and authorize the distribution of up to \$5,000,000 in emergency disaster relief funds:**

- A. To address the impacts of the August 2023 wildfires on Maui Island;
- B. To Native Hawaiian beneficiaries impacted by the Maui wildfires;

<b>C. From carryover FY 22 and/or FY23 unused Grant Budgets, Grants Program (3800), Grants in Aid Disaster Aid (56570), and to be reallocated from other Grant Categories in the carryover Grants Budget.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>		<b>X</b>	<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes, and Zero ( 0 ) Abstentions.</b>						

**Chair Hulu Lindsey** I am so grateful for your vote of support, our people are grateful.

### **III.4. Committee on Resource Management**

#### **A. Evaluation and assessment of OHA's recent efforts to develop Hakuone, Kaka'ako Makai, Honolulu, Hawai'i.**

#### **Testifier**

**Umi Sexton** Aloha to everyone. This year has been a busy year, I was just elected to the Board of Directors for the Hawai'i Yacht Club (HYC). The club was created by King David Kalākaua. He set a precedence of racing the transpacific and sailed around the world. When I was younger, I always wanted to be a part of the yacht club, my friends and I would hang out at the fuel dock and say we were a part of the poor boys' yacht club. Now that I am a part of the club, I am trying to figure out how to bring more Hawaiians into this. We need to figure out how to carry the legacy of our King. I would like to try and make Kaka'ako a Championship Museum or Transpacific Museum. The ships could come in and out, and drop people off. Our junior sailing teams and canoes could use the small place. We are water people.

**Germaine Meyers** Aloha Trustees, my name is Germaine Meyers. Mahalo for voting in support of today's action item RM 23-19 to continue supporting the developmental, financial, and commercial opportunities for

Hawaiians and Native Hawaiians at Hakuone. As I shared in past emails regarding mental health issues are real and should be taken into consideration when deciding where to develop residential units for Hawaiians. I agree with the man who spoke earlier about using the harbor. We could use it to come into town from Nānākuli. I hope you use these ideas in continuing Hakuone. Ke akua pū, god bless all of you.

**Chair Hulu Lindsey** Are there any questions regarding the evaluation and assesment of OHA's recent efforts to develop Hakuone?

**Trustee Galuteria** I'm just going to go on record that I haven't seen any changes since the last meeting, so I'll be voting down on this measure.

**Trustee Waihe'e Your Committee on Resource Management, having met on August 9, 2023, and after full and free discussion, recommends approval of the following action to the Board of Trustees:**

**Approve to Proceed with New Funding to Kuilei Consulting, Inc., in the amount of \$400,000 for Services Related to Only Real Estate Advisory Services under 'Contracts' in the OHA Non-Core Operating Budget for Fiscal Biennium Period 2023-2024 (FY24) and 2024-2025 (FY25).**

**Trustee Ahuna Seconds the motion.**

**Trustee Akina** Thank you Chair. I'll be voting kānalua on this, and I want to explain two points with regard to that although most of my comments have been made at RM meeting. Number one, I'm fully in support of the development of Hakuone and stand with my colleagues to do everything we can as swiftly as we can to start building, and I and approve the spirit of what we are voting on now because we want to take advantage of the emergency proclamation and other circumstances that may be valuable at this time. Moving forward with Hakuone helps increase the housing supply here in Hawai'i and that will be of great value as we look for solutions to the shrinking supply caused by the horrific things that have taken place on Maui. Please understand and know that I stand in support with our Board. Number two and I don't need to repeat them here, I feel that there are processes we need to look at as a Board of Trustees. I'm looking forward to doing that as we conduct what I have called for, which is a comprehensive assessment of our entire Kaka'ako Makai Plan. That is something that I'm eagerly awaiting and believe we should do and should have done first before moving forward. Thank you very much.

**Trustee Souza** I just want it on the record, I too will be voting no to not support the budget of \$400,000 for real estate advisory services to Kuilei. We initially made a motion to assess and evaluate our overall approach moving forward for Hakuone and we continue to receive information on our consultants. Everett, when we asked for an assessment and evaluation on Hakuone, does that need to be looked at as a whole, or do we just look into our consultants when we're trying to assess? Because Administration conducted an assessment, I also will be voting no because I've asked if we are talking about our consultants, which is one small part of our overall Hakuone approach. I've asked for statement of works, invoices, and deliverables that was not provided to me and that is the question that I had that were unanswered. As a Trustee, I want it on record. If I ask a question and I've asked the question multiple times respectfully, and I still haven't gotten the answers that I asked for, and because of that, I will be voting no. Everett, if you can answer my question. When we ask for an evaluation assesment, do we need to assess the whole Hakuone attempt? That's what the verbage was, and not only our Kuilei consultants.

**Everett Ohta, Interim General Counsel** The assessment and evaluation was what took place on last week Wednesday's August 9th RM committee meeting, that is what was agendized and took place. So again, to the

extent that the Board has not found that to be sufficient, this is the approval to proceed that would indicate the Board’s determination as to whether or not that evaluation assessment was completed to its satisfaction.

**Trustee Souza** I get it, but I am referring to the motion that was made to review Hakuone, not our consultants. I am asking from a legal stand point, when a motion is made, obviously this motion was interpreted differently, I just want to know when we ask for an overall evaluation to do an assesment for the whole thing and we get one thing, evaluating our consultants and multiple slideshows and reports from our consultants, that’s one area. What does that mean?

**Everett Ohta, Interim General Counsel** There is not a specific standard that applies whether or not an assessment was completed. It is depending on the parameters for that assesment. We are going off of the general language that was provided for in the prior June 29th approval of the budget. To the extent that it didn’t include specific elements that needed to be met, I would say that you know that assessment, again, did occur last week in the RM committees meeting.

**Trustee Akina** Respectfully, I need to disagree with Everett. I do not believe that taking of this vote today constitutes an affirmation by this Board that we conducted a sufficient assessment of our efforts that we have exerted at Kaka’ako Makai. I just want to put that out for the record that we still need to conduct this.

<b>Trustee Waihe’e moves to</b>						
<b>Approve to Proceed with New Funding to Kuilei Consulting, Inc., in the amount of \$400,000 for Services Related to Only Real Estate Advisory Services under 'Contracts' in the OHA Non-Core Operating Budget for Fiscal Biennium Period 2023-2024 (FY24) and 2024-2025 (FY25).</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>					<b>X</b>	
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>				<b>X</b>		
<b>TRUSTEE J. KEONI SOUZA</b>				<b>X</b>		
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>		<b>X</b>	<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>6</b>	<b>2</b>		
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						

**Motion passes with Six (6) Yes votes, Two (2) No and One (1) Abstention.**

### **Community Concerns and Celebrations**

**Andy Sexton** Aloha again, I just want to start from the beginning. I was not here earlier at the meeting. I want to speak on iwi kūpuna. I've been working with iwi kūpuna on the rail, the burial council, and the reinternment. The process has always had problems. There was always a list on how to do things. No matter what you do, they are going to still dig us up. I think we should do something about those who are in containers. I have personally seen them myself. It is not a matter of if they are going to find us, but when. I teach cultural sensitivity to all of those who dig us up. The best thing to do is find them a place that is safe. Find their 'ohana and ask them what they want to do. We know what we must do, we just need to do it.

**Germaine Meyers** I am Germaine Meyers, thank you for the opportunity to share my community concerns about OHA pursuing legal gaming in Hawai'i. Why would OHA want to swap Hakuone for the Hawai'i Convention center? I found this information on the internet, the Morongo Indians currently owns and operates a casino on their reservation lands in Southern California. They offer examples on how the casino will provide union employment and opportunities. They also provided examples of casino jobs and the number of full time jobs. The Morongo proposal to OHA:

- they will finance \$5 million dollars of soft money to get the State to legalize gambling
- OHA to propose a bill to swap Kaka'ako Makai property for the ownership and title for the Hawai'i Convention Center
- The exclusive right for gaming in the State of Hawai'i with the first casino being located at the Hawai'i Convention Center
- Morongo will finance lobbying for this time intensive legislation campaign
- Morongo will bring finance to build, develop, and operate the casino at an estimated cost of \$500 million
- Morongo proposes 55/45 partnership, OHA 55% ownership? Morongo 45%?

Morongo projects a \$500 million investment based upon their current evaluation to convert the Convention center into a casino. With a 55% ownership, will OHA have to invest \$275 million in trust funds? With 45% ownership, will Morongo invest only \$225 million or will they finance the entire \$500 million? In the first year, Morongo projects an annual gross revenue of \$561,756,600 million, 55% to OHA and 45% to the Native American group. Who is responsible for covering the operational expenses especially if Morongo is making all the decisions exclusively? Is this the truth?

Keep Hawaiian lands in Hawaiian hands. Kū I Ka Pono. What is Morongo not telling OHA and it's beneficiaries? According to the Tax Foundation of Hawai'i, once the legislature legalizes a class III gaming casino:

1. Any federally recognized Native American tribe can buy land in Hawai'i,
2. Go to the Dept. of Interior to invoke a fee-to-trust process to acquire governmental power over the land,
3. Use the Federal Law, the Indian Gaming Regulatory Act (IGRA) that allows Indians tribes to conduct gaming operations in a State even if the State doesn't agree,
4. Use the IGRA law to prohibit the State from levying taxes or fees on tribal gambling,
5. Compete against the State's (DHHL) casino, will lower profits and
6. Repeat as many times as they desire for additional casinos to be built in the State of Hawai'i.

I will forward the testimony for you to review as I do not have enough time to go over the two pages. According to my research on the "fee-to-trust" process on title 25 chapter 29 section 2719 (B)(A):

The secretary of the Department of Interior (DOI), after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination.

Questions that come to mind:

- Why did Morongo propose a casino to OHA?
- Why did Morongo propose swapping Hakuone for the Hawai'i Convention Center and spend \$500 million to convert to a casino?
- If Morongo wants to build, develop, and operate a casino, why didn't they propose to do it at Hakuone?
- Is this a political campaign re-election strategy for some Trustees, as mentioned in Ka Pouhana Hussey's June article? – to gain favor with the speaker of the House? To gain favor with Kaka'ako Mauka voting block? To gain favor with the Friends of Kewalo & Kaka'ako united voting block? To gain favor with the unions, as noted on Morongo's presentation?

On behalf of all beneficiaries opposed to legalized gambling in Hawai'i in any form, I humbly ask the joint RM and BAE Committees to agendize the Morongo band of Mission Indians proposal to OHA, asap, and to share with the lāhui if OHA is supporting Morongo's proposal to swap Hakuone for the Hawai'i Convention Center to build a casino, if so, why?

I also request for Trustees to share with the lāhui if they spoke to Governor Green and to the Secretary of Interior, Deb Haaland, who came to Hawai'i in June to support and approve a fee-to-trust transaction of the Hawai'i Convention Center lands so that Morongo Band of Mission Indians can build, develop, and operate a casino, as they proposed to OHA. Ke akua pū, god bless all of you.

**Announcements**

**Chair Hulu Lindsey** We have twenty minutes before our next meeting if you want to grab a bite to eat, and we will see you shortly.

**Adjournment**

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

**Trustee Alapa Seconds the motion.**

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		X	X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA	X		X			
MILILANI	TRASK						

JOHN	WAIHE'E			X		
CHAIR CARMEN HULU	LINDSEY			X		
<b>TOTAL VOTE COUNT</b>				<b>8</b>		

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 1:10 pm.

Respectfully submitted,

\_\_\_\_\_  
 Lehua Itokazu  
 Board Secretary

As approved by the Board of Trustees on XXXXXXXX 2023.

\_\_\_\_\_  
 Carmen Hulu Lindsey  
 Chairperson, Board of Trustees

DRAFT

# DRAFT

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

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817.**

Findings of the OHA Board of Trustees:

Pursuant to Hawai'i Revised Statutes (HRS) §92-8(a), the OHA Board of Trustees finds that the August 2023 wildfires affecting Maui and Hawai'i counties caused a significant loss of life and property and created an imminent peril to public health, safety, and welfare. The unprecedented impacts from the wildfires necessitate a coordinated response from OHA, which can best be facilitated by the formation of a Permitted Interaction Group, pursuant to HRS §92-2.5(b)(1), that will immediately begin gathering emerging information about the needs of the community in order to guide an expeditious response from OHA that meets the needs of its beneficiaries directly impacted by the wildfires.

**Minutes of the Office of Hawaiian Affairs  
Emergency Meeting of the Board of Trustees  
MINUTES  
August 17, 2023**

ATTENDANCE:

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

BOT STAFF:

Richelle Kim, Trustee Aide  
LeiAnn Durant, Trustee Aide  
Mark Watanabe, Trustee Aide  
Nathan Takeuchi, Trustee Aide  
Ruben Sierra, Trustee Aide  
Evalani Canto, Trustee Aide  
Pohai Ryan, Trustee Aide  
Kyla Hee, Trustee Aide  
Melissa Wennihan, Trustee Aide

ADMINISTRATION:

Colin Kippen, Interim CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Robert Klein, General Counsel  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Arlene Aguinaldo, IT Support  
Jason Lees, Multi Media Designer

GUEST:

DRAFT

**Call to Order**

**Chair Hulu Lindsey** Calls the Emergency Board of Trustees Meeting to order for Thursday, August 17, 2023, at 1:32 p.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	J. KEONI	SOUZA	X	
TRUSTEE	MILILANI	TRASK		
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

**Action Item BOT #23-08: Approve the Formation of a Permitted Interaction Group (PIG) to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the August wildfires.**

**Trustee Souza moves to Approve the Formation of a Permitted Interaction Group (PIG) to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the August wildfires.**

**Trustee Akina Seconds the motion.**

**Colin Kippen** A few features on this action item. I want everyone to understand them. The members being proposed are Trustee Lindsey as the Chair, Trustee Ahuna as the Vice Chair, Trustee Akaka, and Trustee Galuteria as members. The expiration is August 25th which is next Friday. The reason we are doing that is because you will not be able to take any action on any matter that might be in this PIG until the PIG closes and submits the report to the Board.

**Trustee Ahuna** Because we have four trustees, we need to agendize?

**Chair Hulu Lindsey** No, we do not have to agendize.

**Colin Kippen** The permitted interaction group is designed to allow board members to meet with less of the board to discuss and investigate, and that is what this group will do. You will then formalize a report, bring it to the full board, and then we will follow the normal process. With nine members on the Board, the maximum we can have under the PIG is less than the majority which is four members, that is what's authorized.

**Trustee Akaka** Perhaps we can change the wording under the purview, being that the fire was not only in West Maui, to include Kula. Can we take the word West out?

**Chair Hulu Lindsey** Yes, lets take the word West out. We are making a motion to amend the action. As of yesterday, fifteen houses burned in Kula.

**Casey Brown, COO** I have that noted to make that change.

**Everett Ohta, Iterim General Counsel** That is not a part of the motion that is currently pending before the Board. The motion could be amended to specify the purview membership and term in action item BOT 23-08 so that we meet the requirements in forming this PIG. I would suggest an amendment to the motion to add.

**Proposed Action:**

Approve the formation of a Permitted Interaction Group (PIG) to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the August wildfires.

**Purview.** The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff and OHA Administration staff to work together to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the recent devastating fires occurring in ~~west~~ Maui.

**Members.** The membership of the Permitted Interaction Group is proposed as follows:

(a) Trustee Carmen Hulu Lindsey; (b) Trustee Kalei Akaka; (c) Trustee Dan Ahuna; and (d) Trustee Brickwood Galuteria. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Dan Ahuna will serve as its Vice Chair. Casey K. Brown, Ka Pou Nui, will function as the Project Manager.

**Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than August 25, 2023.

**Amendment to the motion**

<p><b>Agenda Item: Action Item BOT #23-07: Approve the formation of a Permitted Interaction Group (PIG) to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the August wildfires</b></p> <p><b>MOTION: Approve the Formation of a Permitted Interaction Group (PIG) to investigate and assess the needs, programs, and services necessary to address and meet the needs of Native Hawaiians on Maui as a result of the August wildfires.</b></p>						
<p><b>Amendments to the motion.</b>  <i>*Removing the word West under “Purview” and anywhere else it appears in the action item.</i></p>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>						<b>X</b>
<b>TRUSTEE JOHN WAIHE‘E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<p><b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b></p> <p><b>Motion passes with Eight ( 8 ) Yes votes, One ( 1 ) Excused and Zero ( 0 ) Abstentions.</b></p>						

**Trustee Souza Moves**

**Vote on the motion As Amended**

**Trustee Akina Seconds the motion.**

	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE MILILANI TRASK						X
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Eight ( 8 ) Yes votes, Zero ( 1 ) Excused and Zero ( 0 ) Abstentions.</b>						

**Adjournment**

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

**Trustee Alapa Seconds the motion.**

Adjournment		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEI	AKAKA			X			
KELI'I	AKINA	X		X			
LUANA	ALAPA		X	X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA			X			
MILILANI	TRASK						
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 1:53 pm.

Respectfully submitted,

---

Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on XXXXXXXX 2023.

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Carmen Hulu Lindsey  
Chairperson, Board of Trustees

DRAFT

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
March 5, 2024  
10:00 A.M.

**III. New Business**

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

1. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, February 21, 2024
2. OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, February 28, 2024.

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Beneficiary Advocacy and Empowerment (BAE)**

**COMMITTEE REPORT**

February 21, 2024

The Honorable Carmen Hulu Lindsey, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Lindsey,

Your Committee on Beneficiary Advocacy and Empowerment, having met on February 21, 2024 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

**Move to approve Administration’s recommendations on: NEW BILLS (Items 1, 2, 7 – 66, ) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians– February 21, 2024, along with the following revisions:**

**BILL POSITION CHANGES:**

- **Item 288, HB1689—from OPPOSE WITH COMMENTS to COMMENTS**
- **Item 324, SB2289—from SUPPORT to SUPPORT WITH COMMENTS**

Relevant attachments are included for your information and reference.
---

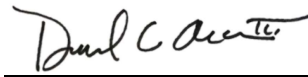
**Attachment(s):**

BAE Roll Call Vote Sheet - 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\* Motion 1

Respectfully submitted:



Trustee Kaleihikina Akaka, Chair



Trustee Dan Ahuna, Member



Trustee Keli'i Akina, Member

EXCUSED

Trustee Luana Alapa, Member

EXCUSED

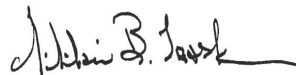
Trustee Brickwood Galuteria, Member



Trustee Carmen Hulu Lindsey, Member



Trustee Keoni Souza, Member



Trustee Mililani Trask, Member



Trustee John Waihe'e, IV, Member

# Attachment 1

## Roll Call Vote Sheet

<b>COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)</b>	<b>DATE:</b> February 21, 2024  <b>START:</b> 10:01 a.m. <b>MOTION:</b> 10:40 a.m. <b>VOTE:</b> 10:40 a.m.
--	--

**AGENDA ITEM:**

**II. Unfinished Business**

**C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\***

**MOTION:**

**Move to approve Administration’s recommendations on: NEW BILLS (Items 1, 2, 7 – 66, ) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians– February 21, 2024, along with the following revisions:**

**BILL POSITION CHANGES:**

- Item 288, HB1689—from OPPOSE WITH COMMENTS to COMMENTS
- Item 324, SB2289—from SUPPORT to SUPPORT WITH COMMENTS

**AMENDMENT:**

**MEANS OF FINANCING:**

TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN AHUNA			X			
KELI’I AKINA			X			
LUANA ALAPA						EXCUSED
BRICKWOOD GALUTERIA						EXCUSED
CARMEN HULU LINDSEY	1		X			
KEONI SOUZA		2	X			
MILILANI TRASK			X			
JOHN WAIHE`E			X			
KALEIHIKINA AKAKA			X			
<b>TOTAL VOTE COUNT</b>			7	0	0	2

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

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Beneficiary Advocacy and Empowerment (BAE)**  
**COMMITTEE REPORT**

February 28, 2024

The Honorable Carmen Hulu Lindsey, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Lindsey,

Your Committee on Beneficiary Advocacy and Empowerment, having met on February 28, 2024 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

**Move to approve Administration’s recommendations on: Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians– dated February 28, 2024, with the following revision:**

**BILL POSITION CHANGE:**

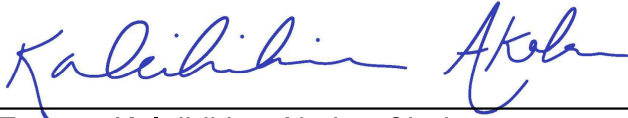
**- Item 160, SB2591 from SUPPORT to SUPPORT with AMENDMENTS**

Relevant attachments are included for your information and reference.
---

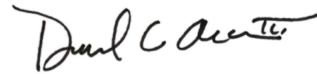
**Attachment(s):**

BAE Roll Call Vote Sheet - 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3\*\* Motion 1

Respectfully submitted:



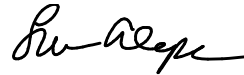
Trustee Kaleihikina Akaka, Chair



Trustee Dan Ahuna, Member



Trustee Keli'i Akina, Member



Trustee Luana Alapa, Member



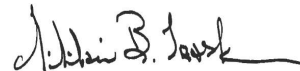
Trustee Brickwood Galuteria, Member

EXCUSED

Trustee Carmen Hulu Lindsey, Member



Trustee Keoni Souza, Member



Trustee Mililani Trask, Member



Trustee John Waihe'e, IV, Member

# Attachment 1

## Roll Call Vote Sheet

<b>COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)</b>	<b>DATE: February 28, 2024</b>  <b>START: 10:00 a.m.</b> <b>MOTION: 11:30 a.m.</b> <b>VOTE: 11:30 a.m.</b>
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<b>AGENDA ITEM:</b>  <p style="text-align: center;"><b>II. Unfinished Business</b></p> <p style="text-align: center;"><b>C. 2024 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians - Matrix 3**</b></p>
---

<b>MOTION:</b>  <b>Move to approve Administration’s recommendations on: Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians– dated February 28, 2024, with the following revision:</b>  <p style="text-align: center;"><b>BILL POSITION CHANGE:</b> - Item 160, SB2591 from SUPPORT to SUPPORT with AMENDMENTS</p>
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<b>AMENDMENT:</b>
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<b>MEANS OF FINANCING:</b>
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TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN AHUNA			X			EXCUSED
KELI’I AKINA						EXCUSED
LUANA ALAPA	1		X			
BRICKWOOD GALUTERIA			X			
CARMEN HULU LINDSEY						EXCUSED
KEONI SOUZA			X			
MILILANI TRASK						EXCUSED
JOHN WAIHE`E		2	X			
KALEIHIKINA AKAKA			X			
<b>TOTAL VOTE COUNT</b>			<b>6</b>	<b>0</b>	<b>0</b>	<b>3</b>

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

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
March 5, 2024  
10:00 A.M.

**III. New Business**

**B. Committee on Resource Management**

1. Action Item RM #24-05: OHA's August 2023 Maui Wildfire Disaster Aid Response: Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Resource Management (RM)**  
**COMMITTEE REPORT**

February 21, 2024

The Honorable Carmen Hulu Lindsey, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Lindsey,

Your Committee on Resource Management, having met on February 21, 2024, and after full and free discussion, recommends approval of the following **two (2) actions** to the Board of Trustees:

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regarding: Action Item RM #24-05

---

OHA's August 2023 Maui Wildfire Disaster Aid Response:  
Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

**Action 1**

**Approve the delegation of authority to OHA's CEO to determine whether a Maui Wildfire Disaster Aid Deployment Grant applicant is able to provide the activities proposed in their application for the grant, in accordance with HRS §10-17(c)(1)(D). The CEO may further delegate this authority to a designee from Administration**

---

regarding: Action Item RM #24-05

---

OHA's August 2023 Maui Wildfire Disaster Aid Response:  
Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

**Action 2**

**Approve the delegation of authority to OHA's CEO to award Maui Wildfire Disaster Aid Deployment Grants, with tiered funding disbursements not to exceed \$9,000.00 per grant. The CEO may further delegate this authority to a designee from Administration.**

**Attachment(s):**

**No Action Items were attached in this Committee Report for reference –  
due to transfer limitations with the State Adobe eSign application.**

Please refer to the 02/21/2024 RM Electronic Meeting Folder/Packet at <https://www.oha.org/rm/>

1) RM ROLL CALL VOTE SHEET

Action Item RM #24-05:

Motion 1

OHA's August 2023 Maui Wildfire Disaster Aid Response:  
Approval of Maui Wildfire Disaster Aid Deployment Grants  
framework and delegation of grant authority

2) RM ROLL CALL VOTE SHEET

Action Item RM #24-05:

Motion 2

OHA's August 2023 Maui Wildfire Disaster Aid Response:  
Approval of Maui Wildfire Disaster Aid Deployment Grants  
framework and delegation of grant authority

Respectfully submitted:



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Trustee John Waihe'e, IV, RM Chair

NOT PRESENT AT VOTE

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Trustee Luana Alapa, RM Vice Chair

EXCUSED

---

Trustee Dan Ahuna, Member



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Trustee Kaleihikina Akaka, Member



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Trustee Keli'i Akina, Member

EXCUSED

---

Trustee Brickwood Galuteria, Member



---

Trustee Carmen Hulu Lindsey, Member



---

Trustee J. Keoni Souza, Member

DID NOT CONCUR

---

Trustee Mililani Trask, Member

**ROLL CALL VOTE SHEET**

<b>COMMITTEE ON          RESOURCE MANAGEMENT (RM)</b>	<b>DATE: February 21, 2024</b>  <b>START: 3:06 p.m.</b> <b>MOTION 1: 3:09 p.m.</b> <b>VOTE 1: 3:24 p.m.</b>
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**AGENDA ITEM:**

**IV. New Business**

- B. **Action Item RM #24-05:** OHA's August 2023 Maui Wildfire Disaster Aid Response: Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

**MOTIONS (2):**

**Motion 1**

Approve the delegation of authority to OHA's CEO to determine whether a Maui Wildfire Disaster Aid Deployment Grant applicant is able to provide the activities proposed in their application for the grant, in accordance with HRS §10-17(c)(1)(D). The CEO may further delegate this authority to a designee from Administration.

VOTE							Motion 1: 3:09 p.m. Vote 1: 3:24 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA		2	X			
RM VICE CHAIR LUANA	ALAPA	1					Not Present at Vote
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY			X			
J. KEONI	SOUZA			X			
MILILANI	TRASK				X		
RM CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>5</b>	<b>1</b>	<b>0</b>	<b>3</b>

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

**ROLL CALL VOTE SHEET**

<b>COMMITTEE ON          RESOURCE MANAGEMENT (RM)</b>	<b>DATE: February 21, 2024</b>  <b>START: 3:06 p.m.</b> <b>MOTION 2: 3:25 p.m.</b> <b>VOTE 2: 3:31 p.m.</b>
---	---

**AGENDA ITEM:**

**IV. New Business**

- B. **Action Item RM #24-05:** OHA's August 2023 Maui Wildfire Disaster Aid Response: Approval of Maui Wildfire Disaster Aid Deployment Grants framework and delegation of grant authority

**MOTIONS (2):**

**Motion 2**

Approve the delegation of authority to OHA's CEO to award Maui Wildfire Disaster Aid Deployment Grants, with tiered funding disbursements not to exceed \$9,000.00 per grant. The CEO may further delegate this authority to a designee from Administration.

VOTE							Motion 2: 3:25 p.m. Vote 2: 3:31 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						EXCUSED
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
RM VICE CHAIR LUANA	ALAPA						Not Present at Vote
BRICKWOOD	GALUTERIA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
J. KEONI	SOUZA	1		X			
MILILANI	TRASK				X		
RM CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				5	1	0	3

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

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
March 5, 2024  
10:00 A.M.

**III. New Business**

**C. Action Item BOT #24-02: Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai‘i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs.**



**OFFICE OF HAWAIIAN AFFAIRS**  
Action Item

**BOARD OF TRUSTEES**

**March 5, 2024**

**BOT #24-02**

**Action Item Issue:** Acceptance of resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs.

**Prepared by:** *Amber Kalua* Mar 1, 2024  
Amber Kalua Date  
Trustee Aide

**Reviewed by:** *Everett Ohta* Mar 1, 2024  
Everett Ohta Date  
Interim General Counsel

**Reviewed by:** *Robert G. Klein* 3/1/2024  
Robert G. Klein Date  
Board Counsel

**Reviewed by:** *Stacy Ferreira* Mar 1, 2024  
Stacy Ferreira Date  
Chief Executive Officer

**Reviewed by:** *Carmen Hulu Lindsey* Mar 1, 2024  
Carmen Hulu Lindsey Date  
Chair, Board of Trustees

**Action Item BOT #24-02: Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs.**

---

**I. PROPOSED ACTION**

Accept the resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appoint a replacement member to serve on behalf of the Office of Hawaiian Affairs.

**II. ISSUE**

Whether or not the OHA BOT should accept the resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appoint a replacement member to serve on behalf of the Office of Hawaiian Affairs.

**III. DISCUSSION**

Section 3 of Act 226, Sessions Laws of Hawai'i 2022 establishes a group comprised of six members, three of whom shall be appointed by the governor and three of whom shall be appointed by the OHA BOT, whose responsibilities are as follow:

1. Account for all ceded lands in the public land trust inventory;
2. Account for all income and proceeds from the public land trust; and
3. Subsequently determine the twenty per cent pro rata share of the income and proceeds from the public land trust due annually to the OHA for the betterment of the conditions of Native Hawaiians.

On March 20, 2023, Governor Josh Green informed OHA's BOT that he had appointed the following members to serve of the working group:

- Dawn Chang, Chair, Board of Land and Natural Resources
- Luis Salaveria, Director, Department of Budget and Finance
- Ryan Kanaka'ole, Deputy Attorney General, Department of the Attorney General

On August 5, 2023, the OHA BOT appointed OHA Trustee Carmen Hulu Lindsey, OHA Trustee Mililani Trask, and Sherry Broder, Esq. to the Public Land Trust working group on behalf of the OHA. On December 7, 2023, Trustee Mililani Trask notified members Chair Lindsey, Sherry Broder, and Dawn Chang that she would be resigning from the Public Land Trust working group, effective January 1, 2024.

On January 25, 2024, the BOT discussed action Item #24-01 appointing Everett Ohta to the Public Land Trust Working Group. This item was later deferred. At the following BOT meeting scheduled on February 1, 2024, action item #24-01 was brought back to the BOT for more discussion. During the discussion, Trustee Keoni Souza moved to nominate Trustee Brickwood Galuteria to the Public Land Trust Working Group. The motion, however, was called into question because the nomination of Trustee Galuteria was not agendized and no further action was taken. Trustee Trask then announced that she was rescinding her resignation from the Public Land Trust working group and would continue to serve on the working group effective immediately.

On February 13, 2024, Trustee Trask emailed a memorandum to all Trustees to inform them that she was resigning from the Public Land Trust working group and requesting that an action

**Action Item BOT #24-02: Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs.**

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item be agendized to appoint Trustee Galuteria as her replacement on the working group.

**IV. TIMEFRAME**

Immediate action is recommended.

**V. RECOMMENDATION**

Accept the resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and appoint a replacement member to serve on behalf of the Office of Hawaiian Affairs.

**VI. ALTERNATIVES**

- A. Do not accept the resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022;
- B. Accept the resignation by Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai'i 2022 and do not appoint a replacement member to serve on behalf of the Office of Hawaiian Affairs;

**VII. REFERENCES**

Attachment 1: Recusal letter from Trustee Mililani Trask dated December 7, 2023

Attachment 2: Memo to all Trustees from Trustee Mililani Trask dated February 13, 2024

Act 226, Session of Laws of Hawai'i 2022, available at  
[https://www.capitol.hawaii.gov/slh/Years/SLH2022/SLH2022\\_Act226.pdf](https://www.capitol.hawaii.gov/slh/Years/SLH2022/SLH2022_Act226.pdf).



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**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i*

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**To: BOT Chair C. Hulu Lindsey, Ka Pouhana Stacy K. Ferreira, Chief Compliance Officer Everett Ohta, BAE Chair Kalei Akaka, RM Chair John Waihe'e, RM Vice Chair Luana Alapa, Trustee Brickwood Galuteria, Trustee Keli'i Akina, Trustee Dan Ahuna, and Trustee Keoni Souza**

**From: BOT Vice Chair Mililani B. Trask**

**Date: Tuesday February 13, 2024**

**Re: Public Land Trust working group resignation and new Trustee appointee.**

---

Aloha Colleagues,

I am sending this out to follow up on Trustee Souza's nomination of Trustee Brickwood Galuteria to replace me on the Public Land Trust (PLT) working group. I have too much to work to do for my island and other Trustees need to be invited to be more involved in the committee work of the Board's office.

The agenda item that was posted by the Board Chair designated Chief Compliance Officer Everett Ohta as my replacement from the working group committee per my December 7, 2023 PLT recusal memo. What should have been posted on the agenda was the designation of a Trustee to sit on the PLT committee. At our last Board of Trustees Meeting (BOT) on Thursday January 8, 2024, Trustee Keoni Souza nominated Trustee Brickwood Galuteria to fill the evacuated seat. This was not posted on to the public agenda and therefore could not be voted on. For this reason, I am requesting the Board Chair, and her staff create a new agenda item to be posted to our next BOT meeting on Thursday February 29, 2024, with the designation of Trustee Brickwood Galuteria (already nominated) to replace my seat, with a board vote to follow.

I have already spoken to Trustee Galuteria who is in agreement with the appointing of a Trustee to fill the PLT seat and not an Admin staff member. When



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this agenda item is posted for the public, I will then send in my official recusal memo from the PLT committee.

Many Trustees carry a heavy load of work while others do not. Some are not invited to be more included and involved with the works of the Board of Trustees office and this must be rectified. Other Trustees cannot assist with carrying the load if we do not share it with them.

Mahalo nui loa,

A handwritten signature in black ink, reading 'Mililani B. Trask'.

Mililani B. Trask  
Office of Hawaiian Affairs  
Board Vice Chair  
Hawai'i Island Trustee



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**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

*Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i*

---

**To:** Board of Trustee Chair, Trustee C. Hulu Lindsey,  
**CC:** Ms. Dawn Chang, and Ms. Sherry Broder  
**From:** Board of Trustee Vice Chair, Trustee Mililani Trask  
**Date:** Thursday December 7, 2023  
**Re:** Public Land Trust Working Group

---

Aloha Hulu,

I am forwarding this to let you know that I am recusing myself from the PLT Public Land Trust Working Group effective January 1, 2024.

As you are aware I will not be flying in and out for meetings going forward. I feel that there is sufficient representation from OHA in this working group.

Mahalo,

Mililani B. Trask

Office of Hawaiian Affairs  
Board of Trustees Vice Chair  
Hawai'i Island Trustee

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
March 5, 2024  
10:00 A.M.

**V. Executive Session‡**

- A. Consideration of Trustee’s Counsel’s request for legal assistance from OHA in the matter of: CAAP-19-0000668 IN THE INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI’I: FORMER OHA TRUSTEE v. HAWAI’I STATE ETHICS COMMISSION, EXECUTIVE DIRECTOR, ON APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT. Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Robert G. Klein on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Trustee’s Counsel’s request for legal assistance from OHA in the matter of: CAAP-19-0000668**
- B. Consideration of Action Item BOT #24-02: Acceptance of resignation by Trustee Mililani B. Trask from the Public Land Trust working group established by Section 3(b) of Act 226, Session Laws of Hawai’i 2022 and appointment of a replacement member to serve on behalf of the Office of Hawaiian Affairs. Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with Board Counsel Robert G. Klein on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to Action Item BOT #24-02.**