

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Highway, Suite 200  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Thursday, September 27, 2018  
9:30 am**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE LEINA'ALA AHU ISA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE ROBERT LINDSEY  
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

**EXCUSED:**

TRUSTEE DAN AHUNA  
TRUSTEE ROWENA AKANA  
TRUSTEE PETER APO

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE, CEO  
MILES NISHIJIMA, LPD  
MEHANA HIND, CE  
DAVID LAEHA, CFO  
KAWIKA RILEY, ADV  
CARLA HOSTETTLER, RES  
EVERETT OHTA, CC  
JIM MCMAHON, ADV  
JOCELYN DOANE, PP  
KAHEALANI PELERAS, CE  
LISA WATKINS-VICTORINO, RES  
MOMILANI LAZO, SR. EXEC. ASSISTANT

**BOT STAFF:**

CAROL HO'OMANAWANUI  
LOPAKA BAPTISTE  
ANI PANG  
CLAUDINE CALPITO  
DAYNA PA  
LADY GARRETT  
DAVIS PRICE  
LAURENE KALUAU-KEALOHA  
MARIA CALDERON  
PAUL HARLEMAN  
KAY WATANABE  
KAMA HOPKINS  
KAUIKEAOLANI WAILEHUA  
LEHUA ITOKAZU  
ALVIN AKEE

**GUESTS:**

KEOKI FUKUMITSU

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 9:33 am. Roll call is taken; Trustees Ahu Isa, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihee and Machado are present; constituting a quorum of six Trustees. Excuse memos were received from Trustees Ahuna, Akana, and Apo.

Members we will be deferring item VI. A. and B. under Executive Session. I would like to go to the top of the agenda.

**II. DISTRIBUTION OF THE RECORD OF THE TESTIMONY AND PRESENTATIONS MADE TO THE BOARD OF TRUSTEES ON AUGUST 8, 2018 AT KALAMA'ULA, MOLOKA'I. PURSUANT TO HRS §92-2.5(D)(2)**

**Chair Colette Machado** – There is no approval needed but we have attached that as the record of testimonies presented at the Board of Trustee Meeting on August 8, 2018 at Molokai.

### III. PUBLIC TESTIMONY

**Chair Colette Machado** – Is there any public testimony this morning? Having no public testimony we will move on. I need a 72-Hour waiver for V. New Business A. a referral from the Committee on Resource Management item 1 Action item RM #18-09 and item 2 Action item RM #18-12. Also item B. Notice to the BOT on the termination of the Ad Hoc Committee for OHA Strategic Planning 2020+. I would like to entertain a motion for this waiver.

**Trustee Carmen Hulu Lindsey** moves for a 72-Hour waiver for the following items:

**V. New Business**

**A. Committee on Resource Management**

**1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget †**

**2. Action Item RM #18-12: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.**

**B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.**

**Trustee John Waihe'e IV** seconds the motion.

**Chair Colette Machado** – Any discussion? Hearing none, roll call vote.

Trustee Carmen Hulu Lindsey moves for a 72-Hour waiver for the following items:

**V. New Business**

**A. Committee on Resource Management**

**1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget †**

**2. Action Item RM #18-12: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.**

**B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.**

Trustee John Waihe'e IV seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3

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

Motion passes with six (6) yes votes and three (3) excused.

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

##### **A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities**

**Chair Colette Machado** – Members of the Board of Trustees are now on IV. A., which is CEO update. I will turn this over to Kamana'o.

**Kamana'opono Crabbe** – Thank you Madame Chair. Good morning Trustees. The grants division has announced a call out to the community Statewide for the Kūlia Grants initiatives application process. It went out last week; we are receiving applications up until December. The range is quite broad in terms of a project and or a community initiative with respect to the areas of Health, Education, Culture, Economic Self-Sufficiency and Governance. But there will be no strict outcomes that are related to the strategic plan just based on the priorities. You can submit them online to [www.oha.org](http://www.oha.org) go to grants and go to Kūlia Grants submission application online.

In November, the Community Grants announcement will be going out. Very similar process in terms of proposals to be submitted online and to the Grants division to review. But that announcement will come in November for organizations Statewide can apply online.

I wanted to ask Mehana Hind to quickly give an update. Trustee Carmen Hulu Lindsey was inquiring regarding the fire and some of the challenges the Lahaina Kaua'ula Community have had with respect to the fire and recent flooding as well.

**Mehana Hind** – Good morning Trustees. Our Maui office has been in contact with the community out in Kaua'ula and over the past few weekends, they have focused on immediately rebuilding some of the waterlines getting into the valley. They were going to host two community workdays but they only ended up hosting one and then because of the other flooding that happened on the other side they switched the community work day to go there.

This coming Monday we are actually planning and it is last minute. We were in conversation with Aunty Thelma on Maui and Misti here and we are trying to put together a meeting with all of them. Realizing that they are at a stage right now where they are expressing different needs. In the beginning, we are going to do this together. I recommended to the Maui office that we reach out to them and have a sit down and listening session. We will have our staff to go and get consensus among the community, kind of facilitate this discussion amongst them to see what their overall needs are, and then see where OHA can play a role in that. They have gotten from the community there and Mahalo to Maui because generally overall they have gotten donations coming in from different businesses and different organizations that have come forward and donated certain things to the families so now it's just to figure out what our niche in that recovery effort can be. We are going out on Monday to talk to them.

**Kamana'opono Crabbe** – Thank you Mehana. That is it for updates Madame Chair.

**Chair Colette Machado** – We will move on to item V. New Business A. I would like to call on Trustee Carmen Hulu Lindsey for item A. 1. Action item RM #18-09.

#### **V. NEW BUSINESS**

##### **A. Committee on Resource Management**

##### **1. Action Item RM #18-09: OHA's Preliminary FB 2020/2021 General Funds and Community Grants Budget**

**Trustee Carmen Hulu Lindsey moves that the Board of Trustees approve:**

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

**Trustee John Waihe'e IV seconds the motion.**

**Chair Colette Machado** – Any further discussions Trustees.

**Trustee Keli'i Akina** – Just one comment. Just very proud that we can increase the allocation towards housing by a million dollars. I am very glad we are doing that.

**Chair Colette Machado - Roll call please.**

Trustee Carmen Hulu Lindsey moves that the Board of Trustees approve:

- (1) OHA's preliminary general funds budget of \$3,980,579 per fiscal year to fulfill its requirement of submitting OHA's FB budget bill to the State Legislature in December 2018 for the FY 2019-2020 and FY 2020-2021 biennium and
- (2) OHA's preliminary community grants program budget of up to \$3,700,000 per fiscal year for the FY 2019-2020 and FY 2020-2021 biennium.

Trustee John Waihe'e IV seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with six (6) yes votes and three (3) excused.						

## 2. Action Item RM #18-12: Amendments to OHA's Board of Trustees Executive Policy Manual related to budget preparation, budget format and budget reporting requirements.

**Chair Colette Machado** – Chair will call on Trustee Carmen Hulu Lindsey for Action item RM #17-12.

**Trustee Carmen Hulu Lindsey** moves to update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual ("Policy Manual") and Board of Trustees Operations Manual ("Operations Manual") as described in Attachments "A" and "B" excluding the amendments on Fiscal Transparency 3.4.k. through 3.4.l. in Attachment "A" and "C".

**Trustee John Waihe'e IV seconds the motion.**

**Chair Colette Machado** – Trustees any discussion?

**Trustee Robert Lindsey** – Thank you Madame Chair. As I indicated at our Committee Meeting yesterday. I will restate this morning that I am not ready to vote yes on this matter and as I stated yesterday and I will restate this morning my reasons are two. Number 1 I believe very strongly that this matter has not been fully vetted by our Administration and until it is fully vetted; I don't see how it can be operationalized. I believe that the administration needs to be a part of this process. It has not been included in this process to this point. I will be voting no on this matter.

**Trustee Keli'i Akina** – I respect what my senior colleague has said and do believe in principal that at all times Trustees and Administration should work together. I'd like to point out that the majority of recommendations that we approved in committee yesterday in this matter were actually based upon recommendations that have been made over the years here at OHA. There has been much vetting of that. I understand what he is saying and I hope that in the spirit of cooperation we will be able to work out some matters that we left out of here yesterday. Such as the transparency website but with that said I believe that the motion that we have before us will be very valuable in improving the way in which we account for our finances.

**Trustee Leina'ala Ahu Isa** – Am I understanding, that this isn't going to take place till 2022?

**Trustee Carmen Hulu Lindsey** – Yes.

**Trustee Robert Lindsey** – I have a question for Administration. I would like to know what are the legal pitfalls that we will be faced with should we proceed and adopt this amendment as proposed today as we did yesterday.

**Kamana'opono Crabbe** – Yes, thank you Trustee Lindsey. As Administration stated yesterday we believe we have not had adequate and sufficient time to properly assess and analyze the implications and impact of this proposed measure. I think it comes down to a couple of categories. One is accounting practice; we already have planned to upgrade our Oracle accounting system. Because of that, we still believe we need more time to evaluate the proposed measures as how we would need to structure the accounting practices as proposed in the action item.

Second is going to Trustee Robert Lindsey's point. Is the level of transparency if you look at other semi-autonomous entities within the State of Hawaii for example like the University of Hawaii, I believe to a certain degree Department of Education. They have semi autonomy status and with that, status comes a certain I guess powers and rights as an institution. So that particular piece has not been added to this discussion and I believe Corp Counsel is still doing and conducting research regarding the implications of this action item. Again, just for the record, Administration states that we do not believe that we've had adequate time to properly vet this measure.

**Chair Colette Machado** – I had a question that I didn't raise yesterday. But in my lean over to Trustee Waihe'e I asked him if there is an issue with reviewing grants that were under \$25,000 and how that would impede in getting the money out directly with a review or approval through the Trustees. So this would mean that all of the Ahahui Grants that we give out that is under \$10,000 and there are other, this is an ongoing issue that Trustees have lodged against Administration's unilateral authority to make these decisions internally. Maybe if someone from grants do we have someone from grants here? If they could describe the process and how long this would take on the distribution in getting that scrubbed down, reviewed, and then bringing it to the Trustees.

**Trustee Carmen Hulu Lindsey** – I just want to state that is one of the items that was brought to our attention in the audit. That the Trustees should approve all grants and basically that why that is in there.

**Chair Colette Machado** – I am with you in that but I just wanted to know the details and whether or not we don't hold up the distribution especially to the Aha Hui grants.

**Trustee Carmen Hulu Lindsey** – We shouldn't.

**Chair Colette Machado** – I just want to get them on record.

**David Laeha** – Historically and during the time period of the audit the authorization was given to Ka Pouhana for the authorization of grants up to \$25,000. Within that authorization level that was in existence at the time that was the concern that was raised by the Auditors. But it was full compliance with that. Since the moratorium for the grants, we have not been authorized to give any sponsorship money out. So the authorization has been changed since that time.

**Chair Colette Machado** – David my question is for the review of Trustees approval for these Ahahui Grants and less than or other grants that gets distributed, how long does it take to have your staff to turn that around. That is my real question, would we be a hindrance, which I don't think, we will rely on staff to get the review the numbering all of those things that they normally do the process and bring it to the committee in this case it would be a Joint Committee and then a referral to the BOT. I just wanted to know if staff is ready to execute those things in a timely manner.

**David Laeha** – In regards to Ahahui Grants after the board has gone through its approval process, we still do need to form formal agreements and arrange for the monitoring and the budgets, etc. for the specific events. So the timeframe for us to execute that varies but our goal is try to execute that as soon as possible. We do have a full time dedicated staff for that purpose.

**Colette Machado** - Any other questions relating to this Trustees?

**Kamana'opono Crabbe** – Madame Chair, I just wanted to add to the discussion. The Ahahui Grants is one, but there are programmatic sponsorships that typically that are included in the budget for each program. They have their own standard operating procedures. Typically, that is already approved by the manager and the director. How we interpret this particular provision is that you are requesting that all grants above and up to \$25,000 comes before the Board for approval. Now, again some of these programmatic sponsorships vary, but we've been able to over these past years be much more specific in terms of what OHA chooses to support. So that is one piece, that other piece I that the programs have flexibility for Ad Hoc requests from the community. That we are not aware of but we have delegated down to program managers and directors. Those types of sponsorships if approved by this measure would need to come before the Board.

**Trustee Leina'ala Ahu Isa** – Its sounds complicated. I think the Trustees should have an org chart or a flow chart cause it seems like there are different layers of grants. To lump it all into \$25,000, I don't think we should be approving \$25,000 purchase orders.

**Trustee Carmen Hulu Lindsey** – It's not purchase orders its grants.

**David Laeha** – If I can help to clarify, I understand your concern Trustee. The sponsorships are in four primary areas for authorization. We have a programmatic sponsorship area that we in the grants team administers, the CEO has a sponsorship level that he administers, the Trustees when the Trustee Allowance and Sponsorship program was in place prior to the moratorium the Trustees had discretion as well to provide and pay for certain sponsorships. And then the fourth category is what we call the SPRIs. These were separate organization that came together to address specific strategic areas.

**Trustee Leina'ala Ahu Isa** – So you are saying that all of that has to come to the Board for approval, including Trustee Allowance.

**Trustee Carmen Hulu Lindsey** – No not Trustee Allowance.

**David Laeha** – The moratorium placed a hold on the three primary categories. The Trustee portion, the CEO sponsorship and the programmatic grants side. The fourth area that was not put a moratorium on had to do with the SPRIs.

**Chair Colette Machado** – There is no hold on the SPRIs, we didn't put a moratorium on that its only on sponsorship.

**Kamana'opono Crabbe** – Trustee Leina'ala Ahu Isa is correct, is that our interpretation and I have stated that we haven't had the opportunity to fully vet, but that is our interpretation of what this measure is proposing. All of it will come to you for approval.

**Trustee Carmen Hulu Lindsey** – Yes, that is what the auditor said.

**Chair Colette Machado** - Thank you for the explanation, I just wanted to acknowledge the referral that we received, did remove the fiscal transparency identified in the original action item as 3.4.b and 3.4c. With that said roll call vote please.

Trustee Carmen Hulu Lindsey moves to update the budget preparation, format and reporting requirements by approving amendments to the Executive Policy Manual ("Policy Manual") and Board of Trustees Operations Manual ("Operations Manual") as described in Attachments "A" and "B" excluding the amendments on Fiscal Transparency 3.4.k. through 3.4.l. in Attachment "A" and "C". Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X		X	
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY				X		
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5	1		3
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with five (5) yes votes, one (1) no vote and three (3) excused.						

**Chair Colette Machado** – Because it is an administrative manual policy, it only requires 5 votes from the Trustees. This is the 1<sup>st</sup> reading we will schedule for the 2<sup>nd</sup> reading for October 11<sup>th</sup>. Thank you members let us move on to roman numeral B.

- B. Notice to the Board of Trustees (BOT) of the decision by the BOT Chair to terminate the Ad Hoc Committee for OHA Strategic Planning 2020+ created on July 26, 2018 pursuant to the OHA Board of Trustees Bylaws (November 8, 2007), Article VIII, Section E; and the OHA Board of Trustees Executive Policy Manual (February 2012), Section 1040, Subsection 1.4.e.**

**Chair Colette Machado** – There is no action needed for V.B. This is just to acknowledge that I have authority to terminate the Ad Hoc Committee at the request of Administration. I just wanted to note that to the members. We are now on roman numeral V.C.

- C. BOT Workshop for OHA Strategic Planning 2020+, Phase I, Agreement and Confirmation regarding the foundational documents and direction of new OHA Strategic Plan. (note: This is the first in a series of workshops regarding OHA's new Strategic Plan)**

**Chair Colette Machado** – This is our workshop on strategic planning.

**Kamana'opono Crabbe** – Yes, thank you Madame Chair. Administration at this time would like to call upon Dr. Lisa Watkins-Victorino, Mehana Hind, Carla Hostettler, Miles Nishijima and Everett Ohta from Corp Counsel. Trustees in December of last year 2017 the Executive Office, myself, Albert Tiberi from Corp Counsel and at the time Pou Nui Chief Operating Officer. Lisa Watkins-Victorino introduced our operations plan, which included a timeline to begin the work towards developing a new strategic plan. Since then we've had three presentations by Lisa Watkins-Victorino and Carla Hostettler to give you an idea of the phase or processes in which we are looking at. We originally formed an Ad Hoc Committee because historical research we did was consistent to a model that was proposed back in 2008-2009. But given the limitations of PIG Committee, we wanted a full participation of all Trustees as much as possible to participate in this process before you. That is the reason why the dissolution of the Ad Hoc Committee and how we are presenting it to you today now. We will be presenting in different areas, this is planned for two hours. I will turn it over to Dr. Lisa Watkins-Victorino.

**Chair Colette Machado** – Before Lisa proceeds, I'd like to call Carol Ho'omanawanui to the table so you can explain why we agreed to release the Ad Hoc Committee with the process with the PIG and the inconvenience. This is not something that we do in normal courses of the Trustees at the Chair's level but because of the PIG limitations, it would not have allowed for a kind of review we needed to engage with.

**Carol Ho'omanawanui** – Good morning Chair and Trustees. Real briefly, it's always been the desire for the Ad Hoc to have frequent interactions and hold workshops with the Trustees to have you participate in this process, also to get feedback and also to inform you of the feedback from the Community in this process. The HRS 92-2.5 which covers your permitted interactions as well as what OIP put out regulating the Permitted interactions, it really severely limits and restricts the Ad Hoc's ability, or I should say the process which they can communicate and interact with you. We thought it was in the best interest, and Ka Pouhana had asked Chair to dissolve it so that they would be able to come more frequently to have interactions and communications with you rather than having this process go through PIG. Simply this is what it is.

**Chair Colette Machado** – Thank you, I just wanted to give that explanation. Because it was not intended to circumvent but to allow more free and full discussion with Administration.

**Lisa Watkins-Victorino** – Thank you so much Trustees and Chair for allowing us this opportunity for the workshop. I am just going to do a few preliminary reminders, go back, and refresh our memory a little bit. Then we will start phase 1, OHA's identity workshop which is part of all three phases. We are going to be doing phase 1 today, which is really reviewing our foundational documents, our foundations elements. That includes Chapter 10, our mission and vision and our roles.

*(Lisa begins her PowerPoint presentation, please see attached – Strategic Planning Phase 1: OHA's Identity September 27, 2018.)*

Today we are going to go through three presentation, our Chapter 10 our statutory reference presentation Everett will give that. Our mission and vision presentation will be done by Mehana and then we will have our roles of the Office of Hawaiian Affairs, Miles. Then we will open that up to discussion. We would really like to get through all three of the presentations today before we open it up for questions and discussion. What you have next to you are some of these really big post it notes. They are for you to write your questions on, they are nice and bright, we will take those and we will put them up so that we can refer to them first when we start the discussion. You also have a sharpie in your bag you can use to write that so that. We will put them up in the transition after each presentation. We will take the time to gather any questions and then when it's time for discussion we can refer to those first. I will call up Everett.

**Everett Ohta** – Aloha Trustees, I am Everett Ohta with Corp Counsel. What I will be going through today in my presentation are some of the statutory references that include OHA. Either providing for certain responsibility that OHA has to take on or a specific role in various processes that are covered under Federal, State and County Laws. There is a handout that accompanies the presentation slide so starting on page 16 of the packet relating to these



presentations there is a handout that accompanies this presentation following the slides. It goes into a little bit more detail on some of the laws that I am going to be covering, but it is also provided to you for your use in future reference.

*(Everett begins his PowerPoint presentation, please see attached – OHA Statutory References, in support of OHA Strategic Plan 2020+.)*

**Lisa Watkins-Victorino** – Thank you Everett. If you have any questions, we will put them up. I will collect them. Before Mehana gets started. Again just to re-familiarize ourselves when we talk about OHA identity, this presentation allows us to see these are the things we really need to do and strategic planning also incorporates what we really want to do in our communities. We want to be in our communities. These are presentation that will help and guide and set parameters for decisions that we make in the future.

**Mehana Hind** – Aloha again Trustees. This section is just on our mission and vision. Just so that we're clear about that. We refer to it all the time but I know if I was to pop quiz people to understand what the actual language of our mission is, more important our vision people have embraced and been able to not only memorize but incorporate in their daily work. This is just a review and then also in light of what Everett stated and what we will hear latter to see if it is still consistent. Just to revisit that with what we want to do going forward.

*(Mehana begins her PowerPoint presentation, please see attached – Mission Statement, Vision Statement, Strategy, Goals & Objectives)*

**Chair Colette Machado** – Mehana just a point of reference we are on phase 1 page 27.

**Mehana Hind** – Yes, thank you.

*(Mehana continues with PowerPoint)*

**Mehana Hind** – I will collect any questions.

**Lisa Watkins-Victorino** – We will now have Miles.

**Miles Nishijima** – Aloha Chair and Trustees. This discussion will focus on the roles of the Office of Hawaiian Affairs and to put it in context we heard from Everett the mandates legally. We've heard from Mehana the procession of these mandates to basically a vision, mission, etc. It's a complicated role that OHA has, it is a very board mandate, and the needs of our people are very broad as well. So it's important to think in terms of roles in order to make it understandable and something that the organization can deal with and beneficiaries can understand. We went all the way back to the Master Plan of 1988. This was the first update to the first Master Plan that was developed in 1982 by the organization.

*(Miles begins his PowerPoint presentation, please see attached – Roles of the Office of Hawaiian Affairs, September 27, 2018)*

**Lisa Watkins-Victorino** – That takes us to we will have approximately an hour and 15 minutes to have discussion and talk through the questions that you have and really have some good landing points to move forward. I'm going to start with our first set of questions which is about the presentation that Everett gave.

*Question: Is this a Trust or a State agency?*

I think this is question from Trustee Lindsey. If you want to elaborate on what your thoughts are about that for Everett.

**Trustee Carmen Hulu Lindsey** – I think it comes up many times when it's opportune for us to be a State Agency,

we are a State Agency. Many times, we would prefer to be a Trust. I think we just had that discussion yes, Judge Klein. If someone can make that more clear for us we can operate accordingly. I think it's even confusing to our administration. Are we Trust or are we State Agency? Do we have to do that? Or can we withhold it? I think that is a problem in our operation the whole thing. Administration and Board of Trustees. You don't have to answer but you can give your opinion.

**Everett Ohta** – I guess the question of Trust or State Agency, is yes. The State Law really varies as to how OHA is treated in certain context OHA would fit within the definition of an agency provided for under certain statutes. In other cases, it is relatively broad and OHA could make an argument based on how we fit within the Government. Hawaii Revised Statute Chapter 10 provides that OHA is established as a body corporate, separate and independent from the Executive Branch. I think in that case it's made to be, its setting us apart from falling within a normal State Department or Agency. But I think it varies and I will defer to Justice Klein.

**Robert G. Klein, Board Counsel** – That kind of question is interesting because it's like line up alphabetically by height. Its 6 of one half a dozen of the other. Hard to answer, I think you are right Everett it depends on the context. Because in the Rice v. Cayetano case US Supreme Court says for purposes of the 15<sup>th</sup> Amendment OHA is a State Agency. As a State Agency for voting, you can't have a racially restrictive category so Hawaiians could not be the sole electorate for OHA Trustees. According to US Supreme Court OHA is a State Agency. But you are also elected officials with clear fiduciary obligations because in a sense you as an agency stand in the place of the State with respect to administering its obligations under the Admission Act with respect to ceded lands. If you go back to the Admissions act the State of Hawaii was to be the Trustee of the ceded lands Trust with obligations that were enforceable by the US Attorney General. Lawsuits could be brought against the State if the State did not fulfill its fiduciary obligations with respect to the Ceded Lands Trust. And 1978 the State created OHA to undertake that responsibility specifically and to have this agency do what the State was required to do under the Admission Act. OHA's created to stand in the shoes of the State in administering the requirements of the ceded lands trust and that is why you have in Chapter 10 20% of the ceded lands revenues, or the public lands revenues are supposed to come to OHA to administer the State's responsibility to Hawaiian people and to take charge of a portion of the ceded lands, public lands revenue. We are 6 of one-half of the dozen of the other, it depends on what function you are engaged in. I don't think that is easy to change frankly, because the Trust responsibility, the fiduciary obligations go back to the Admissions Act with the creation of OHA. You can't really change that, you can't really change the US Supreme Court saying OHA is a State agency for voting rights purposes.

**Lisa Watkins-Victorino** – So another thing to consider because I certainly understand where Trustee Carmen Hulu Lindsey is coming from and when we make decisions and we are never quite sure we are making decisions we are going to be this or we are going to be that. If we think about it in terms of us having this dual kind of structure. Then really what we are talking about here in terms of understanding for our strategic plan is really when we are making decisions is to maybe be a little more purposeful about where we are landing in the two divisions that you just talked about. Then communicating that with each other as we are making big decisions or as we are making decision about our Strategic Plan and about the implementation of that. That's one way, it is using it as more of a filter but it is a purposeful filter.

**Chair Colette Machado** – There is a lot of discussion at times that we are the 4<sup>th</sup> branch of Government. So describe on how that relates to the statement I just made. That OHA is the 4<sup>th</sup> branch of the State of Government at the State of Hawaii level.

**Everett Ohta** – I think that maybe speaks to the independence of this Board to make the determination on how those trust funds are spent and how to allocate resources towards Native Hawaiians. I think the courts have recognized the broad discretion provided for the Trustees decision making in that regard. I think that is probably it. We not, we are specifically independent of the Executive Branch under the Governor but we also have discretion, we are not subject to the same appropriations process, through the legislature and having to get certain funding approved beyond that provided under our budget from the State Legislature.

**Trustee Keli'i Akina** – I like the references that have been made to a dual identity, being both a State Agency and a

private Trust. I think in respect to being a private Trust we need to clarify what autonomy means. In terms of what we choose to spend on or what policies we set and how we have our own governance and so forth. I think we've had a lot of discussion on the Board of the need to clarify that autonomy and I think we need to affirm it. But at the same time, it is also good to affirm that we are a State Agency based upon what Judge Klein said, that gives a lot of power to OHA to do good for the Hawaiian people. As a State Agency, we have standing; we are the agents responsible to see that the State fulfills its obligations to the Native Hawaiian people. So we are unlike another Hawaiian endeavor or entity, we actually have that standing of being a State Agency so it's something that we should cherish and something that we should point out. IT has great power to it. We should take care not to jeopardize our ability to use the full force and power of being a State agency.

With that said we are not the Hawaiian Government, we are not the Hawaiian Kingdom, we are not the Ali'i who sit around the table here. We are the exclusive leaders of the Hawaiian people. There is a conference taking place shortly, Council of Native Hawaiian Advancement. The leadership of the Hawaiian people is multifold. There are many people involved in that. That's why I think it's very good for us to focus on specifically the narrow role that we have and one of those narrow roles is to be the State agency that holds the State accountable, and ensures that the State fulfills its duties to Hawaiians. I just wanted to bring that balance to that. I think it's a very good model to see us as both autonomous and yet a State Agency at the same time.

**Trustee Leina'ala Ahu Isa** – Chair and Justice you brought up a really confusing point. State agency versus being an agent of the State. You just said we are supposed to be in the stead of the State of Hawaii making decisions as a Trust. It says the lands given back, Hawaiian people, to the State and who created the Office of Hawaiian Affairs. The State give us the responsibility, the authority to stand in their stead to control or make decisions. We have a more powerful position than being a State Agency. We are not a State Agency we are representing; we are the State taking care of the Hawaiian people. Somehow, it got all mixed up in coming down from 30 years ago, 2018 minus 1988 that is 30 years ago. We have to challenge this in court, this is something, like what Cayetano did to bring Supreme Court in this just messed the whole thing even more.

**Robert G. Klein, Board Counsel** – I don't know if he had any choice, we got sued. The State got sued by Freddie Rice.

**Trustee Carmen Hulu Lindsey** – Cayetano defended us.

**Trustee Leina'ala Ahu Isa** – It's almost like Google or Facebook going before Congress or Congress telling them clean your house first. So why can't we do that here before it even went up to the Supreme Court. Say we are the Agency of the State; we are not a State Agency. Agent of the State doesn't mean we are a State Agency.

**Robert G. Klein, Board Counsel** – I think you guys are planning for something today and you want legal advice. I would say one more thing to Trustee Keli'i Akina's point about narrow focus. OHA was created and Everett thank you for pointing that out I almost forgot because we don't think about this much anymore. To actually be a Government in waiting until the time the Hawaiian people formed their own sovereign entity and to take care of the resources and assets that come to us as a State Agency including this concept of reparations. Whoever heard of reparations going to a State Agency? That is in there because the reparations they are talking about are for past harms done to the Hawaiian people and the Hawaiian Government. If that ever came about where reparations were granted by the US Government then they would come to OHA for administration and distribution. That is in recognition of harms that were done to the people through the overthrow and the loss of their government. The focus is not simply narrow it is broad and OHA was designed to be a Government in waiting which is sort of, what Trustee is saying. The 4<sup>th</sup> branch of Government, sort of waiting a long time but still under the laws still waiting for the creation of that sovereign entity. I'd say that is another aspect, not only are we talking about the fiduciary duties of the Trustees, you are called Trustees, you are elected to Trustees for a reason. Fiduciary obligations to manage the trust, but you are also according to the US Supreme Court a State agency therefor subject constitutional restrictions with respect to the 15<sup>th</sup> Amendment. So you can't change that unless you go back up to the Supreme Court.

**Lisa Watkins-Victorino** – So I think in terms of the process of the discussion. What I came back to when we started

was that really trying to flesh out some of the thoughts that we have about our identity and this is one of those things that is going to be a continual discussion. But where we are at now in terms now of being able to filter some of that and be more purposeful of that we have a couple other questions that have to do with the first presentation.

*Question: Are there any statutes, Chapter 10 or wherever that do not apply since it's been 30 years that OHA has been established and are there any amendments, administrative purposes to Chapter 10 that impede our ability to move forward as an agency?*

**Everett Ohta** – I think there are certain provision under Chapter 10 that are still in existence but not be as applicable as they once were but are still on the books. I think things relating to the Hui Imi Advisory Council, which I believe the Board looked at this past session but basically, that fulfilled the task that were established for it under State Law and hasn't really taken any action in the last several years. But it is still on the books. Other things that might come to mind, I am not familiar with some of the responsibility that OHA has been asked to do certain things relating to the Cultural Resource Commission on Maui and Hawaii island, I don't know how active those are. As to Administrative, other amendments that might be proposed to hamper our ability to move forward as an agency, I don't know of anything per se. If the Board has, any opinion on to that I think that would be up to the Trustees as seeing any provision in the State Law to be problematic or cumbersome to OHA.

**Lisa Watkins-Victorino** – We have another question.

*Question: Although statutory law recognizes that the Hawaiian Homes Commission Act is administered by the Hawaiian Homes Commission, does OHA have a distinct kuleana relating to Hawaiian Home Lands and its beneficiaries and specifically per HRS 10.5. Is OHA authorized to mandate to assess the policies and practices of DHHL or other agencies impacting Native Hawaiians and Hawaiians?*

I think this was the other agencies piece that was in one of the slides, do you have any thoughts on that?

**Everett Ohta** – I would just reference what is provided for under the statute, which does have OHA assessing the policies of other agencies impacting on Native Hawaiians. So that does provide a pretty broad range of OHA's purpose. I think there is those certain, there are other places within Chapter 10 and I don't have all those references off the top of my head. But there are certain instances where OHA is not actively involved in the administration of resources for Hawaiian Homes Commission Act, so that would be for a specific follow up. I don't want to make any kind of speculation without having that language in front of me.

**Trustee Carmen Hulu Lindsey** – I think regardless of what agency, whether it private, like Kamehameha Schools and Queen Lili'uokalani Trust, I think our responsibility as OHA and Trustees is that we advocate whatever is positive for our beneficiaries. And if it's negative we should be there also. So that's how I view our job anyway.

**Trustee Keli'i Akina** – The reason I ask about the Hawaiian Homes in particular is because Hawaiian Homes Commission is given the kuleana of administering the Hawaiian Homes Act and that is stated there in Chapter 10. I wanted to clarify that even though they are the ones to administer the Hawaiian Homes Act, OHA still has the kuleana of assessing and advocating for the beneficiaries even with reference to Hawaiian Homes, that is my understanding, is that correct.

**Trustee Carmen Hulu Lindsey** – Yes, that is correct.

**Everett Ohta** – I think that would fall within that primary purpose that I just read off.

**Trustee Keli'i Akina** – I think that supports our own strategic planning focus of housing.

**Chair Colette Machado** – But the key thing that we are not distinguishing is the blood quantum requirement for the DHHL beneficiaries. You have to have 50% plus that was the original intent with the admissions act to acknowledge that in article 5.f. So it's the blood quantum versus opening it up because the race was getting more spread out, we

were going to get those less than 50% available I think they predicted at some time where all the Hawaiians will be gone. They looked at how OHA could help facilitate with those with less than 50%. That blood quantum matter still continues to divide our lāhui if we want to look at the entire beneficiary as our lāhui.

**Trustee Keli'i Akina** – In fact Chair you are correct. That is why it is beneficial that the revised act refers to both Native Hawaiian with a small “n” and to Hawaiians when talking about the kuleana that OHA has in assessment and advocacy so we clearly would cover both categories regardless of blood quantum.

**Lisa Watkins-Victorino** – We have another questions which is actually specific to page 25 of Everett’s document that he provided.

*Question: Page 25 number 2, where it says issue revenue bonds under this chapter, that section. Why and leveraging?*

I think this is one of those places where as OHA has grown over 30 years maybe we are at a different place. But Everett if you want to.

**Trustee Leina‘ala Ahu Isa** – Have we ever utilized that ability to issue bonds?

**Everett Ohta** – I am not aware of an instance where we have used that.

**Trustee Leina‘ala Ahu Isa** – We have the power, the authority.

**Kamana‘opono Crabbe** – I believe we do, in the past we did go before the legislature for us to exercise that option. I think Jim may know more.

**Jim McMahon** – Going back to 1994, OHA has had the authority from the Legislature to issue revenue bonds as a means of financing. We’ve gone back to the Legislature 2 or 3 times to modernize that law and update it so if OHA ever wanted to use it we would be able to. Currently we can issue revenue bonds; we have to get legislative approval. That is the key provision there. We’ve tried to figure a way to get around that but the legislature didn’t go along with that. So yes, we have the authority to issue revenue bonds. The operational capacity to issue revenue bonds does not exist here. The State has been issuing revenue bonds for 30 or 40 years and they have expertise and attorneys in all directions and financial experts, OHA is nowhere near right now having the capacity to be an agency to issue revenue bonds. We could if we decided to go in that direction but it would be a major commitment of resources to develop that capacity.

**Trustee Leina‘ala Ahu Isa** – On that other question I had on how we should be changing our current model, I just want to use the word Business Model to include more IT because that is the future. If OHA is going to stay in this 30 year, we are not going to get anything. I understand about revenue bonds, because where I was there HPU came they wanted \$150 million in revenue bonds and they were granted. That is how they got Aloha Tower, they are expanding, they are going into Restaurant Row, getting 100,000 square feet. The new urban campus is going to change the whole face of downtown Honolulu. This is something that Office of Hawaiian Affairs has to do we have to do something dramatic like that to tell people we are here, we are Hawaiian and we want a seat at the table. One way the other ethnic people, they got their own bank. That is the only way this society will recognize the Hawaiians, you have your own bank. All they listen to now is money. You get the 20% ceded lands, whether it’s a Hawaiian Credit Union or Hawaiian Bank like the Korean, Chinese, Filipinos they all have their own bank. That is the only way you will get a seat at the table in this State. That is all I have to say, sorry I have to leave and go to another meeting.

**Chair Colette Machado** – Lisa how long you want to have the dialogue with open discussion. Did we miss anything from the presentation.

**Lisa Watkins-Victorino** – That was the last question. I think the more specific that Trustee Leina‘ala Ahu Isa is

bringing up was probably part of the discussion for focus areas when we get that to part of the phase of planning. So the next set of questions would be around the mission and vision. Let's move into that.

*Question: Regarding OHA's mission Statement, which reads in part enabling the building of a strong and healthy Hawaiian people, recognized nationally and internationally. Is it time to consider simplifying to building a strong and healthy Hawaiian people? This would leave nation building to those outside of OHA thus allowing OHA to unify Hawaiians around bread and butter issues such as housing, jobs, education, and health care. This would remove OHA from controversies over different versions of nationhood.*

**Mehana Hind** – That is the purview of this Board to be able to look at the language and look if it is still relevant at this particular time. The way that the mission is written right now, it kind of covers the key areas that Everett was talking about. Assuring that there is still focus on that and there is still a direction that continually points to that without being too broad that it doesn't offer direction. Yes, you want to get it more and more refined as you go down into the strategies and get down to the point eventually with our goals and objectives. This particular mission can be lomi into a direction that more suits the agency's way of articulating, again the two thing, who we are and what is that we value. What is expressed in that question might be more for the strategic directions but can be, should be described and elaborated on in the mission. If we are to articulate it in those two things in mind, who we are, what do we value then yes it's totally open to that.

**Lisa Watkins-Victorino** – That is why we are having this open discussion.

**Trustee Keli'i Akina** – It's no secret that I've had serious concerns about the Native Hawaiian Role and the process with the actually voter list. But on the other hand, I was very delighted to see the Nai Aupuni Aha take place. I was pleased at, an entity that was outside of OHA, we had representatives of Hawaiian Vision, kanaka maoli coming together to address self-determinism. That I think was a very positive thing. I am also very mindful that we have the CNHA Annual Convention coming up. It seem apparent there is a lot of vigor and life to advocating for different views of nationhood ranging from Federal Recognition through independence and other models as well. I am just thinking it would be wonderful for OHA to be able to step out of being seen as the focal point for this dialogue and OHA to be there as the platform providing for the people housing, jobs, education, health care, and bread and butter needs. So the people themselves can organize outside of OHA for different visions and advocate for different forms of nationhood. That is why I ask whether maybe we should trim down our mission statement. Most of what is in that mission statement is just dynamite. The reason I say that in a positive way it's wonderful. It's because most of what's in the mission statement unites all Hawaiians. If we can have a mission statement where all Hawaiians can be united regardless of, their specific view of nationhood or not nationhood, it would make OHA stronger and it would keep OHA out of the crosshairs of attack from people who have different visions.

**Mehana Hind** – Trustee Keli'i Akina just to, you are referring to that line, "building of a strong and healthy Hawaiian people and nation" is that the part?

**Trustee Keli'i Akina** – Yes, that is right. Building of a strong and healthy Hawaiian people is something that unifies. But when we talk about nation with national recognition and so forth, it is a specific vision which could be a worthwhile vision but pegging OHA to a vision or any vision of nationhood could just make OHA more controversial then we need to be. Because the real discussions about nationhood are taking place. As I mentioned the Aha or CNHA or other bodies that have formed.

**Mehana Hind** – I think where this ties into some of the historical context of the Office of Hawaiian Affairs from 1978 and you'll see it in some of the collateral material in here. There was these key point in OHA history from the beginning and throughout where the language self-determination is clear and repeated over and over. So not what it is to become, what the decision will be or even that OHA is the decision maker in that but to recognize that, that's a value that's been held from its inception to the future. I think this might be a strategy issue a strategic priority issue where how is it that then OHA supports that original, conceiving of the ideas of self-determination. It doesn't have to take a particular path it could take another path. It could be the support of those ongoing efforts that happen within the community. I think just a little background; it's not to guide what the determination of this board is relative to

that statement. But that's where definitely it comes from; it comes from this ongoing commitment to, as an organization or as an agency to recognize the native Hawaiian people's rights to self-determination and accessing that. It doesn't actually say, in the history it doesn't actually say how that is going to happen or where that is going to happen and it's taken many forms since 1978. There is a robust history of self-determination efforts that continue from there. Which OHA played a part in from that time until now it's looked very differently which led up to the more recent and the continual language. I don't know if you wanted to take that out or deal with how OHA does that.

**Trustee Carmen Hulu Lindsey** – No, I think we should leave it in. I don't think we should touch it. Actually, I have to give credit for trying to accommodate that last statement. I remember the group discussion Pouhana pulled together, how many of them we had. Then we had Kana'iolowalu. We have tried, that is the whole thing that people need to recognize. We've tried, we've tried different things to help our lāhui along to be able to unite and get to that point where we can possibly have a nation. It's not like we haven't tried, you got to try, it doesn't work, well you try something else. That is what we have been doing. We haven't really made our decision the lāhui decision. Even Na'i Aupuni was its own decision. Some of us agreed, some of us didn't agree. But the fact is we tried and I think we need to stand by our people when they need us. That mission statement is there. That is the way I feel anyway. I don't want to make the decision for them but I think we need to be there because that is what our purpose here as Trustees are.

*11:05 am Trustee Leina'ala Ahu Isa leaves the meeting.*

**Mehana Hind** – One of the things that might happen if that language is not in there for instance, what Everett had said earlier about one of our functions is one reparations, those kinds of functions that have been idle all this time. They were conceived of in its origination and it's still there within the law, it's still spelled out as OHA possibly being a space. Still relevant and more strategy on how it is we help our lāhui or let's stay out of their way but still acknowledge that in OHA's inception there was this idea to carry forth.

**Trustee John Waihe'e IV** – I just want to clarify because I was there when we developed the mission and I can see why people might get confused. OHA has taken positions on Federal Recognition and that sort of thing. But when we are talking about building a nation or any reference to nation and I think when you translate it into English it gets more confusing. We weren't talking about a nation necessarily as a political government per se; we are talking about nation as more of a stable community of people formed on a common language, territory and ethnicity. Just to clarify the nation reference.

**Mehana Hind** – I was thinking the same as you Trustee John Waihe'e IV. If we just say this in Hawaiian and use Lāhui and use these terminologies then it becomes clearer in this circumstance.

**Trustee Keli'i Akina** – I just want to affirm a couple of things. I want to affirm what Trustee John Waihe'e IV said. That we are not talking about a specific vision of a political nation. That is left open ended. I think it was very elegantly said I quote you on this. I also affirm what Mehana has said that we can retain this within the mission and there by validate our history and our support of self-determinism. On the strategic level, at that level we can make sure that OHA is not driving a specific political vision. As long as we keep our guard up, I think this is fine.

**Kamana'opono Crabbe** - Going back to what Lisa is sharing. The value of this discussion helps to drive eventually where we will land, where we will compile the data the information from this discussion and the community to eventually get to a point that there be either priorities or themes that will help to be proposed for the next strategic plan. Eventually you will have the final decision regarding that. As far as the strategic direction, it really is more clarification of what Mehana is sharing, who we are and what we want to become. The references to any political ideology or model perhaps is more consist with what Trustee Waihee is saying like lāhui, 'ōlelo Hawaii which is really about a race of people who have common language, common culture but as far as the actual kuleana or responsibility of the organization. It gets back consistently to what Miles was sharing is that we facilitate, we help to convene and then we help to fund. Not necessarily take on the responsibility of leading any future initiative. That helps to narrow the kuleana of the organization. It helps to guide in terms of what possibly propose back to you in

terms of strategic direction.

**Trustee Keli'i Akina** – Thank you I would agree with you Ka Pouhana.

**Lisa Watkins-Victorino** – Just two other comments I just want to make sure that everyone's voice is heard.

*Comment: 30 years ago, OHA was formed for OHA needs a current model which include IT going forward.*

*Comment: On page 27 which is the slide that Mehana has up. Building a strong and healthy Hawaiian people, emphasis on health. Health of Hawaiians is a big issue.*

Those are just comments that were made in reference to the mission and vision.

**Chair Colette Machado** – What is the next step after this?

**Mehana Hind** – In this particular area we are contemplating to ask this now but if you guys want to not necessarily decision make because that is not on the agenda. But to reaffirm that this is ok for now, that the vision and mission are ok for now and then we can move on to other areas. If not that is fine too, we can still work collectively with all you guys to lomi the vision and mission.

**Chair Colette Machado** – I think the take away for me today is to say that we are the Government in waiting. This is the belief of our lāhui. Internally and externally, we've failed at the Federal level for whatever purpose. Another sabotage came with Rice v. Cayetano that took away the Hawaiian only vote. So we've learned from that process. Certain things were struck down but we cannot give up that vision because we are expressing full independence. Whether we agree as a State agency, we have some limitations and some restrictions as a State Agency. But we must go forward to preserve, during the early years we put a lot of commitment to protecting and preserving the Federal Legislation so those entitlements would not be removed for our people that were eligible to apply for Federal funding. Some people felt that we should not become tribes, those were issues that were vetted at the Interior hearings, etc. and we divided in that. Yet the arguments and issues were kept alive. That aspect is critical. I can see already Auntie Frenchy turning in her grave if we don't advocate strongly. Because that is what happened with the Constitution Convention in 1978. We may be faced with more challenges if it becomes the need of the voters want another constitutional convention. I disagree with Trustee Keli'i Akina from day one. I serve Native Hawaiians I do not serve the State of Hawaii for all the people of Hawaii. I don't agree with that statement.

We want to be able to carve that out, to make sure that we are protected under the statutory statutes as well the constitutional proviso. We have found through our advocacy and I get it all the time from Jocelyn and also from our Board Counsel. How much we have been protected under the State Laws to acknowledge Native Hawaiian practitioners, to provide that in the decision with Flores, to acknowledge as a practitioner we have separate responsibilities and we are granted certain privileges. What a wonderful statement. We never have nothing to stand on when we began. So those little things are kind of being added to the case laws. It has been the thinking of the Hawaii Supreme Court to make sure that cultural practitioners are included. Kalekoa stood up for language in the courts, what did he gain from that. They came forward they said they were wrong and his bench warrant was released. Those are little things that we have out there that our people are fighting for to ensure that our Government and that these principles are protected. That is important to protect. If you can strengthen that in my notes I say go for it.

We are a government in waiting, we are entitled to reparations and we should exercise whatever we can do receive all of the entitlements. It will only benefit the people of Hawaii down the road. I sit around this table and when we have small victories, it might be small, we don't get any return, but yet it acknowledges that this is our homeland. We were here before all that came now that makes up the Hawaii that is known today. But we are protecting their entitlements and their rights. Au mau a mau was Auntie Frenchy DeSoto's favorite line. For au mau a mau, that means forever. That is what we are looking for stuff that will be available down the road, au mau a mau, forever. You don't want me to fight with you, it might be best for you to say nothing Trustee.



**Trustee Keli'i Akina** – I am going to give you good news. I want to go on record in agreement with you. I have always agreed and believed that the fiduciary duty of the Trustee is to see that the resources go to the Hawaiian people and I have never advocated that the resources of OHA should go to others. But I believe that as the Hawaiians flourish all people flourish. We are on the same side Madame Chair. Thank you.

**Chair Colette Machado** – I guess you can work that out with Carol and we can notify the Trustees when the next round will occur of our discussion for reviewing. Do you see if coming after the elections?

**Lisa Watkins-Victorino** – This is the first phase, before we move to the next phase. What I heard today I just want to clarify before we leave the table. Based on what I've heard there doesn't seem to be any real changes or desire to change the mission and vision and roles. We might need some clarification on our mission and vision and that might come through the Strategies about nation building, self-determination, and those concepts. But the wording currently on the mission and vision is ok and we can move forward. I just want to make sure that I paraphrased that.

**Trustee Carmen Hulu Lindsey** – I think what we didn't touch on today and probably the Trustees may want an input on is the order of priorities of our strategies.

**Lisa Watkins-Victorino** – That will actually be in the next phases. So this was just to lay out foundation and make sure that this is our guidepost and making sure that we understand on what we are obligated to do, what we need to do, what we value and how we are going to make sure that all of that is aligned moving forward.

**Trustee Keli'i Akina** – I just had a suggestion. I was impressed by some of the comments that were made by Ka Pouhana and others about the value of the word lāhui. Maybe the group can bounce around whether we replace nation with lāhui in the actual mission statement. I will just throw that out as a brainstorming question.

**Chair Colette Machado** – Before we move on community concerns, did you want to comment?

**Kamana'opono Crabbe** – One of the take away for me is Trustee John Waihe'e IV's mana'o about at the time, I don't know when it was, that particular sharing regarding capturing the mana'o or the thought and the discussion and emotions by the Trustees at that time helps to bring greater clarity of the vision Ho'oulu Lāhui Hawaii and really get around more toward a deeper understanding of Hawaiian people and serving our Hawaiian Community with that. I think that is very rich in helping as we move forward to provide to the greater dialogue of what we will come up regarding those particular issues of lāhui, nation hood. I think it's been important, like Mehana shared, who we are now, what we value, but what future directions we want to become or want to head towards. And I think as Lisa has shared there has been greater input and clarification in terms of what we are interpreting our kuleana to be. I think foundationally through law and the constitution OHA is the designated entity for a governing entity or for reparations. So that is solid. Beyond that whether or not we take lead in a nation building effort or initiative or how we help the community to work towards greater consensus of self-determination through facilitating, bringing other groups together as well we funding it maybe helps better understand what our niche, what can we do and what we do not want to do in supporting our community moving forward.

**Chair Colette Machado** – My last comment if Kama is in the room, is to acknowledge the 'ōlelo Hawaii. Because in our agenda's we try to do Hawaiian and English. We don't have anyone that we rely on to do the Hawaiian and English. Perhaps the mission could be included with 'ōlelo Hawaii.

**Kamana'opono Crabbe** – Both maybe the vision and the mission.

**Chair Colette Machado** – This was tremendous work done by staff. We will move on to Community Concerns.

## **VI. EXECUTIVE SESSION – Deferred**

*Chair Colette Machado announced at the beginning of the meeting that the executive session items would be deferred.*

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. Pursuant to HRS § 92-5(a)(4).
- B. Approval of Minutes
  - 1. July 26, 2018

## **VII. COMMUNITY CONCERNS**

**Chair Colette Machado** – We do have one person signed up for community concerns. Keoki Fukumitsu to the table please.

**Mr. Keoki Fukumitsu** – Good morning. I came here on a request from the Molokai Kuleana landowners on an audit on the City on taxing our kuleana lands.

**Chair Colette Machado** – Are you talking about Hanapi?

**Mr. Fukumitsu** – Hanapi, yes. But in general, it's talking about myself as well. We are being taxed a heck out of our homes, our lands, our jobs, the high cost of living, you know. It is at a value of \$10 million per home. I been on kuleana lands, my family and myself, fighting 130 years of kuleana rights. The moment I walked in and saw what was on the PowerPoint I totally agree because the circle is huge on the direction and the course OHA should be following. The circle up here was huge and I was impressed. The order was just follow the directions over here what we should be doing. Job security is huge; personally, I am fighting to try to get acquisition back on my own family lands. Just through my never quit, never give up; I ended up going in a full circle. I prayed about it and I have been involved with a lot of kupuna. I have been in the movement Kahoolawe and all the sovereign stuff. But if you broke, you aren't going to go too far.

Here I look at our kids. I probably had about 20,000 kids on my farm. I've help coordinate Kanawai up in up in Hawaiian studies 1978, Kahoolawe, I did a whole bunch of taro projects all over, very successful. I know we got education pretty primary here we got economics at the top. So if you look at Governor Abercrombie's statement in congress. You know what he said right, it's not about the tradition, about the constitution, it's about the asset, equity. We got 1.8 million acres of so called native claim lands; we got 240,000 of Hawaiian Home Lands. Here we have all these curriculum going on, I see everybody's projects jamming away. I believe when we go into the field we need reconnaissance team that seriously goes in and looks, for example Oahu's economic development, the future of Oahu in general, of course when you talk about Molokai you talk about the Tri Isle. Maui, Molokai and Lanai it's not just about Molokai right. But all this stuff, I have 12 grandchildren we've been planting taro for 150 years. I still planting taro as a grandpa at 65 so how I going save them. The difference between me and everyone else is I get poi in my bowl and I get fish right on my doorstep.

I been part of the taro security task force. We made a lot of recommendation to the Hawaii Revised Statutes. This is nothing new we don't have to reinvent the wheel. It is the revised statutes of the Kingdom, under the King established 7 executive positions. Leg, Judiciary, he brought in the Judge to maintain all of this. How do you quite title the land back from Kamehameha the I and II and so forth? In Waiahole that is how Ariyoshi purchased the land, it was for conservation, preservation in perpetuity and to promote the diversified Ag. We have land water and ocean. Kaneohe by is the largest lagoon in the whole pacific and I am going to use my back yard. I am not going to try save everybody; I have to save myself first. We have 9 ahupua'a going to an estuary and our aquifer. Serious things how do we create jobs through our curriculum to establish our own economic development. I see a lot of education stuff but what was on the board was really clear. Here I am speaking on behalf of saving our children. I have had 20,000 children from K to 12 visit my area. I did all the courses SBA on small business ownership. I have

my nonprofit, I have my for profit I got a contract through Kamana‘o admin. I ended going out there I went through 19 judges, 15 years in enormous trauma. The district court the Supreme Court I had Legislature protect me from the Attorney General on my request to exempt land tax, income tax and general excise tax. Laura Thielen sided with me she told the Attorney General no, what Keoki is saying is true. Our kids need grounds to get on their two feet so at least they get one home in the further and they can look at security. Because the assessment and the appraisal that’s just getting carried away. No matter how much money you make you need to be a millionaire to even start to get a job. Here we have land, water, ocean we have all these things on the table.

There was a direction over there clear. I don’t think we need to be too picky. I hear all the groups we are sovereign, we have to protect the Hawaiian Kingdom and this and that. But really what it boils down to is, where is the general funds going to and how is the general funds appropriated and directed and managed. What is the priority? So when reconnaissance team go out there I want to hear a report back. I got all kinds of contract with OHA. And there is the pros and cons. I just want to stay on the positive part on it. I had to end up standing on my own two feet, go back to DLNR, Land Legacy, go back to the City clean all the act. I had to bug the Mayor and Governor and go out of my way planting the taro coming all the way out of the land to get a million dollars to buy my grandma’s land back. My grandma’s last will, testament, and family trust. What more you need I thought there is supposed to be a trust to protect all our ‘āina.

I believe we cannot get to picky. The writing on the wall, the last two gentlemen were fabulous. So it doesn’t matter in the general way it is job security and food security and to protect our land, water and ocean. The County Planning commission refers back to Board of Water supply for development. They already know we cannot develop. I am going to stop there. There bottom line is that we are being over taxed and it is nailing us. I got 12 grandchildren. I am fighting tooth and nail. Right Colette, we’ve been together a long time. I want to be on the good side with everybody and you got my number, my email we should have a weekly correspondence. We are getting old, the next generation is confused we need good leadership. So the preservation in the ahupua‘a was established. When I dealt with the Mayor and my approach to protect Waikane Valley a 500 acre project there, all this stuff is designated by the people. The City and State never come there as a handout or some good deed. The people demanded it. Now we have it, and we have to maintain it and move on and try to use our natural resources, resources management two birds with one stone. You know one fish in the bowl and two fish back in the ocean kind of stuff. Thank you very much.

**Chair Colette Machado** – Mahalo Keoki, maybe Kamana‘o you can assign someone to talk with him after the meeting.

**Kamana‘opono Crabbe** – We have been trying to assist Keoki both legally but also bureaucratically. Some of his issues have pertained to the State as well as with the County. Trying our best to help what we can for him to retrieve ownership as much as possible his kupuna or ancestral lands in Hakipu‘u.

**Chair Colette Machado** – Any other testifiers, hearing none we will move on.

## **VIII. ANNOUNCEMENTS**

None

## **IX. ADJOURNMENT**

**Chair Colette Machado** – Having no further business I would like to entertain a motion to adjourn.

**Trustee Carmen Hulu Lindsey moves to adjourn.**

**Trustee John Waihe‘e IV seconds the motion.**

**Chair Colette Machado** – It has been moved and seconded. Roll call vote please.


Trustee Carmen Hulu Lindsey moves to adjourn. Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5			4
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with five (5) yes votes and four (4) excused.						

The meeting was adjourned at 11:37 am.

Respectfully submitted,

  
Dayna Pa, Board Secretary

As approved by the Board of Trustees on October 25, 2018.

  
Colette Y. Machado, Chairperson  
Board of Trustees

Attachments:

1. Excuse memo from Trustee Dan Ahuna
2. Excuse memo from Trustee Rowena Akana
3. Excuse memo from Trustee Peter Apo
4. PowerPoint Presentation Lisa Watkins-Victorino: Strategic Planning Phase 1: OHA's Identity September 27, 2018
5. PowerPoint Presentation Everett: OHA Statutory References, in support of OHA Strategic Plan 2020+
6. PowerPoint Presentation Mehana Hind: Mission Statement, Vision Statement, Strategy, Goals & Objectives
7. PowerPoint Presentation Miles: Roles of the Office of Hawaiian Affairs, September 27, 2018



OFFICE OF  
HAWAIIAN AFFAIRS  
STATE OF HAWAII  
RECEIVED-BOT

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Office of Trustee Dan Ahuna  
OFFICE OF HAWAIIAN AFFAIRS  
Interoffice Memorandum

2018 SEP 25 P 12:25

Date: September 25, 2018

To: Trustee Colette Y. Machado, Chair ✓  
Board of Trustees

From: Trustee Dan Ahuna

A handwritten signature in black ink, appearing to read "Dan Ahuna", is written over the "From:" line.

Subject: **BOT Meeting Absence**

---

I am unable to attend the BOT meeting scheduled for September 27, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.



---

**OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM**

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

---

To: Chairperson Colette Y. Machado

From: Trustee Rowena Akana

Date: September 24, 2018

Re: Excused Absence

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Please be advised that I am unable to attend the Board of Trustees meeting on September 27, 2018 at 9:30 A.M. due to travel on official OHA business.

Mahalo!



INTEROFFICE MEMORANDUM

**TO:** Trustee Colette Machado, BOT Chair  
Trustee Dan Ahuna, BOT Vice-Chair

**FROM:** Trustee Peter Apo

**DATE:** September 25, 2018

**RE:** BOT Meeting Absence on September 27, 2018

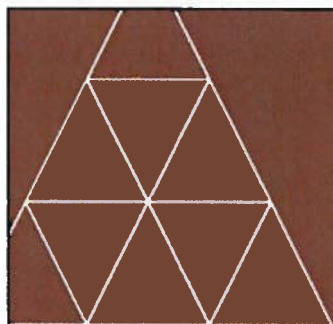
---

I am unable to attend the BOT Meeting on Thursday, September 27, 2018 at 10 a.m. Please excuse my absence and extend my apologies to the members of the Board.

If you have any questions, please call my office at 594-1879.

Mahalo.

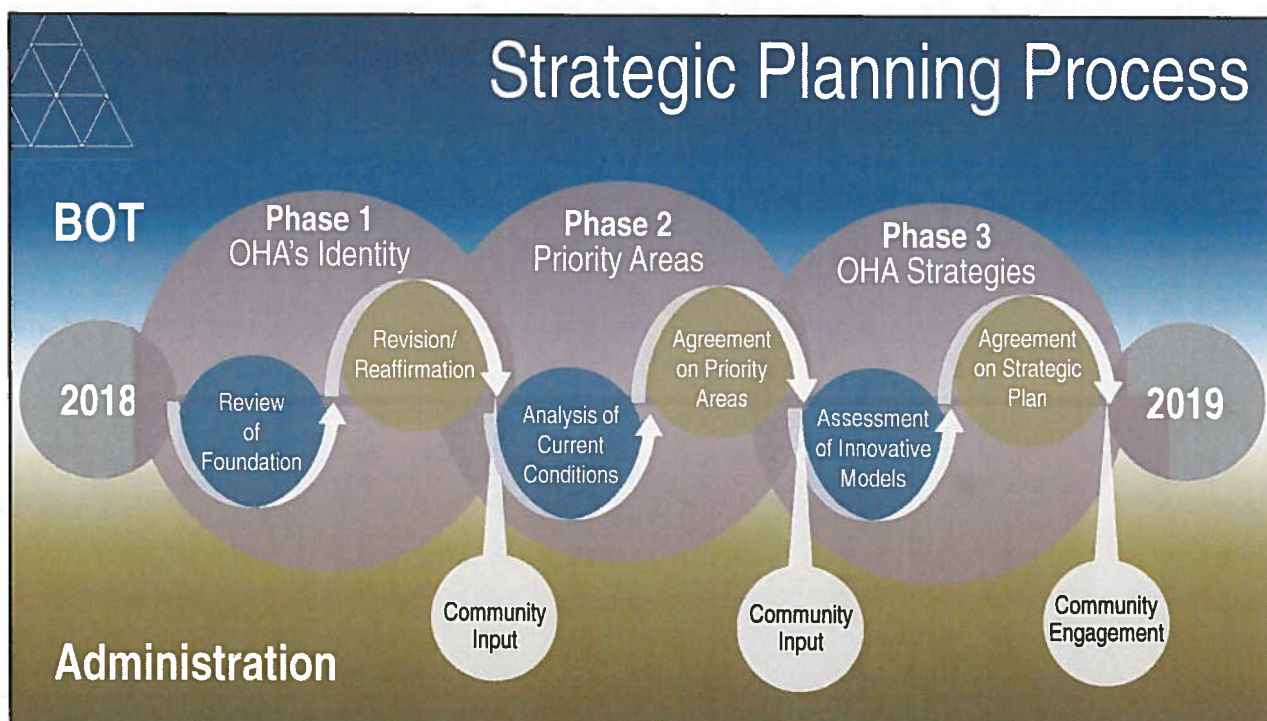
A handwritten signature in dark ink, appearing to read "Peter Apo", is written over a horizontal line.



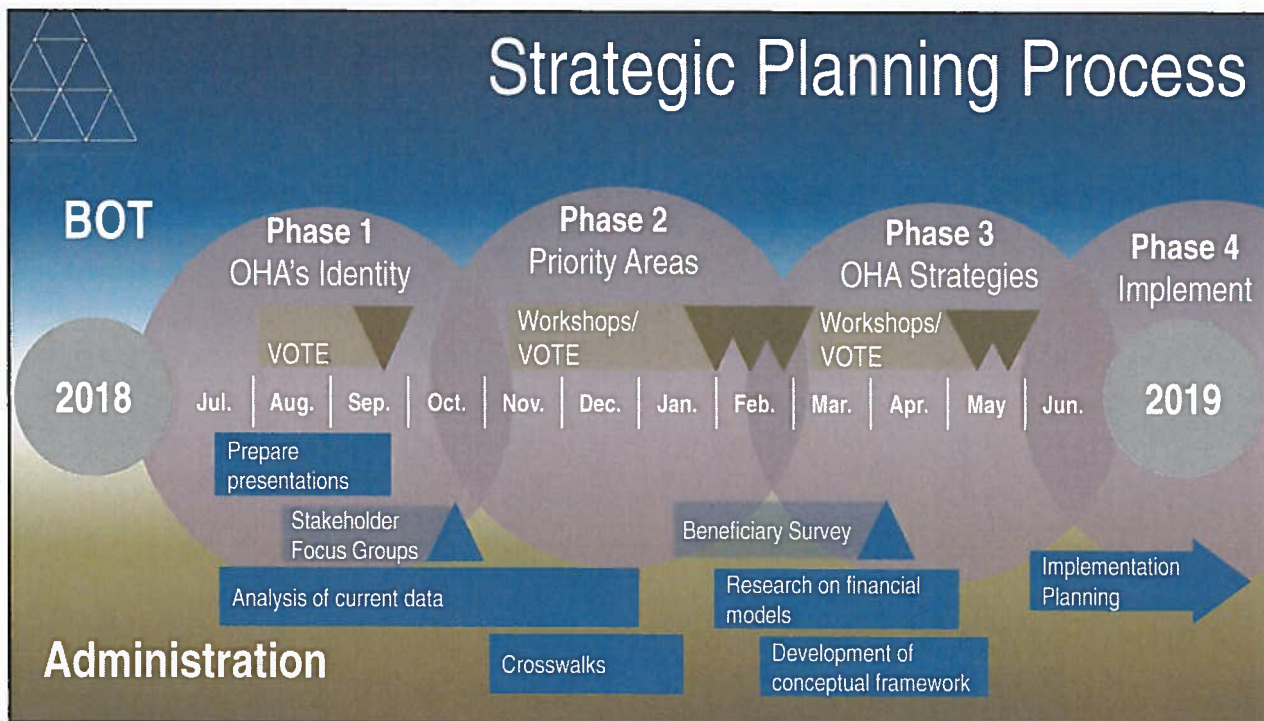
# Strategic Planning

## Phase 1: OHA's Identity

September 27, 2018







This slide focuses on the first phase of the strategic planning process, 'OHA's Identity'. It lists four key components: OHA Statuary Reference Presentation, Mission and Vision Presentation, Roles of the Office of Hawaiian Affairs Presentation, and a Discussion. The slide features a geometric triangle graphic in the top left corner.

## Strategic Planning Phase 1: OHA's Identity

- OHA Statuary Reference Presentation
- Mission and Vision Presentation
- Roles of the Office of Hawaiian Affairs Presentation
- Discussion

# OHA Statutory References

in support of OHA Strategic Plan 2020+

Everett Ohta, Esq.  
OHA Corporation Counsel

## Presentation overview

- I. Constitutional and statutory basis for OHA
- II. OHA statutory requirements
- III. OHA powers

## I. OHA constitutional basis

- OHA established under Hawai'i Constitution art. XII, sec. 5.
  - Led by OHA Board of Trustees
  - Exercise powers enumerated in Haw. Const. art. XII, sec. 6.
- Owing to the trust obligation to native Hawaiians in the state constitution, OHA was established to address the needs of the aboriginal class of people of Hawai'i (HI Rev. Stat. ch.10)

## I. OHA statute – HRS ch. 10

- OHA's broad mandates are set forth under state law (HRS ch. 10)
- Purposes of OHA:
  - The betterment of conditions of native Hawaiians and Hawaiians;
  - Serving as the principal public agency for the performance, development, and coordination of programs and activities relating to Native Hawaiians;
  - Assessing the policies and practices of other agencies impacting on Native Hawaiians and conducting advocacy efforts;
  - Applying for, receiving, and disbursing, grants and donations for NH programs and services;
  - Serving as a receptacle for reparations.

## I. OHA statute – HRS ch. 10

- OHA requirements
- OHA powers

Other federal, state, and county laws also apply

## II. OHA statutory requirements and references

- |                                   |                  |                        |
|-----------------------------------|------------------|------------------------|
| • 20 USC 7514(b)                  | • HRS 10-6(a)(5) | • HRS 200D-2           |
| • 42 USC 2991b-1                  | • HRS 10-6(a)(6) | • HRS 210D-5           |
| • Hawai'i Const. art. XII, sec. 5 | • HRS 10-6(a)(7) | • HRS 225P-3           |
| • HRS 4E-1                        | • HRS 10-6(a)(8) | • HRS 304A-1903        |
| • HRS 6E-3                        | • HRS 10-6(a)(9) | • HRS 304A-1904        |
| • HRS 6E-17                       | • HRS 10-13      | • HRS 346-382          |
| • HRS 6E-43                       | • HRS 10-13.5    | • HRS 353F-4           |
| • HRS 6E-43.5                     | • HRS 10-14.5    | • HRS 560:2-105.5      |
| • HRS 6E-43.6                     | • HRS 10-14.5(c) | • HRS 669-2            |
| • HRS 6K-5                        | • HRS 10-14.55   | • Act 178 (SLH 2006)   |
| • HRS 10-3(4)                     | • HRS 10-14.6    | • Act 104 (SLH 2017)   |
| • HRS 10-3(5)                     | • HRS 10-15      | • Act 185 (SLH 2017)   |
| • HRS 10-3(6)                     | • HRS 10-17      | • HCC 2-226(b)         |
| • HRS 10-4.5                      | • HRS 10-19      | • HCC 19-89.5          |
| • HRS 10-6(a)(1)(A), (B)          | • HRS 10-42      | • KCC 5A-11.29         |
| • HRS 10-6(a)(1)                  | • HRS 23-12      | • MCC 2.88.030         |
| • HRS 10-6(a)(2)                  | • HRS 90-5       | • MCC 3.48.554         |
| • HRS 10-6(a)(3)                  | • HRS 171-50     | • MCC 19.510.010(D)(9) |
| • HRS 10-6(a)(4)                  | • HRS 171-64.7   | • ROH 8-10.32          |

## II. OHA statutory requirements and references

### Other sources of obligations for OHA:

- Responsibilities assumed by agreement or administrative process
  - Examples: HLID program, Papahānaumokuākea co-trustee
- Responsibilities as a government agency
  - Examples: procurement code, Sunshine law, ethics code
- Engagement as the principle public agency responsible for Native Hawaiian programs and advocacy
  - Examples: cultural site preservation, health consortium, water rights
- Fiduciary duties of Trustees and OHA
  - Examples: duty of care, duty of loyalty

## II. OHA statutory requirements and references

- |                                   |                  |                        |
|-----------------------------------|------------------|------------------------|
| • 20 USC 7514(b)                  | • HRS 10-6(a)(5) | • HRS 200D-2           |
| • 42 USC 2991b-1                  | • HRS 10-6(a)(6) | • HRS 210D-5           |
| • Hawai'i Const. art. XII, sec. 5 | • HRS 10-6(a)(7) | • HRS 225P-3           |
| • HRS 4E-1                        | • HRS 10-6(a)(8) | • HRS 304A-1903        |
| • HRS 6E-3                        | • HRS 10-6(a)(9) | • HRS 304A-1904        |
| • HRS 6E-17                       | • HRS 10-13      | • HRS 346-382          |
| • HRS 6E-43                       | • HRS 10-13.5    | • HRS 353F-4           |
| • HRS 6E-43.5                     | • HRS 10-14.5    | • HRS 560:2-105.5      |
| • HRS 6E-43.6                     | • HRS 10-14.5(c) | • HRS 669-2            |
| • HRS 6K-5                        | • HRS 10-14.55   | • Act 178 (SLH 2006)   |
| • HRS 10-3(4)                     | • HRS 10-14.6    | • Act 104 (SLH 2017)   |
| • HRS 10-3(5)                     | • HRS 10-15      | • Act 185 (SLH 2017)   |
| • HRS 10-3(6)                     | • HRS 10-17      | • HCC 2-226(b)         |
| • HRS 10-4.5                      | • HRS 10-19      | • HCC 19-89.5          |
| • HRS 10-6(a)(1)(A), (B)          | • HRS 10-42      | • KCC 5A-11.29         |
| • HRS 10-6(a)(1)                  | • HRS 23-12      | • MCC 2.88.030         |
| • HRS 10-6(a)(2)                  | • HRS 90-5       | • MCC 3.48.554         |
| • HRS 10-6(a)(3)                  | • HRS 171-50     | • MCC 19.510.010(D)(9) |
| • HRS 10-6(a)(4)                  | • HRS 171-64.7   | • ROH 8-10.32          |

### OHA – Advocacy (Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs)

- HRS 10-3(4)
- HRS 10-6(a)(2)
- HRS 10-15
- HRS 10-42
- HRS 6E-3
- HRS 6E-17
- HRS 6E-43
- HRS 6E-43.5
- HRS 6E-43.6
- HRS 171-50
- HRS 171-64.7
- HRS 304A-1903
- HRS 304A-1904
- HCC 2-226(b)
- MCC 2.88.030
- MCC 19.510.010(D)(9)

## II. OHA statutory requirements and references

OHA – Advocacy (*Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs*)

- Assist with planning for state/county plans for Native Hawaiian programs and services (HRS 10-6(a)(2))
- Prepare and submit special reports as required by Legislature (HRS 10-15)
- Administer Native Hawaiian law training course (HRS 10-42)
- Submit nominee lists to Governor for island burial councils (HRS 6E-43.5)
- Submit nominee lists to Maui and Hawai'i mayors for respective Cultural Resources Commissions, when requested (HCC 2-226(b), MCC 19.510.010(D)(9))

## II. OHA statutory requirements and references

OHA – Advocacy (*Public Policy, Compliance Enforcement, Washington D.C. Bureau, Papahānaumokuākea programs*)

Consulting agency on Native Hawaiian issues and conducting advocacy for Native Hawaiians (HRS 10-3(4)). *Excludes OHA representation on boards and commissions and laws requiring consultation Native Hawaiian organizations, including OHA.*

- Consult on proposed public land sales and exchanges (HRS 171-50; 171-64.7)
- Consult on Maunakea rulemaking related to traditional and customary rights and administrative fines (HRS 304A-1903; 304A-1904)
- Consult on rulemaking on burial site relocation, rulemaking on burial council appointment, cultural site confidentiality, and upon the inadvertant discovery of burial sites. (HRS 6E-17; 6E-43; 6E-43.5; 6E-43.6)
- Consult on access permits to cultural site, via Native Hawaiian Historic Preservation Council (HRS 6E-3(17))
- Consult on planning applications and preservation plans in the County of Maui (MCC 2.88.030)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- 42 USC 2991b-1
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(5)
- HRS 10-3(6)
- HRS 10-4.5
- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(1)
- HRS 10-6(a)(3)
- HRS 10-6(a)(4)
- HRS 10-6(a)(5)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(8)
- HRS 10-6(a)(9)
- HRS 10-13
- HRS 10-13.5
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 10-19
- HRS 23-12
- HRS 90-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

### OHA – Community Engagement

*(Community Outreach, Digital and Print Media, Hawaiian Registry programs)*

- HRS 10-6(a)(3)
- HRS 10-19

## II. OHA statutory requirements and references

OHA – Community Engagement *(Community Outreach, Digital and Print Media, Hawaiian Registry programs)*

- Maintain an inventory of federal, state, county, and private Native Hawaiian programs and services for referral (HRS 10-6(a)(3))
- Establish a registry of all Native Hawaiians (HRS 10-19)

## II. OHA statutory requirements and references

- |                                   |                  |                      |
|-----------------------------------|------------------|----------------------|
| • 20 USC 7514(b)                  | • HRS 10-6(a)(5) | • HRS 200D-2         |
| • 42 USC 2991b-1                  | • HRS 10-6(a)(6) | • HRS 210D-5         |
| • Hawai'i Const. art. XII, sec. 5 | • HRS 10-6(a)(7) | • HRS 225P-3         |
| • HRS 4E-1                        | • HRS 10-6(a)(8) |                      |
|                                   | • HRS 10-6(a)(9) |                      |
|                                   | • HRS 10-13      | • HRS 346-382        |
|                                   | • HRS 10-13.5    | • HRS 353F-4         |
|                                   | • HRS 10-14.5    | • HRS 560:2-105.5    |
|                                   | • HRS 10-14.5(c) | • HRS 669-2          |
| • HRS 6K-5                        | • HRS 10-14.55   | • Act 178 (SLH 2006) |
|                                   | • HRS 10-14.6    | • Act 104 (SLH 2017) |
|                                   |                  | • Act 185 (SLH 2017) |
| • HRS 10-3(5)                     | • HRS 10-17      |                      |
| • HRS 10-3(6)                     |                  | • HCC 19-89.5        |
| • HRS 10-4.5                      |                  | • KCC 5A-11.29       |
| • HRS 10-6(a)(1)(A), (B)          | • HRS 23-12      |                      |
| • HRS 10-6(a)(1)                  | • HRS 90-5       | • MCC 3.48.554       |
|                                   |                  | • ROH 8-10.32        |
| • HRS 10-6(a)(4)                  |                  |                      |

### OHA – Research *(Program Improvement; Land, Culture and History; Special Projects; Demography programs)*

- HRS 10-6(a)(1)(A), (B)
- HRS 10-6(a)(5)
- HCC 19-89.5
- KCC 5A-11.29
- MCC 3.48.554
- ROH 8-10.32

## II. OHA statutory requirements and references

### OHA – Research *(Program Improvement; Land, Culture and History; Special Projects; Demography programs)*

- Conduct and support research related to Native Hawaiians (HRS 10-6(a)(5))
- Compile demographic data and identify the physical, sociological, psychological, and economic needs of Native Hawaiians (HRS 10-6(a)(1)(A), (B))
- Provide kuleana land tax ancestry verification (HCC 19-89.5; KCC 5A-11.29; MCC 3.48.554; ROH 8-10.32)



## II. OHA statutory requirements and references

- 20 USC 7514(b)
- 42 USC 2991b-1
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(5)
- HRS 10-3(6)
- HRS 10-4.5
- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(8)
- HRS 10-6(a)(9)
- HRS 10-13
- HRS 10-13.5
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 23-12
- HRS 90-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

### OHA – Resource Management –

Financial Assets (*Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs*)

- 42 USC 2991b-1
- HRS 10-3(5)
- HRS 10-4.5
- HRS 10-6(a)(8)
- HRS 10-13
- HRS 10-14.5
- HRS 10-14.5(c)
- HRS 10-14.55
- HRS 10-14.6
- HRS 10-17
- HRS 23-12

## II. OHA statutory requirements and references

OHA – Resource Management –Financial Assets (*Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs*)

- Make disbursements via OHA instruments and make deposits (HRS 10-4.5)
- Administer federal funds allotted by federal act for Native Hawaiians; deposit such funds in depositories and report such funds to the state comptroller (HRS 10-6(a)(8); 10-13)
- Establish a revolving loan funds for underserved Native Hawaiian organizations and individuals (42 USC 2991b-1)

## II. OHA statutory requirements and references

OHA – Resource Management –Financial Assets (*Administrative Services, Procurement, Information Systems, Investment Transaction, Transitional Assistance programs*) - continued

- Prepare a budget, program/financial plans, and variance reports and submit to legislature. Budget must be provided to beneficiaries for input, along with an accounting of funds expended and the effectiveness of programs (HRS 10-14.5)
- Comply with state auditor in its audit every four years and review of OHA special, revolving, and trust funds. (HRS 10-14.5(c); 14.55; 23-12)
- Apply for and disburse grants for Native Hawaiian programs and services (HRS 10-3(5); 10-17)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- Hawai'i Const. art. XII, sec. 5
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(6)
- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)
- HRS 10-13.5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- HRS 560:2-105.5
- HRS 669-2
- Act 178 (SLH 2006)
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)
- HRS 90-5

OHA – Resource Management-  
Land Assets (*Commercial Property  
Management, Land and Property  
Management, Hālawā-Lūluku Interpretive  
Development programs*)

- Hawai'i Const. art. XII, sec. 5
- HRS 560:2-105.5
- HRS 669-2

## II. OHA statutory requirements and references

OHA – Resource Management-Land Assets (*Commercial Property Management, Land and Property Management, Hālawā-Luluku Interpretive Development programs*)

- Hold property in trust for Native Hawaiians (Hawai'i Const. art. XII, sec. 5)
- Develop a land management plan for kuleana lands where an interest escheats to the state (HRS 560:2-105.5) Represent itself in quiet title or adverse possession cases where OHA has been named as a defendant (HRS 669-2)

## II. OHA statutory requirements and references

- |                  |                  |                      |
|------------------|------------------|----------------------|
| • 20 USC 7514(b) | • HRS 10-6(a)(6) | • HRS 200D-2         |
|                  | • HRS 10-6(a)(7) | • HRS 210D-5         |
|                  |                  | • HRS 225P-3         |
| • HRS 4E-1       | • HRS 10-6(a)(9) |                      |
|                  | • HRS 10-13.5    | • HRS 346-382        |
|                  |                  | • HRS 353F-4         |
| • HRS 6K-5       |                  | • Act 178 (SLH 2006) |
|                  |                  | • Act 104 (SLH 2017) |
|                  |                  | • Act 185 (SLH 2017) |
| • HRS 10-3(6)    |                  |                      |
|                  |                  |                      |
| • HRS 10-6(a)(1) | • HRS 90-5       |                      |
|                  |                  |                      |
| • HRS 10-6(a)(4) |                  |                      |

### OHA – generally

- HRS 10-6(a)(1)
- HRS 10-6(a)(4)
- HRS 10-13.5
- HRS 10-15
- HRS 21F-8
- HRS 90-5
- Act 178 (SLH 2006)

## II. OHA statutory requirements and references

### OHA – generally

- Develop a Strategic Plan that provides for the compilation of demographic data, identification of the needs of Native Hawaiians, establishment of long-range goals, establishment of priorities and alternatives, and organizes OHA facilities and personnel (HRS 10-6(a)(1))
- Expend annual Public Land Trust funds for the benefit of native Hawaiians (HRS 10-13.5; Act 178 (SLH 2006))
- Prepare an annual report on OHA's activities, income, and expenditures, as well as volunteer statistics (HRS 10-15; 90-5)

## II. OHA statutory requirements and references

- 20 USC 7514(b)
- HRS 4E-1
- HRS 6K-5
- HRS 10-3(6)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

### OHA – generally (representative)

- 20 USC 7514(b)
- HRS 4E-1
- HRS 6K-5
- HRS 200D-2
- HRS 210D-5
- HRS 225P-3
- HRS 346-382
- HRS 353F-4
- Act 104 (SLH 2017)
- Act 185 (SLH 2017)

## II. OHA statutory requirements and references

### OHA – generally (representative on boards and commissions)

- Native Hawaiian Education Council (20 USC 7514(b))
- State Board on Geographic Names (HRS 4E-1)
- Kaho‘olawe Island Reserve Commission (HRS 6K-5)
- Kāne‘ohe Bay Regional Council (HRS 200D-2)
- Community-Based Economic Development Advisory Council (HRS 210D-5)
- Hawai‘i Climate Change Mitigation and Adaptation Commission (HRS 225P-3)
- Hawai‘i Interagency Council on Homelessness (HRS 346-382)
- Corrections Population Management Commission (HRS 353F-4)
- Dark Night Skies Protection Advisory Committee (Act 104 (SLH 2017))
- Temporary Comm’n on the 13th Festival of the Pacific Arts (Act 185 (SLH 2017))

## II. OHA statutory requirements and references

- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

### OHA – unassigned

- HRS 10-3(6)
- HRS 10-6(a)(6)
- HRS 10-6(a)(7)
- HRS 10-6(a)(9)

- HRS 10-3(6)

## II. OHA statutory requirements and references

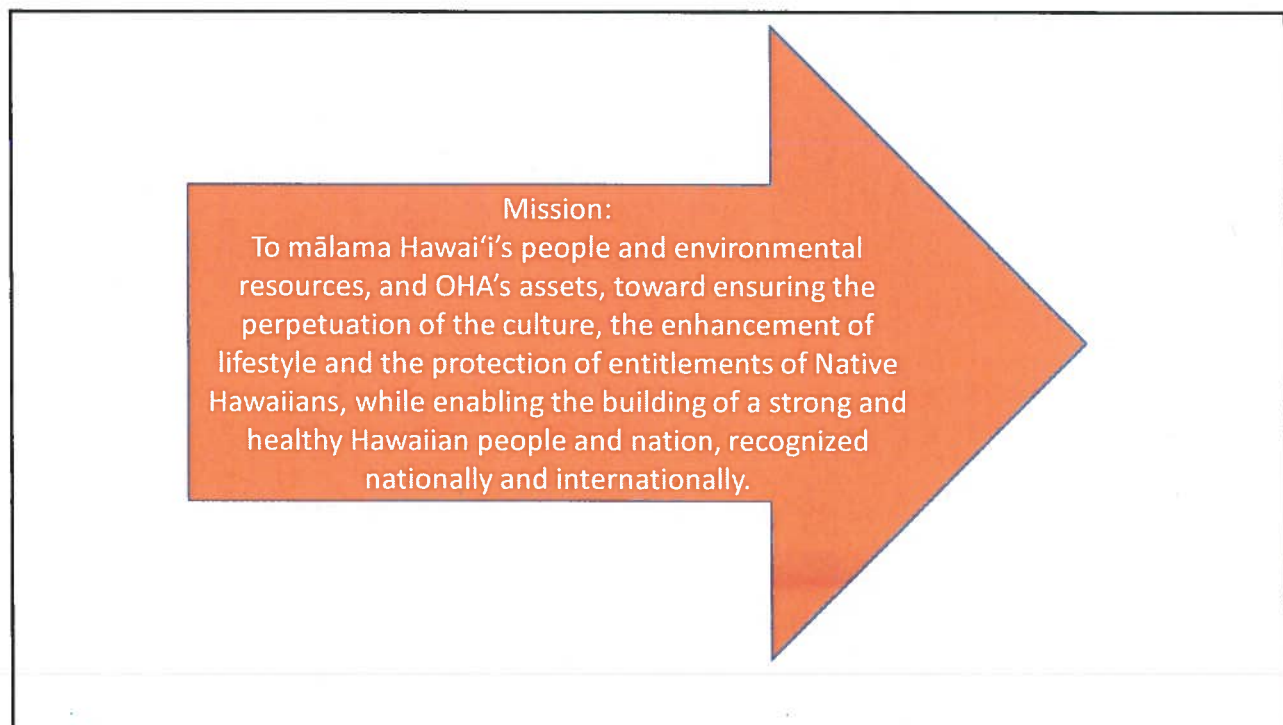
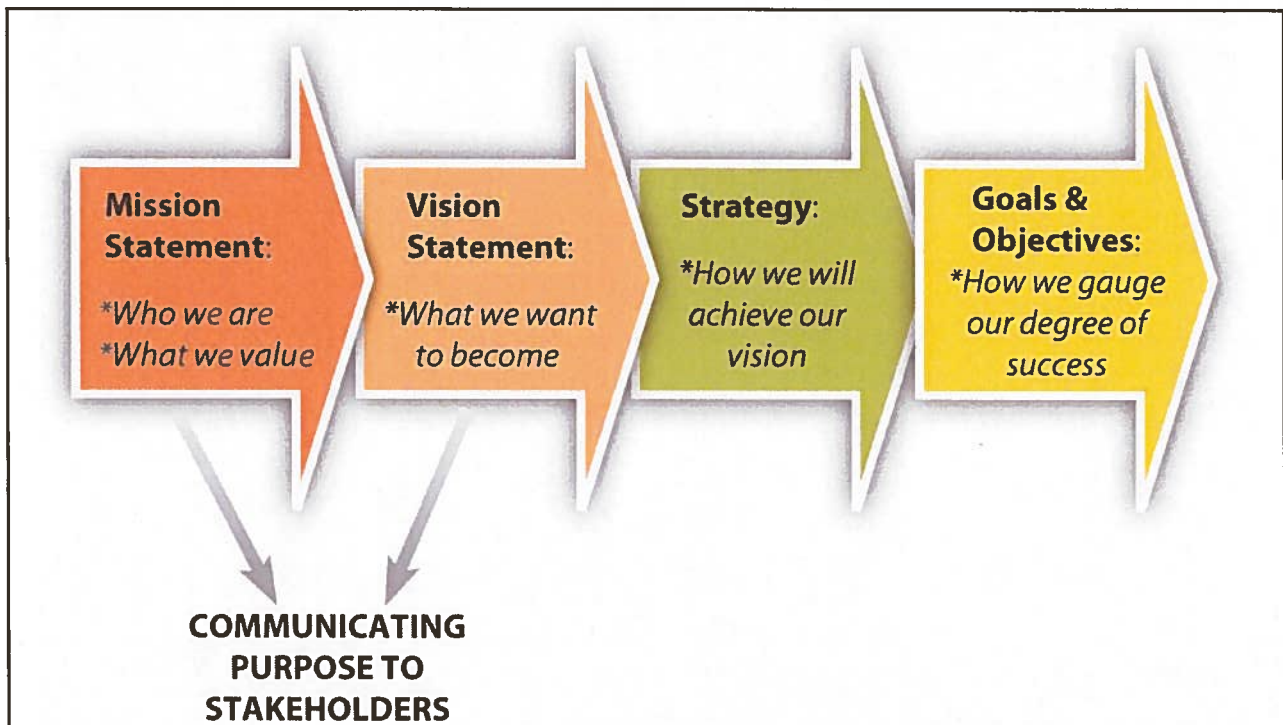
### OHA – unassigned

- Serve as a receptacle for reparations (HRS 10-3(6))
- Develop and review models for comprehensive Native Hawaiian programs (HRS 10-6(a)(6))
- Act as a clearinghouse for applications for federal and state assistance for Native Hawaiian programs and projects (HRS 10-6(a)(7))
- Promote establishment of agencies to serve Native Hawaiians (HRS 10-6(a)(9))

## III. OHA powers

- OHA powers established in Hawai'i Constitution and enumerated in HRS chapter 10, specifically HRS 10-4, HRS 10-5, HRS 10-22, in addition to the powers necessary to perform the duties in HRS chapter 10.
- OHA may also retain its own attorneys and utilize volunteers

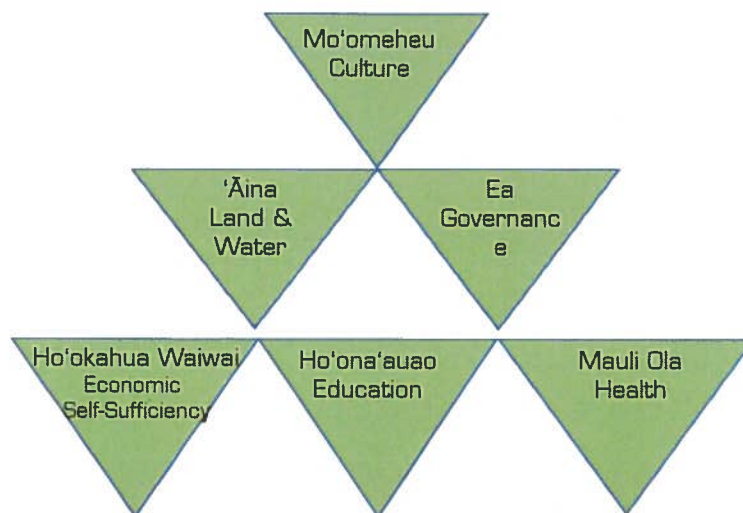
NEXT: OHA's Mission and Vision







Vision:  
Ho'oulu Lāhui Aloha: To Raise a Beloved Nation



# Lili'uokalani Trust

## VISION

e nā kamalei lupalupa  
*Thriving Hawaiian Children*

## MISSION

*We believe in the resiliency of all Native Hawaiian children. We advocate for their wellbeing and build them pathways to thriving lives.*



# Kamehameha Schools

## Mission

Kamehameha Schools' mission is to fulfill Pauahi's desire to create educational opportunities in perpetuity to improve the capability and well-being of people of Hawaiian ancestry.

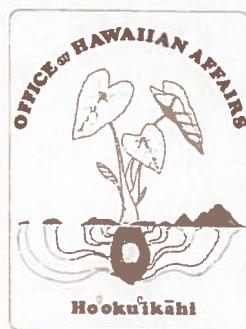
## Vision Statement

Within a generation of twenty-five years, we see a thriving lāhui where our learners achieve postsecondary educational success, enabling good life and career choices. We also envision that our learners will be grounded in Christian and Hawaiian values and will be leaders who contribute to their communities both locally and globally.



# ROLES OF THE OFFICE OF HAWAIIAN AFFAIRS

September 27, 2018



MASTER PLAN



#### TRUSTEES

**Thomas K. Kaula, Jr.**  
Chairperson  
Trustee from Kauai & Niihau  
**Louie Kamae**  
Vice Chairperson  
Trustee from Maui & Lanai  
**Myron K. Kaula**  
Trustee from Hawaii  
**Paul K. Kaula**  
Trustee from Lanai  
**Clarence P. Chang**  
Trustee from Oahu  
**A. Francis Duff**  
Trustee from Lanai  
**Walter K. Kaula**  
Trustee from Maui  
**Thomas K. Kaula, Jr.**  
Trustee from Lanai  
**Walter K. Kaula**  
Trustee from Lanai

**ADMINISTRATOR**  
**Kenneth A. Kaula, Jr.**

1000 Kaula Drive, Suite 1500  
Honolulu, Hawaii 96814  
(808) 946-2014

#### Alpha outlook:

The Office of Hawaiian Affairs is pleased to present this first revision of the OHA Master Plan. It contains amended goals, objectives and policies to guide the agency in its overall mission of bettering the conditions of our people.

The plan is built on a framework constructed in 1982 when our first Master Plan was formulated. Like the original, it is a working document, intended to be continually revised and updated as objectives are met and new opportunities for advancement become apparent.

OHA's 1988 Master Plan is a reflection of the goals and aspirations of the Hawaiian people themselves. It is based on concerns and issues raised by Hawaiians in formal studies, at community meetings and as individuals. The plan also utilizes information obtained from a variety of other public and private organizations.

This Master Plan was developed over a period of about a year-and-a-half. It is the product of OHA's planning staff, volunteer advisory groups, recommendations contained in the 1986 Arthur Young Management Audit of OHA, and finally, detailed and exhaustive review by the Trustees of the Office of Hawaiian Affairs.

This is our blueprint for the future of our people. It is a plan which envisions opportunity, choice and self-determination.

E kaula aku no i ka hua a ka mea. It is time to get on with the task entrusted to us and move our canoe forward with bold strokes of the paddle.

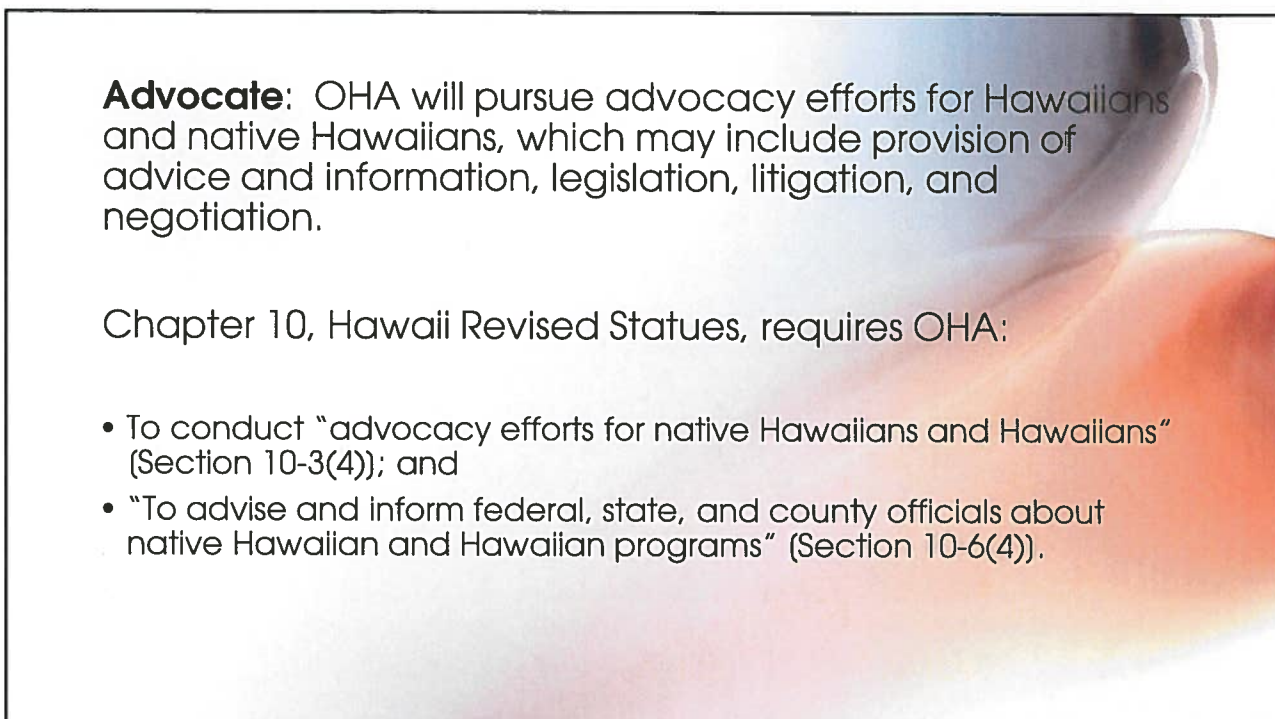
He ke aloha pumehana,

*Thomas K. Kaula, Jr.*

**THOMAS K. KAULA, JR.**  
Chairperson

## ROLES:

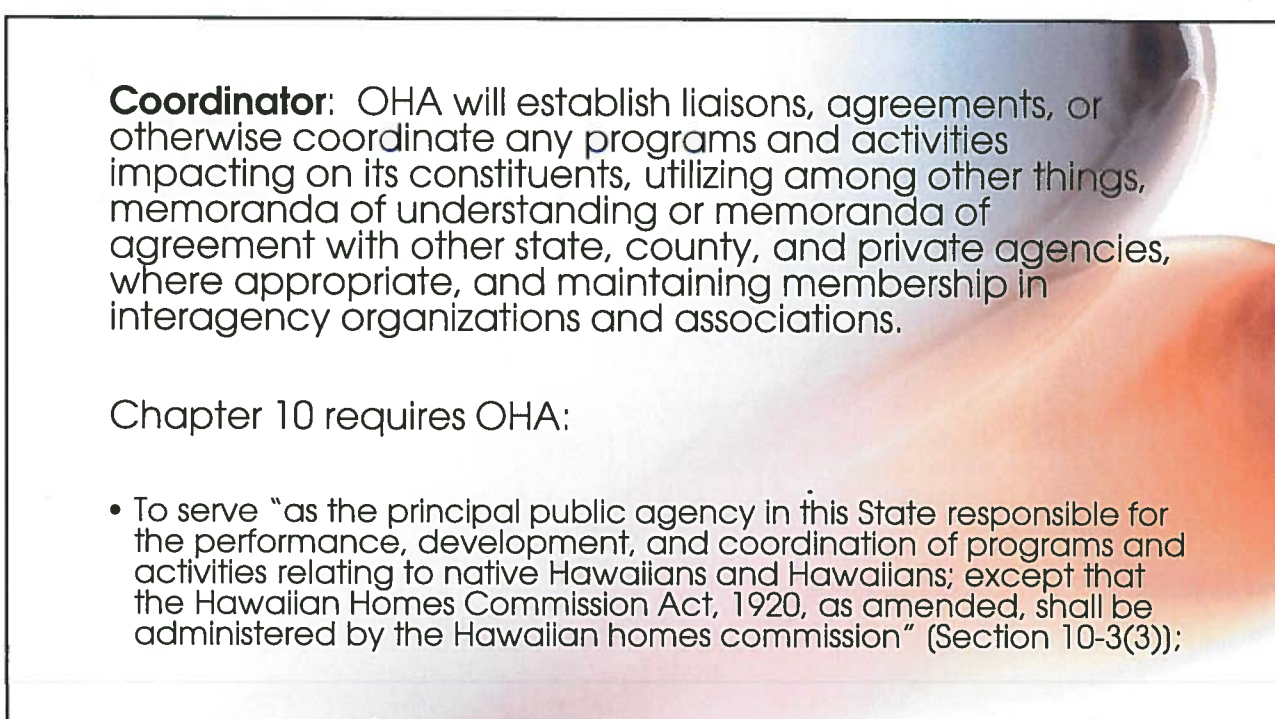
- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator/Provider of Services
- Trustee of Assets



**Advocate:** OHA will pursue advocacy efforts for Hawaiians and native Hawaiians, which may include provision of advice and information, legislation, litigation, and negotiation.

Chapter 10, Hawaii Revised Statutes, requires OHA:

- To conduct “advocacy efforts for native Hawaiians and Hawaiians” (Section 10-3(4)); and
- “To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs” (Section 10-6(4)).

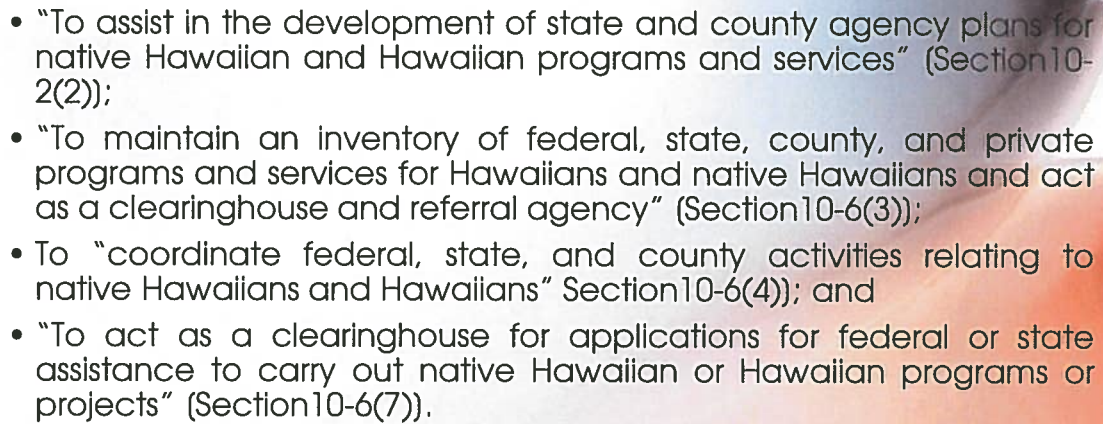


**Coordinator:** OHA will establish liaisons, agreements, or otherwise coordinate any programs and activities impacting on its constituents, utilizing among other things, memoranda of understanding or memoranda of agreement with other state, county, and private agencies, where appropriate, and maintaining membership in interagency organizations and associations.

Chapter 10 requires OHA:

- To serve “as the principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission” (Section 10-3(3));



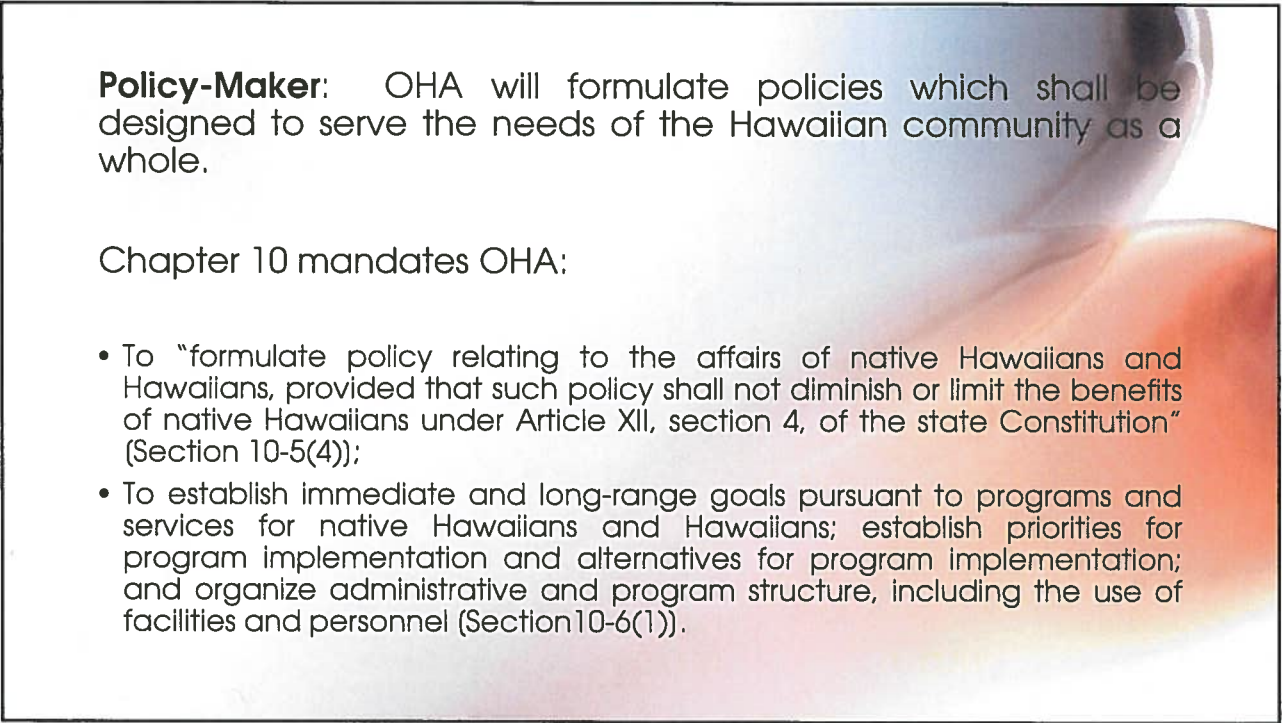
- 
- “To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services” (Section10-2(2));
  - “To maintain an inventory of federal, state, county, and private programs and services for Hawaiians and native Hawaiians and act as a clearinghouse and referral agency” (Section10-6(3));
  - To “coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians” Section10-6(4)); and
  - “To act as a clearinghouse for applications for federal or state assistance to carry out native Hawaiian or Hawaiian programs or projects” (Section10-6(7)).



**Monitor:** OHA will assess the policies and practices of other agencies which impact native Hawaiians and Hawaiians by and through its divisions.

Chapter 10, Hawaii Revised Statutes requires OHA:

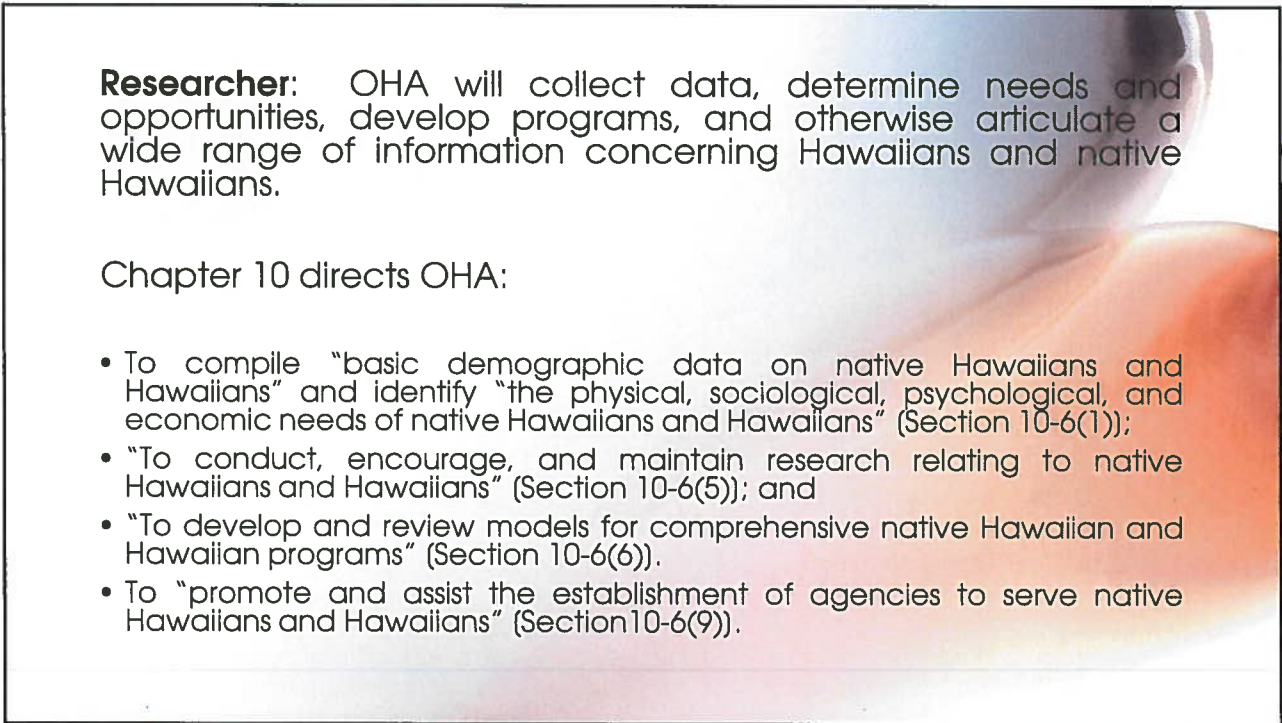
- To assess “the policies and practices of other agencies impacting on native Hawaiians and Hawaiians” (Section 10-3(4)).



**Policy-Maker:** OHA will formulate policies which shall be designed to serve the needs of the Hawaiian community as a whole.

Chapter 10 mandates OHA:

- To “formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under Article XII, section 4, of the state Constitution” (Section 10-5(4));
- To establish immediate and long-range goals pursuant to programs and services for native Hawaiians and Hawaiians; establish priorities for program implementation and alternatives for program implementation; and organize administrative and program structure, including the use of facilities and personnel (Section 10-6(1)).



**Researcher:** OHA will collect data, determine needs and opportunities, develop programs, and otherwise articulate a wide range of information concerning Hawaiians and native Hawaiians.

Chapter 10 directs OHA:

- To compile “basic demographic data on native Hawaiians and Hawaiians” and identify “the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians” (Section 10-6(1));
- “To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians” (Section 10-6(5)); and
- “To develop and review models for comprehensive native Hawaiian and Hawaiian programs” (Section 10-6(6)).
- To “promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians” (Section 10-6(9)).



**Facilitator/Provider of Services:** OHA will assist others in their activities and efforts which correspond to those of OHA in bettering the conditions of Hawaiians, specifically:

- To “provide grants to public or private agencies for pilot projects, demonstrations, or both, where such projects or demonstrations fulfill criteria established by the board (Section 10-5(7));
- To “make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agreed upon by the board and any such agency organization” “Section 10-5(8); and

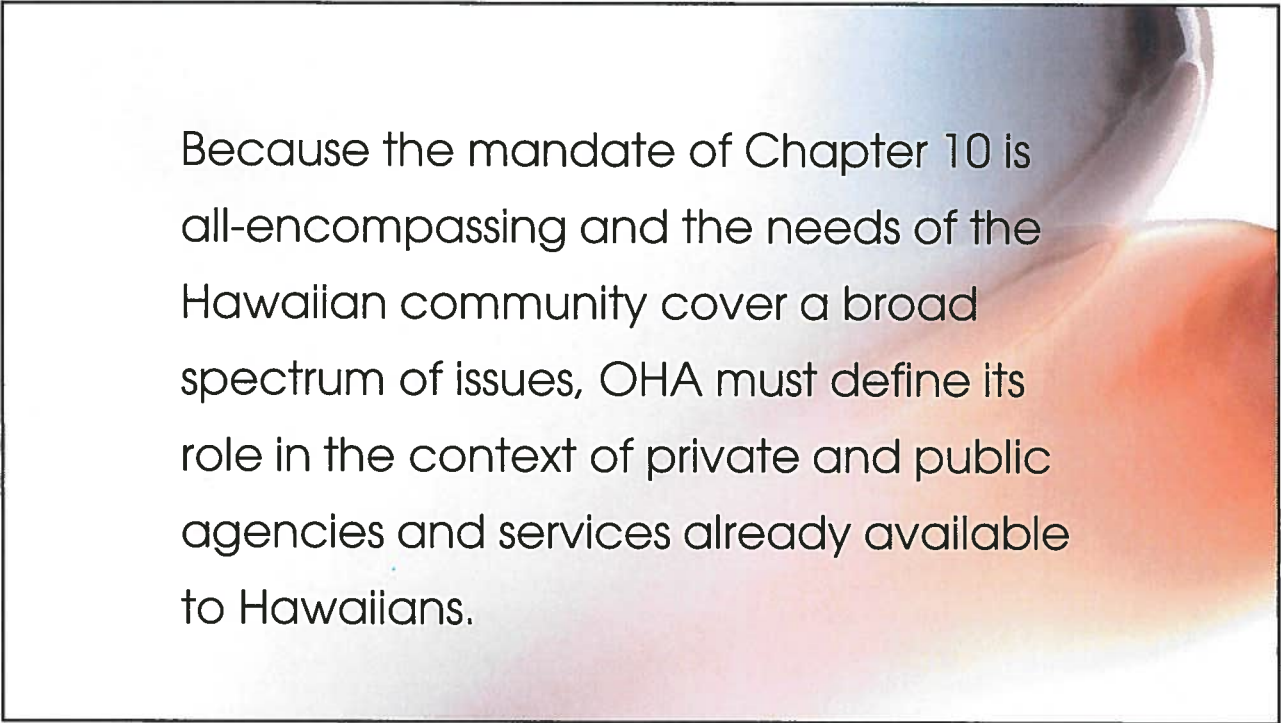


**Trustee:** OHA, through its Board of Trustees, shall act in a reasonable and prudent manner according to the highest fiduciary standards applicable to private trustees.

Chapter 10 instructs OHA:

- To apply for, receive, and disburse “grants and donations from all sources for native Hawaiian and Hawaiian programs and services” (Section 10-3(5));
- To serve “as a receptacle for reparations” (Section 10-3(6));
- “To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians” (Section 10-6(8)).





Because the mandate of Chapter 10 is all-encompassing and the needs of the Hawaiian community cover a broad spectrum of issues, OHA must define its role in the context of private and public agencies and services already available to Hawaiians.

## ROLES:

### 1988

- Advocate
- Coordinator
- Monitor
- Policy-Maker
- Researcher
- Facilitator
- Trustee of Assets

### 2010

- Providing Resources
- Advocating For Native Hawaiians
- Facilitating Collaboration



**Mahalo!**