

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 No. Nimitz Highway, Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, April 6, 2017
10:00 am**

ATTENDANCE:

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

ROERT G. KLEIN, ESQ. BOARD COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
LISA VICTOR, COO
ALBERT TIBERI, CC
KAI MARKELL, COMP
STERLING WONG, MEDIA
MOMILANI LAZO, EA CEO
MEHANA HIND, CE
MILES NISHIJIMA, LPD
SCOTT HAYASHI, LAND ASSET
WAYNE TANAKA, PP
DEREK KAUANO, GOV
KAWIKA RILEY, CHIEF
JOCELYN DOANE, PP
RAYMOND MATSUURA, INVST

EXCUSED:

TRUSTEE ROWENA AKANA
TRUSTEE PETER APO

BOT STAFF:

CAROL HOOMANAWANUI
LADY GARRETT
LOPAKA BAPTISTE
DAVIS PRICE
MELISSA WENNIHAN
DAYNA PA
PAUL HARLEMANN
ANI PANG
KAMA HOPKINS
LAURENE KALUAU-KEALOHA
LEHUA ITOKAZU

GUESTS:

GERMAINE MEYERS
KEALI'I MAKEKAU
KA'TULANI MILHAM

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:05 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihee and Machado are present; constituting a quorum of seven (7) trustees. Trustee Rowena Akana and Trustee Peter Apo have submitted a letters of excuse for today's meeting.

Chair Colette Machado - Before we move on to the agenda I would like to review with Trustees very carefully because we have been having tremendous requests relating to the sunshine law and our obligations as part of the OIP standards. As the OHA Chair, it is my responsibility to manage the BOT meeting and testimony to allow the OHA BOT to conduct its necessary official business. There has been some discussion as to how you get things on the agenda and even allowing for beneficiary comments to extend beyond the agenda items. So we want to be able to clear that up.

The purpose of our BOT meetings is for OHA's Board to discuss, deliberate and make decisions on agendized matters. Consistent with the Sunshine law, our discussions and decisions must be limited to items identified on a properly noticed agenda, which allows the public to know what will be discussed and gives an opportunity to provide testimony. While this requirement aids public involvement, it also limits our ability to respond to matters not on our meeting agenda.

With that in mind, here are some reminders regarding public testimony. I wanted to draw to your attention, it is identified as OIP Opinion Letter 05-02 summary. It is dated January 19, 2005, *Speaking at Public Meetings on Matters Outside the Agenda*:

“The County Clerk for the County of Hawaii asked OIP for an opinion on the Hawaii County Council’s practice of permitting members of the public to make statements at the end of each meeting regarding matters outside of the agenda. A member of the public subsequently asked OIP for an opinion regarding whether members of the public who testify at a public meeting may be restricted to speaking only about matters that are on the meeting agenda.

OIP found that a board may permit members of the public to speak at a meeting on matters that are not on the agenda, but is not required to do so. The board members themselves, however, may not discuss, deliberate, or decide matters that are not on the agenda.

Thus, if a board elects to hear public statements regarding matters not on the agenda and the statements relate to “board business,” i.e., matters over which the board has supervision, control, jurisdiction, or advisory power, the board members must be careful not to respond or discuss the matter.”

We’ve attached, and my staff will distribute, the actual opinion and letter from Jennifer Brooks. We are now going to talk about OIP Opinion Letter 06-01 summary. This is in regards to Public Testimony.

“The Housing and Community Development Authority asked OIP for an opinion on two issues regarding the public’s right to testify at a meeting subject to the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (“HRS”).

OIP concluded that public testimony on all agenda items may be taken at the beginning of a meeting; however, a board must allow a person to testify on as many of the agenda items as the person wishes. A testifier does not have the right to question board members under the guise of oral testimony.”

I wanted to make sure that it was read into the record. If you have written testimony that would be best for us to screen to identify which fits into the agenda. And we ask for your cooperation.

1. Individuals interested in providing testimony before the Board need to complete the “Beneficiary Comment and Community Concerns Form” located on the credenza.
2. Testimony should be limited to five minutes. The timer is on the screen located to the right of where individuals will sit to testify.
3. If you have a handout that covers your testimony, please refrain from reading it aloud. We will accept your written testimony and ask you to summarize your thoughts.
4. The opportunity to testify should not be misinterpreted as an opportunity to question BOT members; questions/ requests for information will be referred to administration for follow-up.
5. Community Concerns not related to agenda items is allowable subject to the Chair’s discretion. As we have done in the past, we will allow individuals to comment on matters not on the agenda. However, Trustees cannot discuss or make decisions on matters not on the agenda.

I ask and beg for your support and kōkua on these matters. With that said, any questions from Trustees? You should all have copies of the OIP opinion. I am trying to manage the meeting so we don’t get into a cross fire with beneficiaries that would like to address us on matters that are not listed on the agenda. That is always subject to the chair. I am already preparing all of us and also for our two committees to engage in this type of direction. That will help us all to move our business forward.

Trustee Keli’i Akina - Madame Chair, thank you for clarifying and for your excellent management of the meeting. I have a simple question perhaps you or counsel could advise on. Regarding Document 05-02, that is whether Trustees may ask clarifying questions of the public that comes to testify?

Board Counsel Robert Klein – It is a yes with respect to matters on the agenda. You cannot discuss matters not on the agenda because that is a violation of the Sunshine Law. Because off agenda items, the public wouldn't know you were discussing them at a public meeting. The idea and for the Sunshine Law to work, the discussion needs to be on agenda items. It is not fair to people who are not here that you talk about matters that are not on the agenda.

Trustee Keli'i Akina – Thank you Counsel.

Trustee Leina'ala Ahu Isa – I have a question, or rather a comment. At the State Board of Education we had our meetings like this, we had a Deputy Attorney General sitting there. We were told not to engage in a dialogue with the testifiers coming to the Board. They can come and give their testimony but to give into an interaction. I think that is what is going to happen if Trustee Akina starts asking questions. You get into this, we are not supposed to interact with them, because it will just draw out into another area. I just wanted to comment that we were not allowed to interact.

Chair Colette Machado – I want to remind you that whoever will chair the BOT meetings and also in our committee meetings, it will be at their discretion to call people out of order and ask them to remove themselves as a testifier. These are the areas we would have to try and to manage.

I can tell you from my years of experience as an OHA Trustee and as Chair of various committees I have been very lenient and very open to allow our people to speak freely. But I have found in the past that some of the things that we have discussed freely that are not on the agenda has often times gotten us into some complication either with the ethics commission or some form of investigation or beneficiary dissatisfaction. Or even unsolicited comments that hurt the organization and all of us around the table. I believe in the Sunshine Law, but at the same time, the Sunshine Law doesn't provide full and free discussions, it has to be managed properly as these opinions represent.

Trustee Leina'ala Ahu Isa – We are a very passionate people, Hawaiians, beneficiaries believe so strongly that they do get carried away at times.

Board Counsel Klein - I think if it has to do with the agenda item (conversation indiscernible)... but if you are passionate about something that is not on the agenda (conversation indiscernible)... if I had known you were going to have a passionate discussion about an item I might have come to the meeting, but I look at the agenda there is nothing I am interested in so I am not going to come. So the Sunshine Law is to protect those people who want to appear in front of you for the opportunity to speak on those items. If you are not on topic it doesn't give adequate notice to the public and the law really is that if you are deliberating towards a decision which includes preliminary discussion it's supposed to be agendized.

Chair Colette Machado – If Trustee Apo were here, I would apologize to him. When a beneficiary provided testimony, and in the discussion they directly attacked him on the so-called allegation of the sexual harassment, this is something that should not have been done. I should have called that beneficiary out of order and asked her to leave the testimony platform. These are some things that we all have to maka'ala and be careful about one another's care for each other. With that said, any more questions? This is also for our two chairs, Trustee Robert Lindsey and Trustee Carmen Hulu Lindsey, as you conduct your meetings, we want to be fair to our beneficiaries because we don't want them to think that we are not sensitive or don't have aloha, but at the same time that is your meeting and you have the duty of care to reserve rights and to protect the table too. With that said, members I thank you for your time. I'd like to move on.

Chair Colette Machado Requests a 72 hour waiver for BAE Committee transmittal distributed to the Board yesterday.

V. New Business

- A. Committee on Beneficiary Advocacy and Empowerment
 2. 2017 OHA Legislative Positioning – Matrix 1. April 5, 2017
 3. BAE 17-03: Approval of a Resolution Relating to the Disposition of the Rainer Werner Bock Collection of Na Mea Hawai'i at the Aguttes Auction House

Trustee Dan Ahuna Moves to waive the 72 Hour meeting materials requirement for the items expressed by Chair Colette Machado.

Trustee Carmen Hulu Lindsey Seconds the motion.

Chair Colette Machado - Roll call vote.

Trustee Dan Ahuna Moves to waive the 72 Hour meeting materials requirement for items V. New Business A. Committee on Beneficiary Advocacy and Empowerment 2. 2017 OHA Legislative Positioning – Matrix 1. April 5, 2017 3. BAE 17-03: Approval of a Resolution Relating to the Disposition of the Rainer Werner Bock Collection of Na Mea Hawai‘i at the Aguttes Auction House Trustee Carmen Hulu Lindsey Seconds the motion.						
TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA	x		X			
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			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with seven (7) YES votes, and two (2) excused.						

II. APPROVAL OF MINUTES

A. Meeting of the Board of Trustees

- 1. March 9, 2017**
- 2. March 23, 2017**

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes for March 9, 2017 and March 23, 2017.

Trustee Carmen Hulu Lindsey Seconds the motion.

Chair Colette Machado –Hearing no discussion, roll call vote.

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes for March 9, 2017 and March 23, 2017.						
Trustee Carmen Hulu Lindsey Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA	X		X			
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			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with seven (7) YES votes, and two (2) excused.						

III. COMMUNITY CONCERNS

Chair Colette Machado – Members, we have two individuals that have signed up. As a caution, we are asking that beneficiaries limit their testimony to five minutes. The first speaker is Germaine Meyers. I wanted to acknowledge Germaine that the majority of your testimony is actually on the limited liability cooperation called Hi'ilei and Waimea Valley. I would ask that you not continue your testimony, that you just limit your comments to the action by Mr. Bock's artifacts which is part of your written testimony. If you would abide with me. Because I really don't want to call you out of order, we are just going to receive the information.

All the Trustees have received your testimony, I cannot begin to tell you that you have been lighting up the board, and your information has been helpful. I would admit it allows us to have another level of review. I thank you in advance, and I ask you to restrict your comments to what is on the agenda today. I want to also acknowledge that on May 25th we will have the discussion on the Hi'ilei. Hopefully we can get your testimony prepared for that, too.

Ms. Germaine Meyers – I mahalo you chair and I do not want to be out of order. Thank you for providing clarification regarding the Sunshine Law. I just have one question, if that is okay, and it has nothing to do with my testimony it has to do with clarification for Native Hawaiian beneficiaries that come before OHA. Of course you have clarified the OIP, but there is still a document that us as beneficiaries have to look at with regards to the State Audit. It gives us feedback as far as what they feel that us as beneficiaries need to be mindful about, as well as you as OHA Trustees need to be mindful about. One of the things that was mentioned and I mentioned it before in my previous testimony, is that beneficiaries do not have a way, a formal way, a reliable way, a pono way, of filing complaints and concerns to the Trustees. I am not talking about administration. I am talking about something we want to bring to your concern regarding the Trust. And if was said in the audit report of 2014 that we as beneficiaries only have one means and that is coming before the Board. The staff has stated that there is no other means and that the staff stated that it was sufficient for beneficiaries to come and address their concerns before the Board.

What my concern is, and my question to you is, if my concern never comes up to the Board, never comes before the Board, how am I to address it to the Board? I could be waiting for years. Like for example, you haven't talked about the LLCs all this year, and previous years I don't remember seeing it discussed. So how am I to look at the audit report to me giving me feedback about OHA, the Trust and the Trustees. How am I supposed to take that?

Chair Colette Machado – On that point, it is our understanding that we have been receiving quarterly updates that have been presented under Kamana'o's updates under the BOT that Hi'ilei have been making

presentations and their audit updates. Maybe you can comment a little bit more Kamana‘o, on their presentations.

Kamana‘opono Crabbe – Yes, we have quarterly updates from the LLCs, and they usually provide information on their status. We haven’t had one for a while. But that is why we worked with the Chair, there have been many questions on the LLCs, so we have arranged it the appropriate manner for scheduling. Right now, these several months, our focus is on the biennium budget. The May 25th one we are going to clear up many misunderstandings about LLCs and the false information that is getting out in to the media.

Chair Colette Machado – I wanted to ask Trustee Akina who heads the ad hoc committee on the RFQ because that is one of the requirements in the purview that the Trustees approved. That they would be reviewing the LLCs issues. So you want to comment on that on how that fits into your committee’s responsibility?

Trustee Keli‘i Akina – Thank you, Madame Chair. As you correctly state, the scope of the special audit that has been approved by the Board, which goes beyond the routine audits, includes looking into areas such as the LLCs. We want to be responsive to the concerns of the beneficiaries that brought, and so our committee will refer to the auditor, once selected, that issue. Madame Chair, do I understand the question you are asking?

Chair Colette Machado – Yes, I think that would just provide a little bit more heightened understating about the LLCs provide a quarterly at this table, and it is going to get another review under the ad hoc committee on RFQ.

Ms. Meyers – Am I hearing correctly that the checkbooks and anything relating to the LLCs are going to be is that what I am understanding what you are saying?

Chair Colette Machado – I think we are not clear what those specific requests are, but that could include certainly that if they find it necessary to review it.

Ms. Meyers – Okay, because I just hear you say quarterly reports.

Chair Colette Machado – No that is what is at the table. What I am actually separating is what the BOT receives as information is the ongoing work and what the RFQ auditor will be doing. The auditor in the scope of service is being asked to provide that information that is something that we would have to provide them. But that is something that will be drafted by the scope under the leadership of Trustee Akina. This is how you have already provided input Germaine and we are redirecting it to the proper sources, or in this case, that could be part of the scope that the auditor would be able to look at. And Kamana‘o will be responsible to get the next quarterly update for us to look at on May 25th. So is there anything else you would like to discuss?

Ms. Meyers – Yes, just one more thing. I mentioned to you about the auditor report that so I didn’t quite understand when Kamana‘o was giving feedback about beneficiary complaints and concerns, what I heard him say is that he was addressing the LLCs and that, that specific community concern was going to be addressed in May. But what about like I have expressed to the Board numerous concerns since February 2nd, and I haven’t received one reply, so my concern is that what is the procedures that if I come before the Board and I give you something that is not on the agenda as my way of making sure that something gets to you, because you know, like the firewall is so strong emails don’t get to the Trustees or to the staff members. As I have experienced recently. So if I bring a non-agendized item, which I have, and I bring it to you and I pass it out and summarize only the agenda items, as much agenda items as I want, and then how do I know that the non-agenda items I will receive a reply? Because that is my only means currently, because CEO hasn’t provided a response as far as how do beneficiaries community concerns get a reply from the Trustees that we know that it is going to addressed. It is not going to get pushed on the side, because it’s a concern, because it’s a concern, and it’s really important to us. We value our concerns and our mana‘o so we want to know if you are going to value our concerns as well.

Chair Colette Machado – I think your level of concern might be different from what the Trustee’s level of cross examination or research or due diligence might be. I prefer the word due diligence. As the elected Trustees, we all have certain requirements to comply to due diligence, some of that may not appear reasonable

for you because you may have a different perspective. For us, I would like to think that whatever you present, it will help make those decisions in our final deliberation. That's the only way I can express to you that your comments are valuable, and we would use that in our decision making and maybe even duplicate some of that to part of a Q and A at the proper time and the respective meetings.

Ms. Meyers – My final comment to that, and response to that, is what I am hearing you say, I'm going to explain it to you from my way. Is that from a past experience, I prefer to come to the source of the problem. And discuss it face to face, person to person, not bring outside matters and especially when it comes to Hawaiian issues. So in the past, when I have gone to the Legislature, I've actually been confronted by a journalist and said, "Can I get what you are talking about? Cause I hear you talking about a report. Can I get a copy of that report?" And I said no, because I told them, and he was upset. And I told them the reason why I'm telling you no is because it's none of your business. This is a Hawaiian issue, it's us Hawaiians have to take care of it with one another. So what I'm hearing you say is that my issues may or may not be addressed here. So what I have to come to the conclusion is that I understand, as any other citizen understands, that this is just one forum for me to discuss my concerns. There are other forums I have in the past up until today have practiced going to the source. I don't believe in gossip, I believe in coming to you and say, "did you do this?" Or "didn't you do this?" I am not going to go and talk to somebody else in the room and say, "did you do this" or "didn't you do this?" So that has been my practice. But if you are going to not want to confront me with the issues that I have concerns about, and I normally don't talk about frivolous things, then what I'm resorted to do is change that practice and say, well if my Hawaiian community doesn't want to talk with me face to face and confront the issues, then I am just going to use another forum to get my point across that this something to mean and I would like to address it to you. So then I can do it, that is the only way I can do it. This is nothing about a threat, this has to do with me I am practicing my autonomy and practicing my freedom and practicing my right to say how I feel about someone's behavior or actions that affect me and my loved ones. I call them my beloved all the time. It ranges from my keiki in my family all the way up to my kupunas.

Chair Colette Machado – The only thing I can tell you is that is democracy in action. And we cannot prevent you and how you want to express yourself or how extended you would like to carry this issue on or matters that are important to you. But you know that you will be treated with the best aloha and we may not answer you properly you may not be happy with what we respond to you, but we will have an open door or open policy as I'd like to call it Germaine.

Ms. Meyers – I will always come here first and if I feel that there are walls like the firewalls and it's preventing me from you're ignoring my pleas of assistance, then I will have to step away then try to make myself heard another way.

Chair Colette Machado - Absolutely. Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey – I'd just like to encourage Germaine that she can also make appointments with any one of the Trustees and we can sit down on specific subject matters and whatever your concern is, we can research it for you on an individual bases and report back to you. Because surely there's many, many subject matters on this Board. And you may have many, many that may not come on the agenda. I think that we should be able to open our doors and have you make an appointment with any one of the Trustees if you have any concerns that you want to discuss.

Ms. Meyers – Thank you I appreciate that.

Chair Colette Machado – Just so you know that all of us have aloha and we are elected so your input and the recommendations from Hulu to make appointments with us is fine. If we give you the run around you know what to do.

Ms. Meyers – I'm a big girl. I've got big panties and I'm not talking about the size of my 'ōkole.

Chair Colette Machado – Right after this meeting you and I will be meeting.

Ms. Meyers – Yes, definitely I want to discuss what is not on the agenda.

Trustee Keli'i Akina – Madame Chair, I just wanted to reiterate for Germaine our appreciation of you coming here and the Chair has taken very seriously your concern today when she referred your concern as a beneficiary over the LLC issues which she refer it to the audit advisory committee. She demonstrated that any Trustee may bring to the committee concerns that beneficiaries raise. So I appreciate the fact that you have expressed that you would like to come to OHA as your 'ohana to express these concerns and we will do our very best to follow them through.

Chair Colette Machado – Let me reiterate that in the action item that we have approved for the audit committee, it specifically had a proviso in there that would address the LLCs. So that is part of our policy now that the action that we have approved is attached to that advisory audit review. We call it the RFQ, but Trustee Akina has another name for it. So that's how it's connected, so that's the follow through on that matter.

Trustee John Waihee – I just have a comment. I hope that it is not true that we have firewalls that are blocking e-mails from reaching us from beneficiaries.

Chair Colette Machado – Kamana'o or Lisa would like to address that.

Kamana'opono Crabbe – Yes, I'll have Lisa address that.

Lisa Victor – Aloha Chair, Aloha Trustees. Like I explained last week, the firewalls have been updated we are tweaking it. You'll be surprised how much mail phishing is going on because you are elected officials. And so we are tweaking it and making adjustments. So the firewall has a spamming feature and that spamming feature we turned on. You'll get e-mailed when e-mails get spammed so that you may take action. They do not get lost it's just being quarantined till action is taken. Thank you Germaine for your comments and your feedback is helping us adjust these things.

Ms. Meyers – Can I say what is on my testimony?

Chair Colette Machado – Yes we have a copy of your testimony just for the record. Then I would ask that you comment only on the first half.

Ms. Meyers - (Please see attached testimony of Germaine Meyers)

Chair Colette Machado – Thank you Germaine. Our next beneficiary testifier is Keli'i Makekau. I am looking at your comment here, it states, the so called plan future, I am not sure what that means maybe you can break that down, Keli'i. It doesn't seem to be something on our agenda.

Mr. Keali'i Makekau – Yes, it's not an item on the agenda.

Chair Colette Machado – So I am going to have to ask you leave from the testimony.

Mr. Makekau – Ok, it's not on the agenda.

Chair Colette Machado - Is there something you would like to comment that's on the agenda?

Mr. Makekau – No Chair.

Chair Colette Machado – I will say this if there is time that permits I will bring you back to talk about your items against my own ruling. But just so in the future you can help us out Keli'i.

Mr. Makekau – Your briefing was excellent as far as to the parameter on which to operate. I just wish it could be enforced the next meeting. If that is the way it is, that is the way it is.

Chair Colette Machado – Our next testifier is Ka'iulani Milham. I am not sure what you are going to address to the Trustees. If it is not related to the agenda I am going to have ask you to dismiss yourself.

Ms. Kaiulani Milham – Yes, thank you Chair. I was not planning on having any concerns expressed today but after hearing the Chair's description of what will and may not be allowed for beneficiary comment, I just

want to respond to that. Sunshine Laws are generally in existence to protect the people's interest to know what is happening in government agencies.

I'm live streaming this, I've spoken to you folks about our lack of media for our people and how so many people in our lāhui depend on us that come, that are able to come and live stream what is happening here so that they can be informed. The idea that only speaking to items that are on the agenda strictly as far as beneficiary comment to protect those who are not able to be here from hearing discussion of things that aren't on the agenda, I find that to be rather the opposite of the Sunshine Law, more of a chilling effect of our people's ability to know what is happening. So the idea that at this point in time when there has been so much interest in our lāhui, which is a good thing, it is a good thing that our people want to know what is happening here. And to say that it will be at the discretion of the Chair, even if that is in fact the case, to tell our lāhui in other words watch out I might not let you speak if I don't like it. I know you were referring to my comments about Trustee Apo.

Chair Colette Machado – Yes, for the record you are correct.

Ms. Milham – But to tell our lāhui that you are going to censor them if they don't stick to the things that you guys want to talk about is an absolute chilling effect on our lāhui.

Chair Colette Machado – That is a terrible misinterpretation. We are in compliance to the OIP law which is subject to Sunshine. So you are misrepresenting our intentions Ka'iulani. It was never to sanction what to speak but to limit your comments to what is on the agenda. Are you here to address the issue of the action items?

Ms. Milham – No. As I said I was addressing your comments about it being at the Chair's discretion what public and beneficiaries may express concerns about. That is all I am wanting to say and I think that please consider because OHA doesn't have room to lose more credibility with the lāhui. You folks need more creditably with the lāhui. You guys need to be more transparent, your ears need to be open, you need to be listening to us more, not less. Mahalo.

Chair Colette Machado – Thank you for your comments. Is there anyone else who has signed up and would like to address the Board of Trustees? Hearing none, members let us proceed to IV. Unfinished Business.

IV. UNFINISHED BUSINESS

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

Chair Colette Machado Calls on Kamana'opono Crabbe.

Kamana'opono Crabbe – Yes, thank you Chair and good morning Trustees. You already mentioned next month May 25th we will be providing a presentation regarding the LLCs with respect to its history, its formation and some of the current misunderstandings. Second is we have come to the conclusion of our community input feedback from the community regarding our Biennium Budget. Interim CFO John Kim and his staff will be compiling that information for review by the executive team to see if there are any outstanding themes or recommendations that we should be considering to make some adjustments and that will be part of what we present to the Board. What I will say is that we have had a number of meetings with beneficiaries including a much more engaged process with the SCHHA and Robin Danner who has been very, very thorough in her review of our biennium budget. We are taking that into consideration we should be done either this week or next week for the compilation and go through the process and we will be ready by the end of the month and early next month before the RM Committee for a budget biennium workshop and then we will go into the real budget for discussion. That concludes my announcements, Chair.

Chair Colette Machado – Any questions? Trustee Keli'i Akina?

Trustee Keli'i Akina – I would like to ask Ka Pouhana if it would be possible to get a copy of the presentation regarding the LLCs 48 hours before the meeting.

Chair Colette Machado – Let me comment to that. We have a 72 hour rule, so my goal is to assure to that because it is coming under that BOT. That you will get the information within that timeframe required the 72 hours ,so that should address your concern.

Trustee Keli'i Akina – Thank you then if I may add then if we could have the complete presentation 72 hours that would be good.

Chair Colette Machado – So noted. Kamana‘o do you have any additional comments for us?

Kamana‘opono Crabbe – No Chair that concludes administration’s presentation.

Chair Colette Machado – Moving on to V. New Business.

V. NEW BUSINESS

A. Committee on Beneficiary Advocacy and Empowerment

1. 2017 OHA Legislative Positioning – Matrix 1, March 29, 2017

Chair Colette Machado Calls on Trustee Robert Lindsey. We will be having two actions relating to March 29th because we bifurcated that one item. SCR 147, that is the one on the pakalōlō, we are going to bifurcate that one. I will call on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve **NEW BILL** item 5, **SCR147** as **SUPPORT** on the **OHA Legislative Positioning Matrix** dated **March 29, 2017**.

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
			New Bills		
5	SCR147		REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE POTENTIAL IMPACT ON THE ADMINISTRATIVE AND JUDICIAL SYSTEMS OF STATE GOVERNMENT AND ON LOCAL LAW ENFORCEMENT IF THE ILLEGAL POSSESSION OF MARIJUANA FOR PERSONAL USE IS DECRIMINALIZED IN HAWAII.	SUPPORT	

Trustee Dan Ahuna Seconds the motion.

Chair Colette Machado – Are there any questions, hearing none, roll call vote.

Trustee Robert Lindsey moves to approve NEW BILL item 5, SCR147 as SUPPORT on the OHA Legislative Positioning Matrix dated March 29, 2017.

Trustee Dan Ahuna seconds the motion.

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

Trustee Keli'i Akina – I made a mistake here I thought we were voting on the aggregate matrix.

Chair Colette Machado – I want to tell you we cannot change that but you can say on the record that you made an error.

Trustee Keli'i Akina – I made a mistake thinking we were voting for the aggregate matrix. I specifically voted no like Chair just for the record.

Trustee Carmen Hulu Lindsey – Madame Chair, I also voted no and I would like to go on record that my vote is a no vote.

Chair Colette Machado calls on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (Items 1-4, 6-15) and BILL POSITIONS FOR RECONSIDERATION (Items 16-21) on the OHA Legislative Positioning Matrix dated March 29, 2017, as amended along with the following changes:

- SB 601 from **MONITOR** > **COMMENT**
- SCR 86 from **SUPPORT** > **COMMENT**

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
			New Bills		
1	HB783	RELATING TO AGRICULTURE.	Requires the department of agriculture to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the county of Hawaii. Appropriates funds. (SD1)	MONITOR	
2	SB704	RELATING TO VACATION RENTALS	Allows transient accommodations brokers to register as tax collection agents to collect and remit general excise and transient accommodations taxes on behalf of operators and plan managers using their services for vacation rentals. Ensures that the subject property is in compliance with applicable land use laws. Allocates \$1,000,000 of TAT revenues to each county for FY 2017-2018. Sunsets on 12/31/2022. (SB704 HD1)	COMMENT	
3	HCR116		REQUESTING THE OFFICE OF ELECTIONS TO CONVENE A TASK FORCE ON AUTOMATIC VOTER REGISTRATION.	MONITOR	
4	SCR108		REQUESTING THE CHIEF ELECTION OFFICER TO CONVENE AN AUTOMATIC VOTER REGISTRATION TASK FORCE TO EXPLORE THE FEASIBILITY OF ESTABLISHING AND IMPLEMENTING AN AUTOMATIC VOTER REGISTRATION SYSTEM IN HAWAII.	MONITOR	

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
6	SCR165		REQUESTING THE DIVISION OF STATE PARKS AND ATTORNEY GENERAL TO PREPARE LEGISLATION FOR THE AHUPUA'A 'O KAHANA STATE PARK TO ADDRESS THE RESIDENTIAL UNITS AS PART OF THE PARK'S INTERPRETIVE ELEMENT.	MONITOR	
7	SCR170		URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE A PLAN TO DEVELOP THE WEST OAHU CREATIVE LAB AND TO RELOCATE THE HAWAII FILM STUDIO TO WEST OAHU AND URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO APPROVE A CERTAIN TRANSFER OF LAND.	MONITOR	
8	HR24		RECOGNIZING KUANA TORRES KAHELE æ" KUMU HULA, AWARD WINNING SINGER AND SONGWRITER, TRADITIONAL AND CULTURAL PRACTITIONER FOR ALL HIS ACCOMPLISHMENTS, ACCOLADES AND EFFORTS TO PERPETUATE HAWAIIAN CULTURE.	SUPPORT	
9	HR70		REQUESTING THE OFFICE OF ELECTIONS TO CONVENE A TASK FORCE ON AUTOMATIC VOTER REGISTRATION.	MONITOR	
10	HR72		REQUESTING THE CITY AND COUNTY OF HONOLULU TO RENAME WEST LOCH COMMUNITY SHORELINE PARK IN EWA BEACH, OAHU, TO KAPAPAPUHI POINT PARK.	MONITOR	
11	HR102		REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO INCLUDE SITES THAT ARE 4.5 ACRES OR LARGER IN THE ENVIRONMENTAL IMPACT STATEMENT PROCESS FOR THE OAHU COMMUNITY CORRECTIONAL CENTER RELOCATION.	MONITOR	
12	HR118		REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE ALL HIGH SCHOOL HEALTH ACADEMIES TO DEVELOP FERAL CAT OVERPOPULATION PROGRAMS THAT WOULD PROVIDE STUDENTS WITH REAL-WORLD LEARNING EXPERIENCES TO BETTER PREPARE THEM TO TRANSITION OUT OF THE HIGH-SCHOOL ACADEMIC EXPERIENCE.	MONITOR	
13	SR64		REQUESTING THE UNIVERSITY OF HAWAII AT MANOA CENTER FOR PHILIPPINE STUDIES TO CONVENE A WORKING GROUP TO DETERMINE THE NEED FOR REDRESS FOR THE DISPROPORTIONATE CONVICTION AND EXECUTION OF PEOPLE OF COLOR DURING THE TERRITORIAL HAWAII PERIOD.	MONITOR	
14	SR83		REQUESTING THE DEPARTMENT OF PUBLIC SAFETY, PURSUANT TO THE RECOMMENDATION OF THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM, TO DELAY PLANS TO BUILD A NEW CORRECTIONAL FACILITY ON OAHU UNTIL THE TASK FORCE ISSUES ITS FINAL REPORT THAT WILL PROVIDE A COMPREHENSIVE ROAD MAP FOR REFORMING HAWAII'S CORRECTIONAL SYSTEM.	SUPPORT	
15	SR84		URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CREATE A PLAN TO DEVELOP THE WEST OAHU CREATIVE LAB AND TO RELOCATE THE HAWAII FILM STUDIO TO WEST OAHU AND URGING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO APPROVE A CERTAIN TRANSFER OF LAND.	MONITOR	
Bill Positions for Reconsideration					
16	HB121	RELATING TO OCEAN MANAGEMENT.	Establishes the Papahānaumokuākea Marine National Monument Program within the Department of Land and Natural Resources Division of Aquatic Resources to coordinate and fulfill the State's co-management role with OHA and federal authorities. Makes an appropriation. Effective 7/1/2030. (SD1)	COMMENT > MONITOR	

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
17	HB1135	RELATING TO PUBLIC SAFETY.	Amends Act 139, Session Laws of Hawaii 2012, to make permanent certain provisions of the Justice Reinvestment Initiative relating to pretrial risk assessments, parole, and parole hearings. Creates standards and procedures for income-withholding for purposes of enforcing restitution orders. Clarifies the priority of income withholding orders. Amends the definition of "debt" relating to the recovery of money owed to the State to include court-ordered restitution subject to civil enforcement. Extends victims' access to adult probation records to include access to payment compliance records. Requires that any bail posted by a defendant be applied toward payment of any court-ordered restitution in the same case. Takes effect 7/1/2050. (SD1)	SUPPORT > COMMENT	
18	HB1246	RELATING TO ALTERNATIVES TO INCARCERATION.	Authorizes electronic monitoring and surveillance of offenders, separate from curfew, in programs that offer alternatives to incarceration. Takes effect 7/1/2050. (SD1)	SUPPORT > COMMENT	
19	HB1469	RELATING TO PUBLIC LANDS.	Establishes procedures for designating public land redevelopment districts, planning committees, district redevelopment plans, and designated redevelopment district revolving funds. Establishes powers and duties of planning committees. Modifies public land lease restrictions. Appropriates funds. Establishes the Waiakea Peninsula Redevelopment District, Planning Committee, and Revolving Fund until 6/30/2027. Effective 7/1/2117. (SD1)	OPPOSE > MONITOR	
20	SB1292	RELATING TO THE HILO COMMUNITY ECONOMIC DISTRICT.	Provides for the redevelopment of the Hilo area by establishing the framework, requirements, and conditions for redevelopment districts and specifically designating the Waiakea Peninsula Redevelopment District, appropriates funds for the implementation of the redevelopment district program, and makes conforming amendments to lease restrictions on public lands to facilitate the implementation of redevelopment districts. (SB1292 HD1)	COMMENT > OPPOSE	
21	SCR70		URGING THE STATE TO ABIDE BY THE STANDARDS ADOPTED IN THE PARIS AGREEMENT ON CLIMATE CHANGE.	MONITOR > COMMENT	

Trustee Dan Ahuna Seconds the motion.

Chair Colette Machado – Are there any questions, hearing none, roll call vote.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (Items 1-4, 6-15) and BILL POSITIONS FOR RECONSIDERATION (Items 16-21) on the OHA Legislative Positioning Matrix dated March 29, 2017, as amended along with the following changes:

- SB 601 from ~~MONITOR~~ > COMMENT
- SCR 86 from ~~SUPPORT~~ > COMMENT

Trustee Dan Ahuna seconds the motion.

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

2. 2017 OHA Legislative Positioning – Matrix 1. April 5, 2017

Chair Colette Machado Calls on Trustee Robert Lindsey.

Trustee Robert Lindsey Moves to approve Administration's recommendations on NEW BILLS (Items 1-10) and BILL POSITIONS FOR RECONSIDERATION (Items 11-14) on the OHA Legislative Positioning Matrix dated April 5, 2017, as amended including the following additions:

- GM 600/601 to SUPPORT
- GM 602 to SUPPORT
- GM 795 to SUPPORT

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
			New Bills		
1	SCR59		URGING ALL STATE DEPARTMENTS AND AGENCIES TO DULY CONSIDER WOMEN-, VETERAN-, AND NATIVE HAWAIIAN-OWNED BUSINESSES WHEN AWARDING STATE CONTRACTS, AND REQUESTING ALL STATE DEPARTMENTS AND AGENCIES TO SUBMIT TO THE LEGISLATURE A LIST OF STATE CONTRACTS AWARDED IN THE LAST TWO YEARS TO WOMEN-, VETERAN-, AND NATIVE HAWAIIAN-OWNED BUSINESSES.	SUPPORT	
2	HR125		URGING THE DEPARTMENT OF TRANSPORTATION TO WORK IN CONJUNCTION WITH THE DEPARTMENTS OF TRANSPORTATION SERVICES AND EMERGENCY MANAGEMENT OF THE CITY AND COUNTY OF HONOLULU AND THE HONOLULU POLICE DEPARTMENT TO ANALYZE THE WAIANAE COAST EMERGENCY ACCESS ROAD SYSTEM AND WHETHER THESE ROADS CAN BE USED AS A SECONDARY ACCESS ROAD TO THE WAIANAE COAST ON A PERMANENT BASIS.	MONITOR	
3	SR62		URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO WORK IN CONJUNCTION WITH THE DEPARTMENTS OF TRANSPORTATION SERVICES AND EMERGENCY MANAGEMENT OF THE CITY AND COUNTY OF HONOLULU AND THE HONOLULU POLICE DEPARTMENT TO ANALYZE THE WAIANAE COAST EMERGENCY ACCESS ROAD SYSTEM AND WHETHER THESE ROADS CAN BE USED AS A	MONITOR	

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION	
			SECONDARY ACCESS ROAD TO THE WAIANAE COAST ON A PERMANENT BASIS.		
4	SR81		URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH A VOCATIONAL EDUCATION OUT-OF-SCHOOL PROGRAM.	MONITOR	
5	SR85		REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A LIVE, LEARN, WORK, AND PLAY PROGRAM TO PROMOTE WORKFORCE READINESS IN HAWAII'S STUDENTS THROUGH CAREER PIPELINE AND ACADEMY SCHOOL INITIATIVES.	MONITOR	
6	GM603		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, NORMAN KAIMULOA, for a term to expire 06-30-2019.	SUPPORT	
7	GM604		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, SCOTT MAHONEY, for a term to expire 06-30-2020.	SUPPORT	
8	GM605		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, TERRI NAPEAHI, for a term to expire 06-30-2018.	SUPPORT	
9	GM606		Submitting for consideration and confirmation to the Island Burial Council, Islands Of Kaua'i And Ni'ihau, Gubernatorial Nominee, CAROL LOVELL, for a term to expire 06-30-2017.	SUPPORT	
10	GM607		Submitting for consideration and confirmation to the Island Burial Council, Islands Of Kaua'i And Ni'ihau, Gubernatorial Nominee, CAROL LOVELL, for a term to expire 06-30-2021.	SUPPORT	
			Bill Positions for Reconsideration		
11	SCR77		REQUESTING THE ESTABLISHMENT OF A BONA FIDE AGRICULTURAL PRODUCER TASK FORCE TO CREATE A DEFINITION FOR THE TERM "BONA FIDE AGRICULTURAL PRODUCER".	COMMENT > MONITOR	
12	SCR82		REQUESTING THE TASK FORCE ESTABLISHED PURSUANT TO H.C.R. NO. 85, H.D. 2, S.D. 1, REGULAR SESSION OF 2016, TO SUBMIT A REPORT ON THE CURRENT STATUS, STAFFING, RESOURCES, CURRICULUM, AND LEVELS OF STAFF PARTICIPATION AT THE CURRENT DEPARTMENT OF PUBLIC SAFETY TRAINING ACADEMY.	COMMENT > MONITOR	
13	SCR169		REQUESTING THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM, ALSO IDENTIFY IN ITS FINAL REPORT SITES FOR A NEW CORRECTIONAL FACILITY THAT ARE TEN ACRES OR LESS IN SIZE.	SUPPORT > MONITOR	
14	SR83		REQUESTING THE TASK FORCE ESTABLISHED TO STUDY EFFECTIVE INCARCERATION POLICIES TO IMPROVE HAWAII'S CORRECTIONAL SYSTEM, ALSO IDENTIFY IN ITS FINAL REPORT SITES FOR A NEW CORRECTIONAL FACILITY THAT ARE TEN ACRES OR LESS IN SIZE.	SUPPORT > MONITOR	
n/a	GM600		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, JORDAN CALPITO, for a term to expire 06-30-2017.	SUPPORT	
n/a	GM601		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, JORDAN CALPITO, for a term to expire 06-30-2021.	SUPPORT	
n/a	GM602		Submitting for consideration and confirmation to the Island Burial Council, Island Of Hawai'i, Gubernatorial Nominee, MARY MAXINE KAHAULELIO, for a term to expire 06-30-2019.	SUPPORT	
n/a	GM795		Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, KAMANAMA KALANI BEAMER, for a term to expire 06-30-2021.	SUPPORT	

Trustee Dan Ahuna Seconds the motion.

Chair Colette Machado – Are there are any questions?

Trustee Dan Ahuna – I have a comment to make. This is about the items that are being auctioned right?

Chair Colette Machado – No we are not there yet. We are still on the legislative positioning.

Trustee Dan Ahuna – Then I take my comments back.

Chair Colette Machado – We will comment on that too. Hearing none, we are voting on matrix dated April 5, 2017. Roll call vote.

Trustee Robert Lindsey Moves to approve Administration's recommendations on NEW BILLS (Items 1-10) and BILL POSITIONS FOR RECONSIDERATION (Items 11-14) on the OHA Legislative Positioning Matrix dated April 5, 2017, as amended including the following additions: <ul style="list-style-type: none">• GM 600/601 to SUPPORT• GM 602 to SUPPORT• GM 795 to SUPPORT Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		X			X	
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			6		1	2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with six (6) YES votes, one (1) abstention and two (2) excused.						

3. BAE 17-03: Approval of a Resolution Relating to the Disposition of the Rainer Werner Bock Collection of Nā Mea Hawai'i at the Aguttes Auction House

Chair Colette Machado - Chair Robert Lindsey with the BAE Committee we are going to be discussing Action Item #17-03, which is an approval of a resolution relating to the disposition of the Rainer Werner Bock collection of Nā Mea Hawai'i at the Aguttes Auction House.

Trustee Robert Lindsey Moves to approve action items BAE 17-03: Approval of a Resolution Relating to the Disposition of the Rainer Werner Bock Collection of Nā Mea Hawai'i at the Aguttes Auction House.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado - Trustee Ahuna you have mana'o?

Trustee Dan Ahuna – Yes, my only question is have we reviewed any legal avenues to intervene on the sale?

Kamana‘opono Crabbe – Yes, we have, we’ve had Corp Counsel and Kai Markell research in terms of the potential legal remedies. Because the auction is being held in France, currently the owner does not have possession, that really limits us. Short from that, we do know that and Kai had shared that any type of injunction to prevent them would have to go to the Secretary of State because we are bringing an issue within the United States, the U.S. would have to address it with the courts in France. But we don’t have sufficient time to really go through that process, but we did do our due diligence on those options of legal remedies.

Chair Colette Machado – I wanted to get an update because I was watching the news last night and it indicated that they didn’t get the kind of response form bidders to show up at this action house. I wasn’t sure if there could be a current update on the items that were auctioned yesterday.

Trustee Leina‘ala Ahu Isa – I saw the letter from Kai Markell dated March 21st when the news announced about this spear, March 21st on the letter and it sat on someone’s desk at OHA. It sat on someone’s desk for 10 days, I thought we should have bought that spear. That would have been prefect like we talked about at the BAE meeting, it would go with the cape.

Chair Colette Machado – Just to be fair and honest, we don’t have in our current budget to allow the acquisition. Even if we decided on an artifact that we want to possess we still would have had to go through a vigorous review and would have to find the resources from a cost center to reallocate that. This is what was discussed yesterday in the BAE Committee. What we will have to do now is when we are preparing the Biennium Budget we may want to have a category that will allow for that kind of acquisition so that we have that in place if a situation comes up again. I believe the administration may want to get the information on the individual that purchased it and work on an offer if that is possible in the future. That is how we will need to do for future acquisitions if that is possible.

Trustee Leina‘ala Ahu Isa – My question is the 10 day lag, it sat on someone’s desk.

Chair Colette Machado – Let me address Trustee Akina and followed by you Kamana‘o and maybe you have Mehana address the table.

Trustee Keli‘i Akina – I think we should to express the spirit of our resolution. That it’s about our aloha and love for things Hawaiian nā mea Hawai‘i and bringing them back to Hawai‘i nei. And that we want to work cooperatively with all parties to bring them back to their home in Hawai‘i. At the same time we need to express that purpose of our resolution is not to say anything negative about Mr. Rainer Warner Bock, nor to impugn his motives nor his rights but rather to say we would like to work together and we would like to open that conversation. I think the spirit is very important.

Chair Colette Machado – Kamana‘opono.

Kamana‘opono Crabbe – Just to address Trustee Ahu Isa’s concern, I think what I would like the Board to understand is that because we had short notice we really have to spend time with respect to due diligence. And that the correct avenue to exercise on behalf of OHA and Trustees, so it’s not with the intent that we didn’t take action but then we had exhaustive community outreach input there were considerations about identifying potential foundations or philanthropic individuals to perhaps consider it and then as a reach out I personally tried to reach out to Mr. Bock through a community contact as well. In the spirit of aloha, OHA trying to come in good faith to just address it, we recognize his autonomy as a private collector, but given the circumstances from what we understood is that he is the owner and in agreement with the auction house was very intent in following through with the auction. So given that we looked at the strategy how we could at least prevent it so we can have a dialogue with him. But we are at where we are now in terms of the best we could do is advocate to the resolution.

Trustee Leina‘ala Ahu Isa – In a way I am glad it happened so that we can look at budgeting and item in the future. Because this is something that we need to think of when we are doing our budget.

Trustee Robert Lindsey – I just want to say that to get the resolution before the committee yesterday it really took a village. It took administration, my staff, and your staff, in particular Sterling and his staff to get the resolution prepped so that we could hear it yesterday and approve it today. But I think as Trustee Akina

shared at our BAE Committee meeting, there are lessons to be learned from this experience so that hopefully in the future if a similar opportunity should rise up we would be better able to respond to such an opportunity. Thank you.

Chair Colette Machado – I wanted to ask Mehana if she could say a few words. He wasn't successful in getting a couple million dollars on these artifacts.

Mehana Hind - The first day of auctioning only resulted in a 15 percent of the total amount of things to be sold that day or that was auctioned off. I went through each item and looked at what they were estimated and what they actually sold at they were all below. For instance, the ihe was estimated at \$80,000 that it would go for, it auctioned off for \$60,000. So it was for Mr. Bock rather disappointing.

The first day, and even going into the second day, it hasn't really picked up as much momentum. I don't know if it was the success of the people calling on the provenance of these items, or people paying attention to what is going on back home here. I think the spirit of the resolution and also the people who were protesting we not to forbid or stop you know anybody engaging anything just questioning, is this human remains, are these free and clear, what's the provenance?

So I think that spirit has carried through from the Hawaiians who have both shared here at OHA and also other people throughout Hawai'i and in Paris. There are large groups of people going to Paris because there was an airfare deal offered back in November. So there are Hawaiians going to Paris for the last month or so and continuing for the next month that have kind of picked up the momentum in this. So it hasn't been as successful today as they are actually 12 hours ahead of us so coming tomorrow morning will be the last day of auctioning. And when it concludes we can provide a follow up to the exactly what happened with each of the Hawaiian items and what the result was for that.

(11:02 am Trustee Dan Ahuna leaves the room)

Chair Colette Machado – Thank you. Hulu.

Trustee Carmen Hulu Lindsey – I just wondered if there was an overall estimation of the value of the whole collection.

Mehana Hind – What we heard of initially was that they were hoping for about \$2 million for the 1,100 items that spanned across the Pacific countries.

Chair Colette Machado – Asks if there are any questions or discussion, and hearing none, roll call vote.

Trustee Robert Lindsey Moves to approve action items BAE 17-03: Approval of a Resolution Relating to the Disposition of the Rainer Werner Bock Collection of Nā Mea Hawai'i at the Aguttes Auction House.

Trustee Dan Ahuna seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		X			Not present at time of vote	
TRUSTEE ROWENA AKANA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with six (6) YES votes and three (3) excused.						

B. Committee on Resource Management

1. RM #17-03: Authorize OHA Administration to Proceed with the Programmatic Environmental Impact Statement (EIS) Process for OHA's Kaka'ako Makai Parcels

Chair Colette Machado Calls on the Chair of the RM Committee Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey moves to authorize OHA Administration to Proceed with the Programmatic Environmental Impact Statement (EIS) Process for OHA's Kaka'ako Makai Parcels.

Trustee John Waihe'e Seconds the motion.

Chair Colette Machado- Any questions or discussion, and hearing none, roll call vote.

Trustee Carmen Hulu Lindsey moves to authorize OHA Administration to Proceed with the Programmatic Environmental Impact Statement (EIS) Process for OHA's Kaka'ako Makai Parcels.						
Trustee John Waihee Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA					Not present at time of vote	
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			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with six (6) YES votes, three (3) excused.						

2. RM #17-04: Authorization to expend up to \$120,000 per year for two years in the FY18-19 Biennium Budget for the Resource Management Committee to contract a Real Estate financial Advisor.

Chair Colette Machado Calls on the Chair of the RM Committee Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey moves to include up to \$120,000 per year for two years in the FY18-19 Biennium Budget for the Resource Management Committee (RM) to contract a Real Estate Advisor.

Trustee John Waihee Seconds the motion.

Chair Colette Machado –The motion has been moved and seconded any discussion.

(11:04 am Trustee Dan Ahuna returns to meeting)

Trustee Leina‘ala Ahu Isa – Sorry Madame Chair, sorry Trustees, I just had Lady make copies of this it came from the most recent copy of PBN.

(Please see attached article from the Pacific Business News)

Commercial Real Estate round table because we are dealing with Kaka‘ako Makai. This is the main developers of BJ Kobayashi is in here they opened Park One Ala Moana. They opened it yesterday I think. I voted a‘ole on this because I thought \$120000 each year that is \$240000 was a bit much. I am going to preface this a‘ole vote on the outcome of the EIS because if the EIS comes out with Rod Iopa is going to do, if that water level goes up 30 feet, we are right on the ocean that’s why Kobayahsi built theirs 5 story by the old Sears parking lot. Our competition at Kaka‘ako Makai is the ocean, it’s nature cause if anything ever happens like at the Hilton, one tsunami comes in, 4,000 rooms gone. That’s why I am thinking if we could even exchange that lot for something better where we can get the best highest views of that land we might consider doing it. But maybe this will come out in the EIS. That is why I voted no. I just want to explain to you and let you read this more information.

Trustee Keli‘i Akina – I’d like to thank Trustee Ahu Isa for the article which I found informative. It does raise many issues that we need to be concerned about in the Kaka‘ako Development because it’s not being done in isolation. My humble comment to your thought is this, the article actually encouraged me to vote for this measure because as I read the measure that Trustee Hulu Lindsey’s committee has brought forth it’s not committing to anyone particular plan or any one particular direction. What is it doing is providing us the expertise in commercial real estate so that we will have the advice to look at multiple options.

Even now whichever direction the EIS statement goes we are going to need to be considering a lot of the things that are actually in the article you gave. So I just want to thank you for doing that and explain why I think it’s good for us to have an advisor to help us sort through the issues.

Trustee Leina‘ala Ahu Isa – I did speak to Trustee Hulu on why I voted no and she is thinking maybe it will come in at a lower bid and we don’t have to go to the 240 route. I understand.

Trustee Carmen Hulu Lindsey – Actually my explanation to you Trustee Ahu Isa is that although we have in the budget up to \$120,000 we don’t need to spend all that money because as a good example when I did have a financial analyst and used him a lot in a matter of 5 months our bill was only \$29,000. So there was no way that I would have used it then. It all depends on the needed use of the financial analyst. It’s not a payout of \$120,000, its just maximum of the budget.

Chair Colette Machado – Are there any more discussions, hearing none roll call vote.

Trustee Carmen Hulu Lindsey moves to include up to \$120,000 per year for two years in the FY18-19 Biennium Budget for the Resource Management Committee (RM) to contract a Real Estate Advisor. Trustee John Waihee Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA					XX	
TRUSTEE DAN AHUNA					x	
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			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			5		2	2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with five (5) YES votes, two (2) abstentions and two (2) excused.						

VI. BENEFICIARY COMMENTS

Chair Colette Machado – We are almost at the end of our agenda. There is a provision for Beneficiary Concerns. At this time individuals that would like to address the BOT on matters that are not on the agenda, but you will be subjected to 5 minutes. I'd like to call Keli'i Makekau to the table followed by Kai'ulani.

Mr. Keali'i Makekau – The statement was sort of in tune to what is going on here at OHA. Basically it's been I think in history, been kind of embellishing with all the news and everything. And the Legislature has been responding with the bills, they feel best to try and help move this agency along now. I saw one that was for 2018, bill that is getting ready for the year of Hawaiian. It was culminating with my own sniffing around of the bills and it seems to be kind of tied into a timetable put together with the nation building plan. The folks that want the ratification vote they are pushing the timetable for that at the end of the year. It is unfair is if they are going to visit you folks for funding. Next year there has been talk with political insiders that there is going to be a con con to be called. So this plan is going to unfold with OHA's intention. So the dissolution of OHA might be coming up quite soon. If that comes soon, you folks announced that you would dissolve OHA. A Con con would be the best way to address that the new domestic nation takes its place. My comments are mostly around and I think I didn't know who to write it done. Can we get there? Given what is going on in that has been having in the year and year and a half even if it's the plan can we get there? I've stated before and I think my last time was that even if it's not concrete plan can this agency and I think the other beneficiary made note of it can we get there with this set of pieces in the puzzle here. I brought up Louis Kealoha and how his boat was so overwhelmed he knew it was plausible and it wasn't going to happen it was going to harm the department so he stepped down. So now seeing them now the department is rejuvenated they have a dozen applications coming in to make HPD the reality it is and to do its job. Even if that's the continued plan to go I would offer that at least those because it's not just one person, there seems to be a whole heightened sense of people here seems to be either colluded or somehow embellished in outsider activities that perhaps resigning and giving the org to someone else to take up the mantle and fulfilling the mission which you guys want to become a reality.

Chair Colette Machado – Thank you for that information. I believe we talked about the year of the Hawaiian resolution at the BAE committee. I think it was intended to do a yearlong celebration OHA was asked to be included in the reso to help with the planning aspect. We had not given nor do we ask for that resolution.

Mr. Makekau - What I have been encountering with my little involvement at the Legislature is, it is tying into an alleged other type of plan. You see Thomas Square coming back up pretty soon, I saw in your paper they

are looking for sculpture to take over for Kamehameha III's thing and what not they are going to try and own the holiday and I think that was always part of the plan. Have the Hawaiians come in have their celebration so forth but at the same time now they own it and what not.

So there is going to be like a said different cause and effects. How the beneficiaries are going to react and the public that just remains to be seen. I am more speaking on the higher note on the integrity of the office. I want to see OHA continue, it's a great institution when it operates on all pistons and firing, your guys do great things. It can really impact the beneficiaries, unfortunately when it is out of sync it does a little harm. I think you made the most important issue when you address the other beneficiary, that it is our democracy. I am just making a lament today about what is going on.

Chair Colette Machado – Thank you for your kind words Keali'i.

VIII. ANNOUNCEMENTS

NONE

IX. ADJOURNMENT

Trustee John Waihee Moves to adjourn the meeting

Trustee Carmen Hulu Lindsey Seconds the motion.

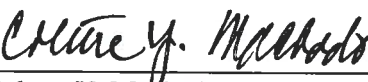
The meeting was adjourned at 11:17 pm.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on April 27, 2017.



Colette Y. Machado, Chairperson
Board of Trustees

Attachment:

Trustee Rowena Akana Excuse Memo

Trustee Peter Apo Excuse Memo

Testimony of Germaine Meyers

Pacific Business News article "Commercial Real Estate Round Table – PBN's Industry experts discuss the late innings of Hawaii's current Cycle" by Duane Shimogawa. March 31, 2017