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

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

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
February 1, 2024

ATTENDANCE:
Chairperson Carmen Hulu Lindsey
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee Keoni Souza
Trustee Mililani Trask
Trustee John Waihe‘e IV

ADMINISTRATION:
Stacy Ferreira, CEO
Casey Brown, COO
Ramona Hinck, CFO
Everett Ohta, Interim General Counsel
Nietzsche Ozawa, Interim Sr. Legal Counsel
Kurt Klein, Board Counsel
Keopu Reelitz, Advocacy Director
Sandra Stancil, EA
Dan Santos, IT Support
Kevin Chak, IT Support
Dave Kozuki, IT Support
Tiger Li, IT Support

BOARD STAFF:
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary
Kauikeaolani Wailehua, Trustee Secretary
Pohai Ryan, Trustee Aide
Richelle Kim, Trustee Aide
Kaui Robello, Trustee Secretary
Nathan Takeuchi, Trustee Aide
LeiAnn Durant, Trustee Aide
Melissa Wennihan, Trustee Aide
Kyla Hee, Trustee Secretary
Ruben Sierra, Trustee Aide
Joyce Yang, Trustee Aide
Anuhea Diamond, Trustee Aide

GUEST:
Aaron Sālā
Makanani Sālā

Call to Order

Chair Hulu Lindsey I'd like to call today's Board of Trustees meeting to order. Let the record reflect it is Thursday, February 1, 2024, and the time is 10:04 a.m.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	**AHUNA**	X	
TRUSTEE	KALEI	**AKAKA**	X	
TRUSTEE	KELI'I	**AKINA**	X	
TRUSTEE	LUANA	**ALAPA**	X	
TRUSTEE	BRICKWOOD	**GALUTERIA**	X	
TRUSTEE	J. KEONI	**SOUZA**	X	
TRUSTEE	MILILANI	**TRASK**	X	
TRUSTEE	JOHN	**WAIHE'E**	X	
CHAIRPERSON	CARMEN HULU	**LINDSEY**	X	
			9	

There are **nine (9)** Trustees PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Aloha and welcome to the Board of Trustees meeting. This meeting can be viewed and observed via livestream on OHA's website www.oha.org/livestream. Joining us today, we have our CEO, Stacy Ferreira. I would like to ask Stacy to introduce any administrative staff joining us today.

Stacy Ferreira, CEO Mahalo and good morning, Trustees. Joining us today is our COO-Casey Brown, Interim General Counsel-Everett Ohta, CFO-Ramona Hinck, Interim Sr. Legal Counsel-Nietzsche Ozawa, Financial Analyst-Grace Chen, IT-Dave Kozuki and Dan Santos.

Chair Hulu Lindsey Thank you. Next, we have our approval of minutes. Lehua, do we have anyone signed up to speak on this item?

Lehua Itokazu, Board Secretary No one is signed up to testify on this item.

Approval Minutes

A. June 29, 2023
B. July 10, 2023 Site Visit
C. July 10, 2023 Site Visit
D. July 10, 2023 Molokai Community Meeting
E. July 11, 2023 Molokai Board Meeting

Trustee Ahuna Moves to approve all five minutes listed on the agenda.

Trustee Souza Seconds the motion.

Trustee Ahuna Moves to

A. June 29, 2023
B. July 10, 2023 Site Visit
C. July 10, 2023 Site Visit
D. July 10, 2023 Molokai Community Meeting
E. July 11, 2023 Molokai Board Meeting

Trustee Souza Seconds the motion.

	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA	X		X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Chair Hulu Lindsey Moving on to the next agenda item. Is anyone signed up to speak under agenda item III.A?

Board Secretary No one is signed up to speak.

New Business

A. **Committee on Beneficiary Advocacy and Empowerment**
   1. **2024 OHA State Legislative Bill Package - Matrix 1****

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on January 31, 2024 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

Motion 1:
Move to approve Administration’s recommendations on: NEW BILLS (Items 1 - 7) as listed on Matrix 1 – 2024 OHA State Legislature Package– January 31, 2024.

Trustee Waihe‘e Seconds the motion.

Trustee Akaka moves to

<u>Motion 1:</u>
Move to approve Administration's recommendations on: NEW BILLS (Items 1 - 7) as listed on Matrix 1 – 2024 OHA State Legislature Package– January 31, 2024.

Trustee Waiheʻe Seconds the motion

	1	2	ʻAE (YES)	ʻAʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELIʻI AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHEʻE		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			

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

Motion passes with Nine (9) Yes votes, Zero (0) No votes

<u>Motion 2</u>
Trustee Akaka Moves to approve Administration's recommendations on: NEW BILLS (Items 1 - 13) as listed on Matrix 2 -- 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA- January 31, 2024, along with the following revisions:

ADD BILL HB2762 to Matrix 2 with the bill position of COMMENT
BILL POSITION CHANGES:
Item 1, SB2021 from OPPOSE to COMMENT

Trustee Waiheʻe Seconds the motion

Trustee Akaka moves to

approve Administration's recommendations on: NEW BILLS (Items 1 - 13) as listed on Matrix 2 -- 2024 OHA State Legislature Bill Positions Related to Measures Naming OHA- January 31, 2024, along with the following revisions:

ADD BILL HB2762 to Matrix 2 with the bill position of COMMENT

BILL POSITION CHANGES: Item 1, SB2021 from OPPOSE to COMMENT Trustee Waiheʻe Seconds the motion						
	1	2	ʻAE (YES)	ʻAʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELIʻI AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHEʻE		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Motion 3

Trustee Akaka Moves to approve Administration's recommendations on: NEW BILLS (Items 1 - 156, Excluding Items 5, 69 and 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024.

Trustee Waiheʻe Seconds the motion.

Trustee Akaka moves to approve Administration's recommendations on: NEW BILLS (Items 1 - 156, Excluding Items 5, 69 and 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024. Trustee Waiheʻe Seconds the motion						
	1	2	ʻAE (YES)	ʻAʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			

TRUSTEE KELI'I AKINA			**X**			
TRUSTEE LUANA ALAPA			**X**			
TRUSTEE BRICKWOOD GALUTERIA			**X**			
TRUSTEE J. KEONI SOUZA			**X**			
TRUSTEE MILILANI TRASK			**X**			
TRUSTEE JOHN WAIHE'E		**X**	**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Nine (9) Yes votes, Zero (0) No votes**						

<u>Motion 4</u>
Trustee Akaka Moves to approve Administration's recommendations on: NEW BILLS (Item 5 and 69) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024.

BILL POSITION:
Item 5, HB1794 as COMMENT
Item 69, HB2540 as COMMENT

Trustee Waihe'e Seconds the motion

Trustee Akaka moves to **approve Administration's recommendations on: NEW BILLS (Item 5 and 69) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024.** **BILL POSITION:** **Item 5, HB1794 as COMMENT** **Item 69, HB2540 as COMMENT** **Trustee Waihe'e Seconds the motion**						
	1	**2**	**'AE (YES)**	**'A'OLE (NO)**	**KANALUA (ABSTAIN)**	**EXCUSED**
TRUSTEE DAN AHUNA			**X**			
TRUSTEE KALEI AKAKA	**X**		**X**			
TRUSTEE KELI'I AKINA			**X**			

TRUSTEE LUANA ALAPA			**X**			
TRUSTEE BRICKWOOD GALUTERIA			**X**			
TRUSTEE J. KEONI SOUZA			**X**			
TRUSTEE MILILANI TRASK			**X**			
TRUSTEE JOHN WAIHE'E		**X**	**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Nine (9) Yes votes, Zero (0) No votes**						

Motion 5:
Trustee Akaka Moves to approve Administration's recommendations on: NEW BILLS (Item 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024.

BILL POSITION:
Item 84, SB2773 as SUPPORT

Trustee Waihe'e Seconds the motion.

Trustee Akina Expresses that he will be abstaining for the same reasons expressed at the previous BAE meeting.

Trustee Akaka moves to **approve Administration's recommendations on: NEW BILLS (Item 84) as listed on Matrix 3 -- 2024 OHA State Legislature Positions Related to Measures Affecting Native Hawaiians- January 31, 2024.** **BILL POSITION: Item 84, SB2773 as SUPPORT** **Trustee Waihe'e Seconds the motion**						
	1	**2**	**'AE (YES)**	**'A'OLE (NO)**	**KANALUA (ABSTAIN)**	**EXCUSED**
TRUSTEE DAN AHUNA			**X**			
TRUSTEE KALEI AKAKA	**X**		**X**			
TRUSTEE KELI'I AKINA					**X**	

TRUSTEE LUANA ALAPA			**X**			
TRUSTEE BRICKWOOD GALUTERIA			**X**			
TRUSTEE J. KEONI SOUZA			**X**			
TRUSTEE MILILANI TRASK			**X**			
TRUSTEE JOHN WAIHE'E		**X**	**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**8**		**1**	
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Abstention**						

Chair Hulu Lindsey Next on the agenda is III.B. 1-4. Do we have anyone signed up to speak on the this first action item?

Board Secretary No one is signed up to speak.

B. Committee on Resource Management

1. Action Item RM#24-01: Approve the designation of Stacy Kealohalani Ferreira as the Office of Hawaiian Affairs' Authorized Organizational Representative for the Administration for Native Americans, American Rescue Plan Act, Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders Grant Award, supporting OHA's Native Hawaiian Language Preservation and Maintenance: Community-Based Research Project.

Trustee Waihee Chair Hulu, your Committee on Resource Management, having met on January 31, 2024, and after full and free discussion, recommends approval of the following four (4) actions to the Board of Trustees:

Approve the designation of Stacy Kealohalani Ferreira as the Office of Hawaiian Affairs' Authorized Organizational Representative (AOR) for the Administration for Native Americans (ANA), American Rescue Plan (ARP) Act, Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders Grant Award, supporting OHA's Native Hawaiian Language Preservation and Maintenance: Community-Based Research Project.

Trustee Souza Seconds the motion.

Trustee Waiheʻe moves to Approve the designation of Stacy Kealohalani Ferreira as the Office of Hawaiian Affairs' Authorized Organizational Representative (AOR) for the Administration for Native Americans (ANA), American Rescue Plan (ARP) Act, Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders Grant Award, supporting OHA's Native Hawaiian Language Preservation and Maintenance: Community-Based Research Project. Trustee Souza Seconds the motion						
	1	2	ʻAE (YES)	ʻAʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELIʻI AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHEʻE	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Chair Hulu Lindsey Next on the agenda is action item 24-02, do we have anyone signed up to speak on the this first action item?

Board Secretary No one is signed up to speak.

2. **Action Item RM# 24-02: Approve OHA funding of the 13th Festival of Pacific Arts & Culture, Hawaiʻi 2024, Hoʻoulu Lāhui: Regenerating Oceania.**

Trustee Waiheʻe Moves to approve and authorize the disbursement of $1,500,000 to fund the 13th Festival of Pacific Arts & Culture, Hawaiʻi 2024, Hoʻoulu Lāhui: Regenerating Oceania

Trustee Ahuna Seconds the motion

Trustee Souza Suggest that OHA gives them $3 million dollars but does not have the votes today. He wishes to state this for the record.

Chair Hulu Lindsey Rcognizes that Aaron Sālā and Makanani Sālā are at the meeting in person to answer any questions that the Trustees may have. *There are none and Chair calls for the vote.*

Trustee Waiheʻe moves to **approve and authorize the disbursement of $1,500,000 to fund the 13th Festival of Pacific Arts & Culture, Hawaiʻi 2024, Hoʻoulu Lāhui: Regenerating Oceania** **Trustee Ahuna Seconds the motion**						
	1	**2**	**ʻAE (YES)**	**ʻAʻOLE (NO)**	**KANALUA (ABSTAIN)**	**EXCUSED**
TRUSTEE DAN AHUNA		**X**	**X**			
TRUSTEE KALEI AKAKA			**X**			
TRUSTEE KELIʻI AKINA			**X**			
TRUSTEE LUANA ALAPA			**X**			
TRUSTEE BRICKWOOD GALUTERIA			**X**			
TRUSTEE J. KEONI SOUZA			**X**			
TRUSTEE MILILANI TRASK			**X**			
TRUSTEE JOHN WAIHEʻE	**X**		**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Nine (9) Yes votes, Zero (0) No votes**						

Chair Hulu Lindsey Next on the agenda is action item 24-03, do we have anyone signed up to speak on the this first action item?

Board Secretary No one is signed up to speak.

3. **Action Item RM# 24-03: Approve OHA funding of Fiscal Year 2024 Third Quarter Sponsorships.**

Trustee Waiheʻe Moves to approve and authorize the following fiscal year 2024 third quarter sponsorships disbursement totaling $25,000

Organization Name	Event	Award Amount Recommendation
1. Lele Aloha	Lahaina Unity Gathering January 20, 2024 Goodfellow Brothers & Lahaina Civic Center, Lahaina, Maui	$10,000
2. Hale Kipa	Kupukupu – Pāʻina 2024 February 24, 2024 Hoʻokupu Center, Honolulu, Oʻahu	$15,000
Total Recommendations (2)		$25,000

Trustee Ahuna Seconds the motion.

Trustee Waiheʻe moves to

approve and authorize the following fiscal year 2024 third quarter sponsorships disbursement totaling $25,000

Organization Name	Event	Award Amount Recommendation
1. Lele Aloha	Lahaina Unity Gathering January 20, 2024 Goodfellow Brothers & Lahaina Civic Center, Lahaina, Maui	$10,000
2. Hale Kipa	Kupukupu – Pāʻina 2024 February 24, 2024 Hoʻokupu Center, Honolulu, Oʻahu	$15,000
Total Recommendations (2)		$25,000

Trustee Ahuna Seconds the motion

	1	2	ʻAE (YES)	ʻAʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELIʻI AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			

TRUSTEE MILILANI TRASK			**X**			
TRUSTEE JOHN WAIHE'E	**X**		**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Nine (9) Yes votes, Zero (0) No votes**						

Chair Hulu Lindsey Next on the agenda is action item 24-04, do we have anyone signed up to speak on the this first action item?

Board Secretary No one is signed up to speak.

4. **Action Item RM#24-04: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY 24) and 2024-2025 (FY 25) - Realignment #1 – Core and Non-Core Realignments**

Trustee Waihe'e Moves to approve the fiscal biennium budget realignment #1 Core and Non-Core for the fiscal biennium periods ("FB") 2023-2024 ("FY24") and 2024-2025 ("FY25") as summarized at Attachment #1.

Trustee Akina Seconds the motion.

Trustee Waihe'e moves to **approve the fiscal biennium budget realignment #1 Core and Non-Core for the fiscal biennium periods ("FB") 2023-2024 ("FY24") and 2024-2025 ("FY25") as summarized at Attachment #1.** **Trustee Akina Seconds the motion**						
	1	**2**	**'AE (YES)**	**'A'OLE (NO)**	**KANALUA (ABSTAIN)**	**EXCUSED**
TRUSTEE DAN AHUNA			**X**			
TRUSTEE KALEI AKAKA			**X**			
TRUSTEE KELI'I AKINA		**X**	**X**			
TRUSTEE LUANA ALAPA			**X**			
TRUSTEE BRICKWOOD GALUTERIA			**X**			
TRUSTEE J. KEONI SOUZA			**X**			
TRUSTEE MILILANI TRASK			**X**			

TRUSTEE JOHN WAIHE'E	**X**		**X**			
CHAIRPERSON HULU LINDSEY			**X**			
TOTAL VOTE COUNT			**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with Nine (9) Yes votes, Zero (0) No votes**						

Chair Hulu Lindsey Last action item on the agenda is BOT #24-01, do we have anyone signed up to speak on the this first action item?

Board Secretary No one is signed up to speak.

C. **Action Item BOT #24-01: Appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai'i 2022**

Trustee Souza For the reasons I stated at a previous meeting, I believe it should be someone on our Board, another Trustee to fulfill this position. I am not saying Everett Ohta does not have a vested interest but I believe there should be an opportunity to use leverage down at the Capitol. Everyone brings something different to the table and we should use those talents. I would like to propose Trustee Brickwood Galuteria to be nominated.

Chair Hulu Lindsey Before we amend the motion, I just want to give some background on why Everett Ohta was chosen to be considered for this working group.

- He has worked as a subject matter expert in Public Land Trust issues since he joined the Corporate Counsel office in 2016.
- He served on the internal ceded lands and Public Land Trust working group and oversaw the completion of the 2018 report to the office of Hawaiian Affairs on the accuracy and completeness of a report by the Department of Land and Natural Resources to the Hawai'i State Legislature on Public Land Trusts receipts for the fiscal year ended June 30, 2016 by N&K, the CPA's that audited the State.
- He has made numerous presentations to the OHA BOT, State Legistlature, State agencies, and community on the Public Land Trust (PLT) and has drafted tesimony and legislation on the PLT.
- He has also served as support staff with the ACT 226, PLT working group since we have started.
- He truly is the next best and appropriate person to serve on this group who has an understanding and ability to assist this group to move forward.
- As a reminder, Trustee Trask was chosen for this group because of her expertise in the subject matter and legal background, not because she is a Trustee. Zuri was asked to attend the PLT working group by Colin Kippen so that he could assist in writing the report for the group.

So, if you would like to amend the motion, how would you like to amend the motion?

Trustee Souza Proposing that Trustee Galuteria become the new member of the PLT working group.

Trustee Akaka Before moving forward, can I get a consensus of the board on where the Trustees are at on this?

Trustee Souza I think when we are moving the motion and then we will have a discussion.

Trustee Trask I think we are violating the Sunshine Law.

Trustee Souza We are not Trustee.

Trustee Trask What was on the public agenda is the appointment of Everett Ohta, that is what went out to our beneficiairies. Right now, if you make that change, there is no notice on the public agenda. We need to put it on another agenda. The second thing I want to say is that you are absolutely right, the reason why I was put on this working group was because of my expertise and I know that Everett has it. If the proposal is to replace the person with expertise, then let me notify you on this public record that I retract my request to be removed from the PLT group and I will return. What we need is somebody who is capable and has the background and not somebody who is a Trustee that doesn't.

Trustee Souza That was not my request, Trustee, for the record.

Trustee Trask Your request is to change the public agenda and replace sombody else's name. I do not think that we can do it.

Trustee Souza Trustee, we have counsel in the room.

Trustee Trask I would like to point out that before we correct the agenda for the next meeting, I do not want to re-hash the same thing that we are doing. I want the agenda to reflect that Trustee Trask has reconsidered and will return to the PLT working group so that we can have a Trustee on there, thank you.

Chair Hulu Lindsey Counsel has advised me that we do have a motion pending so we will vote on the motion.

Trustee Souza I want on the record that this kind of thing should be discussed with the Board and I truly believe that this is a Board decisison to understand where our 20% is coming from is important. I think this is why we all ran for office. At the end of the day, we should all be discussing this and be able to choose a member. This is how I feel and this is why I want it on record, thank you.

Trustee Akina This is such an important matter that we need to be of one as we possibly can. By way of technicality, we have a motion before us that needs to be voted on but it does not allow the kind of discussion that we need to have as a Board. I respect and honor the Sunshine Law and that is why we have not had this discussion privately but there are some inadequacies with the Sunshine Law's formulation that prevents us from talking on something like this. Who should serve? I feel like we need to decide on what purpose we have appointing someone to the PLT working group. Do we want someone with subject matter expertise or do we want somebody with political capacity to be able to move forward the OHA? Secondly, we need to discuss the potential of the candidates that are available. I would like to ask what forms exist for us to have that discussion so that we can come up with criteria for the position and the potential candidates.

Kurt Klein, Board Counsel *inaudible*

Trustee Akina Counsel, how do we move forward with a motion on the table to get to a place with an agendized item?

Kurt Klein, Board Counsel You have a motion to take a vote on.

Trustee Souza We have a motion and a second.

Kurt Klein, Board Counsel There is a pending a motion. It's been seconded. There should be discussion on the motion.

Trustee Waiheʻe My fear is that according to Robert's rules, if this motion fails, we can't bring it back again a second time. If we're going to discuss this matter, I want Everett to still be available as an option. Maybe we can defer this, or we will have to agendize this differently. I do not know Robert's rules to table this. Before I make a motion to defer this, I would want everyone to have their discussion first.

Kurt Klein, Board Counsel What you have is a pending motion that has been seconded. The decision, the discussion you folks have can relate to the action item that's pending before the Board. You can discuss the reasons why or for or against Everett's appointment to this position. It needs to be deferred or voted on. If another discussion comes up in future, you want to consider more names, other positions, then it should be appropriately agendized and disclosed to the public who the folks are that you're considering for the position. That is where we are now.

Trustee Akina *inaudible.*

Kurt Klein, Board Counsel I believe that is where we are now.

Trustee Trask Trustees, we have to stick with the Sunshine Law and what are own agenda says. What happens with action item C, it moves to appoint Everett to the PLT, it was seconded and we had a discussion. The Trustee input was, it shouldn't be staff, it should be a Trustee. I notified the Board on the public record that I retracted by stepping back, and I will rejoin the Public Land Trust. That resolves the problem. We cannot take action on this, defer the motion. The reason why this action does not return is twofold, the primary one is that we don't have a vacancy for the PLT group. The motion to appoint Everett should be voted down, we do not need him anymore. The reason why I looked to step out was because my work at OHA is so burdensome. When it comes to the PLT, we can't have people in there that don't know what they're doing, and I know this area. If you do not want Everett in, then I will step back in. I am not going to step out of this position and then see Trustees go in that have no idea and no background on where we are with our people and defending our trust.

Chair Hulu Lindsey Okay, thank you, I am going to defer this motion.

<u>Community Concerns</u>

No one is signed up to speak under community concerns.

Chair Hulu Lindsey Before we recuse ourselves into executive session, I want to announce that we will return to open session and continue the livestream. Lehua, do we have anyone signed up to speak on the executive session item?

Board Secretary There is no one signed to speak on this item.

<u>Executive Session</u>

Trustee Akina Moves to move the Board into executive session.

Trustee Waiheʻe Seconds the motion.

The Board recuses into Executive Session at 10:35 a.m.

Motion to recuse into executive session pursuant to HRS Section§92-5							
		1	**2**	**‘AE (YES)**	**‘A‘OLE (NO)**	**KANALUA (ABSTAIN)**	**EXCUSED**
TRUSTEE DAN	**AHUNA**			**X**			
TRUSTEE KALEI	**AKAKA**			**X**			
TRUSTEE KELI‘I	**AKINA**	**X**		**X**			
TRUSTEE LUANA	**ALAPA**			**X**			
TRUSTEE BRICKWOOD	**GALUTERIA**			**X**			
TRUSTEE KEONI	**SOUZA**			**X**			
TRUSTEE MILILANI	**TRASK**			**X**			
TRUSTEE JOHN	**WAIHE‘E**		**X**	**X**			
CHAIRPERSON HULU	**LINDSEY**			**X**			
TOTAL VOTE COUNT				**9**			
MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED **Motion passes with a Nine (9) YES votes, and Zero (0) NO vote.**							

Board returns to open session at 11:43 a.m.

Chair Hulu Lindsey I would like to report that Trustees were given an update and discussed the OHA lawsuit against the establishment of the Mauna Kea Stewardship and Oversight Authority under Act 255 State Laws of Hawai‘i 2022.

Announcements

Chair Hulu Lindsey The next Board meeting will take place on February 8th, Thursday at 10am and the next RM and BAE meeting will be on February 7th.

Adjournment

Trustee Souza Moves to adjourn the meeting.

Trustee Alapa Seconds the motion.

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

MILILANI	**TRASK**			**X**			
JOHN	**WAIHE'E**			**X**			
CHAIR CARMEN HULU	**LINDSEY**			**X**			
TOTAL VOTE COUNT				**9**			

Chair Hulu Lindsey Adjourns the Board of Trustees meeting at 11:46 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on September 12, 2024

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments

1. Action Item BOT #24-01: Appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai'i 2022

OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

February 1, 2024

BOT #24-01

Action Item Issue: **Appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai'i 2022**

Prepared by:	Amber Kalua Trustee Aide	Jan 29, 2024 Date
Reviewed by:	Everett Ohta Interim General Counsel	Jan 29, 2024 Date
Reviewed by:	Stacy Ferreira Chief Executive Officer	Jan 29, 2024 Date
Reviewed by:	Carmen Hulu Lindsey Chair, Board of Trustees	Jan 29, 2024 Date

I. PROPOSED ACTION

Approve the appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

II. ISSUE

Whether or not the OHA BOT should appoint Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

III. DISCUSSION

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

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

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

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

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

Everett Ohta, Esq. is the OHA Senior Legal Counsel, and has served as the General Counsel (interim) for the past two years. He has worked as a subject-matter expert in Public Land Trust issues since he joined the Corporate Counsel office in 2016. He served on the internal OHA Ceded Lands and Public Land Trust Working Group and oversaw the completion of the 2018 *Report to the Office of Hawaiian Affairs on the Accuracy and Completeness of a Report by the Department of Land and Natural Resources to the Hawaii State Legislature on Public Land Trust Receipts for the Fiscal Year Ended June 30, 2016* by N&K CPAs, Inc. He has also made numerous presentations to the OHA BOT, state legislature, state agencies, and community on the Public Land Trust, and has drafted testimony and legislation on the Public Land Trust. He has also served as support staff for the Act 226 Public Land Trust working group since its inception.

IV. TIMEFRAME

Immediate action is recommended.

V. RECOMMENDATION

Approve the appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

VI. ALTERNATIVES

A. Do not approve the appointment of Everett Ohta to the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022**;**

B. Appoint a different individual to serve as member of the Public Land Trust working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022;

C. Take no action, and no member will be appointed to the working group on behalf of the Office of Hawaiian Affairs pursuant to Section 3(b) of Act 226, Session Laws of Hawai‘i 2022.

VII. REFERENCES

Act 226, Session of Laws of Hawai‘i 2022, available at https://www.capitol.hawaii.gov/slh/Years/SLH2022/SLH2022_Act226.pdf.