

**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](http://www.oha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: XXXXXXXX. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**Minutes of the Office of Hawaiian Affairs  
Board of Trustees  
MINUTES  
April 6, 2023**

ATTENDANCE:

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

ADMINISTRATION:

Casey Brown, COO  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Capsun Poe, Interim Advocacy Dir & Interim  
Chief Advocate  
Robert Klein, Board Counsel  
Tiger Li, IT Support  
Daniel Santos, IT Support  
Arlene Aguinaldo, IT Support

BOT STAFF:

Colin Kippen, COS  
Lehua Itokazu, Board Secretary  
Kanani Iaea, Trustee Aide  
Evalani Canto, Trustee Aide  
Richelle Kim, Trustee Aide  
Pohai Ryan, Trustee Aide  
Kyla Hee, Trustee Aide  
Lei-Ann Durant, Trustee Aide  
Sommer Soares, Trustee Aide  
Nathan Takeuchi, Trustee Aide  
Mark Watanabe, Trustee Aide  
Ruben Sierra, Trustee Aide  
Evalani Canto, Trustee Aide  
Kauikeaolani Wailehua, Trustee Aide  
Crayn Akina, Trustee Aide

GUEST:

Robbie Cabral, Kuilei Consulting  
Ann Chung, Kuilei Consulting  
Sam Chung, Financial Advisor to Board

## Call to Order

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, April 6, 2023, at 10:02 a.m. Board Secretary, please do a roll call.

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

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

**Chair Hulu Lindsey** Aloha kākou everyone and welcome to our Board of Trustees meeting, this meeting can be viewed and observed via livestream at [www.oha.org/livestream](http://www.oha.org/livestream). Before we begin, item III.A.3 & 4 were received under the 72-hour deadline.

Let me go over some quick announcements. Please mute your mics when you are not speaking. This is important for those who may be joining us from their own computers at home. Our staff will mute you if needed due to feed back. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining us today is my staff Lehua Itokazu – Board Secretary, my Aide - Kanani Iaea and our Chief of Staff – Colin Kippen. We also have Judge Robert Klein, our Board Counsel, and Casey Brown, our COO. Casey, would you introduce our staff joining us today.

**Casey Brown, COO** Joining us from Administration is Interim Senior Legal Counsel-Nietzsche Ozawa, Chief Advocate-Capsun Poe, and supported by our IT staff-Dan and Arlene

**Chair Hulu Lindsey** Our first item on the agenda is approval of minutes. Lehua, do we have anyone signed up to speak on this item?

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

## Approval of Minutes

### 1. March 9, 2023

**Trustee Waihe'e** Moves to approve the minutes of March 9, 2023

**Trustee Alapa** Seconds the motion.

<b>Trustee Waihe'e Moves</b>						
<b>Approve the following minutes:</b>						
<b>March 9, 2023</b>						
<b>Trustee Alapa Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes, and Zero (0) Abstentions.</b>						

**New Business**

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

**1. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA –  
Matrix 2, March 29, 2023**

**Chair Hulu Lindsey** Do we have anyone signed up to speak on any items listed under III.A?

**Board Secretary** There are no testifiers signed up to speak on these items.

**Chair Hulu Lindsey** Mahalo, I will turn the time over to Trustee Akaka.

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on March 29, 2023 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 MEASURES (Items 1-4) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA - dated March 29, 2023.**

**Trustee Ahuna Seconds the motion.**

<b>Trustee Akaka Moves</b>						
<b>Move to approve Administration's recommendations on: NEW MEASURES (Items 1-4) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA - dated March 29, 2023.</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused.</b>						

**2. 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3, March 29, 2023**

**Trustee Akaka Madame Chair**

**Motion 2:**

**Move to approve Administration's recommendations on: NEW MEASURES (Items 1 - 4) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians - dated March 29, 2023.**

**Trustee Ahuna Seconds the motion.**

<b>Trustee Akaka Moves</b>						
<b>Move to approve Administration's recommendations on: NEW MEASURES (Items 1 - 4) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians - dated March 29, 2023.</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused.</b>						

**3. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA –  
Matrix 2†, April 5, 2023**

**Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on April 5, 2023 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 MEASURES (Items 1 - 2) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated April 5, 2023.**

**Trustee Ahuna Seconds the motion.**

<b>Trustee Akaka Moves</b>						
<b>Move to approve Administration’s recommendations on: NEW MEASURES (Items 1 - 2) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated April 5, 2023.</b>						
<b>Trustee Ahuna Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OL E (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>			<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused.</b>						

**Chair Hulu Lindsey** Before we recuse ourselves into executive session, do we have anyone signed up on this agenda item, community concerns and celebrations?

**Board Secretary** We have one person online.

**Kamealoha Smith** Aloha, this is Kamealoha from Kaua'i. I am speaking today as the Program Administrator for Kupa'a Hanalei, which is the Hanalei River Foundation. I am following up on the concerns I had about a fiscal sponsorship agreement that we had in place. I have been trying to get a response from Sylvia and the Grants department but unfortunately, they have not responded to me. We did meet in December 2022 to address some of the concerns, but Sylvia was dismissive. I would like to bring those concerns to the Board and ask Sylvia to figure out a time in her schedule that we can sit and discuss. We were asked to be a volunteer fiscal sponsor for Ho'omana, a project Holomua; it was a \$35K grant. Later, we were given 5% of the funds to cover our administrative cost; however, the amount did not cover the work we were tasked with. We received the final payment approximately a year after the contract ended while OHA provided the sponsored organization with templates, mentoring, and writing assistance, and as such, they were able to finish the reports perfectly and on time. In contrast, we were not given any support as a fiscal sponsor to complete any report. As a fiscal sponsor, we work with the sponsor organization to raise funds and start your project; however, the grant was delayed for more than six months because OHA was unable to provide funding. In the portal for the OHA Grants Program for fiscal sponsors, there is no place for fiscal sponsors to upload invoices and other due diligence documents. The language in the contract is unclear on what is the exact role of a fiscal sponsor. The lack of rules, policies, and clarity have caused a lot of delays in the payment process and we were subjected to having payments given to us about a year later. I am concerned by some of the emails sent by OHA staff during the grant period, which I perceive as harassing and threatening. As a non profit operating in the State of Hawai'i, we have internal rules and policies, and we are surprised when our concerns as a fiscal sponsor turns into a compliance issue. We were forced to remain as a fiscal sponsor for the sponsored organization, which violates OHA policies as we were a mere pass-through organization. The sponsored organization also declines the fiscal sponsorship agreement. There was no formal agreement in place between the organization and us to move forward with the OHA grant that is why we terminated our grant agreement. Even after we terminated our agreement, we were forced to go out and do checks and other stuff so that this organization could get their funding. I think throughout this entire process, this has been retaliation because of my public criticism of the grants process. It is unfair to penalize someone exercising their rights to free speech. Lastly, I think the grants program operationally is not aligned with the core mission of the OHA. The training and interactions are inconsistent and delays are common. I came up with some recommendations:

- We received an email from Grants saying we could still apply for grants, but it should be done with reservations. I think it should be changed to complying with reservations to fully compliant. We did not do anything wrong.
- OHA should also consider farming out services of their OHA Grants Program to qualified Native Hawaiian non-profits if they are short of qualified staff.
- Provide training to everyone at the beginning of the grants. The first mandatory exercise for the grants should be dedicated to the OHA system, while the second should be focused on project management and development.
- Change the software system so the grantees can not move forward in the process unless the documents are properly completed and uploaded. Currently, this process is done manually and this leads to errors and delays.

We did a lot of work for free. Why is it that everyone else in Honolulu gets paid for all their work, but people on the neighbor islands do not get paid for our work? This is not because we did anything wrong, but because you didn't have a process to pay us. I am tired of being lectured and I want something to be done.

**Executive Session**

**Chair Hulu Lindsey** I will entertain a motion to move ourselves into executive session pursuant to HRS Section 92-5. We will return back to our livestream once we come out of executive session.

**Trustee Souza** Moves to move the Board into executive session.

**Trustee Waihe'e** Seconds the motion.

**The Board recuses into Executive Session at 10:18 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 <b>AHUNA</b>			<b>X</b>			
TRUSTEE KALEI <b>AKAKA</b>			<b>X</b>			
TRUSTEE KELI'I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRICKWOOD <b>GALUTERIA</b>			<b>X</b>			
TRUSTEE KEONI <b>SOUZA</b>	<b>X</b>		<b>X</b>			
TRUSTEE MILILANI <b>TRASK</b>			<b>X</b>			
TRUSTEE JOHN <b>WAIHE'E</b>		<b>X</b>	<b>X</b>			
CHAIRPERSON HULU <b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with a Nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused vote.</b>						

**Board returns to open session at 12:30 p.m.**

**Chair Hulu Lindsey** Thank you Trustees, we are in open session. I would like to call on Trustee Akaka to read the motion.

**Trustee Akaka** Madame Chair, I Move to **REJECT** the proposal from Speaker Scott Saiki, as detailed in his April 3, 2023 letter to the OHA Board of Trustees, related to a perpetual easement prohibiting residential development at Hakuone, Kaka'ako Makai, due to unacceptable terms contained in Speaker Saiki's proposal that interfere with the Board of Trustees' fiduciary duties to its Hawaiian beneficiaries.



**Trustee Waihe'e Seconds the motion**

<b>Trustee Akaka</b>						
<p>Moves to <b>REJECT</b> the proposal from Speaker Scott Saiki, as detailed in his April 3, 2023 letter to the OHA Board of Trustees, related to a perpetual easement prohibiting residential development at Hakuone, Kaka'ako Makai, due to unacceptable terms contained in Speaker Saiki's proposal that interfere with the Board of Trustees' fiduciary duties to its Hawaiian beneficiaries.</p> <p><b>Trustee Waihe'e Seconds the motion.</b></p>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OL E (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE'E</b>		<b>X</b>	<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused.</b>						

**Announcement**

**Chair Hulu Lindsey** Thank you Trustees. Our next Board of Trustees meeting will April 20th at 10:00 am

**Adjournment**

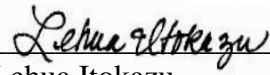
**Trustee Ahuna Moves to adjourn the meeting.**

**Trustee Souza Seconds the motion.**

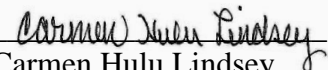
Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA	X		X			
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA		X	X			
MILILANI	TRASK			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>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

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 12:33 p.m.

Respectfully submitted,

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

As approved by the Board of Trustees on May 4, 2023.

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