

**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, August 24, 2017
10:00 am**

ATTENDANCE:

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

ROBERT KLEIN, ESQ. BOARD COUNSEL

EXCUSED:

TRUSTEE DAN AHUNA
TRUSTEE PETER APO

ADMINISTRATION STAFF:

KAMANA‘OPONO CRABBE, CEO
ALBERT TIBERI, CC
DAVID LAEHA, CFO
MILES NISHIJIMA, LPD
KEOLA LINDSEY, PAPA
MOMI LAZO, SR. EA to CEO
OLU CAMPBELL, LAND
TIMMY WAILEHUA, NHRLF

BOT STAFF:

CAROL HOOMANAWANUI
LADY GARRETT
ANI PANG
MAX MUKAI
DAYNA PA
LAURENE KALUAU-KEALOHA
MARIA CALDERON
KAUIKEAOLANI WAILEHUA
ALVIN AKEE
PAUL HARLEMANN

GUESTS:

BO KAHUI
GERMAINE MEYERS
WILLIAM PALAKIKO

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:03 am. Roll call is taken; Trustees Ahu Isa, Akina, Carmen Hulu Lindsey, Robert Lindsey, and Machado are present; constituting a quorum of five (5) trustees. Trustee Rowena Akana and Trustee John Waihee IV are expected to arrive shortly. Excused absence has been received from Trustee Dan Ahuna and Trustee Peter Apo.

Chair Colette Machado - I would like a 72 Hour Waiver for the following items:

II. Approval of Minutes

A. June 29, 2017

V. New Business

A. Committee on Beneficiary Advocacy and Empowerment

1. BAE #17-06: Michael Tresler, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Kaua‘i 1st Term Approval

2. BAE #17-07: Keani Rawlins-Fernandez, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Moloka'i 1st Term Approval
- C. Committee on Resource Management
 1. RM #17-12 Resolution recognizing and thanking the 'Aha Kūkā Advisory Council members, the Pele Defense Fund, the Maku'u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna.

Trustee Carmen Hulu Lindsey moves for a 72 Hour waiver for the items II. A., V.A. 1 and 2. And V.C.1.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado calls for a roll call vote.

Trustee Carmen Hulu Lindsey moves for a 72 Hour waiver for the items II. A., V.A. 1 and 2. And V.C.1. Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Not present
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E						Not present
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			5			4
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with five (5) YES votes, and four (4) excused.						

II. APPROVAL OF MINUTES

A. June 29, 2017

Chair Colette Machado – Trustee Leina'ala Ahu Isa before we move to approve the minutes you have an amendment.

Trustee Leina'ala Ahu Isa – Yes on page 29 of the June 29, 2017 minutes, under Trustee Leina'ala Ahu Isa it should read, "Well as an OHA Trustee I want to ask that question I don't think that is fair because OHA itself didn't take a stand we are still in neutral position and we should support."

Trustee Carmen Hulu Lindsey – That is why it is important that we speak into the mics when our staff transcribe they can't hear us, I speak for my staff as well.

Trustee Leina'ala Ahu Isa – I am not criticizing.

Trustee Carmen Hulu Lindsey – I am not criticizing either I am just making a statement that we need to speak in the mics so that our staff can hear.

Chair Colette Machado – We will correct that.

Trustee Carmen Hulu Lindsey moves to approve the minutes of June 29, 2017 as amended.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado – Roll call please.

Trustee Carmen Hulu Lindsey moves to approve the minutes of June 29, 2017 as amended. Trustee Robert Lindsey seconds						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			x			
TRUSTEE DAN AHUNA						Excused
TRUSTEE ROWENA AKANA						Not present
TRUSTEE KELI'I AKINA			x			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		x			
TRUSTEE ROBERT LINDSEY		x	x			
TRUSTEE JOHN WAIHE'E						Not present
CHAIR COLETTE MACHADO			x			
TOTAL VOTE COUNT						
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with five (5) YES votes, and four (4) excused.						

III. PUBLIC TESTIMONY

Chair Colette Machado – We will now proceed to public testimony. We have one individual who has signed up. I would like to call to the table Bo Kahui.

Mr. Bo Kahui – Aloha Trustees. Thank you for having me. We are looking for OHA to support that with a memorandum to Hawaiian Homes. We are currently underserved in our district. There is a lot going on and we are looking to Hawaiian Homes to prepare a budget in their next fiscal year for permanent positions, two positions and an office space. We seek the support of this board in a form of a memo in support of the Kona office. *(Please see attached list of items discussed with Trustees)*

10:17 am Trustee Rowena Akana arrives to meeting

Trustee Rowena Akana – I just want to say thank you because the work that you do is outstanding. Nobody on this board can do the kinds of things that you do for your own community. The community has to help and you've done a tremendous job with matching monies and getting different kinds of grants to do all these community things that you do.

Bo Kahui – You know what is interesting is that we brought over \$30 million into our community in real capital. When you look at the equity, we seem to struggle to get support for some reason.

Chair Colette Machado – Our next speaker is Germaine Meyers.

Ms. Germaine Meyers – Aloha my name is Germaine Meyers I'm a beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. I sent everyone an email last night confirming that the property is indeed-owned by OHA. Mahalo Chair for confirming that yesterday verbally.

I do want to make my point that I again I want to reiterate yes to Lā'au Lapa'au and no to the LLCs. As far as Lā'au Lapa'au, I want to make the point this morning that I wasn't being factitious when I said yes to pakalolo. When I was in my twenties my tutu, my stepfather's mother she was diagnosed with cancer. I am sure everyone has their own story on how medicinal marijuana was given as a remedy when it was illegal. So my grandmother when she was going through radiation and chemotherapy, my uncles were always potheads. My grandmother contracted cancer and her doctor told her about his studies on how medicinal marijuana can reduce her pain. So she went to my uncles. I have to tell you when she came back from radiation and she lost all her hair, she did tell us how much it helped her. She could eat, and actually function. I do want to make the point that lā'au Lapa'au and medicinal marijuana is something that I support and so I provided this handout for you.

(Please see attach hand out Cannabis101)

What I want say going out to you about this legislation and talking about the hemp farming, well actually not about that. In the State of Hawaii, I have done research about State owned land, and a couple years ago I actually took with me to a Hawaiian Homes Commission meeting a letter that one of the Department of Planning managers when he was retiring from the City and County of Honolulu he had actually shared with me letter because now he didn't feel he was going to get retaliation to explain to me why State owned land is not subject to City and County rules and regulations. So I had brought that up to Hawaiian Home Lands because I explained to them as a homesteader when you call City and County and you ask the police department and you tell them you are having a situation going on they tell you to call Hawaiian Home Lands, why because every State agency has to regulate as well as enforce their own rules on their own land. So what does that mean, we are not subject to zoning, we can respect the rules, we are also not subject to on State lands, Hawaiian Home Lands the permitting process. The Hawaiian Homes Commissioners say that we want you to follow that because we want to be in regulation. But as a State owned land DLNR, can actually grow hemp and it wouldn't be illegal if the DLNR didn't enforce it. The commissioner were quite surprised, I gave them the letter the ombudsmen's office confirmed this as well as the AG's office. I have the letter at home I can bring it another day. Workers in here OHA pays for your 'ohana so OHA comes first.

I just wanted to share with you that. That is the problem we have on Hawaiian Home Lands you get a problem with your wastewater management, you get one sewer problem you call the City they tell you go to call Hawaiian Home Lands. I have talked to my Oahu District Manager about it, Juan Garcia. He and I went way back when I was working at the Department and I explained to him that until you tell the Homesteaders they going be frustrated. We all going feel like one tennis ball, or volleyball going over the next back and forth between the City and you guys. Like you said all they have is Kip, they only have four people in the enforcement Department and they have to enforce the entire State all Hawaiian Homes property, all 200,000 acres. So enforcing means also remedying problems between two neighbors. Try call the cop is you live on Hawaiian Homes tell them you have problem with your neighbor they going listen, they going write the report, but they going ultimately going tell you, you have to go back to Hawaiian Home Lands because they are supposed to enforce their own rules. Same with OHA you are a State Agency you own the land, you are not subject to City and County rules and regulations or zoning, that is the secret that the State has always kept. I just letting you know because I want you to know that these are opportunities that we can take advantage of. E Hana kakou.

Trustee Rowena Akana – The Department of Hawaiian Home Lands is separate because there are created in 1920 by the Hawaiian Homestead Act. It's a Federal Act and it's just like the Indian Act. So that you are right they don't have to follow any of the State Laws they come under the Feds so they don't have to have building permits, they don't have to follow the zoning codes because they come under the Governor though usually the Governor insist that they follow the codes. I remember when Frank Fasi was Mayor and he said

that you people should pay for the garbage pickup and there was a big to do about that because. Do you pay taxes?

Ms. Meyer – I do for the land to the City. Every island pays different.

Trustee Rowena Akana – You shouldn't be paying taxes if you don't get the City services.

Ms. Meyer – We do get the City services.

Trustee Rowena Akana – So they do pick up your garbage.

Ms. Meyer – Yes, they do pick up our garbage. But we are charged less.

Trustee Rowena Akana – Ok. That is ridiculous. The City doesn't own your land. It comes under Federal Act they shouldn't be charging you taxes on Hawaiian Home Lands.

Ms. Meyer – If that is the case ke akua brought it to my attention and now I understand why. He was saying OHA may want to look at transferring the land that you want to develop outside of the zoning rules to Department of Hawaiian Home Lands.

Trustee Carmen Hulu Lindsey – My understanding of Hawaiian Homes is that we do not pay taxes on the land. But we do pay taxes on the improvements on the land. If do not go to the Counties for the necessary permits then we cannot expect to get water service, nor can we expect to get trash service. That is why we cooperate with the City or the Counties that we are on. So that we can get the same services as our neighbors that are not on Hawaiian Home Lands.

Ms. Meyers – Every County is different and it all depends on how the island, the Commissioners work with the County rules. For example on the Big Island, they pay regular rate. Maui I am finding that you are just paying for the improvements. On Oahu, we only pay \$250 for every six months. Every island I am finding out is different.

Trustee Robert Lindsey – On the Big Island we are taxed on improvements for residential properties, but for pastoral and ranch there is a flat rate for the land.

Trustee Carmen Hulu Lindsey – Same thing for Maui County.

Trustee Rowena Akana – They shouldn't be charging.

Trustee Leina'ala Ahu Isa – I wanted to share that I was one of the introducers of the bill for medical marijuana 16 years ago. My dad had cancer, because of radiation he lost so much weight, he couldn't eat. He grew his own in the back yard. It helped him eat.

V. UNFINISHED BUSINESS

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

Chair Colette Machado – I would like to call on the CEO for any updates.

10:37 am Trustee John Waihee arrives to meeting.

Kamana‘opono Crabbe – Good morning Trustees and Madame Chair. Two announcements, prior to this meeting this morning I had emailed Chair, Justice Klein, and Trustee Dan Ahuna and all of you were cc’d we were just made aware of the University of Hawaii Resolution to affirm Mauna Kea stewardship. They are currently undergoing a Board of Regents meeting as we speak. So only had a few minutes to review it but they are affirming their commitment to collaborative stewardship of Mauna Kea Cultural, Natural, Educational and Scientific Resources. It looks like at the bottom they are looking to affirm their willingness to work with Native Hawaiian organizations and the broader community. They are having that meeting as we speak.

Second, may I ask Keola Lindsey to come up. We had informed you regarding the White House and the President through the Department of Interior, looking this past April 2017 and directing the Department of Interior to look at certain monuments and that would include Paphānaumokuākea Northwest Hawaiian Islands and challenging the establishment of the Monument through the Antiquities Act. They went through a review process, we are still waiting on the official report but we were just notified this morning that they came out with some information. Recommending that certain changes be made with respect to the boundaries and to the permit uses for those monuments. I asked Keola because he has been following this quite closely. What would be the implications for OHA since we are a co-Trustee to this and what is the process moving forward.

Keola Lindsey – Good morning Trustees. Just to add a few things, it is a waiting game at this point. We are awaiting for the official release of the report from the Secretary of Interior. It will have all the details and all the recommendations specific to the 21 National Monuments around the US including our area in the North westerns. It is something we’ve been very attentive to because our concern at this point is any change for Paphānaumokuākea may require amending the Memorandum of Agreement that provided us a management role both day to day and as a co-Trustee level. That is probably the key point for OHA and our area is beyond changes to the area boundary amendments, changes in the restrictions in the area that is a concern in itself. But how that get carried over into that governing document that we are a part of and whether the current administration would be willing again to include us are all the types of issues we will be closing monitoring moving forward.

The recommendations from the Secretary to the President are likely to be both recommendations for executive action as well as legislative action. There is likely to be two categories of potential responses to the recommendation but the key is, is that they report is just going to be recommendations it will still be up to the President for executive action and then Congress for Legislative Action. We are looking at probably a good period of time moving forward for the issue to be resolved.

Kamana‘opono Crabbe – Perhaps moving forward would any changes to the current memorandum of the consideration what would that entail in terms of not just political advocacy but for the potential of legal action.

Keola Lindsey – The core issue being debated is this law called the Antiquities Act. Whether one President can do away with what another President did under that Act. It is something, from my understanding, has never been vetted by the Courts so we are on new ground. But that issue of the current President potentially trying to undo what previous Presidents have done. There are three Presidents who have taken action to establish monuments that are under review. So whether the current President can undo those previous three President’s actions is what the core legal issue is going to be moving forward. Again, its unprecedented there seems to be no guidance whether what can happen. I think from what I understand, constitutional lawyers are very excited to see this issue vetted but of course stakeholders in each National Monument are very concerned about what the process will be moving forward. Executive action the remedy is going to be potential legal action. If Congress acts that is kind of a different story for these areas.

Kamana‘opono Crabbe – In this case as co-Trustee, we have been in preliminary discussion with the attorney general, DLNR but potentially what we will need to prepare for. Keola and our Chief Advocate and assessing moving forward what the potential steps will be. Just for a broader context this seems to be a

national movement by this administration and this Department of Interior, it is something that the State of Hawaii should take a very careful look at especially for us in terms of a co-Trustee it does to the current MOA, it does elevate OHA not only in terms of the governing but to a certain degree of self-determination for advocating for our people and community.

B. Committee on Resource Management

Chair Colette Machado – We are going to move on to RM #17-08. This is our second reading. I'd like to call on Trustee Carmen Hulu Lindsey.

1. RM #17-08: Amendment to Section 5.1 of the Investment Policy, changing the Native Hawaiian Trust Fund Asset Allocation and Benchmarks, 2nd Reading

Trustee Carmen Hulu Lindsey moves Move to approve the amendment to Section 5.1 of the Native Hawaiian Trust Fund Investment Policy Statement as described in Attachment “A” (Investment Policy Statement).

Trustee John Waihee Seconds the motion.

Chair Colette Machado – Roll call vote.

Trustee Carmen Hulu Lindsey moves Move to approve the amendment to Section 5.1 of the Native Hawaiian Trust Fund Investment Policy Statement as described in Attachment “A” (Investment Policy Statement).						
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						Excused
TRUSTEE ROWENA AKANA			X			
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			7			2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with seven (7) yes votes and two (2) excused						

V. NEW BUSINESS

Chair Colette Machado – We will now move on to New Business, I'll call on the BAE Chair.

A. Committee on Beneficiary Advocacy and Empowerment

1. BAE #17-06: Michael Tresler, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Kaua'i 1st Term Approval[†]

Trustee Robert Lindsey moves to approve BAE #17-06: Michael Tresler, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Kaua'i 1st Term Approval

Trustee John Waihee seconds the motion.

Chair Colette Machado – Hearing no discussion roll call.

Trustee Robert Lindsey moves to approve BAE #17-06: Michael Tresler, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Kaua'i 1st Term Approval 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						Excused
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE'E		x	X			
CHAIR COLETTE MACHADO			x			
TOTAL VOTE COUNT			7			2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed with seven (7) yes votes and two (2) excused						

2. BAE #17-07: Keani Rawlins-Fernandez, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Moloka'i 1st Term Approval

Chair Colette Machado – We are now on item V.B.2. Trustee Robert Lindsey

Trustee Robert Lindsey moves to approve BAE #17-07: Keani Rawlins-Fernandez, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Moloka'i 1st Term Approval

Trustee John Waihee seconds the motion.

Chair Colette Machado – Hearing no discussion roll call vote.

Trustee Robert Lindsey moves to approve BAE #17-07: Keani Rawlins-Fernandez, Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD) Member, for Moloka'i 1st Term Approval 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						Excused
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE'E		x	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						

C. Committee on Resource Management

Chair Colette Machado – We are now on Item C. I'll call on RM Chair Trustee Carmen Hulu Lindsey.

- RM #17-12 Resolution recognizing and thanking the 'Aha Kūkā Advisory Council members, the Pele Defense Fund, the Maku'u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna.**

Trustee Carmen Hulu Lindsey moves to approve Resolution recognizing and thanking the 'Aha Kuka Advisory Council members, the Pele Defense Fund, the Maku'u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna.

Trustee John Waihee seconds the motion.

Chair Colette Machado – No further discussion roll call.

Trustee Carmen Hulu Lindsey moves to approve Resolution recognizing and thanking the 'Aha Kuka Advisory Council members, the Pele Defense Fund, the Maku'u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna.

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						Excused
TRUSTEE ROWENA AKANA			X			
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			7			2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with seven (7) yes votes and two (2) excused						

VI. EXECUTIVE SESSION

Chair Colette Machado – We will not move to recuse ourselves into executive session. Can I get a motion please.

Trustee Keli'i Akina – As you go into executive session to discuss Akina v. State of Hawaii I voluntarily, recuse myself as a curtesy. I'd like to point out that I am not involved at all in any suit against you. After the election, I resigned my position as a plaintiff in the Akina v. State of Hawaii. I also would like to point out that I stand to have no financial benefit in the matter what so ever. I have no liabilities. I own no attorney's any fees. Just a last comment I'd like to make, Trustees and beneficiaries, we've all been elected here because of the views that we stood for. As you know this case was brought forth by a group of Plaintiffs mostly native Hawaiian beneficiaries of OHA who had concerns about the spending by OHA on the native Hawaiian Roll Commission or Nai Aupuni. I just want to say that rather than sue now I use my position as Trustee with its rights and opportunities to discuss these matters with you. I wish you well as you go into executive session.

Chair Colette Machado – Thank you for your statement and your clarification. I will need a motion to move forward.

Trustee Carmen Hulu Lindsey motions to move into Executive Session Pursuant to HRS§92-5(a)(4).

Trustee John Waihee seconds the motion.

Chair Colette Machado – Roll call vote please.

Trustee Carmen Hulu Lindsey motions to move into Executive Session Pursuant to HRS§92-5(a)(4). 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						Excused
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA						Recused
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with six (6) YES votes, one (1) recusal and two (2) excused.						

The Board resolved into Executive Session at 10:51 am.

A. Approval of Minutes

1. June 29, 2017

B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the boards powers, duties, privileges, immunities, and liabilities regarding Akina et al. v. State of Hawaii et al. Pursuant to HRS 92-5 (a)(4).

The Board reconvenes into Open Session at 11:03 am.

VII. COMMUNITY CONCERNS

Chair Colette Machado – Is there anyone wanting to address the board?

11:06 am Trustee Keli'i Akina returns to the meeting.

Mr. Palakiko – I do.

Chair Colette Machado – You need to complete a sign-up sheet with your name and concern please come to the table.

Mr. William Palakiko – What I like to address, I been here once and this is my second time. My name is William David Palakiko. What I wanted to address is I'm reading the native Hawaiian law book and in the book says OHA's priorities or the principles is education and housing. Now you get a class over there that is open five days a week but no more classes. It's a money problem always. That is kind of getting irritating to me because you guys don't have a money problem. You guys have money I want to know what's the problem with the education part. Why is, you have three people there in an empty building and you having classes whenever you guys having classes. I feel that class that education center is for Hawaiians and should be open five days a week. Not when you guys get funds. Where is this funds?

Chair Colette Machado – Could you refresh our memories what program are you referring to?

Mr. Palakiko – I asked Mehana because I wanted to talk to Crabbe but every time Mehana want to talk for Crabbe, I guess Crabbe he cannot come talk to me himself.

Kamana‘opono Crabbe – No the last time I came talk to you.

Mr. Palakiko – Every time I come you are busy or are in a meeting. You know what I the beneficiary here so when I come here and I ask for your assistance you should drop what you doing and come talk to me at least. Not go send Mehana, I no like talk to Mehana. I like talk to you. Because you talking about self-governance. Mrs. Akana went talk about beneficiaries, well I’m a beneficiary but every time I come and I ask for help because I cannot work so I want to start my own business but I need your guys help just to get me going. But every time I come there is an excuse here, there is an excuse there or no more classes. In the Native Hawaiian Law, book which I have, which I can show you on page 34 it says your main priority and main principle is education and housing. How can you get a building over there, I guess you guys spending thousands of dollars for that building because it is nice and it is just sitting.

Chair Colette Machado – Which building is this?

Mr. Palakiko – The building you go to sign up, what is her name, Martha. You know the old advertiser building was, you guys don’t know you have an education over there.

Chair Colette Machado – Oh, you talking about Hi‘ilei.

Mr. Palakiko – You guys sending me to Hi‘ilei, but Hi‘ilei telling me no more classes because no more funds. I say who supposed to fund you guys, oh OHA. Now if education and housing is the main priority and main principles for Hawaiian beneficiaries like me why is this classes when get money. Why is this classes not run 5 days a week? That’s what I want to know. Can someone answer me any of you Trustees?

Chair Colette Machado – You applied for a Native Hawaiian Revolving Loan.

Mr. Palakiko – I don’t even want a loan. Now I looking at the grants and loan, I don’t want a grant I don’t want a loan. I like compensation, how’s that?

Kamana‘opono Crabbe – Who referred you to Hi‘ilei?

Mr. Palakiko – Your main go to woman, Mehana.

Kamana‘opono Crabbe – Why did she refer you to Hi‘ilei?

Mr. Palakiko – I don’t know, you tell me why, this is your organization this is OHA, I learning. I like learn and I the wrong person you going get under my skin. Cause you not.

Chair Colette Machado – Mr. Palakiko we’ve allowed you to address the Trustees under community concerns.

Mr. Palakiko – That is a community concern, because in my book Native Hawaiian Law book, says community programs. That is a community program, which supposed to be funded by OHA. What part do you want me to explain.

Chair Colette Machado – But we didn’t understand, that is why we usually have a sign-up sheet and you describe what you are interested in addressing to us.

Mr. Palakiko – This is what I am interested in. I want to start a nonprofit and I would like OHA to help me to start this nonprofit so I can go on with my life. But every time I get one road block here, roadblock there and I getting tired of the road blocks. You know pretty soon, next month I am going to be on the street, and if I am going to be on the street I am going to come and sleep in your guys office over here because I ain't going on no beach unless I want to go on the beach.

Chair Colette Machado – Kamana'opono Crabbe this is something I'm not sure how to refer it because it is beyond our discussion right now.

Kamana'opono Crabbe – From what I understand William, you originally came to help you with a business. What I recall is actually we spent two hours. I took two hours out of my time to sit with you.

Mr. Palakiko – I no remember two hours. I remember Timmy sitting down 5, 10 minutes.

Kamana'opono Crabbe – Now I understand why Mehana referred you because now you want to start a nonprofit and I am assuming.

Mr. Palakiko – Nonprofit foundation, I like clean up the 'āina I no like wait for City and County and State. I like start one business I like clean up the 'āina and I like you guys fund me. I one beneficiary, do we have a problem with that.

Kamana'opono Crabbe – We don't fund businesses.

Mr. Palakiko – Don't you fund nonprofits? I can show you 2016 get all these nonprofit companies and this company I not even important, what is important education and housing for Hawaiians not all this other avenues.

Kamana'opono Crabbe – My suggestion is...

Mr. Palakiko – My suggestion is you cut me a check so I shut up.

Kamana'opono Crabbe – We understand what his needs are and then try to refer, I don't know exactly.

Mr. Palakiko – I been coming here for months I don't think you understand my needs because I no need be coming here if you understand my needs. Then 99% of the time when I come over here to talk to you, you busy. You know I would appreciate you drop what you doing and come talk to me so I no need come talk over here.

Kamana'opono Crabbe – Let's talk after this meeting.

Chair Colette Machado – Trustee Rowena Akana

Trustee Rowena Akana – It's obvious that he was sent to Mona for technical support and her classes, so that he could learn how to put a business together or a business plan. To be told that there was no money to do that perhaps just brushing him off and saying there is no money is not really the way to handle this.

Mr. Palakiko – Yeah, especially with a kanaka maoli like me. No, go brush me off because I going keep coming back.

Trustee Rowena Akana – Obviously he is frustrated, I can see the frustration perhaps Mr. Administrator you and Mehana talk to Mona and see when the next class is going to be, make sure he is enrolled in the next technical support class and take care of this there is no need for him to keep coming back.

Mr. Palakiko – I no like talk I like see action. I look at the list of 2016 you get all these foundations, neva mind about all this foundation let's take care education, housing before we take care all these other business and this other people kuleana. Let's take care our kuleana first and the beneficiary, which I am, I am one of your kuleana.

Chair Colette Machado – Thank you for bringing that to our attention. Is there anyone else that would like to address the board.

11:16 am Trustee John Waihee leaves the meeting.

Trustee Rowena Akana – I'd like to ask the RM Chair where we are in the audit process and how are we going about selecting the people to carry out the audit.

Chair Colette Machado – We are extending the date to the 15th of September.

Trustee Rowena Akana – I know that I've been getting calls from the community people who have come here and rather them coming back to demonstrate, it would be easier for us to say where we are in the process.

Trustee Carmen Hulu Lindsey - We were not successful in getting applications in from possible SOQ's. I believe we only got one. We solicited 22 different companies only one applied so as a result we're extending the deadline. I've asked for the 15th but I see it on KII that is extended to the 8th.

Chair Colette Machado – Think it will change.

Trustee Carmen Hulu Lindsey – I also asked to take out phrase that was in the SOQ, it was not put in by the audit committee, I believe it was put in by our procurement team that applicants need to have an office in Honolulu. I wanted that taken out because that is not required by law and it may subject us to some liability in that we would be discriminating against companies that are in California or elsewhere around the United States. Actually, the audit division of the State of Hawaii suggested that we take that out of our SOQ for possibility liability. I've asked our procurement division to take that out of our SOQ. And maybe it will open up more companies wanting to come here. They don't have to have an office they could work out of a hotel room for three months that is up to them and not up to us. Basically, that is what has happened so far. I am waiting on the Chair for her delegations of authority.

Trustee Rowena Akana – To that end, I want to say with that stipulation that probably cut down half of the applicants that is why **they** didn't apply because if the language said that they had to have an office here that cut out a lot of people would have applied, and very qualified people. If the list came from the State Auditor, there is a big problem with not soliciting those recommendations from the State Auditor. I'm glad it is going to be extended and the language taken out. Thank you.

Trustee Leina'ala Ahu Isa – You can't have people coming in from the mainland that were not vetted and they are going to do business here. Like what happened after Hurricane Iniki, they came in and they were trying to fix roofs and they ran away with the money. Why we put it in, I was in the legislature when insurance companies tried to come in. We kept them out because they had to pay the GE and have an office here. So that's why for a long time we only had Island Insurance, we didn't have anyone else coming in. That's how we, Hawaii, controlled what kind of companies come here. Be very careful you going to get someone from out of State come here and they don't have an office. That is all I am going to say.

Trustee Carmen Hulu Lindsey – I just want you to know that the list came from the State Auditor and SPO so we feel they vetted, they have worked in Hawaii already apparently in talking with both agencies. I believe there were more names on a list from Les Kondo that was sent to us. Our procurement team said that they would make sure that everyone on the list would get the extension. I just wanted some kind of confirmation from them that, that phrase that they had to have an office in Honolulu is taken out.

VIII. ANNOUNCEMENTS

Chair Colette Machado – Our next meeting will be on Hawaii Island..

IX. ADJOURNMENT

Chair Colette Machado – I would like to entertain a motion to adjourn.

Trustee Carmen Hulu Lindsey Moves to adjourn the meeting

Trustee Robert Lindsey Seconds the motion.

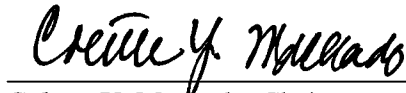
The meeting was adjourned at 11:21 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on September 21, 2017.



Colette Y. Machado, Chairperson
Board of Trustees

Attachment:

Excuse Memo Trustee Dan Ahuna

Excuse Memo Trustee Peter Apo

Handout from Bo Kahui

Handout from Germaine Meyers – Cannabis 101