

**State of Hawai'i
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Tuesday, March 15, 2016, 9:30 am**

I. CALL TO ORDER

Chair Robert K. Lindsey, Jr. called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 9:32 am. Those present were as follows:

Attendance

Trustee Robert K. Lindsey, Jr., Chair
Trustee Dan Ahuna, Vice Chair
Trustee Lei Ahu Isa (arrived 9:42 am)
Trustee Peter Apo

Trustee S. Haunani Apoliona
Trustee Carmen Hulu Lindsey (arrived 9:44 am)
Trustee Colette Machado
Trustee John Waihe'e IV (arrived 9:55 am)

Excused

Trustee Rowena Akana

Staff Present

Dr. Kamana'opono Crabbe, CEO
Robert G. Klein, Board Counsel
Harold Nedd, Chief of Staff
Capsun M. Poe, Board Secretary
Jeremy Kama Hopkins
Kauikeaolani Wailehua
Alvin Akee
Davis Price
Nathan Takeuchi
U'ilani Tanigawa
Lehua Itokazu
Liana Pang
Claudine Calpito
Louise Yee Hoy

Dayna Pa
Lisa Victor
Hawley Iona
Mehana Hind
Kawika Riley
Miles Nishijima
Sterling Wong
Jocelyn Doane
Grant Keli'iwa'anui
Allen Kam
Garett Kamemoto
Momilani Lazo
Matthew Kodama
Farah Straub

Others Present

William Meheula
Pōkā Laenui

Joseph Mahoe

II. APPROVAL OF MINUTES

Chair Lindsey announced the draft minutes of January 28, 2016; February 11, 2016; and February 25, 2016 were distributed and asked if there were any changes.

Motion

At 9:33 am, Trustee Ahuna moved, seconded by Trustee Apo, to approve the minutes of January 28, 2016; February 11, 2016; and February 25, 2016, as distributed.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						X
TRUSTEE DAN AHUNA	1		X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO		2	X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY						X
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E						X
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			5	0	0	4

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

Motion passed with five (5) YES votes, no (0) NO votes, no (0) abstentions, and four (4) excused.

III. COMMUNITY CONCERNS

There were no Community Concerns.

IV. UNFINISHED BUSINESS

Chair's Update

Chair Lindsey reported that he and Vice Chair Ahuna had a wonderful visit to Aotearoa to help return Kalani'ōpu'u's 'ahu 'ula and mahiole. He cited it as the best trip he has ever taken as an OHA Trustee. He thanked Dr. Crabbe, Ms. Hind, and Ms. Lazo for their work in making the trip successful.

Vice Chair Ahuna also described the trip as the best he has ever taken. He added that he was proud of OHA for being part of an amazing event. He also praised Dr. Crabbe and the entire team for working on the return of the 'ahu 'ula and mahiole. He also thanked Hawaiian Airlines and Bishop Museum for partnering with OHA to undertake the return.

Trustee Apoliona stated she is looking forward to the upcoming presentation regarding the return. She added that this would not have been possible without a partner like Bishop Museum.

CEO's Update

Dr. Crabbe thanked OHA's Digital Media team for the high level of coordination necessary to livestream all of the events for the return of the 'ahu 'ula and mahiole. He also shared information regarding the ceremony to return the items at Bishop Museum on Thursday. There will be a procession led by the Hawaiian Royal Societies and other Ali'i Trusts. Ms. Lazo reported that parking would be available and that Bishop Museum will be closed that day for the ceremony. Dr. Crabbe added that although the OHA delegation went to Aotearoa to escort the 'ahu 'ula and mahiole back to Hawai'i, the official handover will take place on Thursday.

V. NEW BUSINESS

OHA Legislative Positioning – Matrix 1 dated March 2, 2016

Trustee Waihe‘e reported the following on behalf of the Committee on Beneficiary Advocacy and Empowerment:

March 7, 2016

The Honorable Robert K. Lindsey, Jr., Chair
Board of Trustees
Office of Hawaiian Affairs

Chair Robert Lindsey,

Your Committee on Beneficiary Advocacy and Empowerment, having met on March 2, 2016 and after full and free discussion, recommends approval of the following TWO actions to the Board of Trustees:

- ACTION 1
To approve Administration’s recommendations on NEW BILLS (Items 1 – 10) and BILL POSITIONS FOR RECONSIDERATION (Item 11), on the OHA Legislative Positioning Matrix dated March 2, 2016, as amended.
- ACTION 2
To include House and Senate concurrent resolutions entitled “Requesting the Establishment of a Public Land Trust Revenues Negotiating Committee” to the OHA 2016 Legislative Package.

Motion

At 9:59 am, Trustee Waihe'e moved, seconded by Trustee Ahuna, to approve Administration's recommendations on NEW BILLS (Items 1 – 10) and BILL POSITIONS FOR RECONSIDERATION (Item 11), on the OHA Legislative Positioning Matrix dated March 2, 2016, as amended.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			8	0	0	1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

Addition to OHA 2016 Legislative Package

Motion

At 10:00 am, Trustee Waihe'e moved, seconded by Trustee Ahuna, to include House and Senate concurrent resolutions entitled "Requesting the Establishment of a Public Land Trust Revenues Negotiating Committee" to the OHA 2016 Legislative Package.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			8	0	0	1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

BOT Bylaws Amendment and Corresponding and Conforming Changes to BOT Executive Policies –
Second Reading

Motion (Original)

At 10:02 am, Trustee Ahuna moved, seconded by Trustee Apoliona, to amend, approve, adopt, and ratify OHA Board of Trustees' By-Law Article XVII, "Trustee Code of Conduct and Sanctions for Violations of the Code of Conduct" and to approve, adopt and ratify a stand-alone policy which shall be titled "Code of Conduct and Sanctions for Violation of the Code of Conduct".

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						
TRUSTEE DAN AHUNA	1					
TRUSTEE ROWENA AKANA						
TRUSTEE PETER APO						
TRUSTEE HAUNANI APOLIONA		2				
TRUSTEE HULU LINDSEY						
TRUSTEE COLETTE MACHADO						
TRUSTEE JOHN WAIHE'E						
CHAIR ROBERT LINDSEY						
TOTAL VOTE COUNT					0	
MOTION: <input type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with () YES votes, no (0) NO votes, no (0) abstentions, and () excused.						

Trustee Waihee noted that on page 13, the sanctions are only allowed if certain conditions are met. The way the policy is written, the sanctions would only apply if the Board removes the Trustee from a committee. Mr. Klein noted on page 12, item 8, there are four actions that can be taken. He believes item 9 provides additional sanctions. Trustee Waihe'e suggested having discretion, to which Mr. Klein responded by suggesting items 8 and 9 could be combined.

Recess

Chair Lindsey called a recess at 10:05 am and reconvened the meeting at 10:14 am.

Motion (Amendment)

At 10:14 am, Trustee Ahuna moved, seconded by Trustee Apoliona, to amend attachment D to include in item 8 on page 12 all of the sanctions on item 9 on page 13 and eliminate item 9.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			8	0	0	1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

Motion (Final Amended)

At 10:16 am, Trustee Waihe'e moved, seconded by Trustee Ahuna, to amend, approve, adopt, and ratify OHA Board of Trustees' By-Law Article XVII, "Trustee Code of Conduct and Sanctions for Violations of the Code of Conduct" and to approve, adopt and ratify a stand-alone policy which shall be titled "Code of Conduct and Sanctions for Violation of the Code of Conduct", as amended.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			8	0	0	1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

VI. EXECUTIVE SESSION

Motion

At 10:17 am, Trustee Machado moved, seconded by Trustee Apoliona, to go into Executive Session to consider the following:

VI. Executive Session**

- A. Approval of Executive Session Minutes
 - 1) October 22, 2015
 - 2) December 3, 2015
 - 3) January 7, 2016
- B. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding Kaka'ako Makai. *Pursuant to HRS 92-5 (a) (1) and (4).*
- C. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding OHA Contract #3060. *Pursuant to HRS 92-5 (a) (1) and (4).*

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		2	X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE COLETTE MACHADO	1		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			8	0	0	1

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

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

The Board went into Executive Session at 10:19 am and exited Executive Session at 11:56 am.

VII. BENEFICIARY COMMENTS

There were no Beneficiary Comments.

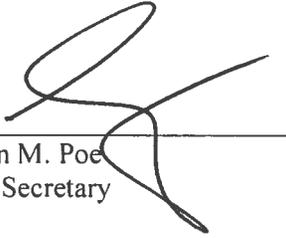
VIII. ANNOUNCEMENTS

Chair Lindsey announced the next Board meeting will be held on Thursday, March 24, 2016 at 9:30 am.

IX. ADJOURNMENT

Having no further business, Chair Lindsey adjourned the meeting at 11:56 am.

Respectfully Submitted,



Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on March 24, 2016:



Trustee Robert K. Lindsey, Jr.
Chair, Board of Trustees