

**State of Hawai'i
Office of Hawaiian Affairs
University of Hawai'i Maui College
310 Ka'ahumanu Ave.
Kahului, HI 96732**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Thursday, May 12, 2016, 9:30 am**

I. CALL TO ORDER

Vice Chair Dan Ahuna called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 9:35 am. Those present were as follows:

Attendance

Trustee Dan Ahuna, Vice Chair
Trustee Lei Ahu Isa
Trustee Rowena Akana
Trustee Peter Apo

Trustee S. Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e IV

Excused

Trustee Robert K. Lindsey, Jr., Chair

Staff Present

Lisa Victor, Acting CEO
Robert G. Klein, Board Counsel
Capsun M. Poe, Board Secretary
Jeremy Kama Hopkins
Kauikeaolani Wailehua
Lehua Itokazu
U'ilani Tanigawa
Dayna Pa
Laurene Kaluau-Kealoha
Claudine Calpito
Davis Price
Reynold Freitas
Crayn Akina
Liana Pang

Kay Watanabe
Lady Garrett
Roy Newton
Thelma Shimaoka
Kawika Riley
John Rosa
John Ching
'Olu Campbell
Nancy King
Jocelyn Doane
Ryan Gonzalez
Alice Silbanuz
Joseph Lewis

Others Present

Mikala Minn
Kamanu Lind
Joshua Chavez
Tiare Lawrence
Hökū Hobbs
Kaniloa Kamaunu
Shariann Sylva

Ke'eaumoku Kapu
Linda Magalianes
Hinano Kaleleiki
Michelle Anderson
Clare Apana
Charles Aana
Carol Lee Kamekona

II. APPROVAL OF MINUTES

Vice Chair Ahuna noted the draft minutes of April 7, 2016 were distributed and asked if there were any changes.

Motion

At 9:35 am, Trustee Machado moved, seconded by Trustee Hulu Lindsey, to approve the minutes of April 7, 2016, as distributed.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY		2	X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO	1		X			
TRUSTEE JOHN WAIHE'E			X			
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			8	0	0	1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.						

III. COMMUNITY CONCERNS

There were no Community Concerns.

IV. UNFINISHED BUSINESS

Chair's Update

Vice Chair Ahuna had no updates.

CEO's Update

Ms. Victor reported on OHA's 2016 Legislative package, including a resolution passed asking the Governor to convene a negotiating committee to see how much money OHA is owed from the public land trust. She also announced upcoming OHA BOT meetings. In late July, OHA's Ahahui events grant program will take applications. The next community grants program is coming up, for projects beginning in July 2017. Finally, she shared that OHA opened Hale Noelo in April, a new OHA project that helps with genealogy, provides technical assistance, and is an investment in a digital future.

V. NEW BUSINESS

OHA Legislative Positioning – Matrix 1 dated May 4, 2016

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

May 4, 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 May 4, 2016 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

To approve Administration's recommendations on *NEW BILLS (Items 1 – 24) and BILL POSITIONS FOR RECONSIDERATION (Item 26)*, on the OHA Legislative Positioning Matrix dated May 4, 2016, as amended.

Motion

At 9:40 am, Trustee Waihe'e moved, seconded by Trustee Hulu Lindsey, to approve Administration's recommendations on <i>NEW BILLS (Items 1 – 24) and BILL POSITIONS FOR RECONSIDERATION (Item 26)</i> , on the OHA Legislative Positioning Matrix dated May 4, 2016, as amended.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY		2	X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E	1		X			
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			8	0	0	1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.						

RM #16-02 – First Reading

Trustee Machado reported the following on behalf of the Committee on Resource Management:

April 27, 2016

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

Chair Robert Lindsey,

Your Committee on Resource Management, having met on April 27, 2016, after full-and-free discussion, recommends approval of the following action to the Board of Trustees:

Move to approve a “Policy on Trespassing and Illegal Camping on OHA Property,” Attachment “A”, as an amendment to Series 3090 Land Acquisition and Management of the OHA Board of Trustees Executive Policy Manual.

The purpose of the Policy on Trespassing and Illegal Camping on OHA Property is to create a uniformed, transparent procedure for OHA staff, contractors, and other agents to follow when conducting land management activities involving trespassers and/or illegal campers.

The policy should be followed by OHA staff and authorized agents to the extent capacity allows. The policy provides:

- (1) An enumeration of certain prohibited activities on OHA Property;
- (2) Policy statements on the enforcement of such prohibitions; and
- (3) A requirement that Ka Paia Kanaloa ‘Āina creates Standard Operating Procedures to implement such policies.

The policy allows for proactive planning versus reactive implementation of the management plan. The policy is intended to provide solutions to houseless individuals, rather than simply making houselessness someone else’s problem.

Motion

At 9:41 am, Trustee Machado moved, seconded by Trustee Apoliona, to approve a “Policy on Trespassing and Illegal Camping on OHA Property,” Attachment “A”, as an amendment to Series 3090 Land Acquisition and Management of the OHA Board of Trustees Executive Policy Manual.

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

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

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

Trustee Akana asked what HCDA is doing about the violations. Mr. Ching responded that the policy is intended to apply to all OHA lands, not just those at Kaka'ako Makai; it is modeled on HCDA efforts and would allow OHA to have enforcement actions.

Trustee Akana noted that OHA pays HCDA a fee to watch over the property at Kaka'ako Makai. She wanted to ensure that OHA is getting value for those funds. Mr. Ching responded that staff is working with HCDA, but that they are more concerned about non-Kaka'ako Makai lands.

Trustee Machado referred people to III. B. in the attachment. Although it may appear on the surface to pay HCDA for something they already do, it has bigger impacts for other OHA lands.

Trustee Apo stated the purpose of the policy is to have a uniform policy for all OHA properties.

Trustee Akana stated she does not have a problem with the policy, but is concerned about getting value for trust funds spent.

RM #16-03

Trustee Machado reported the following on behalf of the Committee on Resource Management:

April 27, 2016

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

Chair Robert Lindsey,

Your Committee on Resource Management, having met on April 27, 2016, after full-and-free discussion, recommends approval of the following action to the Board of Trustees:

To approve \$333,380 from OHA's FY2016 Fiscal Reserve Authorization for OHA's Fiscal Sustainability Plan.

OHA's Fiscal Sustainability Plan will help in the achievement of OHA's strategic priorities and goals and to help ensure OHA's services and programs are consistently available and delivered to our Lāhui through fiscally responsible and sustainable spending.

The Fiscal Sustainability Plan will set a long-range vision for OHA's fiscal health and future. It will take OHA beyond the annual budgeting process and will create a road map with strategic financial objectives to move OHA forward.

Motion

At 9:48 am, Trustee Machado moved, seconded by Trustee Apoliona, to approve \$333,380 from OHA's FY2016 Fiscal Reserve Authorization for OHA's Fiscal Sustainability Plan.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA		2	X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO	1		X			
TRUSTEE JOHN WAIHE'E			X			
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			8	0	0	1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.						

Trustee Ahu Isa stated there is nothing for economic development in the action item. She added that planning is fine, but at some point, the Trustees need to look at revenue generation from all the properties OHA owns. The revenue would allow OHA to help more beneficiaries.

Trustee Akana stated she has similar concerns. She felt it would be better to have a more detailed breakdown of how the funds will be spent. She expressed concern that the OHA budget has increased, but there needs to be more fiscal responsibility. She also requested a line item budget for this and other actions. She noted her concern that Trustees are told there are limited funds, but then Administration staff are able to travel all over the world.

Trustee Ahu Isa stated she was invited to New York by JP Morgan, one of OHA's money managers. This would require \$500 for her to stay one extra night. She noted that Vice Chair Ahuna denied her request, after being advised by a member of Chair Lindsey's staff to do so. She wants to focus on solutions and stated that the Trustees should be educated better on how to manage trust funds.

Trustee Apo stated there is a misunderstanding on what the action does. He noted the Trustees will vote on subsequent actions.

Trustee Machado noted that OHA needs this approach if the Trustees and OHA will be accountable to beneficiaries. She recommended strongly that the Trustees support this financial sustainability plan.

Trustee Hulu Lindsey expressed grave reservations about spending the fiscal reserve money. After listening to the discussion by OHA's private consultant, she realized it is a necessary step to ensure the Trustees are protecting the money for future generations of beneficiaries.

Trustee Akana voted for the motion, with reservations.

VI. COMMUNITY PRESENTATIONS

Ma Ka Hana Ka 'Ike

Mikala Minn reported on the work of Mahele Farm. He noted that bananas were eaten as much as kalo. With OHA's help, they have: expanded an additional acre, harvest about 5,000 pounds of banana quarterly, and making efforts to have biologically diverse Polynesian food crops. He also discussed the many different varieties of banana, and noted they have 19 Hawaiian varieties and 30 other varieties. All of this is possible because of OHA funding. He thanked OHA Grants staff for their assistance.

Trustee Akana asked if the crops are being sold commercially. Mr. Minn responded that as a non-profit, they do not and believe it is more important to give away the food because they are social entrepreneurs.

Trustee Apo noted he found the information very interesting and educational.

Hana Ulu Pono Project

Richard Rutiz shared a PowerPoint presentation. He then reported OHA funds help support the health initiative, who in turn are looking for ways to invest the support. One of those projects is the pa'i'ai project. Kamanu Lim shared personal experiences from participation in that project.

Trustee Akana thanked the presenters for their efforts, which demonstrated how OHA is helping rural communities. She found it amazing.

Trustee Hulu Lindsey congratulated the presenters on sharing a beautiful presentation. She noted she is proud of what they have accomplished.

Malama Kahalawai

Kimberly Thayer and Chriss Brossus distributed printed information about their program and reported on their efforts to take care of the watershed. Vice Chair Ahuna asked how many staff live on the west side. Ms. Thayer responded they have 3 staff.

Waihe'e Valley Restoration

Joshua Chavez shared a video presentation on the program activities of Wai Moku.

VII. BENEFICIARY COMMENTS

Kaniloa Kamaunu, of Hui Pono Ike Kanawai spoke about native tenant rights and the status of position. After two years of discussion, his group set out to prove that Kingdom law is still in effect. He noted that with OHA's help, the kuleana land tax was set at \$50. He noted this was a problem with the way the allodial titles were issued because the kuleana land was transferred with no encumbrances, such as taxes. He later requested an exemption using his native tenant rights. He has been contacted by the IRS noting he owes taxes.

Ke'eaumoku Kapu spoke about Aha Moku O Maui. They have done their advocacy work for free, but he thought OHA should make sure they are at the table whenever things are going on. He specifically cited a lack of protocol throughout the community.

Tiare Lawrence spoke about Kahoma and Olowalu as well as housing issues. She noted OHA has amazing staff working on major land title issues. She requested OHA support them by allowing staff to help them.

Hinano Kaleleiki of Kanaka Okomehame and Lahaina spoke about lands of the Kingdom and noted maka'ainana have the rights in the lands of the Konohiki. He stated he has fought for his land for the past five years. He has sent two letters to the US Attorney General and has questioned all the legalities of the US. When he travels, he uses a Hawaiian National ID and has maintained his national status as a Kanaka and Konohiki status. He added that our people are mistreated in every way, his rights have been violated in every way, and we need help to stop these things.

Clare Apana provided a brief update on her Kū'ē Petition project and requested OHA funding.

Motion

At 11:37 am, Trustee Apo moved, seconded by Trustee Hulu Lindsey, that OHA urge the Governor to veto HB2501.

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

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

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

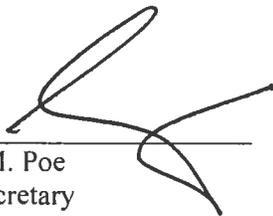
VIII. ANNOUNCEMENTS

Vice Chair Ahuna announced the next Board meeting will be held on Thursday, May 26, 2016 at 9:30 am.

IX. ADJOURNMENT

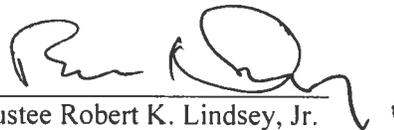
Having no further business, Vice Chair Ahuna adjourned the meeting at 11:39 am.

Respectfully Submitted,



Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on June 16, 2016:



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