

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Highway, Suite 200
Honolulu, HI 96817

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, January 11, 2018
10:00 am

ATTENDANCE:

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

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

EXCUSED:

TRUSTEE DAN AHUNA

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
LISA VICTOR, COO
ALBERT TIBERI, CC
DAVID LAEHA, CFO
KAWIKA RILEY, ADV
JOCELYN DOANE, PP
STERLING WONG, PR
CHARLYN ONTAI, RM
EVERTT OHTA, CC
GLORIA LI, AS
JIM MCMAHON, ADV
JOSEPH KUHIO LEWIS, OUTR
KAHEALANI PELERAS, CE
KAI MARKELL, COMP
MEHANA HIND, CE
MOMILANI LAZO, ADM CEO
ZURI AKI, PP

BOT STAFF:

CAROL HOOMANAWANUI
LAURENE KALUAU-KEALOHA
LÖPAKA BAPTISTE
DAYNA PA
MAX MUKAI
ALVIN AKEE
LADY GARRETT
LEHUA ITOKAZU
LIANA PANG
PAUL HARLEMAN
MARIA CALDERON

GUESTS:

GERMAINE MEYERS
CLAIRE APANA

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:02 am. Roll call is taken; Trustees Ahu Isa, Akina, Apo, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present; constituting a quorum of seven (7) trustees. Trustee Akana is expected to arrive shortly. An excuse memo was received from Trustee Dan Ahuna.

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

II. Approval of Minutes

A. December 5, 2017 (Workshop)

V. New Business

A. Committee on Beneficiary Advocacy and Empowerment

1. 115th Congress Legislative Positioning – Matrix 1

2. BAE 18-01: Approval of an OHA Resolution Designating 2018 as “Year of the Hawaiian”

B. Committee on Resource Management

1. RM 18-01 Amendment to Board of Trustees Executive Policy Manual –Series 3050
Fiscal-Biennium Budget Realignment and Adjustments 3.5.f.

Trustee Robert Lindsey moves for a 72 Hour waiver for items II.A., V.A.1., V.A.2., and V.B.1.

Trustee John Waihe‘e IV seconds the motion.

Chair Colette Machado calls for a roll call vote.

Trustee Robert Lindsey moves for a 72 Hour waiver for items II.A., V.A.1., V.A.2., and V.B.1. Trustee John Waihe‘e IV 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 at vote
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE‘E			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.						

II. APPROVAL OF MINUTES

A. December 5, 2017 (Workshop)

B. December 7, 2017

Chair Colette Machado – The next item on the agenda is item II. which are the minutes.

Trustee Carmen Hulu Lindsey moves to approve the minutes of December 5, 2017 (Workshop) and December 7, 2017.

Trustee Robert Lindsey seconds the motion.

Chair Colette Machado – Any discussion hearing none, roll call vote.

Trustee Carmen Hulu Lindsey moves to approve the minutes of December 5, 2017 (Workshop) and December 7, 2017.						
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 at vote
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			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.						

III. PUBLIC TESTIMONY

Chair Colette Machado – Member we are now on III. Public Testimony. I received by email testimony from Keali'i Makekau subject to the discussion on the Indian Federal Positioning. That is going to be part of the record. From what I understand it was opposed and it did not pass out of the BAE Committee. That is not a discussion. Just on the record I received we will include it as part of our minutes.

Trustee Keli'i Akina – Just clarification in other words the recommendation by the administration that we oppose the Federal did not pass yesterday.

Chair Colette Machado – That is my understanding that at the close of the meeting. They moved to bifurcate at the request of Trustee Carmen Hulu Lindsey and the votes did not support the opposition.

Trustee Robert Lindsey – That is correct Chair. The way the votes went, three people voted yes, two votes voted kanalua and one person voted no, four votes were needed.

Trustee Keli'i Akina – In other words the matter has not been referred to the Board of Trustees.

Chair Colette Machado – That is exactly right.

Trustee Keli'i Akina – I need to state for many of our beneficiaries that I was mistaken in some of the reports that I gave that it was passed. As I am the one who voted no I am grateful that it did not pass. If I might just say this. I don't think our vote yesterday, for any of us represents an opposition to self-determination its simply saying that we as OHA aren't going to weigh in on this matter with regard to the Department of Interior and the Federal Government. Although we as individuals may share our own views. Thanks you Trustees.

Chair Colette Machado – We have one individual that has signed up for public testimony. Germaine Meyers if you could come to the table. She will be speaking on V.A.1., V.A. 2 and V.B.1.

Ms. Germaine Meyers – My name is Germaine Meyers. I am a beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. I would like to share with you my data, views and arguments regarding today's action items as Chair stated V.A.1., V.A.2. and V.B.1.

Chair Machado I already gave testimony at yesterday's RM and BAE meetings regarding these action items. Therefore, I won't repeat each individual testimony again today. What I found interesting after I reflected on yesterday's two meetings and the deliberation and testimonies that I heard from the Trustees and the administration and the other beneficiaries was that there was a common thread within in all of today's action items. The 115th Congress Legislative Positioning which I understand you clarified for us a moment ago, the years of the Hawaiian, and the BOT Executive Policy regarding the budget. The common thread was money and power. Chair Machado if our OHA Trustees since two are still on action items, if our OHA Trustees vote today to oppose HR3744 for the Tribal Recognition Act to send a specific message to Congress in Washington DC and just in case it comes back around again whilst simultaneously in the State of Hawaii OHA Trustees vote to declare and designate 2018 as the Year of the Hawaiian will the common thread of money and power be illuminated to the Republicans. Or will it reveal a gentler message of Hawaiians respecting Hawaiians indigenous people standing by and indigenous people.

When the Republican's staff do their research into OHA and Hawaiians what will they unearth in the past two years alone. They find online the following: in February of 2016 they will see photos of Hawaiians keeping other Hawaiians outside of Maunawili and some Hawaiians were arrested. Three months ago in October 2017 they will read in Ka Wai Ola the issue the CEO's message about 7 despotic chiefs from ancient Hawaii. Less than three months ago on October 20, 2017 there will see a video of Hawaii News Now story titled, No one is above the Law former HPD Chief prosecutor wife arrested. Keahi Tucker and Stephanie Lum started the TV news story by saying, after a three years FBI investigation Louis and Katherine Kealoha pleaded not guilty today in the biggest public corruption case in Hawaii Law Enforcement History. For the first time today US Attorney's laid out their case accusing the former police chief and Deputy City Prosecutor of being thieves and liars who preyed on their own relatives.

Three weeks later on November 8, 2017 the newspaper and TV media in Hawaii published and broadcast the headline, Ex-Honolulu Police Chief Louis Kealoha and his wife cannot afford counsel, side bar no legal representation assistance was forth coming from OHA. Finally, six ago on January 5, 2018 the headline in Hawaii newspapers and TV media stated, Alleged Bank Fraud Victim Kealoha told him to lie, sign fake documents. According to Court documents Katherine Kealoha would prepare false and misleading documents and direct title to sign such documents in order to make it appear that the funds previously held for title and his sister's benefit in the Trust Accounts had already been paid to them. Title testified in court six days ago that when he was subpoenaed by the FBI in 2016 to testify to the Grand Jury Kealoha told him to say that he and his sisters had already received the money. If they didn't their mother would go to jail.

I wonder if after reading all these stories online would the Republicans see unity or hypocrisy. Money and power used for the betterment of Native Hawaiians? E hana kakou.

Chair Colette Machado – Questions, if not we will move on. Thank you Germaine for that insightfulness. We are now on IV. Unfinished Business. I would like to call on Kamana'opono Crabbe.

IV. UNFINISHED BUSINESS

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

Kamana'opono Crabbe –Aloha and Good Morning Trustees, Hauoli Makahiki hou this 2018. For Pouhana updates I just approved a memo from Community Engagement this morning that should have gone out to you with respect to next week's January 17 Onipaa Kakou events. I'd like to call upon Mehana Hind, Kuhio Lewis and Sterling Wong. OHA was asked several months ago to collaborate and support. In the memo it articulates in terms of what are support has been in really facilitating and convening the community to put on this event. It's form what I understand it's been very good process of working with different sectors of our community. Really trying to bridge the gap with different sectors of culture and sections of our community. They will speak on different parts because there have been questions about the degree of OHA support, about staff participation and

then what are we doing in terms of the actual events, in terms of supporting them. I'll turn it over to Mehana Hind and then she will have Kuhio and Sterling to follow.

Mehana Hind – Aloha mai Chair, Vice Chair and Trustees. Next week is we are observing a very significant time in our history. 125 years since the overthrow of our Kingdom and our last Queen Liliuokalani. I just watched a very insightful video last night from one of our beneficiaries who was making a case for everyone to show up. It was very powerful because one of the things he said was this is also a time for us to celebrate our resiliency over the last 125 years and where we have come to today. From being almost an extinct people with 40,000 of us surviving at the time of the overthrow in 1893. To 500,000 of us here today in all our various shapes, forms, sizes, colors and social status and education status, but we are here. That's kind of the guiding effort that brought Community Engagement along with Community groups. They really have done some work together but not this intense. As you see in the memo I list of the groups that were brought together as this very table here in Maui Ola to discuss the events of the day and OHA's role was primarily as facilitator and convener of this event. We weren't a major decision maker as far as what the events would look like, who would actually be speaking or performing or things like that. We basically came I to help support the collaboration between all the groups that came up and problem solved. Whenever there was a situation that arose that the group was trying to navigate through.

If you look at the memo it has a timetable of events from that morning from sunrise all the way to almost dusk. There will be events in the Honolulu area starting up at the Royal Mausoleum and culminating at the end of the day down at 'Iolani Palace. There is a peace march coming from Maunaala down to the Kamehameha Statue. From the statue people will be entering into the front gates of 'Iolani palace, similar to how people entered the gates 25 years ago at the 100th year observance of the overthrow at Onipaa. Then there will be a flag raising. The hae Hawaii will fly high over 'Iolani Palace. It is something that there is much anticipation in the community to see that happen. Following that there will be a hookupu ceremony at the Queen Liliuokalani statue and then the group will proceed into the Captial Rotunda which for an hour long program, entitle Hoolokahi to bring people together. That will occur in the rotunda. Following that there will be about 4-5 hours of activities happening back at the palace. There will be speakers brought in, similar to the type of program that was offered back in 1993. Lots of diversity of speakers coming together, musicians, Hālau, coming to again celebrate our resiliency but also make the clear statement that our struggle continues for justice of Native Hawaiians.

OHA's participation, was mostly facilitator, convener in this. We also provided funds, we provided funds to ensure not only efficiency but the safety and well-being of everyone participating. We know that there will be thousands because we have gotten responses for our buses. Where we have the entire school of Ke Kula Kaiapuni o Anuenue coming, 460 of them. That's rare that everyone comes out. A lot of the charter schools have also responded as well as community groups that we haven't engaged with before. From Maili for instance we have two buses coming from the shelter down there into town to participate in this. So within the last few days, and I apologize for the getting my information late to Ka Pouhana because things, I wanted the best information to get in and not be any incorrect information provided to all of you. This is probably the best information we have at this point. The thing that I neglected to highlight from the memo is the series of workshops that we have Kumu Hina doing throughout Oahu. There are mele workshops that we will continue to teach, we've had a series of these similar to this but there are particular for the lāhui to participate on that day in a strong force with not only our national songs but also new created chants that the lāhui is very excited to participate in. We have had tremendous participation if you've looked through our social media feeds. We've been posting pictures and videos of the different workshops so she is doing at least one day. It started from Monday all the way to next week Tuesday and going throughout Oahu and doing these and we are also live streaming from some of the sites. There are people from other islands who are also participating in this. We do know that our beneficiaries from the other islands will also tune in and get in sync with the activities that are going on that that day. They have a way of participating also thanks to social media and a lot of the outreach that is going on.

Trustee Leina‘ala Ahu Isa – I just got this last night it’s from Kaahumanu Society, meet in front of ‘Iolani Palace full regalia and we will have lunch provided. My question is that we are giving \$15,000 are we going to provide some kind of refreshment or something because we going from early in the morning.

Mehana Hind – Refreshment will be provided and also water, we know that water is tremendously important, we will have water stations set up for people to get water and refill their water containers also. We will have light refreshments. Because we don’t have a RSVP for this kind of event we didn’t go to full lunch because we didn’t know how much food to order. But we will have refreshments that people can take part in till it’s all gone.

Trustee Leina‘ala Ahu Isa – Good so we are going to have water. Mahalo.

Mehana Hind – On the memo I highlight the different areas and around 18,500 and the reason why I say about is we are getting such a tremendous response to our busses. That is where they may be an increase. We had capped it and we are working with Kamehameha Schools to fund that. Discussions are happening as we are speaking now with Kamehameha can jump in with more monies so that we can get more buses. Alone Ke Kula Kaiapuni o Anuenue will need at least 10 buses. At 460, 45 on a bus, and so our original count was 14 buses that we would disperse throughout the communities, now that has kind of doubled. It is a great thing for us to provide access and providing safe access, it is something that we are committed to. It has provided some logistical problems because we don’t have that many buses on the island in the school network and they are running at the same time. Because they are picking up from schools and have to drop them back off at school, so we are working through those logistics right now but we are committed to providing safe and efficient service to our people.

(conversation indiscernible)

Mehana Hind – Because Maunaala cannot accommodate large buses, even the surrounding areas, the streets are very narrow, we will be shuttling people from down, that is usually how it is because they are going to end up walking down that way. So they are going to park down or get dropped off and shuttle them up safely in smaller shuttles to be able to move, to facilitate the movement of people.

Chair Colette Machado – Are there any other questions relating to the event?

Trustee Robert Lindsey – I don’t have a questions, just a comment. I think that the expenditure of \$18,500 is miniscule when compared to the magnitude and the specialness of this occasion and I want to thank you for your overview Mehana, it is very well done and I am glad we are a part of this event.

Chair Colette Machado – We will now shift to the Public Land Trust media messaging Sterling. I want to remind you that we have an action item to approved a resolution acknowledging and designating 2018 as the year of the Hawaiian as part of this Onipaa event and commemoration.

Sterling Wong – Aloha Chair, mahalo. As we’ve briefed the board previously our PLT efforts definitely the most important issue for the agency and we’ve been really ramping up for supporting our advocacy efforts at the legislature this year. Mehana’s team has done a really good job working with one of our contractors to get our PLT video that we made a couple of years ago updated and to air it. So a memo was sent out on the 9th that has the air listing times which actually we are going to flood Hawaii News Now, KFVE and KHNL over the next week. They will show it 9 times, we’ve got some great spot leading into the news, 60 minutes and Saturday Night Live. We should have a lot of eyes on the video. As you know when we showed the video in Maili, the reaction from the community, it gets them riled up. It helps them to really understand the issue. We hope that we can sort of utilize this to inform our community to get them to support our PLT issue. In to this we got a couple of things through that contract. Hawaii News Now is doing a bunch of promos that are running letting people know about the air times. The video was sort of fluid in our discussions with Hawaii News Now, originally the video that we made was 26 minutes, with the edits we had to update it to make sure it was current because we made it in 2014, we updated it to include current data and numbers from our research through Everett and Jocelyn also to include

our current legislative efforts to make sure the kahea was included in the video as well. It bumped it from 26 ½ minutes to 29 minutes. Our goal was to do an intro and an outro as well but because the edited version took up so much time we only had time to record an intro and so we had Auntie Vicky record the intro as someone very prominent community member who has advocated for us on this issue.

10:26 am Trustee Rowena Akana arrives.

Chair Colette Machado – We have it we can show it right now.

Sterling Wong – This is the 30 second intro that will that will precede the video.

(Intro video with Vicky Holt Takamine is viewed)

Sterling Wong – That is going to precede all nine airing and we also have Jocelyn going on Sunrise tomorrow to do an interview. We got a lot of publicity. We have a bunch of interest from Hawaii News Now and KITV to do follow up on the PLT issue in addition with the Onipaa event we are helping them to do media as well. We got a lot of interest to cover the overthrow event. I think from OHA's perspective I think we are trying to be very respectful of communities, specifically on the onipaa issue because we want it to be a community driven event, we don't want to seem like we are sort of hijacking the event. There is a lot of politics going on. We are just trying to fill in and kāko'o as much as possible. I think the most important thing for us as we look towards our advocacy efforts, I really see the onipaa event, the year of the Hawaiian Reso as sort of just overall generally trying to increase engagement within our community. That is the most important thing we can have that's the main way we are going to change political will at the Capital to get the changes we need, not just on PLT but water issues, housing issues, criminal justice issues, access issues, that sort of engagement I look at onipaa as the tide that raises all the boats. That is going to really help us with whatever we do. We did some interviews with the onipaa folks yesterday for a press release that we are going to help them with, it was encouraging to see like strident independence people really understand the need for voter engagement. I think getting those voices out and creating a permission structure within groups of our community that have not wanted to engage with the State because of historical wrongs done to our community. Seeing that movement towards, ok that happened but let's move forward and get engaged. I think is really going to be helpful as we move forward in all of our advocacy efforts.

Trustee Rowena Akana – Two questions, one, are we paying an agent to book these commercials, did we hire someone to buy the commercial time? The second question is did we have any other people besides Vicky, I like Vicky but we also should have someone on the other side, maybe a cosmopolitan, to address the other community that we want support from. That's important because without them, with their voices against our voices, it will look like we are clashing. We do need that side. I had suggested before that we look at some of the old videos, there is Auntie Gladys Brandt that was respected so much that she did commercials for us. That we look at some of those videos because that is important. The other thing is that you didn't do talk radio. That is a different audience, that is the audience that usually comes against us. We had very good response from them before when we were doing a radio show. I'm suggesting that you guys, and they are not expensive, we can afford it. It's really inexpensive. I really want to see us do some talk radio because that is where all the controversy comes from. They go on the radio and they talk about something going on at the legislature and Oh you should do this. We want to quite those voices so that's important to me. Thank you.

Sterling Wong – To your point we will definitely be looking at opportunities to reach out to talk radio to see what kind of time we can get on there. With respect to your question about finding someone else other than Vicky. We had originally pitched the idea of doing the show and then a 30-minute talk story after, like a panel discussion like we did before. So in that discussion we had thrown out names like Robbie Alm who came out for the KS, DOE event, we had talked about a lot of different voices, but unfortunately the panel fell out of discussion with HNN for various reasons so as that sort of fell apart we didn't have a lot of opportunity to really select other

people and Auntie Vicky we thought was a really good selection because of her long standing advocacy on this issue, her standing within the community both non Hawaiian and Hawaiian.

Trustee Rowena Akana – But she is also looked at as an activist.

Chair Colette Machado – Mild activist, I wanted Lili Kala personally.

Trustee Rowena Akana – Nothing wrong with Lili Kala either. Because Lili Kala is more mainstream. But again I just have to say we don't want to wait until we are reacting. We have to be proactive at this. Jump on it. Don't go to talk radio in the middle of the session when people have made up their minds already and bills are moving.

Sterling Wong – Absolutely.

Trustee Rowena Akana – Who is this panel you talk about?

Sterling Wong – When we had originally talked about airing the PLT video, we had in years past we have had panel discussions. So we were trying to get a commitment from Hawaii News Now to do the panel discussion and we were discussing who would be on the panel but then the panel unfortunately fell through.

Chair Colette Machado – Like the PBS insights.

Sterling Wong – Yes, like insights.

Mehana Hind – It fell apart because the news department got a hold of the idea and was like we cannot involve our anchors in something that it might look like HNN and or the anchors are taking a position.

Trustee Rowena Akana – We can get people who are not connected to the studio.

Mehana Hind – We discussed that too and the give and take on that was that they were in a position where they had to pull out what we had originally talked about so they were willing to give us more time. When we discussed what could possibly happen we knew that we could continue this conversation and continue the idea of a panel in various forms and we didn't necessarily ask HNN to do that but they are the only ones that can air things on their station and so if we can grab more time during this short period we will take that. We are back and forth, we were discussing the pros and cons of pushing forward with that, getting another moderator in and doing the half hour and having less amount of showings or taking advantage of them in a situation where for the same amount of money they had to offer us more viewing time because TV media is so expensive we decided to jump on that with the idea that this is a long term strategy for PLT and we are looking not only at this particular legislative session but beyond it in various forms however it grows that we will have opportunities to be able to present that kind of discussion whether it's more op-ed, going back into the TV Station, or the gubernatorial debate that we want to host and inserting questions within there. There will be other ways that there will be people engaging in front of the general population about this particular issue.

Chair Colette Machado – We have other business we would like to continue.

Mehana Hind – The first question, we issued an RFP last year for a media buyer to be able to package media for us so that we can not only get better rates but be able to move when we needed to move as far as when issues would arise and address them through media channels. We issued an RFP and went through the whole RFP process through procurement, secured a vendor. We have a vendor who is actively working with us and all the different media from radio to TV and print. Kalaimoku group is John Aeto and Cedric Duarte the won the bid. There were other bidders and they won the bid.

Chair Colette Machado – We are going to move forward, thank you for the updates and Trustees if you have additional requests they can call you directly. We will move on to V. New Business. Out of the courtesy of Trustee Peter Apo who will be leaving the meeting at 11 I will move V.B.1. to the top of the list with that said I would like to call on Kamana‘opono Crabbe to provide additional information prior to the decision making.

V. NEW BUSINESS

B. Committee on Resource Management

1. RM 18-01 Amendment to the Board of Trustees Executive Policy Manual – Series 3050 Fiscal-Biennium Budget Realignment and Adjustments 3.5.e and 3.5.f

Kamana‘opono Crabbe – Mahalo Chair. I appreciate moving this up forward. I’d like to call upon Lisa Victor, Albert Tiberi, David and Gloria. What administration would like to share as a result of yesterday’s discussion, I believe we have consensus. The consensus on a couple of points I believe we are agreeable to the reporting format that was discussed yesterday to align with board expectation, with respect to the 8, either cost centers or categories that you feel your fiduciary duty as Trustees regarding accountability of how administration manages the budget. We are agreeable to that. It will take some time for us to adjust and adapt to format it that way because everything is by manual. In our other discussions we are looking to a software to help us get to that point but I think for now we will be able to produce the reports but it will take us some time.

We also are open and agreeable to the 5% as stated in the action item with respect to the amendment. Quoting, “management is delegated the authority to approve budget adjustments that fall within the lesser of \$100,000 or 5% of each expenditure category.” The 5% we do not have a problem with. Today we are seeking better guidance and understanding from the Board, is with respect to the understanding of \$100,000. What we would like is the opportunity to share, we want to very clear that we are all talking the same language. Yesterday we felt like we were a little bit apples and oranges, if we all can get to some *kalo* and *uala* and understanding. I think that is what is very important for us to meet your expectations. Also the understanding because it affects our accounting staff that we seek clarification from you, what the \$100,000 means, it is a transaction matter at the programmatic level and from what we understand yesterday, you are looking at aggregate total in terms of greater accountability by each *paia*, by each of these expenditure categories. So that’s what we are going to seek. Given we had only less than 48 hours we are asking for robust discussion today as it is moving forward. So that we can appropriately adapt and change.

The other point I want to make, yesterday Trustee Machado has shared is whether or not program managers are making decisions on the ground with respect to 10% and if there is an additional 10% that I am exercising as well. What we share is that, that is not true. The on ground decisions in day to day are made by the program managers as CFO David Laeha shared yesterday, they have to have agreement and look at their budget, it goes through approval of CFO, through the Pounui then up to me. There is a system and a standard operation procedure in place for the check and balance. But we just want to make sure that is clarified. That we are following the policy.

My last point is that we are seeking a discussion today is because what we hope that we can articulate, is as this amendment moves forward we want to look at all scenarios. Me as the Pouhana working with executive management we want to avoid a worst case scenario. From what I have been informed from David and Gloria. In terms of what the implication would be of limitation of a \$100,000 and a transactional, meaning if there is a request that is out of that budget category that goes above that cap what they would mean in terms of actual meeting time, what it would mean for staff. I think it’s really important so that we don’t get to worst case scenario where the potential of a shutdown of operations. We want to clarify that.

Trustee Robert Lindsey – I have a questions, my question is you just mentioned worst case scenario, so in the course of a year, there are special times when special circumstances occur and we as Trustees come to the table with a request that exceeds \$500,000 for example. How would this be handled, operationally currently.

Kamana‘opono Crabbe – My first comment that is what we are trying to evaluate Trustee. There are decisions that are made at the administrative level by program managers and directors that affect their budgets. What most, big changes is when there are board decisions that are attached financial amounts and we are burdened to identify or fund the money that is where we are concerned with and how does the 5% and or the \$100,000 matter. So those are real examples.

Chair Colette Machado – Recently you authorized \$200,000 to be transferred into grants. Explain to us the process on that, how we took this money, where it came from and where it is going to go in grants. I understand it is earmarked for sponsorship the \$200,000. It exceeds the threshold of a \$100,000.

Kamana‘opono Crabbe – That is correct. As board direction, the board was asking us to manage the money more fairly by quarterly. So we have close to a 100 request for sponsorships, right now the sponsorship has decrease over the past 5 years. What we have allocated is what we felt was trying to meet the expectations of the board and manage within the budget. The demand from the community is much higher. We had a surplus of money that was allocated for a program that we made a decision because it was not fully vetted that we have extra money that could go for sponsorships.

Chair Colette Machado – You can add to the same discussion on the reallocation of the \$200,000.

Albert Tiberi – Under the new action item, he has no authority to move grant funds. So we are talking the old, under the new category all grant fund adjustments will have to come to the BOT just to be clear.

Trustee Keli‘i Akina – I just wanted to clarify the earlier reference that Kamana‘opono Crabbe made to a \$100,000 and 5 %. We are not talking about budget items in that amount. We are talking about the point at which Administration realizes we are going to have to spend more then what was allotted. So the \$100,000 and 5% or the lesser of either of those is what we are authorizing administration to go ahead and spend. So the cases we are looking at are very, very narrow. They are not common cases, they are cases you realize after you having gone through a rigorous budgeting process you are in operation and you realize, hey we are going to have to spend over \$100,000 more for this category. Or we are going to spend 5% more in this category. There should be enough lead time if that is the case to make adjustments you can make that are under your control or to anticipate that you are going to ask us to agendize a meeting to realign. This doesn't prevent administration at all from coming back the board and saying we are going to have to realign. I can't imagine based on the earlier presentation of David and team that we will have many occasions to have to deal with this. This is not a common thing because you have a fairly good budgeting process. The board determines how much can be spent in each category and you go out and flesh that out. So this measure that is before us actually retains, it gives you authority and I think there is enough of a time allowed here to be able to make it work.

Kamana‘opono Crabbe – Actually we do not disagree with you and actually we've had very intense discussions as Trustee Robert Lindsey stated. He was proposing whether or not there needs to be another step of greater accountability to the board. I can assure you operationally we have regular meetings every Friday and we have regular meetings with Executive office, management, with directors quarterly to go over budgets, work plans and project management. Lisa can talk to the effectiveness rate. With respect to the \$100,000 I am going to have to defer to Gloria and David, because there is a transactional thing that may occur. I say may occur and that is what we are seeking clarification. I do agree with you, it puts greater responsibility for us to manage our budget by each line of business and by each category.

Lisa Victor –I just wanted to explain to the board and just seek clarity from the board as to how the \$100,00 would be affecting what is the effective rate of the 5%. I just want to ask the board to look at line number 1 under personnel and the board is asking us to achieve 5% operating budget and then add \$100,00 on top of that as an overlay. That makes the effective rate not 5% but 0.7%. 0.7% instead of 5% authority. So this \$100,000 is confusing us and we are asking the board for clarity on that. Thank you.

Albert Tiberi – This is more a point of clarification, to be clear and correct us if we are misunderstanding. The effective rate, we are talking \$100,000 or 5% and I know we reference 5% yesterday. But for the bigger budget categories, that \$100,000 brings his authority down to a much lower rate, for personnel it is about .7%, for contracts it about 1.6% so I think we just wanted to show that there is a bigger impact on these bigger budget categories where if there are changes we are going to have to come to the board more frequently in those categories. Even in some of the smaller categories, it's hard to predict, I know Trustee Akina was talking that we need to forecast a little more as we go forward and bring things ahead of time. Just to make sure we understand in the effect of the \$100,000 that it's not just across the board 5% and that there is a bigger impact on certain categories of expenses. If we are understanding correctly.

Lisa Victor – I just wanted to explain to the board, the things that concern me are the things that are unpredictable, almost less predictable, things like what is in overhead right now is rental of land and building, electricity, water, those things float as far as costs, it all depends on usage. Items that are in the overhead line item are settlement and law suits, things that are less predictable. Leasehold improvements, so those are the items like office supplies, postage, telephone and related expenses, cellular phone, parking validations. It is really based on usage. Here is where we are a little concerned and we would like clarification at the board level.

Trustee Carmen Hulu Lindsey – I'd just like to say that the areas that are being affected that you are concerned about the \$100,000 is personnel, that budget is \$14 million for the whole year. Actually there shouldn't be any movement of money but you do have the authority to move \$100,000 now that could include a new position less than the lead of one of our divisions. Because our division heads make \$120,000. You can hire two people without our permission or approval. You have that latitude also in the overhead that's a \$2,900,000 budget. The point we made yesterday in your absence Lisa is that the amounts, the budget line items that this \$100,000 is going to affect are the items that are very big budget, in the millions. We would waste no time if you need additional approval from the board to add more money. We are not talking about cutting your budget we only talking about exceptional, taking money, moving money, you can move your money within your own division lines, but what we are asking is that it doesn't cross the lines. That is what has been happening and this consideration by the Trustees is based upon a memo graph that Pouhana gave to Trustee Akina that showed that every line of business had a lot of money taken out last year. I mean like \$2.7 million was moved by our Pouhana last year and we don't know where it went.

Kamana'opono Crabbe – I think that is fair.

Trustee Carmen Hulu Lindsey – Just looking only five categories have that \$100,000 on it.

Trustee Keli'i Akina – Actually Lisa this is a good question to raise. I'm glad that we can reiterate our response it today. We are talking about approximately \$35 million here if you add up the core operating budget. Of that the two biggest categories are the ones that you mentioned already, so about \$25 million of that \$35 million is in those two categories. So that is what we are talking about being impacted most. Trustee Carmen Hulu Lindsey explained that the personnel is something set by policy, we allocate the number of slots or whatever it is that we want to have spent there and that you have enough running time if you have to adjust personnel because that is not immediate decisions, so you can come back, you can have a \$100,000 leeway but it shouldn't impact the way personnel decisions are made.

The second largest category is grants and that is excluded from this all together in reality most of the categories that are affected, program, contracts, travel, equipment and so forth are dealing with fairly smaller amounts. So the 5% or the \$100,000 lesser of either of those makes a lot more sense does this help?

Lisa Victor – Yes.

Trustee Rowena Akana – Madame Chair I just have a questions for the Chair. I think that its good of you to allow them to discuss this issue more but the committee yesterday voted to support our measure. I think that the

in depth discussions should take place in her committee. So that if we want to change our position that's where it ought to be.

Chair Colette Machado – I think for the record I would have to say that Trustee Robert Lindsey's questions was not answered. Some of the questions that were raised about the existing 10% whether that is an additional 10% that is exercised by Kamana'opono Crabbe was not responded to adequately. There has been no move to adjust the current referral from the RM Committee we are just allowing more discussion by Trustees and to resolve questions that may not have been resolved from yesterday's referral.

Trustee Rowena Akana – Thank you. I think that Trustee John Waihe'e IV and I discussed this latter and we were wondering if there were two levels, one where the administrator believed that he had the right to move 10% of the budget and then the other issue is that within divisions, divisions can move 10% of their budget.

Chair Colette Machado – You know what is represented is that he cannot do 10% at the level of the line of business and another 10% he made that known. This is part of our record today so that is clear.

Trustee Carmen Hulu Lindsey – I just want to say that Pouhana is responsible for our administration how he decides to use that 5% now or the 10% then is his business. If he wants his managers to move within their Department that's his business to allow it. So in the end he is responsible for that 10%. And now as we discuss this 5% it's his authority as well. I just wanted to say that.

Trustee Rowena Akana – I want to make clear that while the administrator can hire positions it is the Board who approves new positions. You cannot add positions just add positions and add to the budget without the Board approving those positions. Unless you are moving a position into another position using monies you already have. That's allowable. But to make a new position and add it to the budget that is not allowed. The Board must approve that.

Chair Colette Machado – I am going to ask Albert if you can give an overview. If there is a new position, there is a State process that a number has to be approved before submitted. Can you go through the process under HR.?

Albert Tiberi – I would have to bring Edwina.

Chair Colette Machado – How do you create a new position?

Albert Tiberi – I would have to ask Edwina; we can send you guys a memo.

Chair Colette Machado – Does it require board approval or not? That is the question, I am trying to get that from the Corp Counsel please let him answer.

11:02 am Trustee Peter Apo leaves the meeting.

Albert Tiberi – If the Board approves a budget and I think when we present the budget there is a number of positions identified as an organizational structure I think the practice, I have to go look, has been there approving the budget based upon that structure. There is provisions in his contract in his PD that provides him the authority over personnel decision that tie in to Chapter 10 and his authority. If I could get back to you on that, that would be easier then discussing it here. I understand what you are saying Trustee Rowena Akana.

Trustee Rowena Akana – I've been here long enough to know that the budget gets expanded when you hire new positions that isn't budgeted for and what happens is you go over your budget and that's why it's always been the practice that any new position, brand new position, a created position must be approved by the board because the amount of money that new position is going to be paid will have to be added to the budget.

Albert Tiberi – Part of that \$100,000 was intended to address some of that, in reality a \$50,000 position is really close to \$200,000 once you throw on the fringe, you are really limited in what you can do in adding positions. Additionally, I think we have a 5% vacancy rate built into our budget, we need to manage that in addition to the positions that are already funded in the budget. The positions that are funded we identify specifically in our budget those are some of the issues we need to look at when we look at this \$100,000.

Trustee Leina‘ala Ahu Isa – This is where I get confused if we are a State Agency or a not. State Agency at the legislature every position has account, every department has so many positions you have to go to the legislature to ask permission to get a position number if you are creating a new position.

Trustee Rowena Akana – That is right.

Trustee Leina‘ala Ahu Isa – You just cannot create. But being a semiautonomous, Ka Pouhana can you just create a position.

Kamana‘opono Crabbe – No. The number of positions are approved by the Board.

Chair Colette Machado – Any more questions or comments before we move to take action.

Lisa Victor – I just wanted to make a clarification on this vacancy rate and Trustee Rowena Akana brings up many good points. The budget is planned with a 5% personnel vacancy rate meaning we expect people to retire, and leave and then there will be a time where the position will be vacant, that 5% vacancy rate has already been programmed in so what you see in the personnel budget is the entire personnel minus 5%. We don't have the total outlook of it I just wanted to let the board know 5% has already been programmed in as a practice.

Albert Tiberi – That is a good point, if that 5% isn't what I comes out to be, if its I think less than that would be something that would trigger us coming back to the board our vacancy rate.

Trustee Rowena Akana – That is good.

Kamana‘opono Crabbe – Before you move I just want to address Trustee Robert Lindsey because we had a very intense discussion yesterday and this morning on that worst case scenario. We just thought that we need to share it because we want to avoid it and prevent it and get clarification from you the Board so think that it has some merit to share it on the implications and consequences of that. David and Gloria.

Gloria Li – Aloha Trustees. In a worst case scenario based on OHA's historical budget adjustment needs the ceiling of the \$100,000 would be met halfway through the fiscal year so when that happens any transaction regardless of dollar amount would need to be written in an action item and needs BOT approval. So in essence that really creates this overall inefficiency in the accounting and procurement unit. I therefore think that we should consider removing that \$100,000 limit. How I am interpreting this \$100,000 ceiling is the movement out of personnel into contract or contracts into the equipment. Basically how I am interpreting it is the maximum movement, the allocation rate between the different expense categories.

Chair Colette Machado – How would you interpret knowing that we are really going to watch Kamana‘opono Crabbe and administration not to move \$100,000 if we lift the \$100,000 and we keep it at 5%, should we reduce it to 2.5% versus 5%?

Kamana‘opono Crabbe – I'm sorry, but this is a transactional thing that we are trying to raise yesterday. Let's try to use a real example so the Board understands how this would affect in terms of coming back before the board but it increases the frequency that goes about the \$100,000 cap. That is what we are trying to seek clarification Trustee.

Trustee Keli'i Akina – Can I clarify. You don't have to go through an action item and so forth if you find an adjustment come back to the board for a realignment. Gloria I would actually give more credit to the administration to managing this. As you mentioned what if halfway through the fiscal year you hit that \$100,000 limit, let me clarify, what we are talking about is budgets that are set in advance for example the equipment budget its \$890,000 for that period of time. We are saying that you have up to \$100,000 or 5% at your discretion if you have to spend more. You can actually plan on that or \$1.5 million on programs. This is not something that is going to run out halfway through the fiscal year. There is more than enough time to be able to determine we are going to be short by 5% or a \$100,000.

Gloria Li – It's not us running out, it us meeting maxing at that level. So basically when you look at an account category there could be 30 different line items that feed into that one account category and we have 30 plus programs and different program managers managing those budgets. So there is lots of movement, there are needs to move budget between the different categories. I will give you an example. There is a budget for an event that OHA is going to put on. And at the time of the budget most manager would say I need \$50,000, it gets into this event organized by OHA account group or the line item. But then in actuality when the time comes to put on the event you are going to need printing costs you are going to need travel costs, honorarium, those account could be feeding in to a different cost category. And at that time we would need to do a budget realignment. It's not so much to add additional budget to a category.

Trustee Keli'i Akina – Understood, but the kind of accounting process you are talking about is what we have hired good people to carry out. You are experts in your field and you have access to contractors as needed and that is part of the challenge. We set policy but it sounds as though and I accept it would take some hard work in terms of doing the accounting work but that accounting work can be done in order to keep us within these parameters. All we are doing is setting parameters.

Chair Colette Machado – There is a clarification on authority limit. Who prepared that and is there a discussion because I am ready to take action.

David Laeha – Thank you Chair. I do hear at the table a varying view as to what the authority limit pertains to. So Trustee Keli'i Akina it sounds like your approval limit pertains more in the aggregate for each cost category and for the annual limit which is number three on the list.

	Need clarification on authority limit:
	Is the limit the amount authorized per transaction, aggregate per category, or aggregate in excess budget?
	If per transaction, need approval even if changes are neutral within category.
	If in aggregate, need approval once the limit is reached and every time thereafter.
	If in aggregate in excess of budgeted amount, need approval after annual budget plus maximum is reached.

Chair Colette Machado – What is number 3.

David Laeha – What that is saying is if the authority limit pertains to the aggregate amount we would need approval once the limit has been reached and every time there after.

Chair Colette Machado – That is correct.

David Laeha – So within each of those categories. The first one is if the limit is on a per transaction basis which goes back to Trustee Carmen Hulu Lindsey’s comment its \$100,000 per transaction is the cap and anything above or below that.

Trustee Keli‘i Akina – That is not the case.

David Laeha – The only other question is, if the transaction adjustment amount is in aggregate, meaning that the \$100,000 or any dollar amount limit, if we’ve made a number of adjustments to get to that aggregated dollar amount and it exceeds that dollar amount then everything after that would need to be requiring Board approval. What I am hearing from you Trustee Keli‘i Akina is that we are really talking about the 3rd scenario as the limit.

Trustee Keli‘i Akina – We are talking very explicitly about budget categories, we are saying that within each budget category we’ve set up some parameters and some limits. In terms of transactions which is a completely different conversation they administration is at liberty to manage those transactions as needed. So we are not talking at a transactional level we are saying stay within your category.

David Laeha – Thank you that is an important clarification we were trying to understand.

Trustee Carmen Hulu Lindsey moves to approve amendments to the Office of Hawaiian Affairs Board of Trustees Executive Policy Manual section 3050 - Fiscal Biennium Budget Realignment and Adjustment 3.5.f.

Which reads as follows:

3.5.f. Changes to the budget that are not comprehensive enough to require realignment are to be handled through budget adjustments. Management is delegated the authority to approve budget adjustments that fall within the lesser of \$100,000 or 5% of each expenditure category. Expenditure categories are defined as follows: Personnel, Program, Contracts, Travel, Equipment, Overhead and Debt Service Budgets as included in the approved Total Operating Budget. Budget adjustments in and out of the Grants Budget and between the Core Operating, Fiscal Reserve, Commercial Properties, Legacy Properties and Special Programs Budgets and any adjustments that exceed management’s authorities must be approved by the BOT and shall be presented to the BOT in Action Item Format.

3.5.f.1 A quarterly report of budget adjustments made pursuant to 3.5.f. shall be regularly submitted to the BOT. Each report shall identify the expenditure category from which the funds were transferred, the total amount of funds transferred, the expenditure category that received the transferred funds, the total amount of budget adjustments made for each quarter and a justification that briefly explains the necessity of the adjustments.

Trustee John Waihe‘e IV seconds the motion.

Chair Colette Machado – Members this is first reading and to approve this action we need 5 affirmative votes. Roll call vote please.

Trustee Carmen Hulu Lindsey moves to approve amendments to the Office of Hawaiian Affairs Board of Trustees Executive Policy Manual section 3050 - Fiscal Biennium Budget Realignment and Adjustment 3.5.f.

Which reads as follows:

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Trustee John Waihe'e IV 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						Not present
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY				X		
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6	1		2
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with six (6) YES votes, one (1) NO vote and two (2) excused.						

Chair Colette Machado – We will move to item V.A.1.

**A. Committee on Beneficiary Advocacy and Empowerment
1. 115th Congress Legislative Positioning – Matrix 1**

Chair Colette Machado – I'd like to call on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (OHA 5-9) on the 115th Congress Legislative Positioning Matrix dated January 10, 2018.

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Any discussion, hearing none. Roll call vote please.

Trustee Robert Lindsey moves to approve Administration’s recommendations on NEW BILLS (OHA 5-9) on the 115 th Congress Legislative Positioning Matrix dated January 10, 2018. Trustee Carmen Hulu 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			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO						Not present
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE 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.						

2. BAE 18-01: Approval of an OHA Resolution Designating 2018 as “Year of the Hawaiian”

Chair Colette Machado – We will move on to BAE 18-01, I’d like to call on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as “Year of the Hawaiian.”

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Roll call vote please.

Trustee Robert Lindsey moves to approve Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as “Year of the Hawaiian”. Trustee Carmen Hulu 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			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO						Not present
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE 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.						

3. BAE 18-02: Approval of Nominees for the Island Burial Councils – Item Deferred

Chair Colette Machado – Item has been deferred. That concludes our business. We will move to VI. Community Concerns.

VI. COMMUNITY CONCERNS

Chair Colette Machado – I'd like to call Germaine Meyers. Then we have Claire Apana here also.

Germaine Meyers – Aloha My name is Germaine Meyers for the record, I am an OHA beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. Regarding the discussion about publishing the 29-minute video with an opening and regarding Hawaii News Now and the Sunrise morning show, I'd like to make a humble suggestion that the 9 Trustees and not Jocelyn should be interviewed such an important issue. If Chair Machado is unable to go to the Hawaii News Now Sunrise morning show because of schedule conflicts another Trustee such as Trustee Leina'ala Ahu Isa or Trustee Rowena Akana or Trustee Keli'i Akina can go on behalf of the Trustees.

In regards to publishing this video in a panel format similar to Insight with Mahealani, there are other forums and other ways. For example, I have the ability to reserve a film studio at 'ōlelo. Similar to Mililani Trask and Trustees can record a panel discussion. I can be the interviewer, just suggesting. I can reserve an 'ōlelo filming studio Mapunapuna, or Nānākuli High School or Waianae High School and you use Sea Riders Productions and give them the business. Teach the children how to do something like this and be aware of these issues that affect our community especially Waianae Sea Riders and Nānākuli High School.

During such interviews when you are vetting or you are doing any type of media throughout the year meaning the Trustees or the outreach the video can be on OHA.org and everybody can be told to go there to review it. When Trustee is interviewed simply notify them and say do to OHA.org and watch this video of us being interviewed and you can become aware of the issues.

Chair Machado I would like to suggest that you and I can go with Mililani can interview us on such an important issue and we can have that memorialize so that people can be aware of the plight that we are having where we are trying to get ceded lands funding. This is another suggestion I'd like to make. If you would honor me I can ask Mililani we can set up sometime this year.

Chair Colette Machado – We will talk about that. Maybe we send Rowena instead of me.

Germaine Meyers – Finally I wanted to share was that I understand from hearing from the outreach group during their sharing earlier is that there is going to be two buses from the shelter in Maili. For example, for that day I plan on brining cooler, I am going to be with the Ka Lahui Political Action Committee stand with Healani and the other gang. I'm going to bring cooler with bottle water because I can afford that. But when it comes to the homeless in our community, what I am suggesting is because Pauly Grace is one of our Board Members, she is no longer a board member because she is too ill right now. We are going to be replacing her position next week Tuesday but she has been on the board for years and every year she does this Christmas for the homeless so all the shelters come out and meet us somewhere, and we feed the homeless a special dinner. We are very aware because our Chair is part of the leeward Coalition on Homelessness. Chair Cynthia Rezentes. She has connections, so we can connect with them and then Patty Teruya who is another board member she has access to foodbank. What I am saying is if OHA not able to provide food for the people that are coming at least for the homeless coming out form Leeward, if you allow us to do that we can, you can provide the food, when I say food simply like oranges, bananas, tuna sandwich, something really simple. I don't mind having it at our tent. If you tell me the capacity of the bus, I can bring enough food for the bus and we can pass it out at Ka Lahui's tent. That way if you don't want to pass out to everybody. When kupuna and keiki come out they don't think about those things. They don't

realize it is going to be hours. It's nothing to contradict what you trying to do or say I just to add to it because from being from that side we are more sensitive to everyone's financial situation especially with the shelters, they really have a hard time. That is what I wanted to suggest I can get the count and if you can just tell them go by Ka Lahui's tent and we can pass it out. I go let Healani know and I can coordinate it with Patty and Cynthia and other groups out there so we can prepare for Wednesday. E hana kakou.

Chair Colette Machado – Thank you Germaine. Our next speaker is Claire Apana,

Claire Apana – Good morning Trustees. I have come to give you an update on our Maui Iwi Protectors Mālama Kakanelua Sand Mining moratorium. After 7 plus months of testifying the sand mining moratorium passed in a very abbreviated form of six months with exemptions given for businesses that could pass the Council's approval. Although we objected to the way this was being done its seemed logical that if you have no sand you could have an exemption. That was not the way it worked out in the County Council. It was if you had enough votes you would get your exemption. If you could not get your exemption, then try the Public Works Department and get a permit cause if you had a permit you can sand mine during this moratorium of 6 months.

There were 2 permits that were given in the sand dune area that was identified very painstakingly by the GIS map person of Maui. One was given on Tuesday, it was just last Friday that it was past, one was given on Tuesday before Friday. After I had already made an objection to the Public Works Department and they gave the permission for this particular group, the Waiale Industrial to be able to sand mine 10 feet down on his lot and move the sand. Then I don't know if you've heard but I have been very animate about being in communication as other people in our group with OHA and I really do want to thank the 6e Department that Kai Markell and Kawika Riley and Kamana'o for the assistance that we have given to understand the 6e laws and some of our rights. The rights that are not being given to us to protect our iwi kupuna. I really want to thank them for their support.

On the other hand, what started out as a very strong statement from OHA in June by two very well written legal letters to the County and the legal letters to the County were never answered. We never got an answer. As I have asked over and over again to provide testimony again to provide that kind of testimony that talks about the law. What will happen if this sand mining moratorium passes, how will the effects be what is wrong with the bill. I did not get an answer. I believe that the people responsible for writing those beautiful legal letters are very good people and hardworking people. I have a question to you. Who put the kibosh on the support for the sand mining moratorium? I thank Trustee Carmen Hulu Lindsey, Trustee Leina'ala Ahu Isa for coming because your presence made a great difference and you stuck with us, where was the testimony, the testimony that gave real information about the legality and ins and outs of this sand mining moratorium. We didn't get not one more letter. We've been testifying for 7 months as citizens trying to deal with all the things that we have, we had to go to court to get the preliminary injunction. We had to pay for that.

Is OHA going to support the sand mining moratorium bill by helping to bring a voice, bring a legal team, bring the 6e legal team in to help make this bill something that will protect our iwi kupuna. Are you in or are you going to pretend? We just need to know because if we count on you, we expect you to come and show up we do not need to be disappointed if it doesn't happen. I would like to ask that you actually invest in sending your teams or representatives consistently. We only have 6 months to deal with this issue. So that we can make a very strong and legal argument to protect our iwi kupuna. To get the rights that are already there in the 6e laws, in the administrative laws and in our kanawai. We have rights. We need to be able to enforce them, are you going to come? Or as somebody said we are not going against Bill Mills. Something like this I don't know. I don't know how to read this and I think that we got it this far all of us now it's time to make something of it. Make something of this sand mining moratorium and make it so that we can have something enforceable for our people for our iwi kupuna.

I'm not asking you for a great deal of money, I'm not asking you to actually pass a law anymore because we already did it. I'm asking you to provide the resources so that we can do this. We had a Burial Council in

December and we had a visitor who gave us a lot of enlightenment. We realized how much we didn't know about the rights of iwi kupuna. Mr. Halealoha Ayau, I know you hire him to help bring back the iwi kupuna.

Chair Colette Machado – He wasn't hired by OHA he was a volunteer.

Ms. Claire Apana – I know that he works with you to bring back iwi kupuna and he came again as a volunteer and we learned a lot of things about protecting our iwi kupuna. We would really require someone like that, someone like your own staff, I don't know if you can afford that to have your staff go. We would like to meet regularly for the next 6 months to work on the plan to present as part of the sand mining moratorium. Can you do that for us? I'm asked by my group Mālama Kakanelua, we have been holding a very active campaign at a development site in Maui Lani. This site is again appears to be not following their monitoring plan, where you would have an archeologist on all the heavy equipment whenever you are digging with the heavy equipment any kind of earth moving. We have protested and one of the reasons we protest is we know that there are a lot of burials in this site.

Finally, I have been asking for many months to bring it on the Burial Council Agenda and finally in December it was brought to us. And what was reported was that there were 79 burials, 35 burial pits in this one area. I watch these things how can I have not known that. 79 burials, 35 burial pits. Reported by a person who is not an archeologist, who is reporting as if she is the principal investigator, how can we keep allowing them to do this to us. The people of this place is standing in protection of our iwi kupuna, if we are not going to protect our iwi kupuna lets just put that on the table right now. Because this is what we are about, we are about protecting our iwi kupuna. I am here because you have resources that could help us. I am here because people still do look up to OHA as a leader.

Chair Colette Machado – Claire we have already given you over 10 minutes. Can you summarize.

Ms. Apana – I will summarize now. My group wants you to know that the Burial Council of Maui and this is my own paraphrasing made a decision that all work should be halted and no further decisions or approvals given to this phase 6 Maui Lani run by Town Development until adequate information is given. There is not adequate information about these burials about the disposition of them. The burial treatment plan and the Burial Council also asks that we go back to the archeological inventory survey because none of the people with information, cultural practitioners or decedents were given a chance to say anything. They are here so this is the decision of the Maui Lanai Island Burial Council. I bring this to you as an update and I ask you to make your own decision. You made a motion before to send a letter to Maui Lani to ask them to stop. I thank you for that I don't believe the letter was sent, I'm not sure why the letters and the testimony stopped but I ask you now we can make a difference, we can do it together, will you participate and give us some of the expertise that would really make a difference. And of course help stop this desecration of our burials.

Robert G. Klein, Board Counsel – This is not on the agenda.

Chair Colette Machado – We cannot make a decision on this but we can have discussion. We would appreciate an official letter from your group is this what you request.

Robert G. Klein, Board Counsel –It's not on the agenda.

Trustee Rowena Akana – I am not going to make a motion. It's a question. Are they still exporting the sand?

Ms. Claire Apana – They have stopped doing that at this time. I believe that the permit that was asked to be extended by Maui Lani phase 9.

Chair Colette Machado – I think you answered the questions for Trustee Akana.

Ms. Claire Apana – I don't think I have ma'am.

Chair Colette Machado – We have given you so much time and she simply asked you a question is they still sand mining. And the response is they stopped.

Ms. Claire Apana – I have not finished answering the question.

Chair Colette Machado – I am warning you, I may call you out of order.

Ms. Claire Apana – It has been noted. Let me finish my answer. On November 20th they asked to renew that permit that in the law suit showed clearly they violated the permit, 29 minutes later they were given a 1-year extension. If your stopping sand mining why do you need that grading permit that allows you to sand mine.

Kamana'opono Crabbe – That was the County Council?

Ms. Claire Apana – That was Public Works Department gave them the permit.

Chair Colette Machado – That was administration, thank you Claire with that said do we have any other speakers.

VII. ANNOUNCEMENTS

Robert G. Klein, Board Counsel – Just an announcement. Just briefly you, I wanted to update you on the Mauna Kea lawsuit. Yesterday was the deadline to file responses. University of Hawaii filed a response and motion to dismiss. The State of Hawaii filed a normal response. The issues are now joined. I wanted to mention something that something that serendipitously happened with respect to the January 17th actions. The American Bar Association Section on Litigation is having its annual winter meeting here starting informally on the 17th but formally on the 18th, 19th and 20th. The first panel discussion we will have has to do with Hawaiian Sovereignty. I will be the panel moderator. The panel includes Kamana'opono Crabbe, Professor McKenzie, Moses Haia and Doug Ching. The ultimate focal point on that is going to be where traditional and customary rights and practices now today come in to focus with the Mauna Kea struggle. The AB is very interested in that, this is the litigation section which is the largest section of the American Bar Association. They will be serendipitously here while this is all going on. So it will be a very Hawaiian immersion experience for the top litigators in the country. I just wanted to say that.

One other thing when we are in community concerns we cannot have a discussion with the speaker because the item is not on the agenda. And so they are free to give their community concern, we can't interact with them. Because it's not fair to people who didn't get notice that items were going to be discussed at the table who might have wanted to show up and say something else. The community concern we don't control; we don't know what they are going to talk about but it's not appropriate for you folks to engage with them. It violates the sunshine law.

Trustee Akana - (conversation indiscernible)

Robert G. Klein, Board Counsel – That is why we are changing. People want to talk about what's on the agenda fine.

(conversation indiscernible)

Chair Colette Machado – Thank you for the update.

(conversation indiscernible)

Chair Colette Machado – Trustee Akana can you speak in the mic.

Trustee Rowena Akana – Will your panel be discussing some of the same issues like NAGPRA and our burials and things that are on Mauna Kea where people are saying its sacred and they have burials there and other things that belong to Hawaiians. I'm just thinking from a legal standpoint that NAGPRA is already accepted and if we can tie in maybe Hawaiian rights to that.

Robert G. Klein, Board Counsel – This is not an advocacy effort, it's an education effort. Kaman'o will cover a lot of the cultural, traditional practices and maybe he will talk a little about what kind of practices occur on the mountain.

Chair Colette Machado – Is this open to the public?

Robert G. Klein, Board Counsel – You have to be a member. The leader of the litigation section is a kid that grew up in Hawaii, he is a mainland lawyer now. He has been very interested because it is in Hawaii, he diverted the meeting to Hawaii because he was born and raised here. He's had a section so he has a lot to say as to where it is held and the topics. This was a topic that he really, really wanted to get out in front of the litigation section. The ABA has been very support of Hawaiian rights.

VIII. ADJOURNMENT

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

Trustee John Waihe'e IV moves to adjourn.

Trustee Carmen Hulu Lindsey seconds the motion.

The meeting was adjourned at 11:48 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on February 7, 2018.



Colette Y. Machado, Chairperson
Board of Trustees

Attachments:

1. Excuse Memo from Trustee Dan Ahuna
2. Testimony from Keali'i Makekau – received by email on January 10, 2018



HAWAIIAN AFFAIRS
STATE OF HAWAII
RECEIVED-BOT

2018 JAN -2 P 3:05

Office of Trustee Dan Ahuna
OFFICE OF HAWAIIAN AFFAIRS
Interoffice Memorandum

Date: January 2, 2018

To: Trustee Colette Y. Machado, Chair ✓
Board of Trustees

From: Trustee Dan Ahuna

A handwritten signature in black ink that reads "Dan Ahuna".

Subject: **BOT Meeting Absence**

I am unable to attend the BOT meeting scheduled for January 11, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.

To: OHA Trustees
From: Kealii Makekahu

January 10, 2018

Re: Congressional Bill HR #3744 – Agenda Item 1PM BAE
Committee Meeting Agenda Item: 115th Congress Legislative
Positioning Matrix 1

Aloha Trustees,

For the past several months OHA Administration & Executive staff have been quietly informing beneficiaries who support the Kanaiolowalu-Na'i Aupuni initiative about HR 3744. They have been saying that this Congressional measure will be used to prevent the U.S.D.O.I. from implementing their plan for federal recognition of the new "Hawaiian Nation". This is a good example of the campaign of misinformation and paranoia that the OHA Administrator & staff have utilized for the past 4 years to justify submitting Congressional testimony to Washington DC on Bills that DO NOT RELATE TO NATIVE HAWAIIANS, OHA OR 'NATIONBUILDING'.

HR 3744 relates only to American Indian and Alaska Natives who live on the US Continent. The clear language of the Resolution states.....

“(8) INDIAN GROUP OR GROUP—The term “Indian group or group” means any Indian or Alaska Native aggregation within the continental United States that the Secretary of the Interior does not acknowledge to be an Indian tribe. Indian tribe, also referred to herein as tribe, means any Indian or Alaska Native tribe, band, pueblo, village, or community within the continental United States that the Secretary of the Interior has lawfully acknowledged as an Indian tribe.

(9) INDIGENOUS— The term “indigenous” means native to the continental United States in that at least part of the petitioner’s territory at the time of sustained contact extended into what is now the continental United States.”

1. OHA’s beneficiaries are indigenous peoples of Hawaii – Hawaii is not part of the “Continental” USA.

2. Hawaiians are not “Indians” nor are they “Alaska Natives” .

H.R. 3744 does not impact or relate to Hawaiians in any way. OHA’s Administration wants to lobby against this measure in DC and they want to convince Trustees that they will need to travel to DC for this purpose.

OHA Trustees need to read HR 3744.

OHA Trustees should not submit testimony on this measure- FOR or Against. This measure has nothing to do with Hawaiians or Hawaiian federal recognition.

This is a good example of OHA wasting time and money on political matters that are not relevant to the management of our trust assets or our right of self-determination/self governance especially given the last OHA sponsored poll in which native Hawaiians stated they wanted bread and butter issues to be address not this false quest for a tribe like status.

OHA Trustees & staffers do not need to go to lobby in DC on bills that are none of their business and do not relate to Hawaiians.

Sincerely,

Kealii Makekau – OHA Beneficiary, Hawaii Island