

BOARD OF TRUSTEES
 Colette Y. Machado, *Chairperson*
 Dan Ahuna, *Vice Chairperson*
 Leina'ala Ahu Isa, At-Large
 Rowena Akana, Trustee At-Large
 Keli'i Akina, At-Large
 Peter Apo, O'ahu Trustee
 Carmen Hulu Lindsey, Maui Trustee
 Robert K. Lindsey, Jr., Hawai'i Trustee
 John Waihe'e IV, Trustee At-Large



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, April 26, 2018
TIME: 10:00 a.m.
PLACE: OHA Board Room, Nā Lama Kukui
 560 N. Nimitz Hwy., Suite 200
 Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. March 22, 2018
- III. Public Testimony*
- IV. Unfinished Business
 - A. CEO's 15-Minutes Update on Ho'oulu Lāhui Aloha and OHA Activities
 - V. New Business
 - A. Committee on Beneficiary Advocacy and Empowerment
 1. 2018 OHA Legislative Positioning – Matrix 1**†. March 28, 2018
 2. 2018 OHA Legislative Positioning – Matrix 1**†. April 11, 2018
 3. 2018 OHA Legislative Positioning – Matrix 1**†. April 18, 2018
 - B. Committee on Resource Management
 1. RM 18-04: Approval of Amendments to “Office of Hawaiian Affairs Trust Fund Spending Policy, as Amended”, 1st Reading †
- VI. Executive Session‡
 - A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. Pursuant to HRS § 92-5(a)(4).
 - B. Approval of Minutes
 1. February 7, 2018
 2. February 27, 2018
 3. March 8, 2018
 4. March 22, 2018
- VII. Community Concerns*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

**Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 4/18/18. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Colette Y. Machado

Trustee Colette Y. Machado
 Chairperson, Board of Trustees

4/20/18

Date

18 APR 20 P 1:46

LIEUTENANT GOVERNOR'S
 OFFICE

Office of Hawaiian Affairs
Board of Trustee Meeting
April 26, 2018
10:00 am

II. Approval of Minutes
A. March 22, 2018

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

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, March 22, 2018
10:00 am

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE DAN AHUNA
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 LEINA'ALA AHU ISA

ADMINISTRATION STAFF:

LISA VICTOR, COO
LISA WATKINS-VICTORINO, RES
MOMILANI LAZO, SR. EA to CEO
KAWIKA RILEY, ADV
JOCELYN DOANE, PP
STERLING WONG, PR
PHYLLIS ONO-EVANGELISTA, AS
DAVID LAEHA, CFO
TIGER LI, ISRM

BOT STAFF:

CAROL HOOMANAWANUI
LÖPAKA BAPTISTE
LAURENE KALUAU-KEALOHA
DAYNA PA
LEHUA ITOKAZU
MAX MUKAI
ALVIN AKEE
MELISSA WENNIHAN
CLAUDINE CALPITO
LIANA PANG
DAVIS PRICE
PAUL HARLEMAN
MARIA CALDERON
KAMA HOPKINS
KAUIKEAOLANI WAILEHUA

GUESTS:

CYNTHIA KAHOOWAHA CABERTO
GERMAINE MEYERS
DEMONT CONNOR

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:03 am. Roll call is taken; Trustees Ahuna, Akana, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present; constituting a quorum. An excused absence has been received from Trustee Leina'ala Ahu Isa and Trustee Peter Apo is expected to arrive shortly.

Before we proceed to the agenda we will need a 72-hour waiver for the following items:

IV. New Business

A. Committee on Beneficiary Advocacy and Empowerment

1. 2018 OHA Legislative Positioning – Matrix 1, March 21, 2018

Trustee Dan Ahuna moves for a 72 Hour waiver.

Trustee Robert Lindsey seconds the motion.

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

Trustee Dan Ahuna moves for a 72 Hour waiver. Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Not present at vote
TRUSTEE CARMEN HULU LINDSEY			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.						

II. APPROVAL OF MINUTES

- A. February 27, 2018**
- B. March 7, 2018**
- C. March 8, 2018**

Trustee Dan Ahuna moves to approve the Board of Trustees minutes dated February 27, 2018, March 7, 2018 and March 8, 2018.

Trustee Robert Lindsey seconds the motion.

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

Trustee Dan Ahuna moves to approve the Board of Trustees minutes dated February 27, 2108, March 7, 2018 and March 8, 2018.						
Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Not present at vote
TRUSTEE CARMEN HULU LINDSEY			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.						

III. PUBLIC TESTIMONY

Chair Colette Machado – We are now on public testimony. I'd like to acknowledge that I recieved by email testimony from Mililani Trask and Germaine Meyers regarding Kamana'opono Crabbe. With that said we have two people that have signed up. I'd like to call to the table Germaine Meyers. Please come forward with your public testimony.

Ms. Germaine Meyers – Aloha, good morning. My name is Germaine Meyers. I am an OHA beneficiary for beneficiary advocacy and empowerment and a Nānākuli Homestead Lessee. I am here to provide data, views, and arguments regarding today's agenda item V.A. regarding the CEO's Contract.

Chair Machado, I demonstrated to you in response to, and to address the responses I received from beneficiaries on the Board members. I had sent to you and the Board my written testimony that I emailed earlier this week. That is was on June 6, 2016 exactly 6 months that Dr. Crabbe became OHA's CEO that the CEO felt compelled to justify to the Board a budget Realignment for three non-competitive grants totaling \$350,000. As I outlined in my emails \$50,000 for group to participate in an event on the Solomon Islands that was scheduled to begin 24 days later, \$100,000 for a pilot program on Molokai and \$200,00 for a three-day conference in Kaneohe that was schedule to begin 9 days after the CEO submitted the request to the board.

(10:07 am Trustee Peter Apo arrives to meeting)

Again to address those responses that I had revived from beneficiaries I will address this. The CEO's disclosure form that he filed with the State Ethics Commission, that he signed on March 16, 2012 stated that he was the president of this organization from 2009 to present. Which means three months prior to the CEO asking the board to award \$200,000 to this organization he was the president of the organization.

The June 6, 2012 meeting minutes do not confirm if the CEO provided budgets from these three organizations that requested a total of \$350,000. To address other things, as for the \$200,000 that was given for the three-day conference in Kaneohe, public record show that the 9 days before the conference started Ka Pouhana has already secured the facility for free. Windward Community College donated use of their facilities for free for all three days. The video graphic services were for free and the speakers and practitioners donated their services for free.

So why did the CEO's organization of which he was the president of need \$200,000 in cash 9 days prior to the event in Kaneohe.

What is compelling for me is that 6 months on the job and the CEO felt empowered to ask the Board for monies for these three organizations for a total of \$350,000. But most compelling and egregious is the fact that he felt empowered to go outside of the competitive grant process. Later after the Board approved the three grants the CEO labeled them as BOT, Board of Trustees Kūlia Initiative Grants. The grant title BOT Initiative or Kūlia Initiative give beneficiaries and the public the impression that the Board of Trustee "initiated" the grant. Because the word initiative means the ability to access and initiate things independently.

Yet, as I have just testified and as I have provided to you in the meeting minutes of June 6, 2012. It was the CEO and not the BOT that initiated the three grants totaling \$350,000. That was included in the budget realignment request and most especially the \$200,000 for his organization that was going to have the event 9 days later. I feel these three grants and many other grants that I have reviewed in meeting minutes was labeled BOT Initiatives or Kūlia Initiative Grant program should be correctly identified as the CEO Initiative or Ka Pouhana Initiative Grant program. Especially if they were above \$25,000.

The CEO knows the details and the differences between OHA's publicly vetted community and ahahui grant programs versus OHA's privately initiated grant awards. The CEO knows the details and the difference. For example, the \$50,000 grant request for the Solomon Islands would have been denied by ahahui grant. It was 5 times the ahahui grant maximum of \$10,000. And with the ahahui grant you can't use it on travel and other things. Which he knows the details and the differences. The \$200,000 grant request for a three-day event in Kaneohe was 20 times the ahahui grant maximum of \$10,000. The CEO knows all the details and all the differences.

I wish I had more time expound on them to you instead I was asked to forward them to proper authorities. I reiterate what I said yesterday. Terminate the CEO and hire a new and pono CEO. A pono CEO to finish the forensic audit of OHA and the LLCs. Create an effective anticorruption plan and implement the \$300,000 communication plan that OHA already paid for. And the anticorruption plan. E hana kakou.

Chair Colette Machado – Thank you Germaine. Members is there anyone else that has signed up for Public Testimony? Hearing none we'd like to more on to item IV. New Business.

IV. NEW BUSINESS

A. Committee on Beneficiary Advocacy and Empowerment

1. 2018 OHA Legislative Positioning – Matrix 1†. March 21, 2018**

Chair Colette Machado – We are now on IV.A.1. the 2018 OHA Legislative Positioning matrix for March 21, 2018. I'd like to call on the Chair of the BAE Committee Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve Administration's recommendations on NEW BILLS (Items 1-74) and BILL POSITIONS FOR RECONSIDERATION (Items 75-82) on the OHA Legislative Positioning Matrix dated 3/21/2018.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – It has been moved and seconded, any discussion, hearing none roll call vote.

Trustee Robert Lindsey moves to approve Administration’s recommendations on NEW BILLS (Items 1-74) and BILL POSITIONS FOR RECONSIDERATION (Items 75-82) on the OHA Legislative Positioning Matrix dated 3/21/2018.

Trustee Dan Ahuna seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						
TRUSTEE DAN AHUNA		x	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1 excused

MOTION: UNANIMOUS PASSED DEFERRED FAILED
 Motion passed with eight (8) yes votes and one (1) excused.

VI. EXECUTIVE SESSION

Chair Colette Machado – Members I would like a motion to recuse ourselves into Executive Session pursuant to 92-5 (a)(4) to consult with our board attorney. Before we recuse ourselves into Executive Session, in my consultation with Robert G. Klein, Board Counsel we will move item V. B. to A. and A. will become B.

Trustee Dan Ahuna motions to move into Executive Session Pursuant to HRS§92-5(a)(4).

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – It has been moved and seconded any disuccssion? Hearing none, roll call vote please.

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

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1

MOTION: UNANIMOUS PASSED DEFERRED FAILED
 Motion passed with eight (8) YES votes, and one (1) excused.

The Board resolved into Executive Session at 10:14 am.

- A. **Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding the State Auditor's Draft Audit Report. Pursuant to HRS § 92-5(a)(4).**
- B. **Approval of Minutes**
 - 1. **February 7, 2018– Item Deferred**
 - 2. **February 27, 2018 – Item Deferred**

The Board reconvenes into Open Session at 12:33 pm.

VI. COMMUNITY CONCERNS

Chair Colette Machado – We are now on Community Concerns and I'd like to call up Germaine Meyers.

Ms. Germaine Meyers – Aloha Chair, I basically wanted to come up during community concern because I wanted to find out what was the outcome or potentially whatever it is that you plan to publicize regarding the CEO contract. I understand that it is in Executive Session so it may be confidential and I am fine with that. But what I am concerned about is while I am sitting out there on the bench, minding my business, I find Sterling Wong walks right in front of me and tells me, 'Oh is this like waiting for the Pope with the smoke stack'. I am a Catholic and I am wondering why is he feeling compelled to come in front of me and tell me this is like a Pope. This situation, the seriousness of this situation. I've come here for a year and I am being mocked by him telling me I'm sitting out there like elevating the CEO to a status of the Pope? And that this is like I'm sitting out there waiting for the smoke to come out of a smoke stack.

Chair Colette Machado – We apologize that was unnecessary Germaine.

Ms. Meyers – Well that I the environment and mentality that I am confronting by somebody that is employed by OHA. I minding my business sitting out there on the bench I am the only one that he was in front of besides two people standing from the media looking over the rails. So that is my point about the environment that I find myself coming in here to OHA. Is that kind of mentality that this is a game, like game of thrones, like who is sitting on the throne? The Pope sitting on the throne. That is what he is basically saying. Like somebody is either of Pope status and that he is telling me that I am here eager to wait whose, what. Because that is the only analogy of a Pope stack. I am a Catholic, so when the Pope is descending whether through death or some other means that's when Catholics sit and wait to find out if there is a, who is the new leader. So he placed that analogy into this situation. Not me. I am sitting out there after I gave my testimony waiting for to come back in here now. So I just wanted to point that out.

Chair Colette Machado – E kala mai again.

Ms. Meyers – Thank you, e hana kakou.

Chair Colette Machado – I'd like to call Cyndi Caberto to the table.

Ms. Cynthia Kahoowaha Caberto – Aloha, my name is Cynthia Kahoowaha Caberto. I am currently employee by Office of Hawaiian Affairs in the fiscal department. However, I've taken vacation time to come before you today.

Because unlike other beneficiaries that have come before you today I have an insight and the insight is on the minutia. I'm sorry but the behavior of our people trying to move forward for a nation comes you 9. I would like to

see you 9 become the heroes and take us to nationhood. The minutia needs to stop, lay your swords down against each other and embrace one another. To move for our people forward and get out of the minutia.

My father who is a very wise man said, time will tell baby girl. Well time has told me is our MO here is minutia. And it needs to stop. Really, it does. I would like to see out Trustees embrace our administration and move them forward. You have taken us to the bottom step of the White House. Can we please get up those steps and over the threshold for our people?

Now the true travesty here is the monies that have spent for legal fees amongst you all fighting with each other when we could have housed more people. We do a lot of beautiful work here, I've seen it. But because you spend so much time fighting and putting it out there our people don't see the good we do. They don't understand what we do, we do a lot of good, we have some smart, compassionate, empathetic people who work at the Office of Hawaiian Affairs. I can just speak from the inside; I am not speaking for OHA. That are koko and not. Its time please. Each and every one of you. I look into your soul today for my people.

Through Kamehameha III I am Kahoowaha, therefor I speak before I leave this earth. To please bring out people forwards. Stop the minutia. The 'ōpala, the palahē, whatever you want to call it. Please stop, please. May you 9, can you 9 be the heroes, be our heroes man. Take us to nationhood. Please, each and every one of you stop the fighting, lay your swords down amongst one another. I beg you. Please. I beg you, I have nothing left to beg for. Just work as a unit, embrace administration help move them forward otherwise we will stay stuck forever, then dismantle us. Why are we here? We are here for our people. Not to serve political gain or what you want to change coming in. There is nothing wrong. I've been when the audit was horrible, we passed all audits. I was here before procurement unit; they are tight on people's butt here. They are. The travesty is the millions of dollars you have spent on legal fees to fight one another stop. Stop.

Love your people, we have Christians sitting here at this table, God is about love. Truly I am a statistician at heart, watched Oprah Winfrey, people died, 10 years I've been watching, they've all had a different experience but they all shared one common story that they felt overwhelming love before they came back to earth to share their story. I am imploring all of you kanaka to love that is our culture, that is the base of our culture. To love. If Waianae Homeless Community can solve their problems and come together and embrace one another why can't we, why can't we. Please, I am tire of seeing the minutia, it hurts my heart.

I think if you sat there and thought of all hours that OHA Employees have to pull information for this internal fighting it is discussing. To see how much, we spend on attorneys so you guys can fight one another. That is the travesty. And you want to talk about appropriation funds for this, stop already please be our heroes, please I beg you. Be our heroes take us to the nation, lay down your swords for one another. We are not supposed to point, embrace each other love and get through it. Each and every one of you, stop being the political animal.

We are a very smart and very blessed people. We are so Akamai, we could run our land and know how to replenish is. Again, right now our governing body today I am shame. Kamehameha III is my kupuna, Kahoowaha my name to tell you stop please. I beg you. I beg you. Please all of you, I know you have hearts. Yes, Trustee Hulu, we all have hearts. Justice Klein, we have hearts right! May God bless you all for you have the fate of our people in your hands. May God Bless you all that you stop this travesty, may God Bless you all and let the people of OHA do their job. They do a good job. We have not had an Audit Finding. This forensic kaka is just that, embrace your administration and help move them forward please I beg you be the heroes. My time is up, be the heroes, God Bless you all Mahalo.

Chair Colette Machado – DeMont Connor.

Mr. DeMont Connor – My name is DeMont Connor for Hoomanapono Political Action Committee. This is just tiring, this is just tiring and taxing. All the agencies, they get audits too, and they get rip too. But you no see the peoples in the agencies, just clawing at each other. I understand with all due respect, Uncle Bob Lindsey the

second overthrow, this is the second over throw, because in 1893 one haole went gather up his troops along with native Hawaiian supporters to overthrow our Queen. Now March 22, 2018 once again, we get somebody who is pro American wanted to see the collapse of this organization from the very beginning our own people, our own Aloha Aina people didn't want to see him elected. But yet now today they are supporting him to help overthrow the Kingdom again. The Kingdom still exists in my heart. So here we go again.

I get one problem with the way this whole thing is being played out. We talking, I talking about the \$14 million. \$13 of the million you guys were responsible for passing that, you guys went sign off on that. So you going throw the braddah under the bus for something that you went sign off on. If the paperwork wasn't correct you should have caught that. If the policies and procedures wasn't tight that is your duty to fix that. But yet because the heat is on you want to nix the braddah to save your own okole.

You know what this is one political year and I take offense that you would use the political platform to make yourselves look great so that you can get voted in again at the expense of one kanaka. We see the same thing happening with Senator Kaialii Kahele. Aloha Aina went vehemently protect Mauna a Wakea, they attack UH, they attack DLNR, BLNR, OMKM and the astronomy people. Attack um, get um off they all hewa, this kanaka rise up and say you know what we going take those authorities away and we going put a new authority. Who is the most vocal against that kanaka, Aloha Aina. Our people is sick we don't know what side of the fence we on brah. I know what side of the fence I am. I am on the side of the fence of our people. Whether I agree with you or disagree with you here, every single one of you here I support you. I support you to be here. I do not support you for trying to throw another kanaka under the bus. That is bogus. So I ask you pull a stop to this now. No let nobody come in here and try to rend asunder our organization. If there are problems, you can fix it. These are all fixable stuff here. Cause you talking about policies and procedures. You talking about directives, oversights. We can fix this, this is not the end of the world. But do we have to chops somebody's head off to fix it, that is ridiculous. That is over reaction and that is politics. That is bogus, we are kanaka, we not Americans. Eō Aloha.

Chair Colette Machado – Thank you DeMont. I also received an email from Kamealoha Hanohano-Smith she is a beneficiary from Kauai regarding matters relating to the Ad Hoc Committee progress. I will file that as part of our official record. That was the last of our Community Concern Testifiers. I want to thank all of you and for being patient and allowing for this meeting to occur and the Executive Session that we've had.

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

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

Trustee Carmen Hulu Lindsey moves to adjourn.

Trustee John Waihe'e IV seconds the motion.

Chair Colette Machado – Roll call vote please.

Trustee Carmen Hulu Lindsey moves to adjourn. Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with eight (8) YES votes, and one (1) excused.						

The meeting was adjourned at 12:50 pm.

Respectfully submitted,

Dayna Pa, Board Secretary

As approved by the Board of Trustees on _____.

Colette Y. Machado, Chairperson
Board of Trustees

Attachments:

1. Emailed Testimony of Germaine Meyers
2. Emailed Testimony of Mililani Trask
3. Emailed Testimony of Kamealoha Hanohano-Smith

Dayna Pa

From: G M ·
Sent: Sunday, March 18, 2018 11:59 PM
To: Colette Machado; Dan Ahuna; Dr. Lei Ahu Isa; Rowena Akana; Keli'i Akina; Peter Apo; Hulu Lindsey; Robert Lindsey; Crayn Akina
Subject: URGENT & IMPORTANT: Beneficiary Testimony for BOT Meeting on March 22, 2018 regarding BOT Agenda item #5-A
Attachments: ARM 12-11.pdf; CRABBE 2012 Disclosure.pdf; EXCLUSIVE_ Former OHA trustee talks about problems at agency - Hawaii News Now - KGMB and KHNL.pdf

Beneficiary Public Testimony of Germaine Meyers, OHA Beneficiary for Beneficiary Advocacy and Empowerment and Nanakuli Hawaiian Homestead Lessee

RE: OHA BOT Meeting Agenda, Thursday, March 22, 2018, agenda V. Executive Session A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to CEO Contract Number 3147 dated November 1, 2016. Pursuant to HR\$,92-5(a)(2), (4).

TO: OHA Chair Colette Machado
TO: All OHA Trustees
BCC: Beneficiaries on my blind carbon copy list

On February 26, 2018 a dialog ensued between Governor John Waihee and OHA CEO Kamana'opono Crabbe regarding why the OHA CEO doesn't feel compelled to concede to (doesn't surrender, yield or listen to) OHA staff's **DO NOT FUND** recommendations:

OHA CEO Crabbe: "We have a delegation of authority from the Board to me. And then even from me down to Directors and Managers and so forth."

Governor Waihee: "But you are still responsible though?"

OHA CEO Crabbe: "I'm totally. The buck stops here. I'm the one fully responsible for all of the decisions made."

I gave testimony last year regarding my concerns about the legitimacy of the CEO's contract renewal in 2016. But I will leave the discernment of its legitimacy to the Federal investigation into OHA's records since the Executive meeting minutes are off-limits to the public (and beneficiaries). The Federal knows about **employment contract laws** (as I do) and will have access to the CEO's employment contract and the detailed step by step transactions of its execution.

In regards to CEO employment, I want to reiterate for the current records my previous testimony. I brought to your attention last year how I understand that Dr. Kamanao'pono Crabbe became the OHA CEO beginning in January 2012. As I stated before, it was only five (5) months after Dr. Crabbe became the CEO that Ka Pouhana brought to the 2012 ARM Committee an Operating Budget Realignment #2 request.

Then ARM Chair Oswald Stender agendize the CEO's request for the Boards approval of three (3) CEO grant requests that were each over the CEO's \$25,000 limit authority to approve on his own. I copied the ARM committee minutes of June 6, 2012 below. But I want to again first express my specific concerns about the (3) CEO grant requests.

- **Grant #1 for \$50,000 from Naoneala'a (on behalf of Halau Haloa) to attend 11th Festival of Pacific Arts in the Solomon Islands, July 1-14, 2012.**

My Beneficiary Concerns about Grant #1:

1. What was special about the 11th annual festival as compared to the 1st through 10th?
2. Why couldn't the grantee submit their request through the normal competitive community grant or competitive aha hui event grant process?
3. What was special about this halau and this event as compared to other halaus and events?
4. Knowing that this event happened 10 times prior to the 11th annual event, why didn't this halau have fundraisers as other halau's do for the events they are interested in attending? Fundraisers i.e. car wash, zippy chili sale, luau plate sale, etc.
5. Why did the CEO feel compelled to bring this specific grant request to the ARM committee on June 6, 2012 which was **exactly 24 days prior to the start date** of the festival on July 1, 2012?
6. Why was the ARM Chair Oswald Stender compelled to bring this specific late-and-urgent grant request to the Trustees for the Board's approval?
7. Note: (7) Trustees approved this request as follows: Waihee moved, Machado second. ARM Chair Stender, ARM Vice-Chair Robert Lindsey, Apo, Apoliona, Hulu Lindsey. (1) Trustee Abstained; Akana.

- **Grant #2 for \$100,000 from Consuelo Foundation--a new pilot program to prevent child abuse and neglect on Molokai (FY 2012 - \$50,000 and FY 2013 - \$50,000).**

My Beneficiary Concerns about Grant #2:

1. What was special about this program on Molokai as compared to other programs on the other islands related to child abuse and neglect?
2. Why couldn't the grantee submit their request through the normal competitive community grant process?
3. Why did the CEO feel compelled to bring this specific grant request to the ARM committee on June 6, 2012, asking for \$50,000 for Fiscal Year 2012? Fiscal year 2012 ended 24 days later on June 30, 2012.
4. In addition, why did the CEO feel compelled to ask for an additional \$50,000 for FY 2013?
5. Why was the ARM Chair Oswald Stender compelled to bring this specific late-and-urgent grant request to the Trustees for the Board's approval?
6. I recall seeing this Molokai organization on Chair Colette Machado's FY15 and FY16 list posted with her Star Advertiser response on February 25, 2018. See below.

7. Again, why couldn't this Molokai organization go through the normal competitive community grant process? Instead this special Molokai organization received an additional \$90,000 in FY 2015 as a Kulia Initiative for the same pilot program.
8. OHA's irony: \$190,000 to a sexual abuse prevention program from FY 2012 to FY 2015. But in November 2016, OHA makes a \$50,000 payment to a female OHA employee and single mother. No Oahu OHA prevention program? Justice or justification?
9. Note: (7) Trustees approved this request as follows: Waihee moved, Machado second. ARM Chair Stender, ARM Vice-Chair Robert Lindsey, Apo, Apoliona, Hulu Lindsey. (1) Trustee Abstained; Akana.

OHA's "Discretionary Spending" for FY15 and FY16

Fiscal Year	Grant Type	Organization	Description	Amount
FY15	Initiative	Native Hawaiian Legal Corporation	To support services to the community.	\$ 135,804
FY15	Initiative	Native Hawaiian Legal Corporation	To support information and research resources to the community.	\$ 85,000
FY15	Initiative	Consuelo Zobel Alger Foundation	To support the Molokai Childhood Sexual Abuse Prevention Pathway pilot program	\$ 90,000

Trustee Complaint Settlement **\$50,000**
 On November 7, 2016, OHA agreed to pay a \$50,000 settlement to a former OHA employee to resolve a complaint against a trustee.

- **Grant #3 for \$200,000 from 'Aha Kane - Foundation for the Advancement of Native Hawaiian Males - a conference that addresses issues of Native Hawaiian male leadership and community involvement (FY 2012 - \$200,000). [NOTE: In my research, I found that the Aha Kane Foundation conference was held in 2006, 2010, 2012, and 2016--see below. The 2012 event was held on June 15-17, 2012. The OHA CEO Kamana'opono Crabbe was also the President of the Aha Kane Foundation from 2009 to 2012.]**

My Beneficiary Concerns about Grant #3:

1. What was special about this annual event compared to others?
2. Why couldn't the grantee submit their request through the normal competitive community grant or competitive aha hui event grant process?
3. What was special about this Native Hawaiian male leadership and community conference as compared to others?
4. Knowing that this event happened two years prior (in 2006 and 2010) why did this organization wait until June 6, 2012 to request for \$200,000 for their conference that was scheduled to begin nine (9) days later on June 15, 2012?
5. Why did the CEO feel compelled to bring this specific grant request to the ARM committee on June 6, 2012 which was exactly 9 days prior to the start date of the conference on June 15, 2012?
6. Why was the ARM Chair Oswald Stender compelled to bring this specific late-urgent grant request to the Trustees for the Board's approval?

7. Why didn't the CEO, CFO, or ARM Chair Oswald Stender disclose in the meeting minutes that the CEO Kamana'opono Crabbe was also the President of the Aha Kane Foundation from 2009 to 2012?
8. Note: (7) Trustees approved this request as follows: Waihee moved, Machado second. ARM Chair Stender, ARM Vice-Chair Robert Lindsey, Apo, Apoliona, Hulu Lindsey. (1) Trustee Abstained; Akana.

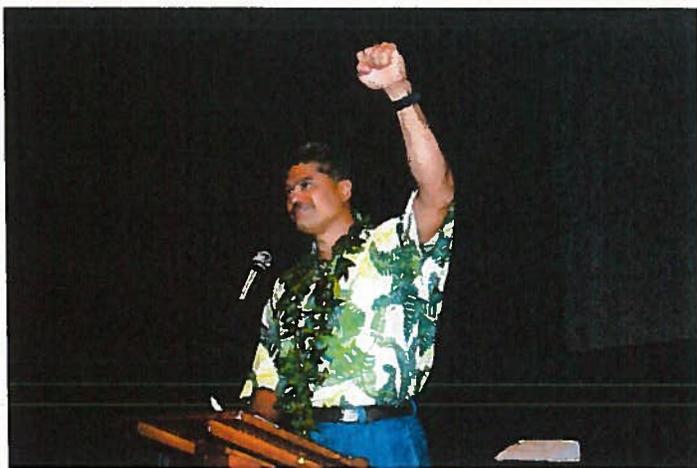
Please review the comments made by Chair Oswald Stender before the Trustees voted to approve the above (3) grant requests. Why would ARM Chair Stender make such comments but yet still proceed to bring these grant requests to the full Board for its approval? Was he concerned about justice or justification?

Read ARM Chair Stender's comments and the CEO's comments that followed. Why then did the Molokai organization continue to go outside of the normal process and receive a Kulia Initiative grant of \$90,000 in FY 2015? As a matter of fact, why did numerous organizations go outside of the normal process and receive non-competitive Kulia Initiative and CEO sponsorship grants? Justice or justification?

2012 Kamana'opono Crabbe Disclosure form (see attachment--Hawaii State Ethics)

ITEM 5: OFFICERSHIPS, DIRECTORSHIPS, TRUSTEESHIPS				
List every officership, directorship, trusteeship, or other fiduciary relationship held during the disclosure period in any business or organization, the term of office, and the annual compensation.				
F,SP,DC,JT	NAME AND ADDRESS OF BUSINESS	TITLE HELD	TERM OF OFFICE	ANNUAL COMPENSATION
F	The Life Foundation	Board of Director	3 year term	A
F	Criminal Justice Task Force	Member	2011-Present	A
F	'Aha Kāne: Foundation for the Advancement of Native Hawaiian Males	President	2009-Present	A

2006 'Aha Kāne Health Conference in Photos



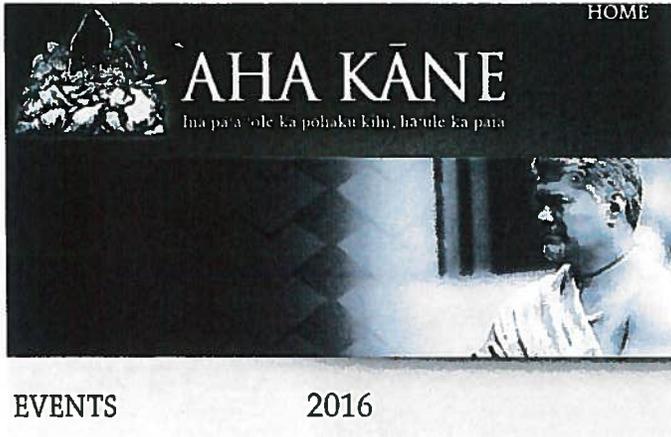
2010 Native Hawaiian Men's Health Conference

June 18-20, 2010 • Windward Community College

'AHA KĀNE 2012

Native Hawaiian Men's Health Conference

JUNE 15 – 17, 2012 • WINDWARD COMMUNITY COLLEGE



NEW BUSINESS

A. ARM 12-05: FY 2012 Total Operating Budget Realignment #2

Trustee Waihe'e **MOVED, SECOND** by Trustee Machado to approve the Total Operating Budget Realignment #2 for the fiscal year 2012 as outlined in Attachment 1.

Discussion

Trustee Stender explained that he signed the Action Item with reservations and expressed his concern that all grant applicants follow OHA's processes in submitting grant requests/proposals so that all applicants are participating on a "level playing field." He further stated that he does not have a problem with the merits of each program that was presented, but he does prefer that each applicant go through the proper process in the future.

Kamana'opono Crabbe, Ka Pouhana, agreed with Trustee Stender and stated that from here on out, he will be working more closely with the community regarding OHA's work processes and grant applications processes in order to demonstrate fairness and accountability. He further stated that sometimes, things come up after the deadlines and administration then must fit these requests

into the process. Trustee Stender expressed his understanding of those situations, but reiterated that everyone must go through the process to avoid conflicts. He pointed out that OHA policies were set because beneficiaries did not trust the way grants were being approved. Following OHA's processes and policies must be held because one exception will lead to another and another, etc. Trustee Stender also suggested that if the processes currently in place are flawed, perhaps current policies should be reviewed again.

Hawley Alamodin, Chief Financial Officer (CFO), reviewed the Action Item with the Trustees. Reallocation includes two more personnel positions (as approved in a previous Executive Session for Kaka'ako Makai) as well as the creation of the Community Engagement division.

Also included in the reallocation were the grants that were being proposed to the Board of Trustees:

1. Naoneala'a (on behalf of Halau Haloa) to attend the 11th Festival of Pacific Arts in the Solomon Islands, July 1-14, 2012 (\$30,000) *Note: Request was made for \$50,000; however, Administration was only able to fund \$30,000*
2. Consuelo Foundation – a new pilot program to prevent child abuse and neglect on Moloka'i (FY 2012 - \$50,000 and FY 2013 - \$50,000)
3. 'Aha Kane – Foundation for the Advancement of Native Hawaiian Males – a conference that addresses issues of Native Hawaiian male leadership and community involvement (FY 2012 - \$200,000)

Ms. Alamodin stated that grants that come before the Trustees and did not go through the process also do not go through the scrutiny that other grant requests go through; however, Keith Yabusaki does review these other grants. Each of these grants presented, however, were able to secure matching funds. In response to Trustee Apollona's inquiry, Ms. Alamodin informed the Trustees that although no funds were available from previously approved grant allocation and although these requests did not go through OHA's grants process, each of the proposals were reviewed by the Chair and/or Ka Pouhana after review by Mr. Yabusaki. Also in response to Trustee Apollona's request, Ms. Alamodin informed the Trustees that OHA does not have any written policy stating that funds granted cannot be used for travel. Trustees Stender and Apollona asked Ms. Alamodin to check with Counsel Ernie Kimoto for clarification.

With regard to the Native Hawaiian Roll Commission's personnel, Trustee Apollona asked for clarification on "administratively attached to OHA." Ms. Alamodin explained that OHA must process the positions through OHA and must pay them through OHA's payroll; however, OHA has no direct supervisory oversight and they do not have to report to OHA. Their salary does come out of the money OHA provides them. Breunn Nu'uhiwa explained further that legal counsel, along with OHA attorneys and the Attorney General, reviewed administrative attachment and found that there are no firm legal guidelines except that OHA has no oversight. She further explained that Administration is currently working on a policy with regard to this item. Trustees requested the legal definition be provided them.

Trustee Akana expressed her concern and perplexity about this issue as OHA has never before had to pay for personnel positions and feels that OHA staff time spent on this issue will take a lot of time. Trustee Stender confirmed that an ARM Committee Workshop with the Native Hawaiian Roll Commission will be held on July 3 to address trustee questions and concerns.

Each group was given the opportunity to share their program/project with the Trustees.

There being no further discussion, Chair Stender called for the question.

[Trustee Walhe'e MOYED, SECOND by Trustee Machado to approve the Total Operating Budget Realignment #2 for the fiscal year 2012 as outlined in Attachment 1.]

MOTION PASSED by a vote of 7 – 1.
(Trustee Akana – kanalua twice which resulted in abstention)

On December 9, 2014, OHA Trustee Oswald Stender gave an exclusive report to Rick Daysog of Hawaii News Now, titled "EXCLUSIVE: Former OHA trustee talks about problems at agency."

I still can't decide if Trustee Stender was speaking of justice or justification?

ANOTHER BENEFICIARY CONCERN:

In regards to child abuse, I would like to ask you this question:

Whenever the State or Federal government attorney general investigates an alleged child abuse claim against the child's parents, do they allow the child to remain in the parent's custody during the investigation? In other words, do the parents still have parental custody over the child during the investigation?

I believe the government separates the child from the parents until the investigation regarding the abuse is completed.

Justice or justification? Trustees I guess only you have the power to decide.

E hana kakou.

Germaine Meyers
OHA Beneficiary for Beneficiary Advocacy and Empowerment and Nanakuli Hawaiian Homestead Lessee

Attachments:

- 1-ARM Meeting Minutes, June 6, 2012
- 2-CEO Crabbe 2012 Disclosure to the Hawaii State Ethics Commission
- 3-Exclusive Trustee Oswald Stender Hawaii News Now Report, December 9, 2014

PHONE (808) 594-1888

FAX (808) 594-1865

Committee on Asset and Resource Management

Trustee Oswald K. Stender, *Chair*

Trustee Robert K. Lindsey, Jr., *Vice-Chair*

Members

Trustee Rowena Akana

Trustee Peter Apo

Trustee S. Haunani Apoliona

Trustee Donald B. Cataluna

Trustee Hulu Lindsey

Trustee Colette Y. Machado

Trustee John D. Waihee, IV



DEPUTY GOVERNOR
OFFICE

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

12 MAY 23 P1:58

Office of Hawaiian Affairs
COMMITTEE ON ASSET AND RESOURCE MANAGEMENT
(ARM)

DATE: Wednesday, June 6, 2012

TIME: 10 a.m.

PLACE: OHA Board Room, 5th Floor at above address

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. May 2, 2012
- III. Community Concerns/Beneficiary Comments
- IV. New Business*
 - A. ARM 12-05: FY 2012 Total Operating Budget Realignment #2
 - B. ARM 12-06: FY 2013 Total Operating Budget Realignment #1
- V. Announcements
- VI. Adjournment

*The 72 hour rule, pursuant to OHA Operations Guide, may be waived for distribution of new committee materials.

**This portion of the meeting will be closed pursuant to HRS 92-5. For further information, please call 594-1954.

Trustee Oswald Stender, Chair
Committee on Asset and Resource Management

5/21/12

Date

**Office of Hawaiian Affairs
711 Kapi'olani Blvd., Ste. 500
Honolulu, HI 96813**

Committee on Asset & Resource Management

June 6, 2012

MINUTES

Trustees Present:

Trustee Oswald Stender, Chair
Trustee Robert Lindsey, Vice Chair (departed 11:52 a.m.)
Trustee Rowena Akana (arrived 10:22 a.m.)
Trustee Peter Apo
Trustee Haunani Apoliona (arrived 10:18 a.m.)
Trustee Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e, IV

Trustees Excused:

Trustee Donald Cataluna

BOT Staff:

Shelsea Apana
Makana Chai
Lei-Ann Durant
Reynold Freitas
Lehua Itokazu

Shirley Nakanishi
Dayna Pa
Ani Pang
Nathan Takeuchi

Administrative Staff:

Kamana'opono Crabbe, Ka Pouhana
Hawley Alamodin, Chief Financial Officer

Kehau Abad
Kalani Akana
Clarita Barretto Hironaka
Ike Ka'aihue
Garrett Kamemoto
Kai Markell
Edwina Minglana

Keala Nichols
Breann Nu'uhiwa
John Sauget
Lisa Watkins-Victorino
Sterling Wong
Keith Yabusaki

Guests:

Mapuana de Silva
Mehana Hind
Leimomi Kahn

'Umi Kai
Charlene Luning
Dr. Carol Plummer, PhD

CALL TO ORDER

The meeting was called to order by Chair Oswald Stender at 10:12 a.m.

APPROVAL OF MINUTES

Trustee Machado **MOVED, SECOND** by Trustee Robert Lindsey to approve the minutes of the May 2, 2012 meeting of the Committee on Asset and Resource Management.

MOTION PASSED by a unanimous vote of 6 – 0.
(Trustee Apoliona excused; Trustee Akana not present at vote)

COMMUNITY CONCERNS/BENEFICIARY COMMENTS

None

NEW BUSINESS

A. ARM 12-05: FY 2012 Total Operating Budget Realignment #2

Trustee Waihe'e **MOVED, SECOND** by Trustee Machado to approve the Total Operating Budget Realignment #2 for the fiscal year 2012 as outlined in Attachment 1.

Discussion

Trustee Stender explained that he signed the Action Item with reservations and expressed his concern that all grant applicants follow OHA's processes in submitting grant requests/proposals so that all applicants are participating on a "level playing field." He further stated that he does not have a problem with the merits of each program that was presented, but he does prefer that each applicant go through the proper process in the future.

Kamana'opono Crabbe, Ka Pouhana, agreed with Trustee Stender and stated that from here on out, he will be working more closely with the community regarding OHA's work processes and grant applications processes in order to demonstrate fairness and accountability. He further stated that sometimes, things come up after the deadlines and administration then must fit these requests

into the process. **Trustee Stender** expressed his understanding of those situations, but reiterated that everyone must go through the process to avoid conflicts. He pointed out that OHA policies were set because beneficiaries did not trust the way grants were being approved. Following OHA's processes and policies must be held because one exception will lead to another and another, etc. **Trustee Stender** also suggested that if the processes currently in place are flawed, perhaps current policies should be reviewed again.

Hawley Alamodin, Chief Financial Officer (CFO), reviewed the Action Item with the Trustees. Reallocation includes two more personnel positions (as approved in a previous Executive Session for Kaka'ako Makai) as well as the creation of the Community Engagement division.

Also included in the reallocation were the grants that were being proposed to the Board of Trustees:

1. Naoneala'a (on behalf of Halau Haloa) to attend the 11th Festival of Pacific Arts in the Solomon Islands, July 1-14, 2012 (\$30,000) *Note: Request was made for \$50,000; however, Administration was only able to fund \$30,000*
2. Consuelo Foundation – a new pilot program to prevent child abuse and neglect on Moloka'i (FY 2012 - \$50,000 and FY 2013 - \$50,000)
3. 'Aha Kane – Foundation for the Advancement of Native Hawaiian Males – a conference that addresses issues of Native Hawaiian male leadership and community involvement (FY 2012 - \$200,000)

Ms. Alamodin stated that grants that come before the Trustees and did not go through the process also do not go through the scrutiny that other grant requests go through; however, **Keith Yabusaki** does review these other grants. Each of these grants presented, however, were able to secure matching funds. In response to **Trustee Apoliona's** inquiry, **Ms. Alamodin** informed the Trustees that although no funds were available from previously approved grant allocation and although these requests did not go through OHA's grants process, each of the proposals were reviewed by the Chair and/or Ka Pouhana after review by Mr. Yabusaki. Also in response to **Trustee Apoliona's** request, **Ms. Alamodin** informed the Trustees that OHA does not have any written policy stating that funds granted cannot be used for travel. **Trustees Stender** and **Apoliona** asked **Ms. Alamodin** to check with Counsel Ernie Kimoto for clarification.

With regard to the Native Hawaiian Roll Commission's personnel, **Trustee Apoliona** asked for clarification on "administratively attached to OHA." **Ms. Alamodin** explained that OHA must process the positions through OHA and must pay them through OHA's payroll; however, OHA has no direct supervisory oversight and they do not have to report to OHA. Their salary does come out of the money OHA provides them. **Breann Nu'uhiwa** explained further that legal counsel, along with OHA attorneys and the Attorney General, reviewed administrative attachment and found that there are no firm legal guidelines except that OHA has no oversight. She further explained that Administration is currently working on a policy with regard to this item. Trustees requested the legal definition be provided them.

Trustee Akana expressed her concern and perplexity about this issue as OHA has never before had to pay for personnel positions and feels that OHA staff time spent on this issue will take a lot of time. **Trustee Stender** confirmed that an ARM Committee Workshop with the Native Hawaiian Roll Commission will be held on July 3 to address trustee questions and concerns.

Each group was given the opportunity to share their program/project with the Trustees.

There being no further discussion, **Chair Stender called for the question.**

[Trustee Waihe'e MOVED, SECOND by Trustee Machado to approve the Total Operating Budget Realignment #2 for the fiscal year 2012 as outlined in Attachment 1.]

MOTION PASSED by a vote of 7 – 1.
(Trustee Akana – kanalua twice which resulted in abstention)

B. ARM 12-06: FY 2013 Total Operating Budget Realignment #1

Trustee Waihe'e MOVED, SECOND by Trustee Machado to approve the Total Operating Budget Realignment #1 for the fiscal year 2013 as outlined in Attachment 1.

Discussion

The original budget was approved in May 2011 and this FY 2013 realignment is the first one with the introduction of Kaka'ako Makai along with its expected revenues and expenditures. The Total Operating Budget (TOB) has been increased by \$1.4 million with \$1.1 million being dedicated to Kaka'ako Makai.

OHA's federal program monies have been increased for Halawa Luluku Interpretive Development (HLID) and Native Hawaiian Revolving Loan Fund (NHRLF).

Administration asked for an increase in personnel costs of approximately \$700,000. Ka Pouhana will be using building in-house capacity in order to reduce hiring of outside contractors.

Trustee Akana inquired about the increase in budget on the LLC. She specifically asked about Ho'okipaipai and its subsidiary Ho'okele Pono) and the legitimacy of that. **Ms. Alamodin** will contact Counsel Sheryl Nicholson for an explanation. In response to **Trustee Machado's** inquiry, **Ms. Alamodin** informed the Trustees that Hi'ipaka was not requiring additional funding, but Hi'ipoi was asking for \$50,000 in order to help Makaweli Poi with the transition of their business from under OHA's LLC to a community-based business. Mona Bernardino, Hi'ipaka Executive Director, will oversee the transition. Makaweli must be a non-profit LLC in order for the transition to be done. **Trustee Hulu Lindsey** questioned whether Ms. Bernardino (based on

comments made at Kaua'i's community meeting), was the right person to oversee the transition. **Ms. Alamodin** and **Ka Pouhana** agreed she was but OHA has stepped in as the managers to further ensure a smooth transition with the community.

Trustee Apoliona asked for clarification on the grant funding of \$250,000. **Ms. Alamodin** confirmed that the amount falls under Level II funding and that trustees would be sought for approval on requests. Any reallocations will be presented to the Trustees; **Ka Pouhana** explained that ad hoc requests could potentially be covered under Level II. **Ms. Alamodin** cautioned the Transitional Assistance Staff to get the granting system on more of a set schedule. By December the plan is to launch the 2013/2014 schedule. **Trustee Apoliona** reiterated that having a level playing field for all requests was her main concern. **Ka Pouhana** agreed there needs to be more stability and that Community Engagement was working on a plan.

Trustee Machado shared that she noticed that some events were unable to obtain the full amount asked for because OHA help was reduced; she felt there needs to be flexibility with the Level II funds in order to help these organizations. **Trustee Hulu Lindsey** also expressed the same concern of those in the Maui community. **Trustee Stender** acknowledged OHA's inability to give as much funding as in years past; but that is the reality of today's economic situation. **Trustee Akana** agreed with **Trustee Stender** and suggested groups should consider more fundraising on their own to cover their expenses.

Trustee Apo asked what the actual draw down was on OHA's trust fund portfolio and when the next draw down was expected. **Trustee Stender** explained that he did not have those figures, but that would be a point of discussion during the next round of quarterly reports with OHA's investment managers.

Trustee Apo also asked about the CEO discretionary funds that were used by OHA's previous administration that could be used as an "emergency" fund when it was not possible for beneficiaries to participate in the grants process. **Ms. Alamodin** confirmed that the CEO has authority over Advocacy Initiatives (\$1 million) which requires and budget request along with a work plan before he approves it and Sponsorships - up to \$25,000 for the CEO and up to \$10,000 for the COO (\$600,000). **Ka Pouhana** made clear that these funds are not discretionary as there is also a process by which these requests must go through before a decision is made.

Trustee Waihe'e asked if some of the grants in this requested realignment also did not have time to go through the process like those dealt with in the FY 2012 Realignment #2. **Ms. Alamodin** confirmed that it was true for the Consuelo Foundation and the 'Aha Wahine Conference.

Line of Business Directors presented their budget requests and answered questions.

There being no further discussion, **Chair Stender** called for the question.

[Trustee Waihe'e MOVED, SECOND by Trustee Machado to approve the Total Operating Budget Realignment #1 for the fiscal year 2013 as outlined in Attachment 1.]

MOTION PASSED by a unanimous vote of 8 – 0.

ANNOUNCEMENTS

Ka Pouhana announced the Criminal Justice Task Force Summit would be held on June 7 and invited the Trustees to attend the Summit if they chose to do so. He briefly explained the purpose of the Summit.

ADJOURNMENT

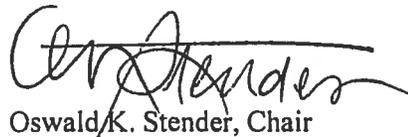
Trustee Apoliona MOVED, SECOND by Trustee Machado to adjourn the June 6, 2012 meeting of the Committee on Asset and Resource Management.

Chair Stender adjourned the meeting at 12:40 p.m.

Respectfully submitted,



Lei-Ann Durant, Aide/Secretary
Committee on Asset and
Resource Management



Oswald K. Stender, Chair
Committee on Asset and
Resource Management

Approved: July 3, 2012

HAWAII STATE ETHICS COMMISSION DISCLOSURE OF FINANCIAL INTERESTS (LONG FORM)

<p>NAME (Last, First, Middle): Crabbe, Kamana'opono Matthew</p> <p>STATE POSITION HELD: Chief Executive Officer</p> <p>DEPT/DIVISION or BOARD/COMMISSION: Office of Hawaiian Affairs</p> <p>TERM OF OFFICE (Begin/End): 3/16/12/ 3/15/12</p>	<p>Date Received:</p> <p style="font-size: 1.2em; font-weight: bold;">12 MAR 16 P1 54</p> <p style="font-weight: bold;">STATE OF HAWAII STATE ETHICS COMMISSION</p>
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FOR EACH ITEM, EXCEPT ITEM 9, DISCLOSE INTERESTS OF FILER, SPOUSE, AND DEPENDENT CHILDREN. USE ABBREVIATIONS: "F" for filer, "SP" for spouse, "DC" for dependent children, and "JT" for joint interests of the spouse and filer.

ITEM 1: INCOME FOR SERVICES RENDERED FOR PRECEDING CALENDAR YEAR

List the source (the term "source" also includes any state or other government agencies) and amount of all income of \$1,000 or more received during the preceding calendar year, for services rendered, and the nature of the services rendered.

F, SP, DC, JT	NAME AND ADDRESS OF SOURCE OF INCOME	AMOUNT	SERVICES RENDERED
F	Office of Hawaiian Affairs 711 Kapi'olani Blvd., Suite 500, Hon., HI	F	Research Director
SP	Hawaiian Electric Company 900 Richards Street, Hon., HI	E	Community Educator

Check here if entry is None

Check here if additional sheets are attached

ITEM 2: OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

List the amount and identity of every ownership or beneficial interest held during the disclosure period in any business in or outside of the State if the interest has a value of \$5,000 or more or is equal to 10% or more of the ownership of the business.

F, SP, DC, JT	BUSINESS NAME AND ADDRESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE OR NO. OF SHARES

Check here if entry is None

Check here if additional sheets are attached

ITEM 3: TRANSFER OF OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

List any ownership or beneficial interests in businesses transferred during the disclosure period and the date of transfer.

F,SP, DC,JT	OWNERSHIP OR BENEFICIAL INTEREST TRANSFERRED DURING THIS DISCLOSURE PERIOD	DATE OF TRANSFER

Check here if entry is None

Check here if additional sheets are attached

ITEM 4: CREDITORS

List the name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period and the original amount and amount outstanding. Exclude debts from retail installment transactions for the purchase of consumer goods.

F,SP, DC,JT	NAME OF CREDITOR	ORIGINAL AMOUNT OWED	AMOUNT OUTSTANDING

Check here if entry is None

Check here if additional sheets are attached

ITEM 5: OFFICERSHIPS, DIRECTORSHIPS, TRUSTEESHIPS

List every officership, directorship, trusteeship, or other fiduciary relationship held during the disclosure period in any business or organization, the term of office, and the annual compensation.

F,SP, DC,JT	NAME AND ADDRESS OF BUSINESS	TITLE HELD	TERM OF OFFICE	ANNUAL COMPENSATION
F	The Life Foundation	Board of Director	3 year term	A
F	Criminal Justice Task Force	Member	2011-Present	A
F	'Aha Kāne: Foundation for the Advancement of Native Hawaiian Males	President	2009-Present	A

Check here if entry is None

Check here if additional sheets are attached

ITEM 6: INTERESTS IN REAL PROPERTY HELD, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State held during the disclosure period, if the interest has a value of \$10,000 or more. Real property that is your personal residence or the personal residence of your spouse or dependent children need not be listed.

F, SP, DC, JT	STREET ADDRESS	TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	VALUE

Check here if entry is None

Check here if additional sheets are attached

ITEM 7: INTERESTS IN REAL PROPERTY ACQUIRED, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State acquired during the disclosure period, if the interest has a value of \$10,000 or more. Real property that is your personal residence or the personal residence of your spouse or dependent children need not be listed.

F, SP, DC, JT	STREET ADDRESS AND TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	AMOUNT & NATURE OF CONSIDERATION PAID	NAME OF PERSON RECEIVING THE CONSIDERATION

Check here if entry is None

Check here if additional sheets are attached

ITEM 8: INTERESTS IN REAL PROPERTY TRANSFERRED, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State transferred during the disclosure period, if the interest has a value of \$10,000 or more. Real property that was your personal residence or the personal residence of your spouse or dependent children need not be listed.

F, SP, DC, JT	STREET ADDRESS AND TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	AMOUNT & NATURE OF CONSIDERATION RECEIVED	NAME OF PERSON FURNISHING THE CONSIDERATION

Check here if entry is None

Check here if additional sheets are attached

ITEM 9: CLIENTS PERSONALLY REPRESENTED BEFORE STATE AGENCIES

List the names of clients personally represented by you before state agencies, except in ministerial matters, for a fee or compensation during the disclosure period, excluding clients represented before courts.

NAME OF CLIENT	NAME OF STATE AGENCY

Check here if entry is None

Check here if additional sheets are attached

ITEM 10: CREDITOR INTERESTS IN INSOLVENT BUSINESSES

List the amount and identity of every creditor interest in insolvent businesses, held during the disclosure period, if the interest has a value of \$5,000 or more.

F, SP, DC, JT	NAME AND ADDRESS OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE

Check here if entry is None

Check here if additional sheets are attached

CERTIFICATION: I hereby certify that the above is a true, correct, and complete statement to the best of my knowledge and belief. If I have a spouse and/or dependent children, I also hereby certify that I have included their interests on this form to the best of my knowledge and belief. I understand that it is a violation of State law, chapter 84, HRS, if information is not disclosed as required by chapter 84, HRS. I further understand that there are statutory penalties for noncompliance.

Lawrence M. Chalder
SIGNATURE

3/16/12
DATE



Overcast
Hilo

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EXCLUSIVE: Former OHA trustee talks about problems at agency

Published: Tuesday, December 9th 2014, 12:16 am HST

Updated: Tuesday, December 9th 2014, 5:34 am HST

By Rick Daysog, Reporter [CONNECT](#)

HONOLULU (HawaiiNewsNow) - When Oswald Stender was elected as an Office of Hawaiian Affairs trustee 14 years ago, OHA had little more than half the assets it owns today and was reeling from the landmark Rice vs. Cayetano decision that struck down race-based programs for Hawaiians.

In November, the 83-year-old business executive retired from OHA's board, ending a half a century of public and community service. Hawaii News Now caught up with the outspoken, retired Marine at the Oahu Country Club last month, where he shared his opinions about the opportunities and challenges that OHA faces.

Question: "Are they in good hands? OHA?"

Stender: "No."

OHA is now a \$600 million state agency that owns over 27,000 acres of land but Stender says it doesn't have the expertise to properly manage or develop those assets.

"I don't think there's anyone capable of doing that so I think this first year is going to be difficult," he said.

He faulted the selection process for OHA's trustees.

Since the U.S. Supreme Court's Rice decision, most of the voting is done by non-Hawaiians who aren't familiar with issues that affect the Hawaiian community and wind up voting for the first name they see on the ballot, he said.

"You look at OHA and it's a popularity contest. You look at the election process, all the people (whose last names start) with A's have gotten elected," said Stender.

"The sad thing about OHA and Hawaiian Homes ... is the selection process of the leadership. They'll never be fixed until you fix that."

Stender singled out trustee Rowena Akana, who sued OHA's board over the 2012 purchase of the Gentry Pacific Design Center in Iwilei. Stender said the center, which now houses OHA, has benefited the state agency but Akana said it was a backroom deal.

"Akana. She's the worst of them all. She's there for self-aggrandizement or whatever but she's not honest," Stender said.

"When (she) disagrees, she'll file complaints, go to the press and write all these things that don't make any sense at all."

Akana denied Stender's accusations, saying she's been a champion of transparency.

To be sure, Stender is no stranger to boardroom controversies.

Back in the late 1990s as a Bishop Estate trustee, he helped remove fellow trustee Lokelani Lindsey from her \$1 million-a-year job over allegations of mismanagement and self-dealing.

Local business executive Colbert Matsumoto, who served as the Bishop Estate's court-appointed master during the scandal, said Stender provided key information about how the \$7 billion trust -- now known as the Kamehameha Schools -- was being managed and mismanaged.

"Many of the reforms that have been put in place do find their genesis in some of ideas Os had advocated and I think the Kamehameha Schools is better off because of that," Matsumoto added.

On Wednesday, Stender will be the keynote speaker at the OHA trustee investiture ceremony. In addition to a new trustee Lei Ahu Isa, OHA will also select a new chair and new committee heads.

Stender said he's urging this new board to continue to push into real estate development and shun more risky businesses such as geothermal and legalized gambling.

"We don't have oil, we don't have gas, we don't have gold. We don't have any of that stuff. Real estate is the only thing," he said.

Stender believes that OHA can be fixed the same way that Kamehameha Schools was reformed: by setting up a special selection committee to attract the most qualified trustee candidates.

Stender believes a strong board is needed to hold OHA's management accountable. And he was critical of the way the past board handled the controversy over CEO Kamaheua Crabbe letter to the U.S. State Department.

In that letter, Crabbe asked the department for a legal opinion as to whether the Kingdom of Hawaii still existed.

Some Hawaiians were worried that it undermined ongoing nation building efforts. Stender and several other trustees were irked that the letter was sent without the board's knowledge and its approval.

"The overthrow was illegal and Hawaiians suffered because of it," Stender said.

"But restoring the kingdom doesn't do it. At least for me and many Hawaiians, we need to move on where we are today and move forward and not keep crying in our beer."

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Recommended by

Dayna Pa

From: Mililani Trask ·
Sent: Tuesday, March 20, 2018 2:14 PM
To: Keli'i Akina; Hulu Lindsey; Rowena Akana; Dr. Lei Ahu Isa; John Waihee; Peter Apo; Dan Ahuna; bobl@oha.org; Colette Machado
Subject: Testimony for March 22d OHA BOT meeting Re: CEO Contract
Attachments: MBT. Testimony CRabbe Termination 4 CAUSE.pdf

Aloha Trustees,

Attached you will find my testimony for the March 22d, 2018 BOT meeting, set for 10:00am. Please file it for the OHA record. I am not sending it to Mr. Crabbe or his executive staff because I do not believe they will file it for the record,

Sincerely,
Mililani

--

This message, and any attachments, is non-public information for the intended recipient's use only. It may contain proprietary, confidential and/or legally privileged information. No privilege and/or confidentiality is meant to be waived, released and/or relinquished by any mistransmission of this email. If you have received this email in error, please inform the sender immediately and delete the email, and any attachments, from your system. The use, dissemination, transmission and/or distribution of this email, and any attachments, without the express consent of the sender is prohibited. Please be aware Indigenous Consultants, LLC reserves the right to monitor all email communication through its network.



Mililani B. Trask
mililani.trask@icllchawaii.com



To: OHA Trustees

March 20, 2018

Re: Agenda Item #VA - A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to CEO Contract Number 3147 dated November 1, 2016. Pursuant to HR\$, 92-5(a)(2), (4).

Date: March 22d, 2018

Time: 10:00am

Testimony of Mililani B. Supporting the termination of OHA CEO Employment Contract

Aloha Trustees,

I. The State Audit provides more than enough reason to terminate the OHA CEO's employment contract for "CAUSE".

One year ago I appeared before this Board requesting that you investigate the conduct and activities of the OHA CEO, Kamana'o Crabbe and his Executive staff. In my testimony I specifically identified several examples of the CEO acting in a manner that was contrary to State Law (Ethics, Procurement and Sunshine).

When the State Audit was released in February 2018, it contained several findings that questioned the CEO's conduct and verified that millions in Hawaiian public trust funds for purposes that did not better the conditions of Hawaiian beneficiaries.

The Honolulu Star Advertiser reported that.... "The final report indicated a lack of fiscal controls over the Native Hawaiian Trust Fund, a laxity that goes back decades but persists to a startling degree now. During the 2015 and 2016 budget years, the agency spent \$14 million in discretionary funds, nearly twice the \$7.7 million that went through its regular budget process." Less than 1 week after the Audit was "leaked" OHA beneficiary Germaine Meyers discovered an additional 3+ million the auditor has missed because Crabbe & his executive staff had withheld information from the auditor.

The Star Advertiser concluded.... "Kamana'opono Crabbe, OHA's chief executive officer, is unworthy of the crucial, gatekeeping position; he should resign for his own egregious dereliction of duty. According to the audit, he ignored "do not fund" recommendations from staff for indefensible spending requests, thereby disregarding his fiduciary responsibilities."

I agree with the Editorial, the State Auditors Report provides more than enough reason for the OHA BOT to terminate Mr. Crabbe for cause. If the OHA BOT fails to terminate Mr. Crabbe it will be in violation of its own fiduciary obligations.

II. The CEO's current contract is void and a violation of State law.

HRS Chapter 10-10 states in part.... "[§10-10] **Administrator; appointment, tenure, removal.** The board by a majority vote, shall appoint an administrator who shall serve without regard to the provisions of chapter 76 for a term to be determined by the board.

The OHA CEO's contract expired months ago. The OHA BOT never met to vote for Crabbe's contract renewal as required by law. Instead the record reflects that the BOT's attorney (Robert Klein) had a secret

meeting with Crave & OHA OT Chair Ob Lindsey, without notifying his clients (the whole OHA Board). Crabbe, Bob Lindsey and Klein decided to re-draft the lapsed contract and execute it without informing the Board. The Trustees only learned of this deception after the election. Lindsey, Crabbe and Klein are now saying the contract is legal because Lindsey was the BOT Chair and had the 'authority' to sign contracts in behalf of the BOT. This specious argument is ridiculous in light of the clear language of the law that says the Administrator is appointed by a "majority vote".

III. If the OHA BOT terminates Crabbe for CAUSE, are they guilty of "witness tampering"?

Recently I heard a rumor that the Trustees had been advised by their legal counsel that they could not terminate Crabbe because doing so would open them up to criminal liability for 'witness tampering'. This is a fabrication that is completely without merit. When I was a County Prosecutor, I had hands on experience with 'witness tampering', this refers to criminal activity by persons seeking to influence a witness in a criminal trial to get the witness not testify or to lie on the stand. There are no criminal charges against any OHA Trustee or Staff at this time. There is no witness list and there are no criminal charges that have been laid.

If this rumor is true, the OHA BOT can easily check out the validity of their legal advice by going to the ODC, the Office of Disciplinary Counsel, to request the ODC examine the facts surrounding the contract renewal matter and to advise the BOT accordingly.

Millions of trust dollars have been lost because of the actions and omissions of the OHA CEO. Its time to make the change,

Aloha,

A handwritten signature in black ink, appearing to read 'Mililani B. Trask', with a horizontal line extending to the right.

Mililani B. Trask
OHA Beneficiary

Dayna Pa

From: Kamealoha Smith
Sent: Friday, March 16, 2018 9:43 AM
To: BOT Meetings
Subject: Fwd: Kamealoha HS: Ad Hoc Committee on Grants & Outreach

Aloha,

Per Momi, I am forwarding my testimony to be read at the next OHA Board of Trustee's Meeting. Please acknowledge the receipt of this email. My contact information is in an earlier email.

Mahalo,

Kamealoha Hanohano-Smith

----- Forwarded message -----

From: Dr. Lei Ahu Isa <[redacted]>
Date: Thu, Mar 15, 2018 at 10:14 AM
Subject: Re: Kamealoha HS: Ad Hoc Committee on Grants & Outreach
To: Kamealoha Smith <[redacted]>

If you don't get a response from Tr Ahuna, I will ask Claudine, his Aide, to follow up for you.

Mahalo! Great suggestions.

Sent from my iPhone

> On Mar 15, 2018, at 9:54 AM, Kamealoha Smith wrote:

>

> Aloha,

>

> My name is Kamealoha Hanohano Smith and I am a beneficiary from Kealia, Puna Moku, Kauai. I received an email from Nancy King indicating that an Ad Hoc Committee on Grants is being formed to tackle the issues outlined in the audit about the Grants Program. I think the idea of forming a committee is great!

>

> The only thing I am disappointed with, is that she mentioned that it is an "internal" committee that is composed of only staff & trustees. How come? I think the Audit was pretty clear that some of the issues with the Grants Program have to do with systemic problems of transparency, inconsistent rules/policies, and people/organizations who know how to "work the system". Might I also add that there is a problem with sensitive information being leaked into the community before official results are known.

>

> I understand about all the sensitive issues being discussed; maybe some of the issues might be legal in nature. I am not sure. Whatever the case is, at some point, OHA has to start reengaging the community in open and honest dialogue about the Grants Program. I believe in OHA, believe in the mission, and believe OHA is too important to our people to stand on the sidelines and do or say nothing.

>

> Even though I am Kanaka and Olelo (Noonoo Palua, second language), I did not go to KS, do not live on DHHL Land, do not belong to any Hawaiian Civic Club, do not work for a Native Hawaiian Serving Organization and I am not a recipient of any OHA grant or contract. I truly am an outsider with regard to anything related to OHA and in this case, that might be a good thing. However, most importantly, I have experienced a lot of disappointment and rejection from the various OHA Programs.

>

> Despite constant rejection, I remain steadfast and positive that sharing my experiences as part of the committee, both good and bad, would be helpful in improving the Grants Program. I also have interest in providing some manao with regard to Community Outreach & Neighbor Island Resource Centers.

>

> If for whatever reason community can't be on an OHA Ad Hoc Committee, maybe you folks can put together a community-based committee to make recommendations to OHA about the Grants Program, Outreach, etc.? And, if its too expensive to fly in community from the Neighbor Islands, the OHA IT Division can maybe help with setting up teleconferencing, videoconferencing?

>

> Its up to you folks. I am here to just be a resource and make myself useful to my community. The only thing I ask is that you folks acknowledge this email and if you can provide some feedback. At least I know my manao is being heard.

>

> Anyways, thank you folks for all your efforts. Right now things are kind of pupuka, but I have no doubt that we will pull through stronger and better as a community. Mahalo for allowing me to share my manao and hope to hear back about my humble request.

>

> Ke Pono Mau,

>

> Kamealoha Hanohano-Smith, Beneficiary

> Kealia, Puna Moku, Kauai

>

>

Dayna Pa

From: Kamealoha Smith
Sent: Friday, March 16, 2018 9:48 AM
To: BOT Meetings
Subject: Fwd: Delivery Status Notification (Failure)

Aloha,

My name is Kamealoha Hanohano-Smith and I am a beneficiary from Kealia, Puna Moku, Kauai. I am writing this email today to affirm that I support the Independent Audit. I would humbly ask that the OHA Administration please turn over all the necessary documents to the agency and/or consulting firm so the Independent Audit can proceed.

It is my understanding that the Independent Audit will help OHA improve its capacity to service beneficiaries. It is also my understanding that there are many long outstanding issues regarding the use of funds that goes back a long time. Some of what I know comes from long-time observers of OHA, former employee's, and leaders in the Hawaiian Community. I never did go out of my way to find out anything about OHA; information about OHA, both good and bad, is often shared at community meetings, family gatherings, and meetings sponsored by other Hawaiian organizations. I hope OHA see's the audit as an opportunity to better server the Hawaiian Community. I continue to send prayers to OHA so they may get through this very difficult time.

Thank you so much all your hard work and efforts. I appreciate everything OHA does for and on behalf the Hawaiian Community. Please do not hesitate to call me at my number below if you concerns or questions.

Ke Ha'aha'a Mau,

Kamealoha Hanohano-Smith
Kealia, Puna Moku, Kauai

----- Forwarded message -----

From: Kamealoha Smith < >
Date: Fri, Mar 9, 2018 at 11:39 AM
Subject: Fwd: Delivery Status Notification (Failure)
To:

----- Forwarded message -----

From: Mail Delivery Subsystem < >
Date: Fri, Mar 9, 2018 at 11:28 AM
Subject: Delivery Status Notification (Failure)
To:

Office of Hawaiian Affairs
Board of Trustee Meeting
April 26, 2018
10:00 am

V. New Business

A. Committee on Beneficiary Advocacy and
Empowerment

1. 2018 OHA Legislative Positioning – Matrix 1,
March 28, 2018 *
2. 2018 OHA Legislative Positioning – Matrix 1,
April 11, 2018
3. 2018 OHA Legislative Positioning – Matrix 1,
April 18, 2018

**** Please transfer the BAE Committee Report for the March 28, 2018 OHA Legislative Positioning from the April 12, 2018 BOT meeting folder. (This meeting was cancelled)***

OFFICE OF HAWAIIAN AFFAIRS
Committee on Beneficiary Advocacy and Empowerment (BAE)

COMMITTEE REPORT

March 28, 2018

The Honorable Colette Y. Machado, Chair
Board of Trustees
Office of Hawaiian Affairs

Chair Machado,

Your Committee on Beneficiary Advocacy and Empowerment, having met on March 28, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

ACTION

To approve Administration's recommendations on NEW BILLS (Items 1-72) and BILL POSITIONS FOR RECONSIDERATION (Items 73-80) on the OHA Legislative Positioning Matrix dated 03/28/2018.

**Add HB2679 change from
OPPOSE > COMMENT.**

**Change HCR178 from
OPPOSE > COMMENT.**

Relevant attachments are included for your information and reference.

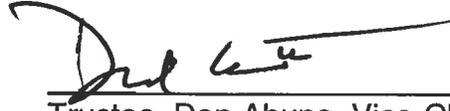
Attachments:

- A) BAE Roll Call Vote Sheet – 2018 OHA LEGISLATIVE POSITIONING – Matrix 1
V. New Business
- A. 2018 OHA Legislative Positioning – Matrix 1

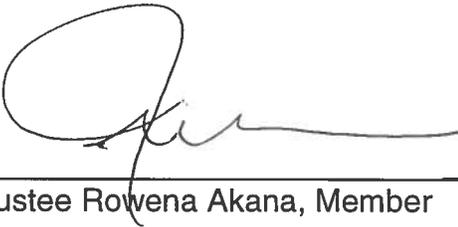
Respectfully submitted:



Trustee, Lei Ahu Isa, Member



Trustee, Dan Ahuna, Vice-Chair



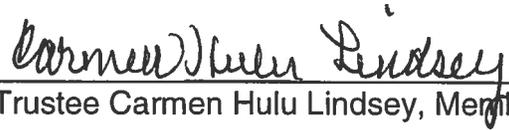
Trustee Rowena Akana, Member



Trustee Keli'i Akina, Member

EXCUSED

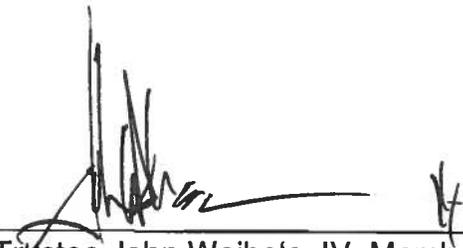
Trustee Peter Apo, Member



Trustee Carmen Hulu Lindsey, Member



Trustee Colette Y. Machado, Member



Trustee John Waihe'e, IV, Member



Trustee Robert K. Lindsey, Jr., Chair

ROLL CALL VOTE SHEET

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)	DATE: March 28, 2018
	TIME: 10:00 am

AGENDA ITEM:

V. New Business

A. 2018 OHA Legislative Positioning – Matrix 1

ACTION:

To approve Administration’s recommendations on **NEW BILLS (Items 1-72) and BILL POSITIONS FOR RECONSIDERATION (Items 73-80)** on the OHA Legislative Positioning Matrix dated 03/28/2018.

Add HB2679 change from **OPPOSE > COMMENT.**

Change HCR178 from **OPPOSE > COMMENT.**

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
New Bills				
1	SB3068	RELATING TO CLIMATE CHANGE.	Implements the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report issued by the Hawaii Climate Change Mitigation and Adaptation Commission. Makes appropriations. Effective 07/01/2050. (SD2)	MONITOR

2	HCR74		URGING THE EMPLOYEES' RETIREMENT SYSTEM TO ENFORCE THE ISSUANCE OF FINES TO STATE AND COUNTY DEPARTMENTS AND AGENCIES THAT FAIL TO SUBMIT AUDITED RETIRED EMPLOYEE UNUSED SICK LEAVE CREDITS AND OTHER PERSONNEL INFORMATION TO THE EMPLOYEES' RETIREMENT SYSTEM IN A TIMELY MANNER.	MONITOR
3	HCR103		RECOGNIZING THE VALUE AND IMPORTANCE OF THE CONSERVATION ECONOMY AND REQUESTING THE SUPPORT OF A CONSERVATION ECONOMY FROM THE UNITED STATES CONGRESS.	MONITOR
4	HCR114		REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A CAMPAIGN TO EDUCATE VISITORS TO THE STATE ABOUT THE HARMFUL EFFECTS OF OXYBENZONE SUNSCREEN ON CORAL REEFS AND TO ENCOURAGE VISITORS TO THE STATE TO REFRAIN FROM USING OXYBENZONE SUNSCREENS.	MONITOR
5	HCR115		URGING THE FULL IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIVE HAWAIIAN TASK FORCE, PU'UHONUA SUMMIT, AND JUSTICE CENTER AS A COMPREHENSIVE CRIMINAL JUSTICE REFORM TO REDUCE THE INCARCERATED POPULATION, INCLUDING THE NATIVE HAWAIIAN INCARCERATED POPULATION, BY TWENTY-FIVE PERCENT BY 2023.	SUPPORT
6	HCR119		URGING STATE AGENCIES TO EFFECTIVELY MANAGE AND CONTROL THE FERAL CATS AND CHICKENS ON STATE PROPERTIES WITHIN THEIR RESPECTIVE JURISDICTIONS TO AVOID CREATING A NUISANCE, CAUSING DAMAGE, AND OTHER NEGATIVE IMPACTS TO NEIGHBORING PRIVATE PROPERTIES.	COMMENT
7	HCR130		URGING STATE AGENCIES TO EVALUATE, COLLABORATE, AND IMPLEMENT BEST MANAGEMENT PRACTICES, TECHNOLOGIES, AND REGULATIONS TO ADDRESS VESSEL BIOFOULING IN HAWAII HARBORS.	MONITOR

8	HCR147		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE APPROVAL OF NEW NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS FOR USE IN THE UNITED STATES.	MONITOR
9	HCR160		URGING THE USAGE OF HAWAIIAN LANGUAGE WHEN REFERRING TO THE NAMES OF PLACES AND GEOGRAPHICAL FEATURES IN HAWAI'I.	SUPPORT
10	HCR178		URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS ON APPROACHES TO SPECIFICALLY ADDRESS HAWAIIAN NATIONALITY AS A CATEGORY OF PROHIBITED DISCRIMINATION	OPPOSE
11	HCR180		REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE A MASTER PLAN FOR A PARCEL IN THE NANAKULI-WAI'ANAE COMPLEX AREA THAT WOULD INCLUDE AN ALTERNATIVE LEARNING CENTER AND OTHER FEATURES.	MONITOR
12	HCR182		URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH LOCAL HUNTERS TO ACCOMMODATE TRADITIONAL AND CUSTOMARY NATIVE HAWAIIAN HUNTING PRACTICES AND CHANGE ITS POLICIES BASED ON THE CONCERNS OF LOCAL HUNTERS.	COMMENT
13	HCR187		REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE PROCESS THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES USES TO REMOVE VESSELS STRANDED IN NEARSHORE WATERS.	MONITOR
14	HCR188		URGING THE UNITED STATES CONGRESS TO CONTINUE TO PROTECT HAWAII'S OCEANS AND WATER RESOURCES BY KEEPING THE PROTECTIONS UNDER THE 2015 "CLEAN WATER RULE" ISSUED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE 1972 CLEAN WATER ACT.	MONITOR
15	HCR189		AUTHORIZING THE ISSUANCE OF A TERM LEASE COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALU'U, NORTH KONA, ISLAND OF HAWAI'I.	OPPOSE
16	HCR201		URGING THE OFFICE OF HAWAIIAN AFFAIRS, DEPARTMENT OF EDUCATION, AND	COMMENT

			COMMITTEE ON WEIGHTS TO COLLABORATE AND ALLOCATE OFFICE OF HAWAIIAN AFFAIRS' FUNDS TO THE WEIGHTED STUDENT FORMULA TO BENEFIT NATIVE HAWAIIAN STUDENTS IN PUBLIC SCHOOLS.	
17	HCR202		URGING THE COUNTIES TO AMEND THEIR LAND USE ORDINANCES TO INCLUDE REGULATIONS TO REDUCE STORM WATER RUNOFF ON ALL NEW BUILDINGS AND RENOVATIONS.	MONITOR
18	HCR212		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL AREA.	COMMENT
19	HCR224		REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE AGRIBUSINESS DEVELOPMENT CORPORATION.	MONITOR
20	HCR233		REQUESTING THE ENVIRONMENTAL COUNCIL TO SUBMIT A REPORT TO THE LEGISLATURE ON THE REVISION OF ENVIRONMENTAL IMPACT STATEMENT RULES, TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES.	MONITOR
21	HCR234		REQUESTING THE STATE AND THE COUNTIES TO IMPLEMENT THE RECOMMENDATIONS OF THE HAWAII SEA LEVEL RISE VULNERABILITY AND ADAPTATION REPORT.	COMMENT
22	SCR71		REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE A MASTER PLAN FOR A PARCEL IN THE NANAKULI-WAI'ANAE COMPLEX AREA THAT WOULD INCLUDE AN ALTERNATIVE LEARNING CENTER AND OTHER FEATURES.	MONITOR
23	SCR72		URGING THE OFFICE OF ELECTIONS TO AMEND THE CHOICE FOR SELF-DECLARATION TO ALLOW THE AFFIANT TO IDENTIFY AS A PERSON BORN WITHIN THE GEOGRAPHIC BOUNDARIES OF WHAT IS CURRENTLY THE STATE OF HAWAII OR A DESCENDANT OF ANY CITIZEN OF THE HAWAIIAN KINGDOM THAT THE UNITED STATES RECOGNIZED AS A NATION PRIOR TO 1893.	MONITOR

24	SCR82		REQUESTING HAWAIIAN AIRLINES TO CONSIDER OFFERING STUDENT DISCOUNTS TO HIGH SCHOOL STUDENTS ON INTERISLAND FLIGHTS.	MONITOR
25	SCR85		URGING THE UNIVERSITY OF HAWAII SYSTEM'S VICE PRESIDENT OF BUDGET AND FINANCE TO DEVELOP A PLAN TO REDEVELOP THE LOWER CAMPUS OF THE UNIVERSITY OF HAWAII AT MANOA THROUGH A PUBLIC PRIVATE PARTNERSHIP.	MONITOR
26	SCR92		REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A REPORT ON UNUTILIZED, LAPSED FEDERAL GRANT REVENUE FOR PUBLIC EDUCATION.	MONITOR
27	SCR95		SUPPORTING THE PURCHASE, PRESERVATION, AND RESTORATION OF AGRICULTURAL AND CONSERVATION LANDS IN MAUNAWILI VALLEY, O'AHU, AND URGING VARIOUS FEDERAL, STATE, AND COUNTY ENTITIES TO ACQUIRE AND PROTECT IMPORTANT ANCIENT AND HISTORIC SITES AND TRAILS AND WATERS IN MAUNAWILI VALLEY.	COMMENT
28	SCR98		URGING STATE AGENCIES TO EVALUATE, COLLABORATE, AND IMPLEMENT BEST MANAGEMENT PRACTICES, TECHNOLOGIES, AND REGULATIONS TO ADDRESS VESSEL BIOFOULING IN HAWAII HARBORS.	MONITOR
29	SCR114		URGING THE FULL IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIVE HAWAIIAN TASK FORCE, PU'UHONUA SUMMIT, AND JUSTICE CENTER AS A COMPREHENSIVE CRIMINAL JUSTICE REFORM TO REDUCE THE INCARCERATED POPULATION, INCLUDING THE NATIVE HAWAIIAN INCARCERATED POPULATION, BY TWENTY-FIVE PERCENT BY 2023.	SUPPORT
30	SCR117		REQUESTS THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY BARRIERS AND SOLUTIONS TO EXPANDED WATER REUSE IN THE STATE.	MONITOR
31	SCR133		AUTHORIZING THE ISSUANCE OF A TERM LEASE COVERING A PORTION OF STATE SUBMERGED LANDS AT KAHALU'U, NORTH KONA, ISLAND OF HAWAII'I.	MONITOR

32	SCR148		STRONGLY URGING THE UNITED STATES CONGRESS TO PASS LEGISLATION TO CLARIFY THE STATUS OF MIGRANTS UNDER THE COMPACTS OF FREE ASSOCIATION FOR PURPOSES OF THE REAL ID ACT OF 2005 TO PROMOTE FAIRNESS AND EQUALITY UNDER THE LAW.	MONITOR
33	SCR171		REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A CAMPAIGN TO EDUCATE VISITORS TO THE STATE ABOUT THE HARMFUL EFFECTS OF OXYBENZONE SUNSCREEN ON CORAL REEFS AND TO ENCOURAGE VISITORS TO THE STATE TO REFRAIN FROM USING OXYBENZONE SUNSCREENS.	MONITOR
34	SCR172		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION, THE UNITED STATES SURGEON GENERAL, AND HAWAII'S CONGRESSIONAL DELEGATION TO CONSIDER WHETHER PRODUCTS CONTAINING OXYBENZONE SHOULD INCLUDE A WARNING LABEL THAT ADDRESSES HUMAN HEALTH RISKS.	MONITOR
35	SCR173		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE APPROVAL OF NEW NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS FOR USE IN THE UNITED STATES.	MONITOR
36	SCR177		REQUESTING THE STATE AND THE COUNTIES TO IMPLEMENT THE RECOMMENDATIONS OF THE HAWAII SEA LEVEL RISE VULNERABILITY AND ADAPTATION REPORT.	COMMENT
37	SCR179		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL AREA.	COMMENT
38	HR57		REQUESTING THAT THE OFFICE OF HAWAIIAN AFFAIRS RECONVENE AND REPURPOSE THE HUI IMI ADVISORY COUNCIL.	COMMENT
39	HR94		URGING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK IN CONJUNCTION TO TRANSFORM THE BLACKTOP PARKING LOT	MONITOR

			IN FRONT OF IOLANI PALACE INTO A PEDESTRIAN FRIENDLY ZONE.	
40	HR102		REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A CAMPAIGN TO EDUCATE VISITORS TO THE STATE ABOUT THE HARMFUL EFFECTS OF OXYBENZONE SUNSCREEN ON CORAL REEFS AND TO ENCOURAGE VISITORS TO THE STATE TO REFRAIN FROM USING OXYBENZONE SUNSCREENS.	MONITOR
41	HR103		URGING THE FULL IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIVE HAWAIIAN TASK FORCE, PU'UHONUA SUMMIT, AND JUSTICE CENTER AS A COMPREHENSIVE CRIMINAL JUSTICE REFORM TO REDUCE THE INCARCERATED POPULATION, INCLUDING THE NATIVE HAWAIIAN INCARCERATED POPULATION, BY TWENTY-FIVE PERCENT BY 2023.	SUPPORT
42	HR104		URGING STATE AGENCIES TO EFFECTIVELY MANAGE AND CONTROL THE FERAL CATS AND CHICKENS ON STATE PROPERTIES WITHIN THEIR RESPECTIVE JURISDICTIONS TO AVOID CREATING A NUISANCE, CAUSING DAMAGE, AND OTHER NEGATIVE IMPACTS TO NEIGHBORING PRIVATE PROPERTIES.	COMMENT
43	HR110		URGING THE USAGE OF HAWAIIAN LANGUAGE WHEN REFERRING TO THE NAMES OF PLACES AND GEOGRAPHICAL FEATURES IN HAWAI'I.	SUPPORT
44	HR130		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE APPROVAL OF NEW NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS FOR USE IN THE UNITED STATES.	MONITOR
45	HR133		SUPPORTING THE PURCHASE, PRESERVATION, AND RESTORATION OF AGRICULTURAL AND CONSERVATION LANDS IN MAUNAWILI VALLEY, O'AHU, AND URGING VARIOUS FEDERAL, STATE, AND COUNTY ENTITIES TO ACQUIRE AND PROTECT IMPORTANT ANCIENT AND HISTORIC SITES AND TRAILS AND WATERS IN MAUNAWILI VALLEY.	COMMENT

46	HR149		URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS ON APPROACHES TO SPECIFICALLY ADDRESS HAWAIIAN NATIONALITY AS A CATEGORY OF PROHIBITED DISCRIMINATION	OPPOSE
47	HR159		REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE PROCESS THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES USES TO REMOVE VESSELS STRANDED IN NEARSHORE WATERS.	MONITOR
48	HR160		URGING THE UNITED STATES CONGRESS TO CONTINUE TO PROTECT HAWAII'S OCEANS AND WATER RESOURCES BY KEEPING THE PROTECTIONS UNDER THE 2015 "CLEAN WATER RULE" ISSUED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE 1972 CLEAN WATER ACT.	MONITOR
49	HR171		URGING THE OFFICE OF HAWAIIAN AFFAIRS, DEPARTMENT OF EDUCATION, AND COMMITTEE ON WEIGHTS TO COLLABORATE AND ALLOCATE OFFICE OF HAWAIIAN AFFAIRS' FUNDS TO THE WEIGHTED STUDENT FORMULA TO BENEFIT NATIVE HAWAIIAN STUDENTS IN PUBLIC SCHOOLS.	COMMENT
50	HR175		REQUESTING THE DEPARTMENT OF HEALTH TO COMPILE STUDIES AND MAKE RECOMMENDATIONS FOR STATE AND COUNTY LEGISLATION TO BEST PROTECT RESIDENTS FROM NOISE POLLUTION IN THE STATE.	MONITOR
51	HR183		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL AREA.	COMMENT
52	HR194		REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE AGRIBUSINESS DEVELOPMENT CORPORATION.	MONITOR
53	SR22		REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING DESIGNATING, DISSOLVING, OR TRANSFERRING CERTAIN COMMUNITY DEVELOPMENT DISTRICTS UNDER THE	MONITOR

			HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	
54	SR41		REQUESTING THE DEPARTMENT OF EDUCATION TO CREATE A MASTER PLAN FOR A PARCEL IN THE NANAKULI-WAI'ANAE COMPLEX AREA THAT WOULD INCLUDE AN ALTERNATIVE LEARNING CENTER AND OTHER FEATURES.	MONITOR
55	SR42		URGING THE OFFICE OF ELECTIONS TO AMEND THE CHOICE FOR SELF-DECLARATION TO ALLOW THE AFFIANT TO IDENTIFY AS A PERSON BORN WITHIN THE GEOGRAPHIC BOUNDARIES OF WHAT IS CURRENTLY THE STATE OF HAWAII' I OR A DESCENDANT OF ANY CITIZEN OF THE HAWAIIAN KINGDOM THAT THE UNITED STATES RECOGNIZED AS A NATION PRIOR TO 1893.	MONITOR
56	SR53		URGING THE UNIVERSITY OF HAWAII SYSTEM'S VICE PRESIDENT OF BUDGET AND FINANCE TO DEVELOP A PLAN TO REDEVELOP THE LOWER CAMPUS OF THE UNIVERSITY OF HAWAII AT MANOA THROUGH A PUBLIC PRIVATE PARTNERSHIP.	MONITOR
57	SR55		SUPPORTING THE PURCHASE, PRESERVATION, AND RESTORATION OF AGRICULTURAL AND CONSERVATION LANDS IN MAUNAWILI VALLEY, O'AHU, AND URGING VARIOUS FEDERAL, STATE, AND COUNTY ENTITIES TO ACQUIRE AND PROTECT IMPORTANT ANCIENT AND HISTORIC SITES AND TRAILS AND WATERS IN MAUNAWILI VALLEY.	COMMENT
58	SR71		URGING THE FULL IMPLEMENTATION OF RECOMMENDATIONS FROM THE NATIVE HAWAIIAN TASK FORCE, PU'UHONUA SUMMIT, AND JUSTICE CENTER AS A COMPREHENSIVE CRIMINAL JUSTICE REFORM TO REDUCE THE INCARCERATED POPULATION, INCLUDING THE NATIVE HAWAIIAN INCARCERATED POPULATION, BY TWENTY-FIVE PERCENT BY 2023.	SUPPORT
59	SR74		REQUESTS THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO IDENTIFY BARRIERS AND SOLUTIONS TO EXPANDED WATER REUSE IN THE STATE.	MONITOR

60	SR92		STRONGLY URGING THE UNITED STATES CONGRESS TO PASS LEGISLATION TO CLARIFY THE STATUS OF MIGRANTS UNDER THE COMPACTS OF FREE ASSOCIATION FOR PURPOSES OF THE REAL ID ACT OF 2005 TO PROMOTE FAIRNESS AND EQUALITY UNDER THE LAW.	MONITOR
61	SR97		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL AREA.	COMMENT
62	SR100		REQUESTING THE HAWAII TOURISM AUTHORITY TO ESTABLISH A CAMPAIGN TO EDUCATE VISITORS TO THE STATE ABOUT THE HARMFUL EFFECTS OF OXYBENZONE SUNSCREEN ON CORAL REEFS AND TO ENCOURAGE VISITORS TO THE STATE TO REFRAIN FROM USING OXYBENZONE SUNSCREENS.	MONITOR
63	SR101		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION, THE UNITED STATES SURGEON GENERAL, AND HAWAII'S CONGRESSIONAL DELEGATION TO CONSIDER WHETHER PRODUCTS CONTAINING OXYBENZONE SHOULD INCLUDE A WARNING LABEL THAT ADDRESSES HUMAN HEALTH RISKS.	MONITOR
64	SR102		URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO EXPEDITE THE APPROVAL OF NEW NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS FOR USE IN THE UNITED STATES.	MONITOR
65	SR106		REQUESTING THE STATE AND THE COUNTIES TO IMPLEMENT THE RECOMMENDATIONS OF THE HAWAII SEA LEVEL RISE VULNERABILITY AND ADAPTATION REPORT.	COMMENT
66	SR121		REQUESTING THE BOARD OF EDUCATION TO ESTABLISH A PROCESS WHEREBY THE PUBLIC MAY PETITION THE BOARD TO ADD ITEMS TO THE AGENDA OF THE NEXT MEETING.	MONITOR

67	SR142		REQUESTING THE DEPARTMENT OF EDUCATION TO SUBMIT A REPORT ON UNUTILIZED, LAPSED FEDERAL GRANT REVENUE FOR PUBLIC EDUCATION.	MONITOR
68	GM561		Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, CLIFFORD KAPONO, for a term to expire 06-30-2018.	SUPPORT
69	GM562		Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, CLIFFORD KAPONO, for a term to expire 06-30-2022.	SUPPORT
70	GM635		Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lana'i, Gubernatorial Nominee, JOHANNA KAMAUNU, for a term to expire 06-30-2021.	SUPPORT
71	GM671		Submitting for consideration and confirmation to the Island Burial Council, Island of O'ahu, Gubernatorial Nominee, CHARLES EHRHORN, for a term to expire 06-30-2019.	SUPPORT
72	GM672		Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, ELDON PATE-KAHAKALAU, for a term to expire 06-30-2020.	SUPPORT
Bill Positions for Reconsideration				
73	HB2358	RELATING TO PUBLIC LANDS.	Excludes from the definition of "public lands" lands set aside by the governor to the Hawaii public housing authority or lands to which the Hawaii public housing authority in its corporate capacity holds title. Requires legislative approval of the sale or gift of lands set aside by the governor to the Hawaii public housing authority or lands to which the Hawaii public housing authority in its corporate capacity holds title. Takes effect on 01/01/2050. (SD1)	OPPOSE > COMMENT
74	HB2464	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Requires the department of Hawaiian home lands to study the issue of Hawaiian home lands lessees selling or transferring their leases for a fee or other personal gain and then applying for a subsequent lease and submit a report of the findings and recommendations of its study, including any	COMMENT > MONITOR

			<p>proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2020. Takes effect on 7/1/2050. (SD1)</p>	
75	HB2508	RELATING TO CHARTER SCHOOLS.	<p>Allows funding for rental or lease of facilities under legislative appropriations and bond authorizations to the state public charter school commission for the design, planning, construction, repair, and maintenance of public charter school improvements. Appropriates general funds for infrastructure costs, rental or lease assistance, and the repair and maintenance of network infrastructure for charter schools. Takes effect on 7/1/2025. (SD1)</p>	SUPPORT WITH AMENDMENTS > SUPPORT
76	HB2605	RELATING TO TRANSIENT ACCOMMODATIONS.	<p>Allows a transient accommodations broker to register as a tax collection agent for its operators and plan managers. Requires operators and plan managers to provide a statement to the transient accommodations broker confirming compliance with all applicable land use and tax laws. Requires the operator or plan manager to provide verification of compliance with state and county land use laws. Requires an operator or plan manager to remove a transient accommodation advertisement upon notice that the property is not in compliance with state law or county ordinance. Authorizes counties to disgorge profits obtained through unfair or unlawful business practices. Authorizes counties to adopt ordinances to amortize or phase out transient vacation rental units. Allocates up to \$1,000,000 of TAT tax revenues to each county, contingent upon the county establishing a process to provide verification of compliance by an operator or plan manager with county land use laws. Makes it unlawful for transient accommodations brokers to engage in business with operators or plan managers or property managers or activity providers that are not in compliance with all state laws and county ordinances. Makes it unlawful for a hosting platform to provide, and collect a fee for, booking services regarding transient vacation rentals that are not lawfully certified, registered, or permitted under applicable county ordinance. (SD1)</p>	COMMENT > SUPPORT

77	SB2237	RELATING TO PUBLIC SCHOOLS.	Transfers fee interest in certain public school lands from the City and County of Honolulu and the Department of Land and Natural Resources, as applicable, to the Department of Education. Exempts transferred lands from classification as public lands. (SB2237 HD1)	COMMENT > OPPOSE
78	SB2415	RELATING TO THE CONVEYANCE TAX.	Raises the conveyance tax rates for residential investment properties with a value of at least \$2,000,000. Exempts affordable housing qualified by the Hawaii Housing Finance and Development Corporation from the conveyance tax. (SB2415 HD1)	MONITOR > COMMENT
79	SB2858	RELATING TO PUBLIC SAFETY.	Requires the design of all state buildings constructed on or after July 1, 2018, to include a shelter room or area that is capable of protecting individuals from Category 3 hurricanes. Requires new construction to be consistent with specific standards. (SB2858 HD1)	SUPPORT > COMMENT
80	SB3058	RELATING TO PUBLIC LANDS.	Establishes ten-year redevelopment district and designated district pilot projects within the Kanoiehua Industrial Area and Banyan Drive region until 6/30/2028. Modifies public land lease restrictions. Appropriates funds. (SB3058 HD2)	OPPOSE > MONITOR

	HB2679	RELATING TO THE TRANSFER OF LANDS	Requires the City and County of Honolulu to transfer to the Department of Education all property upon which a public elementary or intermediate school is situated. Gives the Department of Education power to acquire and hold title to real, personal, or mixed property for use for public educational purposes. Requires legislative approval prior to the sale or gift of lands to which the Department of Education holds title. Appropriates funds. Effective 1/1/2050. (SD1)	OPPOSE > COMMENT
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TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI	AHU ISA		X			
DAN	AHUNA	x	X			
ROWENA	AKANA		X			
KELI'I	AKINA		X			
PETER	APO					EXCUSED
CARMEN HULU	LINDSEY		X			
COLETTE	MACHADO	x	X			
JOHN	WAIHE'E		X			
CHAIR ROBERT	LINDSEY		X			
TOTAL VOTE COUNT			8			1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

OFFICE OF HAWAIIAN AFFAIRS
Committee on Beneficiary Advocacy and Empowerment (BAE)

COMMITTEE REPORT

April 11, 2018

The Honorable Colette Y. Machado, Chair
Board of Trustees
Office of Hawaiian Affairs

Chair Machado,

Your Committee on Beneficiary Advocacy and Empowerment, having met on April 11, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

ACTION

To approve Administration's recommendations on **NEW BILLS (Items 1-11) and BILL POSITIONS FOR RECONSIDERATION (Items 12-18)** on the OHA Legislative Positioning Matrix dated 04/11/2018.

Change HB207 from SUPPORT > MONITOR

Relevant attachments are included for your information and reference.

Attachments:

- A) BAE Roll Call Vote Sheet – 2018 OHA LEGISLATIVE POSITIONING – Matrix 1
V. New Business
- A. 2018 OHA Legislative Positioning – Matrix 1

Respectfully submitted:



Trustee, Leina'ala Ahu Isa, Member



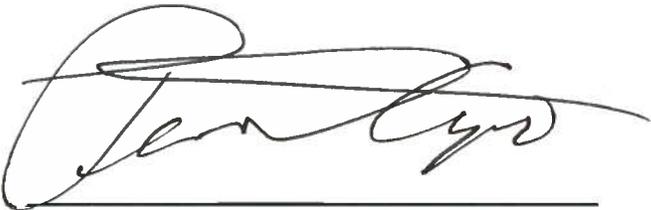
Trustee, Dan Ahuna, Vice-Chair

Excused

Trustee Rowena Akana, Member



Trustee Keli'i Akina, Member



Trustee Peter Apo, Member

Unavailable for signature

Trustee Carmen Hulu Lindsey, Member

EXCUSED

Trustee Colette Y. Machado, Member

Excused

Trustee John Waihe'e, IV, Member



Trustee Robert K. Lindsey, Jr., Chair

OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Highway, Suite 200
Honolulu, HI 96817

ROLL CALL VOTE SHEET

**COMMITTEE ON
BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)**

DATE: April 11, 2018

TIME: 1:00 pm

AGENDA ITEM:

V. New Business

A. 2018 OHA Legislative Positioning – Matrix 1

ACTION:

To approve Administration’s recommendations on NEW BILLS (Items 1-11) and BILL POSITIONS FOR RECONSIDERATION (Items 12-18) on the OHA Legislative Positioning Matrix dated 04/11/2018.

Change HB207 from SUPPORT > MONITOR

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
			New Bills	
1	HB207	RELATING TO TAXATION.	Increases estate taxes for Hawaii net taxable estates valued at over \$10,000,000. Raises the conveyance tax rates for single-family residential investment properties with a value of at least \$2,000,000. (SD1)	SUPPORT > MONITOR
2	HB1585	RELATING TO THE UNIVERSITY OF HAWAII.	Requires the Auditor to conduct a financial, performance, and management audit of the University of Hawaii's activities related to Mauna Kea. Requires the University of Hawaii Board of Regents to adopt rules to regulate public and commercial activities on Mauna Kea lands.	COMMENT

			Requires the University of Hawaii Office of Maunakea Management to complete the management actions established by the various comprehensive management plans, complete an environmental impact statement for land authorizations regarding long-term continuation of astronomy within the Mauna Kea science reserve area, and secure a new master lease regarding Mauna Kea. Prohibits all construction at Mauna Kea until the requirements of the measure are met. (SD2)	
3	HCR123		REQUESTING A STUDY OF POTENTIAL PROJECTS THAT WOULD REDUCE ENERGY COSTS FOR ALL STATE DEPARTMENTS AND AGENCIES.	MONITOR
4	HCR141		URGING THE STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONVENE AND PARTICIPATE IN THE HAWAII LEGAL AID INTERAGENCY ROUNDTABLE TO BETTER SERVE LOW-INCOME, VULNERABLE, AND AT-RISK POPULATIONS AND INCREASE THE AVAILABILITY OF MEANINGFUL ACCESS TO JUSTICE FOR FAMILIES AND INDIVIDUALS IN THE STATE.	MONITOR
5	SR31		REQUESTING THE GOVERNOR TO NEGOTIATE LAND EXCHANGES FOR THE PURPOSE OF ACQUIRING PRIVATE LANDS SUITABLE FOR LONG-TERM DIVERSIFIED AGRICULTURE PRODUCTION IN EXCHANGE FOR STATE LANDS TO BE ACQUIRED FOR AFFORDABLE, WORKFORCE, AND OTHER HOUSING FOR HAWAII RESIDENTS.	MONITOR

6	GM670		Submitting for consideration and confirmation to the Early Learning Board, Gubernatorial Nominee, MAUREEN RAWLINS, for a term to expire 06-30-2020.	SUPPORT
7	GM699		Submitting for consideration and confirmation to the Endangered Species Recovery Committee, Gubernatorial Nominee, KAWIKA WINTER, for a term to expire 06-30-2019.	SUPPORT
8	GM702		Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, NICOLE TUTEUR, for a term to expire 06-30-2022.	SUPPORT
9	GM703		Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, STEPHANIE DUNBAR-CO, for a term to expire 06-30-2022.	SUPPORT
10	GM722		Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, KALENA BLAKEMORE, for a term to expire 06-30-2021.	SUPPORT
11	GM730		Submitting for consideration and confirmation to the Kane'ohe Bay Regional Council, Gubernatorial Nominee, JEFFREY KALUHIWA, for a term to expire 06-30-2020.	SUPPORT
Bill Positions for Reconsideration				
12	HB2358		Establishes the Mauna Kea Management Authority and membership of the Authority. Establishes and specifies duties of the Mauna Kea candidate advisory council. Limits the number of telescopes that may be authorized on Mauna Kea. Authorizes the renegotiation of leases,	MONITOR > SUPPORT WITH AMENDMENTS

		RELATING TO LAND USE.	<p>subleases, easements, permits, and licenses pertaining to Mauna Kea. Requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, as well as used for educational and other community purposes. Excludes Mauna Kea lands from the definition of "public lands". Provides for free access to Mauna Kea for traditional cultural purposes. Establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority. Appropriates funds. Takes effect upon approval. (SD1)</p>	
13	SB2571	RELATING WATER POLLUTION	<p>Beginning July 1, 2019, bans the sale, offer of sale, or distribution in the State of any sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider to preserve marine ecosystems. Appropriates moneys to the Department of Land and Natural Resources for outreach and education on the prohibition and environmental impacts of sunscreen containing oxybenzone and octinoxate. (SB2571 HD2)</p>	SUPPORT > MONITOR
14	HCR212		<p>REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES, EXCEPT CERTAIN UTILITY INSTALLATIONS, ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL ZONED AREA.</p>	COMMENT > MONITOR
15	SCR179		<p>REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES, EXCEPT FOR CERTAIN UTILITY INSTALLATIONS, ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE</p>	COMMENT > MONITOR

			HUNDRED FEET OF A RESIDENTIAL AREA.	
16	HR149		URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A WORKING GROUP TO DEVELOP RECOMMENDATIONS ON APPROACHES TO SPECIFICALLY ADDRESS HAWAIIAN NATIONALITY AS A CATEGORY OF PROHIBITED DISCRIMINATION.	OPPOSE > COMMENT
17	HR183		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES, EXCEPT CERTAIN UTILITY INSTALLATIONS, ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL ZONED AREA.	COMMENT > MONITOR
18	SR97		REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO REQUIRE A CONDITIONAL USE PERMIT-MAJOR FOR ANY AND ALL ALLOWED USES, EXCEPT FOR CERTAIN UTILITY INSTALLATIONS, ON LANDS IN P-2 GENERAL PRESERVATION DISTRICTS THAT ARE WITHIN ONE HUNDRED FEET OF A RESIDENTIAL AREA.	COMMENT > MONITOR

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

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

OFFICE OF HAWAIIAN AFFAIRS
Committee on Beneficiary Advocacy and Empowerment (BAE)

COMMITTEE REPORT

April 18, 2018

The Honorable Colette Y. Machado, Chair
Board of Trustees
Office of Hawaiian Affairs

Chair Machado,

Your Committee on Beneficiary Advocacy and Empowerment, having met on April 18, 2018 and after full and free discussion, recommends approval of the following action to the Board of Trustees:

ACTION

To approve Administration's recommendations on a BILL POSITION FOR RECONSIDERATION (Item 1) on the OHA Legislative Positioning Matrix dated 04/18/2018.

Relevant attachments are included for your information and reference.

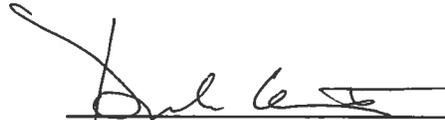
Attachments:

- A) BAE Roll Call Vote Sheet – 2018 OHA LEGISLATIVE POSITIONING – Matrix 1
 - V. New Business
 - A. 2018 OHA Legislative Positioning – Matrix 1

Respectfully submitted:



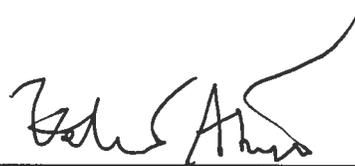
Trustee, Leina'ala Ahu Isa, Member



Trustee, Dan Ahuna, Vice-Chair

EXCUSED

Trustee Rowena Akana, Member



Trustee Keli'i Akina, Member

EXCUSED

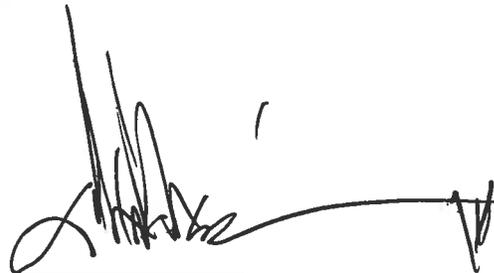
Trustee Peter Apo, Member



Trustee Carmen Hulu Lindsey, Member

EXCUSED

Trustee Colette Y. Machado, Member



Trustee John Waihe'e, IV, Member



Trustee Robert K. Lindsey, Jr., Chair

ROLL CALL VOTE SHEET

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)	DATE: April 18, 2018 VOTE: 10:00 a.m.
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AGENDA ITEM:

V. New Business:

A. 2018 OHA Legislative Positioning – Matrix 1

ACTION:

To approve Administration’s recommendations on a BILL POSITION FOR RECONSIDERATION (Item 1) on the OHA Legislative Positioning Matrix dated 04/18/2018.

ITEM#	BILL#	REPORT	DESCRIPTION	POSITION
			New Bills	
1	SCR95		SUPPORTING THE PURCHASE, PRESERVATION, AND RESTORATION OF AGRICULTURAL AND CONSERVATION LANDS IN MAUNAWILI VALLEY, O’AHU, AND URGING VARIOUS FEDERAL, STATE, AND COUNTY ENTITIES TO ACQUIRE AND PROTECT IMPORTANT ANCIENT AND HISTORIC SITES AND TRAILS AND WATERS IN MAUNAWILI VALLEY.	COMMENT > SUPPORT

AMENDMENT:

MEANS OF FINANCING:

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TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	X		X			
ROWENA	AKANA						X
KELI'I	AKINA			X			
PETER	APO						X
CARMEN HULU	LINDSEY			X			
COLETTE	MACHADO						X
JOHN	WAIHE'E		X	X			
CHAIR ROBERT	LINDSEY			X			
TOTAL VOTE COUNT				6			3

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Office of Hawaiian Affairs
Board of Trustee Meeting
April 26, 2018
10:00 am

V. New Business

B. Committee on Resource Management

1. RM 18-04: Approval of Amendments to the “Office of Hawaiian Affairs Trust Fund Spending Policy, as Amended”, 1st Reading.

**Note: The committee report for RM 18-04 will be forwarded to the Board of Trustees following its approval at the RM Committee Meeting scheduled for April 25, 2018.*

Office of Hawaiian Affairs
Board of Trustee Meeting
April 26, 2018
10:00 am

VI. Executive Session[†]***

A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al.

Pursuant to HRS § 92-5(a)(4).

B. Approval of Minutes

1. February 7, 2018

2. February 27, 2018

3. March 8, 2018

4. March 22, 2018

Note: Any material that is relevant to this section will be distributed at the table.